



GENESEE LAND TRUST

FARMLAND PROTECTION VIA THE PURCHASE OF DEVELOPMENT RIGHTS AND CONSERVATION EASEMENTS

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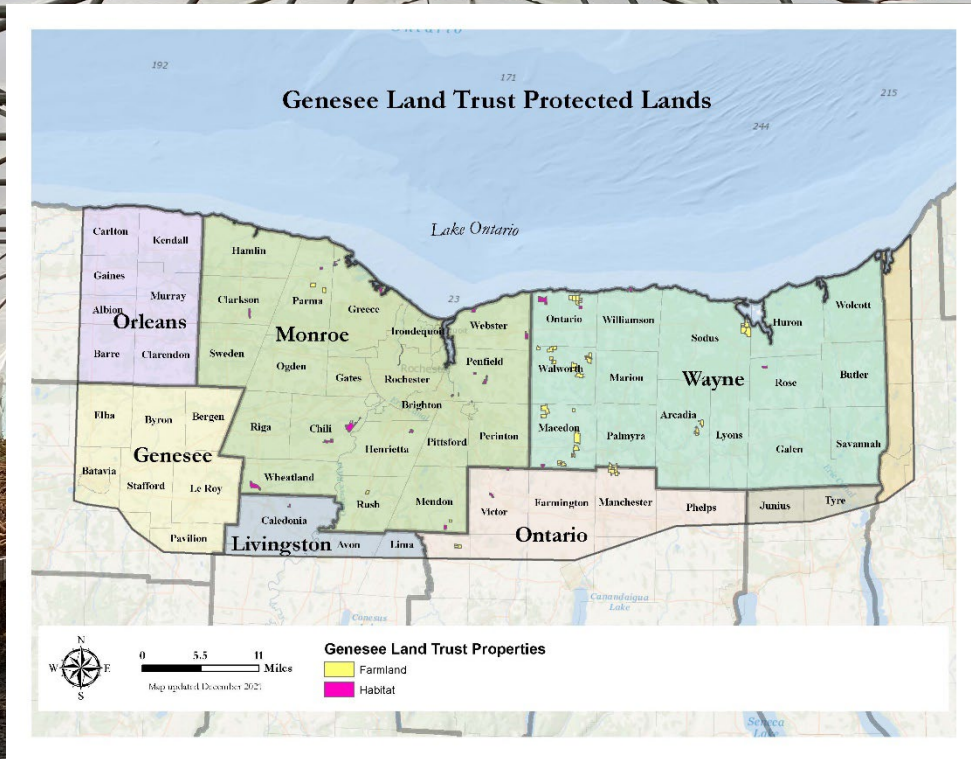
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Agenda

- About Genesee Land Trust
- Protecting your Farmland
- Conservation Easements
- Purchase of Development Rights (PDR)
- NYS Dept of Agriculture and Markets Grant Program
- Landowner considerations
- Application process & timeline
- Questions and Answers

Genesee Land Trust



Genesee Land Trust protects natural lands and waterways to support communities in the Greater Rochester region — providing wildlife habitat, locally grown food, and connections to nature.

An aerial photograph of a rural landscape. In the foreground, there's a large body of water, likely a lake or a wide river, with a rocky shoreline. The middle ground is dominated by extensive vineyards with rows of grapevines, interspersed with green fields and clusters of trees. Some residential buildings and a parking lot are visible near the water's edge. The background shows a vast, flat expanse of land stretching to the horizon under a clear sky.

Conservation Priorities

Protecting Farmland

Lake Ontario Coast and Tributaries

*Connecting People to Nature in the
City*

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over 6,500 Acres of Land Protected

18 Public Nature Preserves

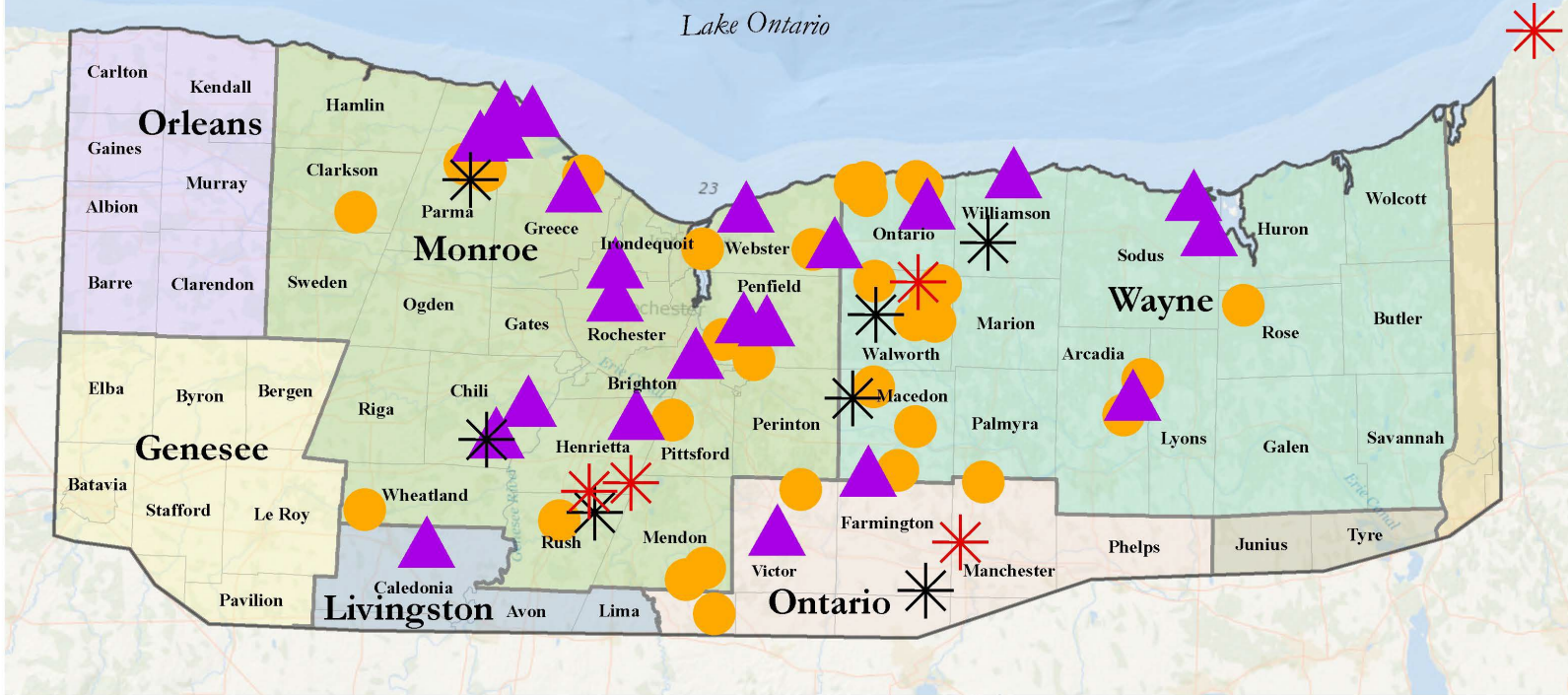
***35 Permanent conservation agreements on 4100+
acres of privately held land***

18 Family farms permanently protected

***12 Current farmland protection projects including
over 3,000 acres***

Municipal Partnerships- Walworth, Macedon, Parma

Genesee Land Trust Protected Lands



0 5 10 Miles

Map updated September 2022



2022 Farmland Awards



2018-21 Farmland Awards



Open to public



Open by appointment only

Conservation easements:	3,600 acres
Fee-owned preserves:	1,231 acres
Protection/stewardship partnerships:	1,775 acres
Total acreage protected:	6,550 acres

Methods of Farmland Protection



- Agricultural District designation
- Agricultural assessment & exemptions
- Right-to-Farm Laws
- Local Zoning
- Municipal & County Farmland Protection Plans
- USDA Natural Resources Conservation Service Programs (EQIP, WRP, ACEP)
- Soil & Water Conservation District Programs (AEM)
- Purchase of Development Rights

Why Protect your Farm?

Conservation Easement and PDR Focus



Land Conservation



Succession Planning



Retirement Planning



Business Investment

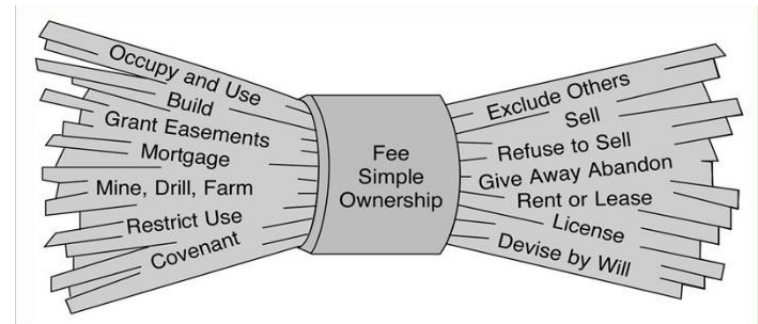


Debt Reduction



What are Development Rights?

- Land ownership - a bundle of rights
- Can be severed from all other property rights
- Development rights have a value
- Development rights can be donated, sold, or transferred



Purchase of Development Rights

What

Genesee Land Trust (and/or a Town) buys the development rights of important farmland through funding via the NYS Department of Agriculture and Markets Farmland Protection Implementation Program

How

Placement of a **conservation easement** on the land which restricts the right to develop the land (no residential or commercial ops outside of small development zone)

Conservation Easement



**A tool a landowner
can use to
permanently protect
natural resource
values on privately
owned property.**

Conservation Easement



- Voluntary
- Unique to each property
- Perpetual legal agreement
- Does not require public access

Agricultural Conservation Easements



- Purpose is to protect agriculturally productive farmland
 - Generally larger parcels
 - Any type of agriculture
- Allows limited development related to agriculture
 - Farm barn and outbuildings, houses and additions, etc.
 - Limited solar for personal use
- Provides for changing agricultural practices

Agricultural Conservation Easements

Use Areas Defined:

- **Farmstead Area**
 - Holds the main dwellings, barns, outbuildings, allows for future buildings
- **Rural Enterprise Area**
 - Allows for commercial buildings
- **Resource Protection Area**
 - Further protections around sensitive natural resources
- **Farm Area**
 - Fields, areas where main farm operations occur



Purchase of Development Rights and Conservation Easements Re-Cap

When you sell your Development Rights, you will receive cash for the value of the development rights. The Development Right are then:

- Extinguished by the terms of an agricultural conservation easement
- Conservation Easement is recorded at the County Clerk's office in the permanent record and "runs with the land" so future landowners must follow the terms as well
- Removed so that the land will not be available to "grow houses" in the future

You will still own your land and be able to:

- Sell or give away the land to others, but the terms of the easement must still be followed
- Continue to farm as you have
- Change your farming practices to meet new market situations
- Maintain your private property rights*



Private Property rights, Can I?

Construction of Buildings and Other Improvements

- Impervious surfaces may be constructed/placed on up to max 10% of Farm Area, no limits in Farmstead or Rural Enterprise Area
- Fences may be repaired, removed, replaced, and new fences built anywhere
- Agriculture Structures- Anywhere in the Farmstead Area and no more than 2% of the Farm Area without permission from Land Trust or Town (then additional 8%)

Utilities: Anywhere

Renewable Energy and Telecommunications

- Farmstead and Rural Enterprise- Anywhere
- Farm Area- Subject to Impervious Surface allowance

Mining and On-site Extractive Activity:

- Gravel and Sand: No more than 2 acres, minimizes impacts on prime soils, reasonable for Farm Op
- Subsurface Minerals and Hydrocarbons: Yes, with permission. Doesn't disrupt the agricultural use of property

Forest Management: Yes

How are Development Rights Valued?

- Land value before conservation easement
- Land value after conservation easement
- Difference is the development value



Development Value

Property Value Before Conservation Easement
1,000,000

Development Value
400,000

Property Value After Conservation Easement
600,000

- **Development value determined by a qualified appraiser**
- **Values the Land Only**
 - Value of Business, Buildings, Dwellings not included in development value
- **Value per parcel will vary depending on many factors**
 - Terrain, hydrology, vacant/agricultural land values nearby, etc.

NYS PDR Grant

- Farmland Protection Implementation Grants (FPIG)
- Program of the NYS Department of Agriculture and Markets (NYSDAM)
- Funded through the State Environmental Protection Fund
- Provides payment for up to 87.5% of total project costs and value of development rights
- Remaining 12.5% is an in-kind donation



NYS PDR Grant

- **Maximum \$2 million per grant application**
- **Entity submitting the application must be the holder of the conservation easement**
- **County(ies) and Town(s) must sign a letter of support**
- **Very competitive**
- **2 year grant cycle**



Pre-application Requirements



- **Land must be in an Ag District**
- **Zoning allows development**
- **Development physically possible**
- **Minimum acreage or adjacent to protected land**
 - **This is NYS Specific depending on the type of agriculture (Next Slide)**
- **50% prime or statewide important soils**

Land Requirements

(Based on 2021 Grant Cycle, Next Cycle requirements are UNKNOWN)

Category	Minimum Acreage	Percent Agricultural Production	Percent Productive Soils
Viable Agricultural Land (General Ag)	68	71%	52%
Agroforestry	34	60%	10%
Climate Resiliency	34	60%	60%
Equine	34	50%	10%
Food Security	17	60%	60%
Horticulture	17	60%	10%
Source Water Protection	34	60%	50%
Vineyard	17	60%	25%

PDR Grant Project

What does a project look like?

- Conservation Easement and site plan
- Title work
- Survey
- Appraisal
- Phase 1 Environmental Site Assessment
- Baseline Documentation Report
- 2-4 years to closing



Grant Budget

Costs covered

- Title redate and commitment, Survey, Appraisal, Environmental Site Assessment, Baseline documentation, Title insurance, soil testing, if necessary, etc.
- Payment to Landowner is ~87.5% of value of development rights and project costs

Landowner costs

- Advisors/consultants
- Attorney





NYS PDR Grant

- ✓ **Example: 250 Acre Property**
- ✓ **Estimated Value of Development Rights: \$4,000 per Acre**
- ✓ **Total Estimate for Value of Development Rights: \$1,000,000**
- ✓ **Project Award from State: \$941,000** (Project costs + payment to landowner)
- ✓ **Project Costs (to Genesee Land Trust): \$75,000**
- ✓ **Payment to Landowner (87.5% of value): \$866,000**
- ✓ **In-Kind Donation from Landowner (12.5% of value): \$134,000**

Obligations After Closing

LANDOWNER/FARMER

Operate according to the terms of the easement

Notify Genesee Land Trust if selling/transferring the land

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Monitor on an annual basis

Enforce the terms of the easements



Potential Project Challenges

- **Lack of clear title**
- **Differing goals of landowners**
- **Incompatible land lease, i.e. Cell tower**
- **Severed land rights**
- **Mortgage subordination**
- **Lien on the property**



Estate Planning

- Planning for a conservation easement and PDR sale requires estate planning
- You should consult with:
 - Family members
 - Loan institutions
 - Estate planners
 - Financial professionals
 - Legal counsel
- The landowner is responsible for PDR and conservation easement outcomes

Landowner Considerations



Landowner is responsible for legal and financial counsel

Genesee Land Trust cannot provide legal or financial service to landowners

Frequency and total amount of grants is at the discretion of New York State

Consider consulting with your advisors now!

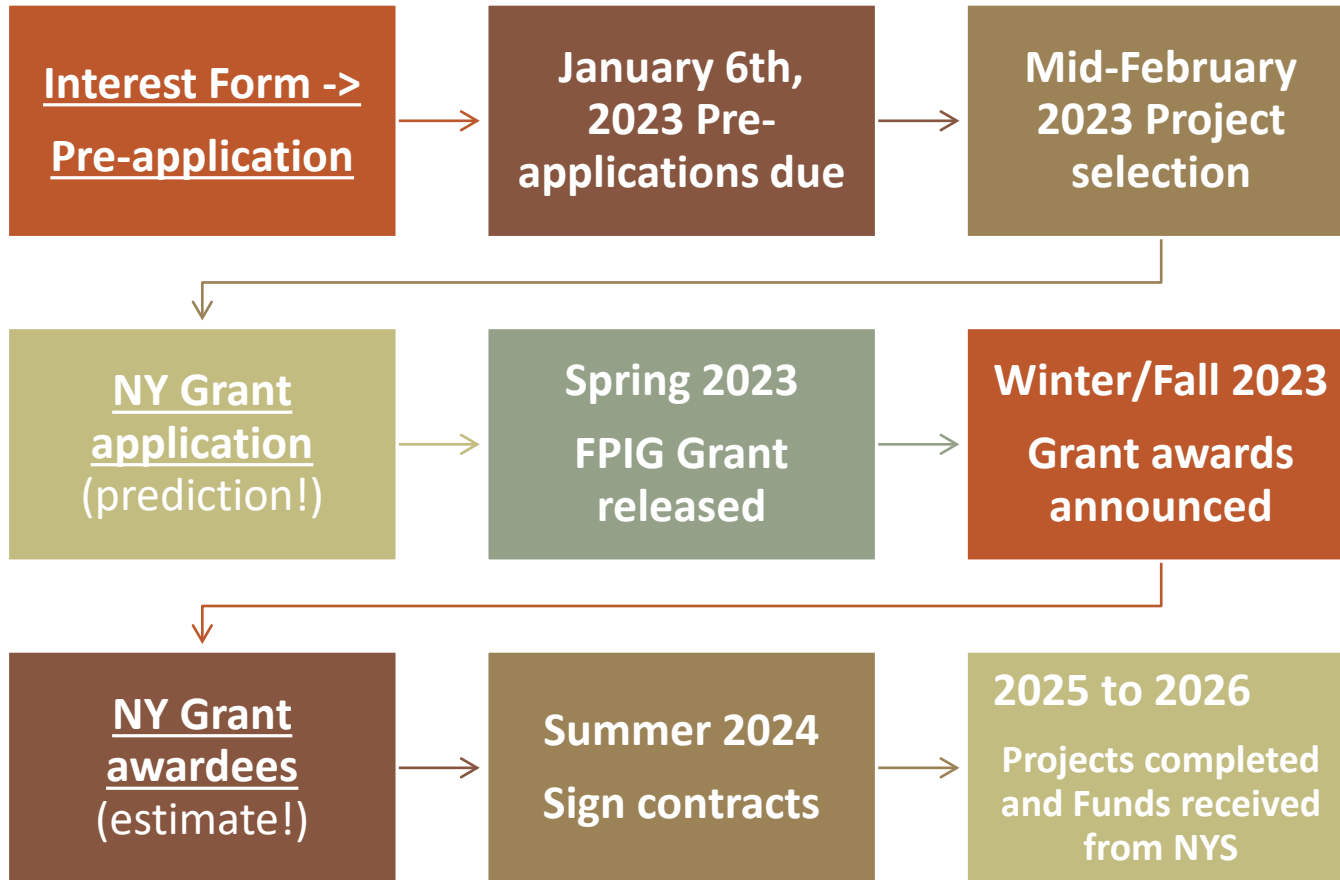
Application Process

**Genesee Land Trust – Interest Form,
then Longer Pre-Application &
selection (By March 2023)**

**Farmland Protection Grant released
by NYSDAM (Spring 2023)**

**Genesee Land Trust - write and
submit applications**

**Awarded grants: 2 to 4 years to
complete a conservation easement
PDR project**



Grant Timeline
2-4 years from award to funding!

Questions?



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