

Purchase of Development Rights Program
Pre-Application Information
Pre-Applications Due to ASA by December 20, 2024

The Program:

In partnership with Washington and Rensselaer counties, the Agricultural Stewardship Association (ASA) administers each County’s Purchase of Development Rights (PDR) Program to permanently protect working agricultural lands for current and future farming needs. ASA is a nonprofit land trust that works with selected farms to write grant proposals for submission to the New York State Department of Agriculture and Markets’ Farmland Protection Implementation Projects grant program. If awarded, ASA assists landowners with conserving their farm using a deed called a conservation easement.

This Purchase of Development Rights Program compensates owners of farmland who volunteer to extinguish most of the residential and commercial development rights on their land by placing it under an agricultural conservation easement. Depending on the funding option selected, the grant pays for a certain percentage of the total project costs including the value of the development rights and the project-related expenses (surveys, title work, appraisal, ASA staff and legal time, recording fees, etc.). These conservation easements allow for agricultural uses and structures as well as permit woodland management and recreational activities (hunting, snowmobiling, etc.). The amount of compensation for the extinguished development rights is determined by a qualified appraisal and available funding. Landowners who rent their lands to a farm applying to the PDR Program can submit a proposal to be included in the application as part of that farm operation. To be considered for the program, your project must be part of at least one commercial farm operation.

This is a highly competitive grant program with limited funding, so interested farms that best match the state’s funding criteria and show a commitment to the program will be chosen to submit full applications to the state. Please note that ASA may be limited in the number of grants it can submit due to the state’s requirements in the grant application and the amount of funding available. Landowners who have submitted pre-applications in the past that have not been selected are encouraged to submit new materials, if interested.

Project Selection:

What makes a good farm application for the state program? In recent funding rounds, the Department of Agriculture and Markets has set minimum eligibility criteria for size of project, amount of land in active production and percentage of productive agricultural soils, which vary depending on the type of farm operation. The breakdown of the criteria is:

<u>Type of Operation</u>	<u>Acreage Minimum</u>	<u>Percent of Land in Active Production</u>	<u>Percentage of Land with Prime and Statewide Important Soils</u>
Agroforestry	34	60	10
Equine	34	50	10
Field Crops	34	50	50
Livestock and Livestock Products	34	50	10
Horticulture	17	60	10
Specialty Crops	17	60	10
Other Viable Ag Land	68	42	28
Vineyard	17	60	25

There are some other eligible criteria that are not directly tied to a specific type of farm operation, such as source water protection, climate resiliency, food security and access to farmland, which also have set minimums. If you are unsure of which category your project may fall, please submit a pre-application and ASA will find the best fit.

Once we know that a project meets the state's minimum criteria, an ad hoc Selection Committee is formed in each county to review the pre-applications. The Selection Committee is made up of ASA staff and board members and members of the county Agricultural and Farmland Protection Board. The Committee ranks the pre-applications based on additional factors:

1. ***Agricultural viability*** – What proportion of the farm contains productive soils? Is a large percentage of the total farm acreage used for agricultural production? Is it a viable commercial operation? Does the farm demonstrate a high level of management? Do the owners have a succession plan in place? Is the farm located near any protected farm properties?
2. ***Evidence of significant development pressure*** – Is the farm near parcels that have been sold, or are for sale, for development or converted to other uses other than agriculture? Is there likelihood that the farm will be converted to non-farm uses in the near future?
3. ***Buffer for a significant natural public resource important ecosystem or habitat characteristics*** – Is the farm near or adjacent to a natural public resource i.e., a river or tributaries, lake, reservoir, public park, state forest, nature preserve, important wetlands or aquifers, etc.? Is the resource listed as a priority in the NYS Open Conservation Plan? Does the farm incorporate any measures that support climate resiliency?

Secondary factors that are part of the ranking:

1. **Evidence of Local Support** - Does the Town actively promote and encourage agriculture and the use of conservation easements? Does it have a town Farmland Protection Plan or a Comprehensive Plan that supports farmland conservation? Is the project or project area listed as a priority in the plan? Has the Town adopted a Right to Farm ordinance?
2. **Cost Effectiveness of Project** – Is the project cost effective given the cost-per acre for estimated value of development rights? Is it cost effective in consideration of the percentage of total project costs contributed by non-State sources?

The Process:

Interested landowners complete and submit the pre-application form to ASA. ASA works with the Selection Committee to discuss and rank proposals. By spring a few of the farms will be selected to submit applications to the state. ASA will work with the selected farms to write them. The applications require letters of support from the town and the county Agricultural and Farmland Protection Board, and a letter from the landowner(s) explaining why they want to participate in the program.

If the state selects the proposal for funding, ASA will work with the landowner through the grant process and hold the easement. **Once notified of the award, the state process can take up to two years to complete,** depending on the complexity of the project, title issues, existing surveys and the responsiveness of all parties involved. The more information a landowner can provide ASA up front, the faster the process will be.

Costs:

There is no cost to submit a pre-application and, if selected, there is no cost to the farmer for ASA's participation in writing the grant application. The project's transaction costs vary from about \$40,000 to

\$65,000 per project, based on the size and complexity of the project, with \$50,000-\$55,000 being an average amount for transaction costs in recent applications. These costs are paid from the grant award. Depending on the funding option selected, landowners will likely have to donate a portion of the value (not cash) of their development rights to meet the grant match requirement. There may be tax benefits associated with the project, including a property tax rebate. If awarded, the landowner will have to cover their own legal expenses and, if seeking a charitable deduction, their own appraisal cost. ASA strongly recommends obtaining professional advice from qualified financial and legal advisors on aspects of conservation easements.

Next Steps:

If you would like to apply to this program, please complete and submit the attached pre-application by **December 20, 2024**. An electronic version of the pre-application can be found on ASA's website www.agstewardship.org. If your pre-application is not selected this year, you are welcome to resubmit next round or contact ASA about other conservation options. For more information, contact ASA's office at (518) 692-7285 or attend a future workshop on the program.

Return completed pre-application form to:

Agricultural Stewardship Association, 2531 State Route 40, Greenwich, New York 12834

Or scan and send an email to chris@agstewardship.org

2024 Purchase of Development Rights (PDR) Program Pre-Application

Due at ASA By December 20, 2024

Thank you for your interest in the PDR Program. Please review the accompanying instructions document then answer every question in the application as accurately as possible. Incorrect or missing information may affect the review of your application. A free and confidential meeting with ASA staff, or attendance at a public workshop prior to submission of this document isn't required but it is strongly encouraged. Please type or print clearly and sign the landowner commitment section.

If you have questions or require assistance to complete this form, you may contact ASA at (518) 692-7285 or stop in our office at 2531 State Route 40, Greenwich (across the road from USDA and Soil & Water offices).

1. Landowner Information

Name(s) of all Legal Landowner(s) and Mailing Address If owned by a corporation, trust or LLC, please give corporation, trust or LLC name and name of authorized contact person/trustee.	
Farm Name (if any) Street Address of Farm (if different from above)	
Daytime Phone/cell	
E-Mail	

If you are a landowner that rents land to a farmer or a farmer that rents land from others, the rented lands may be part of this application provided they are important to the overall farming operation. If you wish to include rental lands, please see the attached sheet which must be completed by the owners of the rental land and submitted with this application.

2. Property Information

County in which property is located (circle): Rensselaer Washington

What town(s) is/are the property located in: _____

Tax Parcel Information:

Location (road(s))	Tax Map I.D. #	Acreage
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

**Please note that excluding parcels for purposes such as landowner housing on viable ag land will likely complicate your consideration for a state application, or even disqualify it. In many cases, conservation easements may allow for future residences to be located within designated building envelopes. If you are planning on excluding certain parcels that you own, please list the information for them below. Please contact ASA with any questions or more detailed conversations.*

Are you proposing to exclude any acres from the PDR Program? No Yes
If yes, how many acres? _____

Explain why and the location for the excluded area? _____

Total number of acres to be placed in the PDR Program? _____

Of the acreage to be placed in the PDR Program, please indicate the approximate number of acres in:

Crop production _____ Pasture/Livestock production _____

Agroforestry production (maple, silvopasture, etc.) _____ Horticultural production _____

Equine operation _____ Vineyard Production _____ Wetlands/ponds _____

Farm complex _____

Are there existing third-party leases for uses such as a cell tower, solar installation, mining leases, etc.? No Yes If so, please describe: _____

Are there existing agricultural structures on the property (i.e. barns, run-in sheds, milking parlors, processing areas, farm stores, etc.)? If yes, please state how many and provide brief description.

3. Farm Operation

What type of farm do you operate? _____

Describe the nature of the current farm operation, including type and size of operation, recent production history, market for products, and amount of additional land owned and/or rented. Feel free to attach additional information and/or direct us to your website, if applicable:

How long have you been in operation? _____

Is this a multi-generational farm business? No Yes. If yes, how many generations? _____

Do you have a 3-year (or longer) written business plan for your operation? No Yes

Do you have an Agriculture Environmental Management (AEM) Tier 2 (or higher) assessment?
 No Yes

Do you have a plan on how you will transfer the property to the next generation or to another farmer in the future? No Yes. If yes, please explain: _____

Do you currently have plans to change the type of farm or extent of production over the next several years? If so, please explain: _____

Describe any agricultural improvements made to the property over the past ten years. Please explain. _____

Describe any planned improvements you have for the property/operation over the next several years (agricultural and non-agricultural use). _____

Have you participated in any other conservation or ag. management programs with other agencies/organizations such as USDA NRCS or Soil & Water (i.e. Wetland Reserve Program, AEM, Whole Farm Conservation Plan, NY Grown & Certified, etc.) If so, please explain:

Have you made improvements to address soil erosion, soil health, riverbank stabilization, or drought tolerance? If so, please explain: _____

Have you or your farm ever received any agricultural awards or special recognition? If so, please describe the awards and/or recognition (i.e. Dairy of Distinction, Supermilk awards, Soil Conservationist of the Year, etc.)

4. Development Pressure

Is your farm for sale (either all or a portion)? Has it been listed for sale in the past year? Are any neighboring farms for sale? Any rental lands for sale that affect your farming operation? Please explain. _____

Is your farm at risk for being converted to non-farm uses (i.e. solar, housing development, no one to take over the farm operation, etc.)? If so, please explain:

5. Statement of Relevance

Please briefly state why you wish to participate in the program.

Optional: Provide additional information about your specific project that you think is relevant for the selection committee to consider in making its selection (feel free to attach additional pages).

6. Potential Conflict of Interest (*note: potential conflicts of interest do not necessarily make you ineligible for the program*)

Please check all that apply:

Are you a current board member of the:

County Agricultural and Farmland Protection Board

Town Board or Planning Board

Are you related to, or have a business relationship with, anyone on the:

County Agricultural and Farmland Protection Board

Town Board or Planning Board

Agricultural Stewardship Association Board

Are you an employee of the county or municipality? No Yes

7. Maps and Soils Data

As part of the pre-application, ASA will create soils and aerial maps of the project for the review committee's use. ASA staff may contact you for additional information that might be needed by the selection committee's use. This is especially true if you are proposing to exclude any of your land from the PDR Program. A map of area(s) to be excluded may be requested.

8. Landowner and Funding Commitment

The state program has different payment options. Please indicate below what you would be willing to consider. Also, ASA may use the information provided in this document to contact landowners for other potential land conservation programs and funding opportunities.

Check all that apply:

I am willing to accept "X" amount of funds for my purchase of development rights project:

100% (please note this funding option is not likely; requires additional funding sources as well)

87.5% (highest the state will fund, no additional funding is allowed, 12.5% of total project cost is a non-cash donation by landowner)

75% (ASA may try to locate some additional funding, but not guaranteed)

less than 75% (ASA may try to locate some additional funding, but not guaranteed)

0% (I wish to donate my development rights, but have all project transaction expenses paid)

I am interested in additional provisions that will keep my land affordable for future farmers (additional compensation given in exchange)

All legal landowners of this property must sign below indicating their understanding and willingness to participate in the program.

I am interested in participating in the Purchase of Development Rights Program and wish to apply to sell the development rights on my farm. I certify that all the statements made herein are true and authorize ASA, the selection committee and the County Agricultural and Farmland Protection Board to evaluate this application and my farm for submission to the New York State Department of Agriculture and Markets for Farmland Protection funding.

I understand that selling my property's development rights will result in a conservation easement on my land, effective in perpetuity, that will restrict my land to agricultural and forestry uses.

I further understand that state funding awards are limited and a local match of the project's total cost is required. Depending on the funding option chosen, I understand that I may have to provide the local match through the donation of some of my development rights.

Name

Date

Name

Date

Name

Date

Name

Date

By December 20, 2024, return applications to:
Agricultural Stewardship Association
2531 State Route 40, Greenwich, New York 12834
Phone: (518) 692-7285 Email: chris@agstewardship.org
Website: www.agstewardship.org

For Rented Lands Only
(lands owned by another party but used for the same farm operation)

Thank you for your interest in the Purchase of Development Rights (PDR) program. This sheet is to be completed **by landowners** who rent their land to a farming operation and who wish to be included in the Pre-Application. **Please submit the form along with the farmer's application and sign the landowner commitment section.** If more than one landowner is a part of the farmer's application, please make additional copies of the sheet. If you have any questions or need assistance to complete this form, please contact ASA at (518) 692-7285.

Landowner Information

Name(s) of all Legal Landowner(s) and Mailing Address If owned by a corporation, trust or LLC, please give corporation, trust or LLC name and name of authorized contact person/trustee.	
Farm Name (if any) Street Address of Farm (if different from above)	
Daytime Phone/cell	
E-Mail	

What is the name of the farmer or farming operation that rents the land?

Is there a written lease? Yes No If yes, how many years is the lease for? _____
(Please note that if the pre-application is selected to be a formal application to the state, a copy of the signed lease will be required)

Tax Parcel Information:

Location (road(s))	Tax Map I.D. #	Acreage
_____	_____	_____
_____	_____	_____

Any acres proposed for exclusion? _____ If so, explain:

**Please note that excluding parcels for purposes such as landowner housing on viable ag land will likely complicate your consideration for a state application. Please provide the tax parcel information and acreage for any areas proposed for exclusion.*

What is the land used for (crops, hay, vegetables, pasture, etc.)? _____

Potential Conflict of Interest

Please check all that apply:

Are you a current board member of the:

- County Agricultural and Farmland Protection Board
- Town Board or Planning Board

Are you related to anyone on the:

- County Agricultural and Farmland Protection Board
- Town Board or Planning Board
- Agricultural Stewardship Association Board

Are you an employee of the county or municipality? No Yes

Landowner and Funding Commitment

The state program has different payment options. Please indicate below what you would be willing to consider. Also, ASA may use the information provided in this document to contact landowners for other potential land conservation programs and funding opportunities.

Check all that apply:

I am willing to accept "X" amount of funds for my purchase of development rights project:

- 100% (please note this funding option is not likely; requires additional funding sources as well)
- 87.5% (highest the state will fund, no additional funding is allowed, 12.5% of total project cost is donated by landowner)
- 75% (ASA may try to locate some additional funding, but not guaranteed)
- less than 75% (ASA may try to locate some additional funding, but not guaranteed)
- 0% (I wish to donate my development rights, but have all project transaction expenses paid)
- I am interested in additional provisions that will keep my land affordable for future farmers (additional compensation given in exchange)

The landowner(s) of the rented property must sign below indicating their understanding and willingness to participate in the program.

I am interested in participating in the Purchase of Development Rights Program and wish to apply to sell the development rights on my land. I certify that all the statements made herein are true and authorize ASA, the selection committee and County Agricultural and Farmland Protection Board to evaluate this application and my farm for submission to the New York State Department of Agriculture and Markets for Farmland Protection funding.

I understand that selling my property's development rights will result in a conservation easement on my land, effective in perpetuity, that will restrict my land to agricultural and forestry uses.

I further understand that state funding awards are limited and that a local match of the project's total cost is required. Depending on the funding option chosen, I understand that I may have to provide the local match through the donation of some of my development rights.

Name

Date

Name

Date