Purchase of Development Rights Program

Pre-Application Information

Accepted on a rolling basis for 2026-2027

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 easements also typically allow for residential structures in certain areas. 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 (but can be used by multiple operations).

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:

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 from the previous grant round (for guidance) is:

Type of Operation	Acreage Minimum	Percent of Land in Active Production	Percentage of Land with Prime and Statewide Important Soils
Agroforestry	29	60	10
Equine	29	50	10
Field Crops	29	50	50
Livestock and Livestock Products	29	50	10

continued

Type of Operation	Acreage Minimum	Percent of Land in Active Production	Percentage of Land with Prime and Statewide Important Soils
Specialty Crops	15	60	10
Other Viable Ag Land	59	41	28
Vineyard	15	60	25

There are some other eligible criteria and categories 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 be in, 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, sometimes longer, 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 landowner 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, there are costs that landowners are responsible for that cannot be covered by the grant. Those expenses are their own legal expenses, the real estate transfer tax (due at easement closing), a contribution to ASA's easement stewardship defense fund (currently $12,500 per easement – see ASA's Stewardship Fund Policy, available upon request) and their own appraisal cost if seeking a charitable deduction. 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 to ASA. Pre-applications are being accepted on a rolling basis and will be reviewed and ranked periodically through 2027. 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 or alexander@agstewardship.org.