Cultivating Maine's Agricultural Future

A Policy and Planning Guide for Towns

Second Edition

2024

MAINE FARMLAND TRUST

Acknowledgments

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The Second Edition of this guide was created by Abby Farnham and Thacher Carter of MFT, with invaluable collaborations on research, writing and editing from Alex Redfield formerly of Maine DACF. The revisions and additions for the Second Edition of this guide would not have been possible without the time and insight provided by many groups and individuals.

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Walnut Crest Farm (left) and Cherry Hill Farm (right) in Gorham by Sue Lanpher, with thanks to Dale & Betty Rines and Jon Shaw & family

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Introduction

The landscape of farming in Maine is abundant and multifaceted. It is at once thriving and threatened. It is as complex as Maine's more than 7,000 working farms and as diverse as the numerous ways in which individuals and communities engage in food production and land stewardship across the state.

Maine has many of the right ingredients needed to support a vibrant and active food and farming system—abundant water, high-quality agricultural land and soils, a moderate growing season, convenient access to markets, established and beginning farmers, and communities that value local food. Maine also has the right goals—from the New England Food Vision and the New England Feeding New England project, to the Maine Won't Wait climate action plan, which calls for increasing both the amount of Maine-produced food consumed in the state and the amount of land conserved statewide to 30 percent by 2030, with sub-goals specific to farmland protection soon to be determined.

All of this opportunity is matched by major challenges. Farmers across the state are facing rising production costs, land prices, and development pressures; a lack of agricultural processing capacity; PFAS (per- and polyfluoroalkyl substances) contamination; and unpredictable climate conditions. Our food and farming system, here in Maine and across the country, is also contending with inequities created by land dispossession of Native peoples and centuries of structural and institutional racism. Finding affordable land to buy is the top challenge that young farmers face nationally, and as more farmers in Maine near retirement, there is an urgent need to support the transition of farmland to the next generation of farmers.

Municipalities have an important role to play in protecting important farmland from being lost to development, helping farm businesses thrive, and ensuring that local ordinances and planning initiatives are inclusive of the diverse needs of farmers in their communities. There is much that can be done locally to advance farm-friendly policy and planning solutions, often by town boards or committees, but also by individuals who care about agriculture and recognize opportunities for change or action in their communities. A range of tools and strategies are available to municipalities, and it is up to each community to determine which are the right fit for their town. The intent of this publication is to provide municipalities with inspiration and ideas, examples of what others are doing, and resources for learning more and taking action.

Part 1

Why Support Local Agriculture?

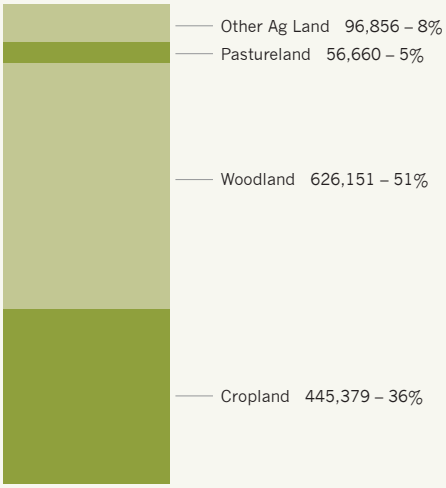
Why Support Local Agriculture?

The benefits that farms and farmland create for our state and communities are diverse and far-reaching. At the same time, Maine agriculture is facing significant challenges that threaten the viability of farms and the land base on which they rely. Together, these benefits and challenges build a strong case for why towns should take intentional steps to support local agriculture.

The Benefits of Local Farms and Farmland

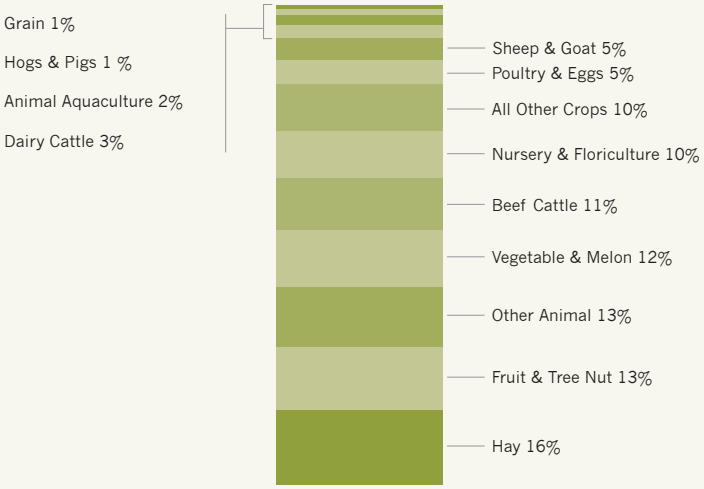
Understanding Maine's Farmland:

Farmland Acres and Percent of Total Farmland in Maine by Land Type, 2022



What Do Maine Farms Produce?

Percent of Maine Farms by Primary Production Type, 2022



Note: 'Other Animal' includes bees, horses, rabbit, and all other animal production. 'All Other Crops' comprises farms producing any other type of crop or a combination of crops with no one crop or crop family accounting for one-half of the farm's agricultural production.

Sources: Left, USDA, NASS, 2022 Census of Agriculture, Maine, "Land: 2022 and 2017"; Right, USDA, NASS, 2022 Census of Agriculture, Maine, "Selected Characteristics of Farms by North American Industry Classification System: 2022"

Maine's 1.23 million acres of working farmland and 7,036 farm businesses are an essential part of the state's economy, environment, and culture. Some benefits of farms are obvious—the diversity of foods and other products they produce, as well as the scenic beauty they provide. Yet other benefits are less obvious, such as how farms serve as rural economic development engines, strengthen our resilience to climate change, bolster food security, create access to a variety of recreational pursuits, and provide a net benefit to municipal budgets.

Of these benefits, some are easily quantified, while many others are not. Unfortunately, the benefit that may be most valued by Maine residents—the intangible "quality of life" that farms help provide—is sometimes recognized only when it's too late, after farms and farmland have been lost.

Economic Benefits

Agriculture is a key component of Maine's economy, contributing over $3.6 billion in economic impact and supporting over 27,000 jobs statewide.[1] Maine's farms spend over $675 million annually on expenses such as feed, fertilizer, electricity, labor, rent, and fuel.[2] Most of these purchases are made locally, supporting a large number of secondary businesses, including farm supply stores, equipment dealers, machine repair shops, veterinarians, crop services, and fuel suppliers. Included in these expenses are the more than $36 million that Maine farmers pay in local property taxes each year.

Maine farms are vital to the state's tourism industry, providing much of the working landscapes and small-town character that attract tourists. Working farms also make possible a diverse array of year-round recreational opportunities and agritourism activities, including farmers' markets, corn mazes, agricultural fairs, and pick-your-own operations. And farms provide important habitat needed to sustain wildlife that attracts out-of-state hunters.

Farming plays a key role in supporting Maine's broader food sector, too, which Governor Janet Mills' 10-year economic development strategy identifies as one of the four areas most ripe for economic development because of the state's current strengths, the growing global demand, and the potential for job creation.[3]

Fiscal Benefits

While residential development can increase a community's tax base, it can also impose new costs associated with additional schools, roads, water, sewer, and other community services. These costs often eclipse the increase in taxes collected.

Farms and farmland tend to require few municipal services. As a result, a farm generally contributes much more in property taxes than it requires in local services. This is typically true even when farmland is enrolled in one of Maine's current use tax programs. Accordingly, supporting farmers to keep their land in farming usually keeps municipal spending lower.

Cost of Community Services (COCS) studies, which provide a snapshot in time of costs versus revenues for each type of land use in a community, quantify the local fiscal benefits that farmland and other open space provide, with remarkably consistent results across the country. Even when farmland is assessed at its agricultural value, it typically requires services that cost less than the local tax revenues the farmland generates—a median cost of $0.37 for every dollar of tax revenue collected. On the other hand, residential development consistently costs more in municipal services than the revenue it produces from property taxes—a median cost of $1.16 per dollar collected.[4]

Photo by Greta Rybus

Environmental and Climate Benefits

As a natural resource-based industry, agriculture requires productive land, good soils, and plentiful clean water. In turn, farmers and the land they steward provide a variety of environmental and climate resilience benefits. Maine farms often consist of a mixture of cultivated fields, pasture, wetlands, and woodlands. These lands act collectively as a natural filter for drinking water, provide important aquifer recharge areas, minimize flooding, and provide habitat for a diverse array of mammals, birds, insects, and aquatic species.

Ensuring that farmland remains in farming is also a key natural climate solution. Undeveloped agricultural land and farmers' use of healthy soils practices (e.g., adding cover crops, reducing tillage) mitigate the impacts of climate change by sequestering carbon and limiting greenhouse gas emissions. In fact, a 2020 study by the University of Maine found that by increasing the use of climate-smart agricultural practices, Maine farms have the potential to sequester enough carbon to offset all of the greenhouse gas emissions they produce and more.[5]

In recognition of the critical climate benefits that Maine's working farms and farmland provide, the state's 2020 climate action plan, Maine Won't Wait, established the goals to increase both the amount of Maine-produced food consumed in the state and the total amount of land conserved statewide to 30 percent by 2030, with farmland protection sub-goals soon to be determined.[6]

Community and Food Security Benefits

Some of the most valued attributes of Maine farms and farmland are the hardest to quantify—their contribution to culture and the local quality of life. This contribution includes the sense of rural character created by natural and working lands, the availability and quality of local food and farm products, and the cultural significance of food production and land stewardship.

Local farms also strengthen food security in our state in many different ways. Through programs that connect low-income seniors and families with locally grown food, farms help to ensure access to healthy foods for community members who have limited food budgets. The growing community of New American farmers in Maine provide an important source of fresh, culturally relevant food for immigrant and refugee communities across the state. A 2022 report by the Permanent Commission on the Status of Racial, Indigenous, and Tribal Populations describes how for many Indigenous communities in Maine, the benefits of local food production lie in Wabanaki peoples' ability to maintain ancient land-based knowledge and practices, restore ancestral relationships with the land, and provide for the needs of community members who struggle with food insecurity and food-related illnesses.[7] A robust and resilient local food and farming system is also critical for ensuring food security broadly for our state and region due to global supply chain disruptions, such as those caused by the COVID-19 pandemic and those that are anticipated to arise as a result of climate change.

Another community benefit that is often overlooked is the extensive recreational access that local farms provide. While not universal, many farmland owners allow neighbors and community residents to use some portion of their land for walking, hunting, fishing, swimming, sledding, cross-country skiing, snowmobiling, or other recreational purposes. This access is typically free. Farms frequently provide educational opportunities for families and children, while farm stands, farmers' markets, and farms that offer community supported agriculture (CSA) programs are often important community hubs, creating opportunities for social interaction and contributing to our sense of place.

Photo by Molly Haley

Working farms and farmland are also integral to community identity and history. How we cultivate and steward the land and our connection to the land itself can hold economic, familial, cultural and/or spiritual significance for communities across the state. Maine's agricultural landscape also provides an important link to our state and country's history of land dispossession of Native peoples. European colonization displaced the Wabanaki communities who were the first stewards of the land that is now called Maine and who remain in this state and continue to steward land here today.

Why Support Local Agriculture?

Many of the challenges facing Maine agriculture today also present opportunities for the future of farming in our state—and towns can make a real impact on whether farms struggle or succeed.

Challenges Facing Maine Agriculture

Farms are complex small businesses that require a great deal of investment and risk. Today, farmers are contending with several additional economic and environmental challenges. Farmland is being lost to all types of development, reducing the land base available for agriculture. Access to land is growing increasingly difficult, especially for beginning, small-scale, low-income, and historically underserved producers. A lack of agricultural infrastructure and processing capacity is limiting the ways in which farms can access new markets and grow and diversify their businesses. The increasing frequency of extreme weather events caused by climate change, such as drought and flooding, is creating unpredictable conditions for planning and production. National and global market forces are causing irregular and dramatic changes in pricing for commodity crops. And PFAS contamination is threatening the health of farm soils, water systems, businesses, and families.

In response, farmers are adapting by establishing more innovative, diversified, and resilient operations.

Towns play a critical role in addressing these challenges by advancing farm-friendly policy and planning solutions so that farmers are able to have successful businesses, keep their land in farming, and continue to create benefits for all Maine communities.

Farmland Protection

Farmland in Maine is at risk. The 2022 Census of Agriculture showed that in the decade spanning 2012 and 2022, Maine lost almost 230,000 acres of farmland and more than 1,100 farms.[8]

Maine is losing farmland to all types of development. In its 2020 national study Farms Under Threat: The State of the States, American Farmland Trust estimates that one of the most significant threats to farmland in Maine is low-density residential development, which fragments the agricultural land base and limits the production and marketing options for an area's remaining working farms.[9] This study also found that only 4.8 percent of Maine's total agricultural land is currently protected—whether by an agricultural conservation easement or through fee ownership by conservation organizations, towns, or state government—the lowest amount of any New England state.[10]

Pressure from commercial solar development is also impacting Maine's farmland. In 2019, changes to state law propelled an influx of commercial solar development across the state, including on undeveloped agricultural land. According to Maine Audubon, of the 185 solar development proposals that were reviewed and approved by the Maine Department of Environmental Protection (DEP) as of June 2021, 90 percent intersected with land identified by the Natural Resources Conservation Service (NRCS) as prime farmland soils and soils of statewide importance.[11,12] These NRCS-classified agricultural soils are a precious and finite natural resource, as they are the most conducive to productive farming—yet they make up only 14 percent of Maine's total land area, according to NRCS soils data.[13]

Farmland Access and Transfer

Access to farmland, whether to buy or lease, is increasingly difficult for farmers across the state due to dramatic increases in land prices, a growing interest in farmland from non-farming buyers, the rapid pace of solar development on agricultural land, and PFAS contamination of farmland. Farmland access can be an even greater challenge for historically underserved farmers, including Black, Indigenous, and other people of color who have been systemically excluded from opportunities to access land and capital through land displacement and discriminatory policies and practices. A 2022 report by the Permanent Commission on Racial, Indigenous and Tribal Populations documents the extensive barriers and disparities that prevent Indigenous and African American farmers in Maine from being able to access land and funding opportunities, some of which include a lack of outreach about available resources, mistrust, lack of representation in decision making, and non-culturally relevant and restrictive eligibility requirements and definitions of farming and agriculture.[14] The National Young Farmers Coalition also found in a 2022 national survey that finding affordable land to buy is the top challenge that young farmers face and is even more difficult for farmers who identify as Black, Indigenous, or other people of color.[15] In Maine, only 38 percent of Black or African American producers own all of the land they use for farming, compared with 80 percent of white producers.[16]

While permanent agricultural conservation easements can help make farmland more affordable by removing the potential development value from the property, protected farms can still be unaffordable in parts of the state where land prices are growing dramatically alongside ownership interest from non-farming buyers. In response, some land trusts are incorporating additional voluntary resale restrictions into agricultural easements through an Option to Purchase at Agricultural Value (OPAV). If protected farmland goes under contract to a buyer who is not a family member or a commercial farmer, the OPAV gives the easement holder the opportunity to purchase the property at its agricultural value and resell it to a farmer to ensure it remains in farmer ownership.

However, even farms protected by an OPAV can be unaffordable for farmers who lack the necessary financial resources to purchase land or who face systemic barriers to accessing traditional pathways to capital. Alternative land tenure models are emerging in Maine—such as

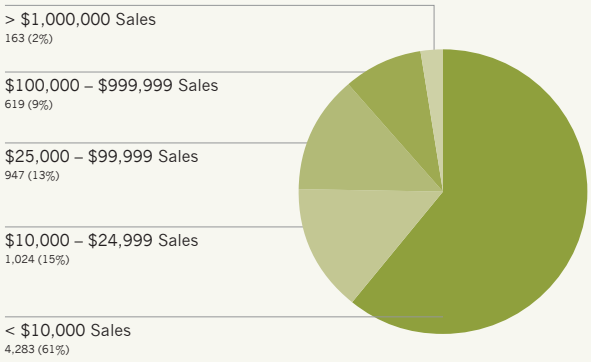
long-term leases, lease-to-own arrangements, and cooperative farms—to support land access for farmers who may be unable to access sufficient capital to buy property or who are in need of more secure access to land, as well as for farmers whose goals do not align with private or single-family land ownership.

Strategies to facilitate farmland access can also play an important role in farm succession and transfer. The 2022 Census of Agriculture showed that the number of producers age 65 and older increased by 18 percent, whereas the number of producers under age 44 increased by less than 2 percent, signaling a need to support retiring farmers in transferring their land and operations to the next generation of farmers.[17]

Finally, the presence and persistence of PFAS contamination in soil, water, crops, and livestock is an emerging national issue, and the unfolding information about PFAS in Maine is alarming, especially for farmers whose livelihoods are connected to the land. The presence of PFAS contamination on farmland exacerbates the land access barriers farmers are already experiencing. The Maine Department of Agriculture, Conservation and Forestry and the Department of Environmental Protection are discovering concentrations of PFAS contamination on some properties that are high enough to prevent farming in the near-term, further reducing the amount of farmland available to farmers.

What Do Sales Look Like for Maine Farms?

Number and Percent of Total Farms by Value of Products Sold, 2022



Source: USDA, NASS, 2022 Census of Agriculture, Maine, "Summary by Market Value of Agricultural Products Sold: 2022"

Business, Market, and Infrastructure Development

The viability of farming as a business is paramount to the future of farming in Maine. In 2022, 75 percent of farms in Maine had fewer than $25,000 in total sales and 61 percent had fewer than $10,000 in sales.[18] While the average net income for Maine farms increased between 2017 and 2022, going from $16,958 to $35,935, 63 percent of Maine farms still operated at a net loss in 2022.[19] While these statistics reflect the economic challenges farmers face and the need for business development support, it is also important to note that Maine's agricultural community is diverse, and farmers' motivations for producing food and stewarding the land are often also rooted in culture and community. Maine farmers need a policy environment that supports them as they expand their businesses, compete in new markets, and grow food to meet their communities' needs.

While direct farm-to-consumer marketing and sales activities like farm stands, CSAs, and farmers' markets remain strong, many farmers are looking to diversify their businesses and markets through value-added product development, agritourism, and strategies to extend both their growing season and product offerings. Farmers are also looking to reduce energy expenses through on-farm renewable energy development. These trends are changing how many farms function and what they need for land and infrastructure, as well as the ways in which their operations intersect with municipal ordinance and regulations. This has important implications for communities as they seek to retain and support their local farms.

Many farms in Maine lack the functional infrastructure needed to support viable farm businesses; established farms often have aging buildings and infrastructure, and new farms may lack any infrastructure at all. The dramatic need for support for infrastructure development was clearly demonstrated in 2022 when the state's Agriculture Infrastructure Investment Program received nearly $850 million in funding requests for farm infrastructure needs, far surpassing the $20 million that was available.[20] More in-state infrastructure and processing capacity, including dairy and livestock processing, is also needed to support business diversification and market access. Affordable access to high-speed internet is another important infrastructure need; without reliable internet access, farmers may struggle to acquire needed supplies and access markets, research, and technology to support their operations.

Photo by Lily Piel

Finally, farm labor shortages as well as increasing labor costs in Maine are having a tremendous impact on farm viability. The ability to find and retain reliable and skilled workers can make or break a farming operation, and the lack of available, affordable, and adequate farmworker housing, particularly in rural parts of the state, is contributing to the agricultural workforce shortages.

Climate Change Mitigation and Adaptation

Farmers are on the front lines of climate change: their livelihoods and the food security of our communities are directly impacted by changes we are already seeing in our climate. As the state's updated climate action plan Maine Won't Wait makes clear, "[w]arming temperatures and increasingly variable precipitation, including droughts and extreme weather events, are causing damage to farm livelihoods, impacting farmers, workers, crops, and livestock."[21] In a University of Maine survey of agricultural producers, over half of farmers surveyed reported that they did not have sufficient water to meet their farms' needs during the 2020 drought.[22] Farms of all types and sizes across the state are needing to become more resilient to the impacts of climate change so that their businesses can withstand these unpredictable conditions.

Photo by Greta Rybus

Many farmers are interested in using practices to build soil health that help mitigate and build resilience to climate impacts, while also generating economic benefits through improved yields. Farmers are increasingly constructing high tunnels and greenhouses to protect their crops from unpredictable climate conditions. These often-temporary structures can also extend growing seasons, dramatically increase yields, and expand crop options throughout the year. Farms are also turning to sources of on-farm renewable energy generation in order to reduce energy costs and help meet the energy goals of the farm. These necessary agricultural climate adaptation and mitigation strategies have important implications for towns that are looking for ways to support the resilience of farms in their communities.

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Part 2

Who Can Keep Farms and Farmland Working?

Who Can Keep Farms and Farmland Working?

Farms and farming can shape and define a community in many ways. As a result, there are a number of entities—from town boards and committees to local groups and organizations—whose decisions and actions impact local farming, and who may have an interest in, and ability to, support local farming.

An initiative in one community may be driven by a local land trust, while the best choice in another community may be for the planning board or a group of local farmers to take the lead. In addition, while there are significant advantages to working with existing town boards and organizations, some communities have found it valuable to create new entities, such as an agricultural commission, to lead local efforts to promote farming and farmland protection.

A broad coalition of local officials and boards, groups, organizations, and residents will energize efforts to help sustain farms and farmland.

Farmers and Other Landowners

To be successful, any local or regional effort to promote farms and protect farmland should involve farmers at the earliest stages of planning. Soliciting the opinions and thoughts of farmers can be done in many ways, such as by establishing an agricultural commission—a formal committee that can serve as the "voice" of agriculture in a community (see Part 3, Page 20)

Another strategy is to survey or informally interview farmers and landowners in the community (see Part 3, Page 9). Farmers can also be engaged through local and regional farm and food organizations such as local granges, agricultural fairs, county Farm Bureau chapters, community food councils, various commodity organizations, and agricultural service and education providers. Those who produce and harvest food for their community in non-commercial ways, as well as owners of inactive farmland who may play an important role in creating farmland access opportunities, also have important perspectives.

Elected Officials and Town Boards or Committees

Municipalities can support agriculture at many levels and in many ways. Supportive leadership from local elected officials, such as the select board or council, is always helpful. Town boards and committees have specific duties and powers and each can play a distinct role in supporting local farms in their communities.

Agricultural Commissions

Agricultural commissions are increasingly popular in New England states as a way to focus municipal efforts on local agriculture. An agricultural commission is advisory and has no regulatory or enforcement authority. Its members are typically farmers appointed by the select board or council. Agricultural commissions can be tasked with several responsibilities, such as providing input on town plans and ordinances or taking the lead on developing a farm-friendly policy or program.

Assessors

Assessors can play a large role in the support of local farms by encouraging eligible landowners to apply for property tax abatements through the state's Farmland, Open Space, or Tree Growth property tax programs (see Part 3, Page 35). Assessors can also promote the Voluntary Municipal Farm Support Program (VMFSP), if the community has adopted one (see Part 3, Page 40).

Assessors may want to consider hosting an informational workshop in partnership with the conservation commission, the local Soil and Water Conservation District, or a local land trust to educate town officials and landowners alike about the programs; staff from the Maine Department of Agriculture, Conservation and Forestry or Maine Revenue Services can help.

Because select boards, town councils, and assessors refer to statewide valuation guidelines to establish the tax schedule for the Farmland tax program in their towns, agricultural advocates and comprehensive planning committees can identify localized adjustment factors, such as locally significant or scenic farmland, that might encourage their elected officials to further reduce taxes on working farmland.

Budget Committees

Budget committees must approve town expenditures for farmland protection or other town projects that support local agriculture. It is important, therefore, that committee members understand the fiscal and economic impact of local agriculture and educate town residents about its benefits.

A budget committee might consider hosting an informational session about Cost of Community Services (COCS) studies, which consistently find that agricultural lands generate more in local tax revenues than they require in services (see Part 3, Page 12).

Citizen Advocates

Local community members can help support and advocate for local farms in many ways, including through organizing and participating in educational events focused on local food and farming, showing up at town meetings and reaching out to elected officials when issues important to agriculture are discussed, and serving on local boards and committees that can advance goals that support local agriculture.

Photo by Greta Rybus


Photo by Yoon S. Byun

Climate Action Committees

Municipal committees that focus on climate adaptation and community resilience are becoming increasingly popular in Maine. Climate action committees can play an important role in ensuring that strategies related to local farms and farmland are incorporated into municipal climate action plans (see Part 3, Page 57).

Comprehensive Plan Committees

The comprehensive plan committee writes and updates a community's comprehensive plan (see Part 3, Page 48). The "comp plan" is an official statement of the town's vision for how and where it wants to grow. The comprehensive plan committee should engage the local agricultural community in writing or updating the plan in order to document local agricultural land use issues, capture the full range of benefits that farms bring to a community, and identify specific goals, objectives, and implementation steps to address the needs of local farms and farmers.

Conservation Commissions

Conservation commissions have a broad mandate to conserve natural resources, protect water quality, and maintain open space. Commissions often support farmland protection measures. They may conduct inventories of local farmland (see Part 3, Page 4) or promote and assist in the management of a municipal farmland leasing program (see Part 3, Page 101).

Some conservation commissions develop and maintain a formal open space plan (see Part 3, Page 55). Conservation commissions might consider creating a subcommittee specifically tasked with supporting local agriculture. This group could eventually grow into a more formal agricultural commission.

Planning Boards

In most communities, the planning board is responsible for drafting and updating town ordinances that are consistent with the comprehensive plan. This board can play an important role in supporting farming by proposing farm-friendly ordinance provisions (see Part 3, Page 62). As a first step, a planning board might review what other communities have done (this guide features many examples) and then host a meeting of local farmers and farmland owners to explore whether any of these approaches might work for their town.

School Boards

School boards can be powerful agents for increasing the use of locally grown foods in school food programs (see Part 3, Page 25). While many school lunch programs rely on free or reduced-cost commodities from the U.S. Department of Agriculture to help balance their budgets, locally grown fruits and vegetables are often cost competitive.

A school board might consider facilitating a meeting between school officials and local farmers to discuss ways in which local schools could use more local foods. They could also consider ways to incorporate agriculture into the curriculum and after-school activities (see Part 3, Page 24).

Select Boards or Councils

As a community's executive body, the select board or council can influence how a town supports local agriculture in a number of ways. It can encourage and appoint farmers to serve on town boards and committees, propose the creation of an agricultural commission (see Part 3, Page 20), push to expand local enrollment in current use taxation programs (see Part 3, Page 35), or encourage the community to adopt a VMFSP (see Part 3, Page 40).

If a town has planning and economic development staff, the select board or council can direct staff to undertake a review of local ordinances and explore new strategies for protecting farmland.

A select board or council can also vote to establish a local fund to purchase development rights on farmland in town (see Part 3, Page 74), make municipal owned land available for farming and community gardens (see Part 3, Page 101), or propose that their town purchase more locally grown foods and farm products for town-sponsored events (see Part 3, Page 18). They could undertake a community food assessment to analyze ways to improve food security for all town residents and identify how town policies and procedures can support a more equitable and inclusive local food system.

Select boards and councils can collaborate with neighboring towns to address the needs of farmers who farm across town lines. They can engage state officials and legislators in discussions about needed local or regional agricultural infrastructure, such as processing and distribution facilities, and about state legislation that affects farming.

Local and Regional Organizations

Many local and regional organizations—including non-profit and quasi-governmental groups—have been involved in agriculture for years and can provide valuable information, ideas, and technical assistance. These organizations may be able to organize or support projects that cross town lines.

Chambers of Commerce and Economic Development Entities

Chambers of commerce and economic development entities are increasingly thinking of farms as critical local businesses and destinations within communities. With more farms involved in direct marketing and agritourism, and with the growing need for local food processing and distribution infrastructure, these groups can be a vital source of support. Economic development organizations can support farm businesses by promoting local farm and food businesses or developing recognition awards for businesses that purchase local farm products.

Regional economic development authorities can collaborate with towns and local farm organizations to identify farm processing and distribution needs and opportunities and potential funding sources. The Maine Department of Economic and Community Development has a list of potential partners, including including regional, state, and federal entities.

Community Food Councils

Community food councils work in a variety of ways to strengthen local food systems, address issues of food insecurity, and provide educational resources to community members. Food councils vary in size, scope, and service area and may be valuable partners for towns to advance shared goals. More information is available on the Maine Network of Community Food Council's website.

Food Pantries

A broad assortment of food pantries and food banks provide assistance to food-insecure households across the state. Food pantries can work with towns and local land trusts to protect and use farmland for a community farm or garden. Food pantries can also partner with farms and communities to expand access to healthy local foods. Through their Mainers Feeding Mainers program, the Good Shepherd Food Bank of Maine purchases food from local farms and coordinates delivery to food pantries and other agencies across the state. The Maine Department of Agriculture, Conservation and Forestry's website has a list of food assistance programs.

Future Farmers of America and 4-H

The Maine chapters of Future Farmers of America (FFA) and 4-H engage students and youth from around the state in agriculture education and programs. These groups are logical partners for community education workshops or other agriculture-related activities.

Granges

Active in Maine since the 1870s, local chapters of the Grange have a long history as strong community organizations and a deep connection with agriculture. Though the membership of local granges is often small, the active members may be movers and shakers in a community. Enlisting the involvement of a grange in hosting an event or workshop can broaden the visibility and support for initiatives to support farming. Find a local grange at the Maine State Grange website.

GrowSmart Maine

GrowSmart Maine is a statewide nonprofit that helps communities navigate change in alignment with smart growth. The organization convenes partners and offers direct community support and resources, including Community Guides, webinars, and an online Planning for Agriculture Toolbox through its Planning for Ag Program—a collaboration with American Farmland Trust aimed at making farm viability and farmland protection an integral part of land use planning.

Licensed Agricultural Fairs

Maine's agricultural fairs provide a showcase for what's happening on Maine's farms. These fairs are run by local associations or committees and are staffed by volunteers who take great pride in providing fair-goers with family recreation, as well as agricultural education. Fairs work with local producers in innovative ways to create lasting community and business relationships. The Maine DACF website has more information on agricultural fairs across the state.

Local or Regional Land Trusts

Land trusts can play an important role in farmland protection efforts. They help landowners navigate the rules and procedures of applying to state and federal farmland protection and conservation programs. Land trusts often lead or coordinate local or regional campaigns to raise funds for specific land protection projects and typically accept and hold conservation easements on different types of land. A land trust is a logical partner for a town interested in identifying its local farmland resources and setting land conservation priorities.

Land trusts can also lease land directly to farmers or help facilitate connections between farmland owners and farmland seekers.

Maine Land Trust Network's website lists approximately 80 land trusts and conservation organizations that serve communities across the state. Some have a strictly local focus, while others work regionally.

Maine Farmland Trust

Beyond local and regional land trusts, Maine has a statewide land trust that is devoted exclusively to supporting farming. Maine Farmland Trust (MFT) works in partnership with farmers and other land trusts and agriculture support organizations to protect farmland, help new and established farmers access land, advance public policies and research efforts that support Maine farms, provide farmers with business planning and climate resilience technical assistance, and assist towns in developing farm-friendly policies and planning initiatives.

Regional Planning Organizations

Planning commissions and regional Councils of Governments (COGs) can be important regional partners for a variety of projects supporting local agriculture. Because they work across town lines, they can help pool resources and develop projects involving multiple communities, such as regional open space plans.

Planning commissions and COGs are often involved in a variety of land use planning initiatives. They may be able to coordinate or assist with farmland inventories, the development of comprehensive plans, grant writing, infrastructure needs assessments, or farm-friendly ordinance development.

The Maine Department of Agriculture, Conservation and Forestry's website has contact information for planning commissions and COGs.

Soil and Water Conservation Districts

Soil and Water Conservation Districts (SWCDs) are a subsect of state government that primarily operate at the county-level. SWCDs are a valuable educational resource for towns and may be able to provide technical assistance on ordinance and comprehensive plan development. Additionally, SWCDs often serve as local partners in a number of state and federal grantmaking and regulatory programs and can be valuable resources in identifying potential funding or partnership opportunities.

Data and maps on "locally important" soils may also be accessible through a local SWCD. A full list of SWCDs is available on the Maine Department of Agriculture, Conservation and Forestry's website.

Part 3

Tools and Strategies for Supporting Local Agriculture

Tools and Strategies for Supporting Local Agriculture

There are a variety of tools that allow communities to support local farms and protect farmland, ranging from zoning regulations to tax incentives to identifying and promoting farmland access opportunities. A successful approach will likely be multifaceted and employ many different tools. As every community is unique, the mix of tools and how they are used will differ depending on each community's needs and circumstances, the people and partners who are involved, the needs and interests of local farmers, and the degree of community support and resources available.

Each tool or strategy contained within the seven sections of Part 3 include a brief description of the tool/strategy, who is involved, why it matters, how to take action and employ that tool, examples of the strategies in use and/or a more in-depth town case study, and resources for learning more.

For a condensed version of these tools and strategies and how they can help your town achieve different goals related to supporting agriculture, also see the *Farm-Friendly Municipal Tools and Strategies Summary Table* included as an Appendix to Part 3.

Diversity, Equity, and Inclusion Considerations for Farm-Friendly Municipal Tools and Strategies

Municipal governments are also a key place to embed policies, planning processes, practices, and actions that address and seek to counter the inequities and disparities in access to resources and opportunities that persist for historically marginalized and underserved agricultural producers with a wide variety of identities, including people who are Black, Indigenous, or other people of color (BIPOC). Needed efforts at the municipal level to advance diversity, equity, and inclusion (DEI) goals and outcomes extend beyond the scope of agriculture, but this guide offers some DEI considerations and suggestions related to farm-friendly municipal tools and strategies. These considerations are integrated throughout this guide, including within the following tools and strategies:

- Farm and farmland inventories
- Community farm survey outreach
- Municipal planning processes
- Comprehensive plan inventories and policy goals
- Local ordinance definitions and allowable agricultural activities
- Leasing town land to farmers to create access to farmland

For additional racial equity resources for municipalities:

Local and Regional Government Alliance on Race and Equity's resources page

Tools and Resources for Supporting Black, Indigenous, and Farmers of Color in Your Community: Maine webinar," organized by American Farmland Trust and Northeast Farmers of Color Land Trust

Part 3
Section 1

Inventories and Information Gathering

MAINE FARMLAND TRUST

Inventories and Information Gathering

Whether your goals are narrow or wide-ranging, gathering basic information about the status of agriculture in your area will help to focus your efforts and may indicate which people or groups can help.

Farm and Farmland Inventories

Tool/Strategy

Identifying farms and mapping farmland

Who Is Involved

Town and/or local or regional groups

Why It Matters

As a first step in any work to support farming, it is critical to have some understanding of local farms and farmland. A list (or, ideally, a map) of a community's farms can be a powerful tool for building awareness about the amount and variety of local agricultural activities. A farm and farmland inventory can also inform a comprehensive or open space plan. Knowing the quantity, quality, and location of farmland can help a town make more informed land use decisions and is necessary to establish farmland preservation goals. An inventory of local agricultural soils on undeveloped, open parcels could also help create farmland access opportunities by identifying land owned by non-farmers that may be made available to lease for agricultural use.

Take Action

Inventories can be simple or elaborate. What's important is ensuring that an inventory is done, even if it's very basic.

A simple inventory may involve nothing more than a list of local farms and a map showing all local land that is classified as **prime farmland or soils of statewide importance.** Soils data are easily available through the regional office of the USDA Natural Resources Conservation Service (NRCS) or online through the Web Soil Survey that is operated by NRCS. **To identify farms in your area,** you could:

- Ask NRCS, the University of Maine Cooperative Extension, or other statewide or regional food and farming organizations and community groups that have relationships with agricultural producers if they can help identify local farms and food production activities;
- Ask local farmers who else is farming in the area; and
- Drive the roads to identify any unused or overgrown fields

With this information, you can use tax maps to identify owners and contact them to learn more. It is also important to consider in an inventory agricultural activity that is taking place in the community that may be small-scale, non-commercial in nature, and/or culturally relevant to local producers. These small operations play a key role in community food security, the local agricultural economy, and the future potential for agriculture in the community.

In some cases, an inventory could expand to include **locally important farmland soils.** Data about and maps of locally important soils may be accessible to towns through Soil and Water Conservation Districts. The "locally important" designation is potentially important because, along with the other soil types, it can be built into ordinances and comprehensive plans, and farmland with a high percentage of soils classified as prime or as having statewide or local importance is more likely to qualify for state or federal funding to buy easements.

A more elaborate inventory might be undertaken in combination with a community farm survey (see below) and might include any or all of the following:

- A written summary of all farm operations and properties, farm products, acreage available for farming (fields, pasture, woods), acreage actively farmed, and acreage by soil classification (prime, of statewide importance and locally important).
- Comprehensive maps of the entire region, showing acreage available for farming and forestry, acreage actively farmed, soil classifications, and other key natural features (e.g., wetlands, aquifer recharge areas, public water supplies, floodplains, deer yards).
- Maps of land enrolled in current use taxation programs (Farmland, Open Space, Tree Growth).
- Maps showing both land protected through easements and conservation land owned by land trusts or governmental entities.
- Maps of parcels with a minimum acreage (threshold may vary by community and goals of the inventory) of open land that contains high-value agricultural soils (prime, of statewide or local importance).
- Overlay maps showing local zoning and ownership of each parcel that has agricultural potential.

Access to Geographic Information Systems (GIS) software and expertise, while not necessary for developing an inventory, can help make the process more efficient. Regional planning organizations, councils of government, and the University of Maine system may have helpful GIS resources and support available to towns, or towns could also consider contracting with a GIS consultant.

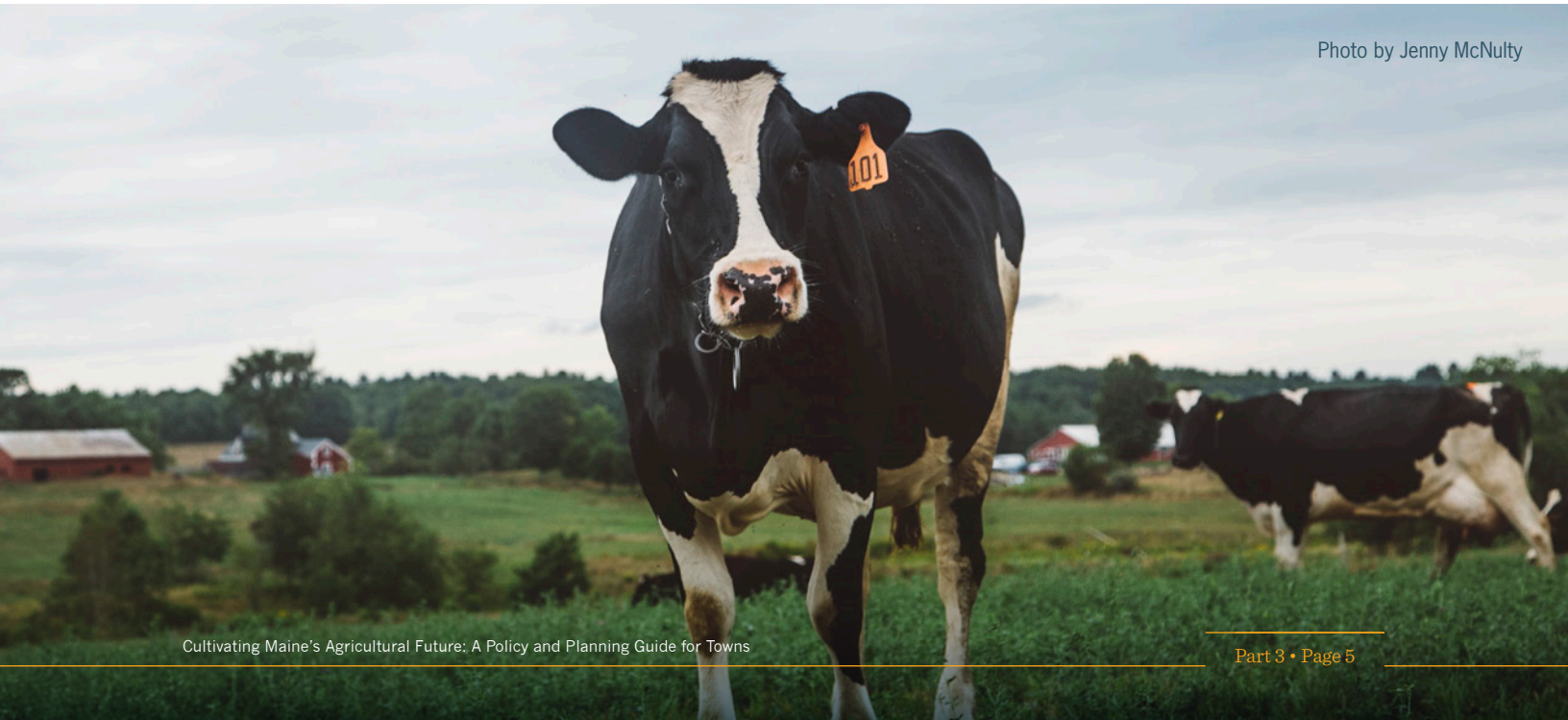


Photo by Jenny McNulty

Photo by Greta Rybus

Town Case Study

Auburn Agricultural Zone Land Use Inventory[1]

In 2021, a local farmer and member of the City of Auburn's Natural Products & Agriculture Working Group (a subcommittee tasked with protecting farmland and promoting a natural resource-based economy) began an inventory of the city's Agriculture and Resource Protection (AGRP) Zone, with the goal of informing land use policy decisions and bringing to light active farmland that may have been overlooked.

Farmland Inventory Overview

With help from the City of Auburn's GIS staff, the interactive inventory was assembled digitally in ArcGIS StoryMaps by overlaying a map of Auburn with photographs and pinpoints of local farms. Farmland was identified through:

- Google Earth and Auburn's GIS website;
- Knocking on farmers' doors and word of mouth; and
- Driving around the AGRP Zone.

Members of the working group then collected images and exact locations using a mobile application called QuickCapture. In total, nearly 150 locations were identified and sorted into the categories of cropland, pasture, orchard and fruit trees, recreation, community gardens, and greenhouses.[2] The inventory is publicly available online, with plans to incorporate historical information and data from farmer surveys.

Lessons Learned

Auburn's inventory benefited greatly from having access to a GIS software expert, as well as the local knowledge and network of the farmer and municipal committee member who organized the effort.

Town Case Study

Bowdoinham Community Development Initiative Farmland Inventory[3]

In 2016, the Bowdoinham Community Development Initiative (BCDI)—a local nonprofit that promotes sustainable community and economic development—began assembling a farmland inventory to help new and established farmers identify available land and to give landowners the opportunity to make their property available for farming. As described by BCDI, the goal of the inventory was to "institutionalize the knowledge of working lands in Bowdoinham" in order to strengthen land access for the next generation of farmers and keep land in active agricultural use.[4]

The Town of Bowdoinham supported the project by contributing public records on landownership and promoting the inventory on the town's website and through the planning office.

Farmland Inventory Overview

BCDI's inventory was funded through private grants and conducted in three phases, with the first focusing on a single landowner of multiple properties. In the second phase, the effort expanded to cover the entire town, identifying land that met the following criteria:

- Parcels with a minimum of two contiguous acres of prime farmland or soils of statewide importance (excluding wetlands) not immediately surrounding an existing home; and
- Parcels with proper drainage that are not highly erodible with steep slopes and are able to be plowed or tilled.

BCDI used a mapping guide from the New Entry Sustainable Farming Project and aerial photographs to identify an initial selection of farmland parcels. They then distributed a survey to the owners of these parcels to further identify potential farmland, gather more information about the agricultural uses of land in the community, and gauge landowners' interest in making their land available for farming. BCDI also held separate landowner and farm seeker meetings. During these meetings, Land For Good—an organization that helps New England farmers, landowners, and communities navigate the challenges of land access, tenure, and transfer—presented resources on conducting a land search, finding a farmer, and how to negotiate land use agreements and Maine Farmland Trust shared information related to its farmland access resource, Maine FarmLink. In the final phase of the inventory, the information gathered was compiled and the parcels available for farming were posted publicly on a user-friendly website.

Lessons Learned

For BCDI, it was important to allow the process to take time in order to clearly communicate with all parts of the community about the intent of the inventory. Several farmers have accessed farmland lease arrangements through the inventory website since it launched in April 2021, and a land purchase to establish a new farm was made possible through one of the in-person inventory meetings. The Town of Bowdoinham expects to use the inventory as a resource when updating its comprehensive plan.

Resources

Local and regional land trusts (for parcels under easement or owned by land trusts)	https://www.mltn.org/trusts/
Local tax assessors (for parcels enrolled in current use tax programs, government-owned parcels, and landownership information)	
Maine Farmland Trust (for inventory guidance and assistance)	https://www.mainefarmlandtrust.org/
New Entry Sustainable Farming Project (for a mapping guide)	https://nesfp.nutrition.tufts.edu/
Real Maine (for searching for farms by town)	https://www.realmaine.com/
Regional Planning Organizations and Councils of Government (for GIS resources)	https://www.maine.gov/dacf/municipalplanning/technical/regional_council.shtml
Soil & Water Conservation Districts (for information on soils)	https://www.maine.gov/dacf/about/commissioners/soil_water/index.shtml
State of Maine's online GeoLibrary (for mapping resources)	https://www.maine.gov/geolib/
USDA Natural Resources Conservation Service (NRCS) regional offices and online Web Soil Survey (for soils data and information)	https://websoilsurvey.sc.egov.usda.gov/App/HomePage.htm
University of Maine Cooperative Extension regional offices (for information on existing farms)	https://extension.umaine.edu/county-offices/
For towns with access to GIS software and capacity	
USDA National Agricultural Statistics Service's Cropland Data Layer and US Geological Survey's National Landcover Database (for landcover data sets on cropland)	https://www.usgs.gov/centers/eros/science/national-land-cover-database

Community Farm Surveys

Tool/Strategy

Gathering information from farmers and other community members through a survey

Who Is Involved

Town or regional groups

Why It Matters

Farms in Maine are diverse, and each has different business and land use needs. Understanding local farm operations is at the core of developing effective town policies and programs that support farming and are responsive to the diverse and specific needs of local farmers. A town can learn a lot from surveying farmers, and the data collected can inform a range of policy and planning efforts, such as comprehensive, open space, or climate action plans. Surveys can also be sent to non-farming residents to learn their views on local farms and whether they own suitable land they are interested in making available to farmers.

Take Action

Surveys can take many forms, but the following steps generally apply:

1. **Enlist the help of key farmers.** Get input from a diverse sample of farmers from the community who can help frame questions and identify who should receive the survey. Farmers can also help determine the best time to send a survey and how best to follow up. Getting farmers involved in the process is likely to improve survey participation by other farmers.
2. **Determine who will receive the survey and the survey's purpose.** Is the objective to explore how the town can better help farm businesses, or to gauge interest in farmland preservation options? Is the survey intended as a data collection tool to inform a farmland inventory? Is there one survey for farmers and another for other local residents? Ensure survey respondents are aware of how the information will be used and shared.
3. **Develop survey questions.** Craft questions tailored to the survey's purpose and intended audience. Remember that respondents are less likely to complete a long survey, so be sure to include only pertinent questions.
4. **Determine the most effective survey format and distribution method.** Consider an online survey application, print copies through the mail, or both. Also ask your local University of Maine Cooperative Extension office, Soil and Water Conservation District, community food council, and other food or farming organizations to help get the word out to farmers about the survey. There may be farmers in your community who are more likely to participate in a survey through personal outreach due to technology, language, or cultural barriers or, for some farmers, including some farmers of color, a mistrust of government initiatives. This outreach could present an opportunity for farmers to learn more about how this survey might support them.
5. **Follow up.** Call, email, or visit people to ensure they are aware of the survey opportunity. It may be effective to sit down with farmers, at a time convenient for them, to help them complete the survey.
6. **Compile the survey results.** Share compiled information with town groups and community members.

Possible Survey Questions

Depending on the survey objectives, consider asking these types of questions:

- What does your farm produce?
- How and where do you market or distribute your products?
- How many acres do you own (in fields, pasture, and woodland)?
- How many of these acres are actively farmed?
- Do you lease land locally? How much? Are you looking for additional land to own or lease? How much? For what purpose?
- Do you have land you might be willing to lease to a farmer? How much?
- Do you employ anyone for your farm business? If so, how many people?
- Is your farm open to the public? Do you have a farm stand or store? Do you host events?
- Is farming your main source of income? If not, would you like it to be?
- Does your farm business have reliable and affordable high-speed internet access?
- In what ways does the town support your farm?
- How could the town better support your farm?
- Is there something you would like to do with your farm that you are not currently permitted to do based on town ordinances? If yes, please describe.
- Is your farm protected by an agricultural conservation easement? If not, are you interested in permanently protecting your farm with an easement?
- What is your farm's water source? Does it meet the needs of your operation?
- Is your farm (including land and infrastructure) experiencing impacts from climate-related risk factors (e.g., flooding)?
- How can the town support your farm in becoming more resilient to climate change-related impacts?
- What do you think the town should consider when developing regulations for commercial solar development on farmland? Do you have any concerns about solar development on farmland?
- How could solar energy generation for on-farm use benefit your farm business? What could the town consider when reviewing proposed solar development projects for on-farm use?
- Would the formation of a local agricultural commission that would advise the town on matters related to agriculture be beneficial to you? Would you be interested in serving on this type of committee?
- Are you aware of programs and resources that are available to help farmers keep their land in farming? [List out available local and state programs, such as current use tax programs; see also Resources for Farmers Appendix for more resources to share.]
- What challenges and opportunities in farming do you see, both in the near term and long term?
- Do you (or your family members) plan to be farming in 10 years?
- Do you have a farm succession or transition plan in place?
- Are there places that are important to you (local businesses, other farms or farmland) that help you farm or that you believe are important for keeping farming part of the local economy?

Local residents might be asked:

- Are you looking for more local farm products?
- What do you believe farms and farmland contribute to your community?
- Are you willing to pay higher taxes to see local farmland protected?
- Do you own land that you might be willing to lease to a farmer? How much? [This question might serve as a first step in a more detailed landowner survey or information gathering effort to facilitate farmland access.]

Example Strategies

Town of Winslow

In 2013, the Winslow Agriculture Working Group (which later became a formal agricultural commission), with assistance from Maine Farmland Trust, developed and distributed a survey to farmers enrolled in the Farmland current use tax program and to owners of larger parcels of land that contained high-value agricultural soils. The goal of the survey was to understand the state of agriculture in Winslow and identify how the town could better support farming. The survey results informed the town's actions to establish the Winslow Agricultural Commission and task the group with developing the state's first Voluntary Municipal Farm Support Program.[5]

Town of Gorham

As part of their comprehensive planning process, the Town of Gorham collaborated with Maine Farmland Trust in 2014 to administer a farmer survey and learn about the opportunities and challenges facing Gorham's farmers and farmland owners, which helped to inform the plan's policy goals and recommendations.[6]

Town of Clinton

In 2019, as part of the comprehensive plan update, a member of the Town of Clinton's Comprehensive Plan Committee conducted a survey with local dairy farmers and met with farmers face to face to encourage participation. The survey responses helped to inform the plan's inventory of agricultural resources.[7]

Resources

For potential guidance, templates, and technical assistance

Maine Department of Agriculture, Conservation and Forestry	https://www.maine.gov/dacf/
Maine Farmland Trust	https://www.mainefarmlandtrust.org/
Regional Planning Organizations and Councils of Government	https://www.maine.gov/dacf/municipalplanning/technical/regional_council.shtml

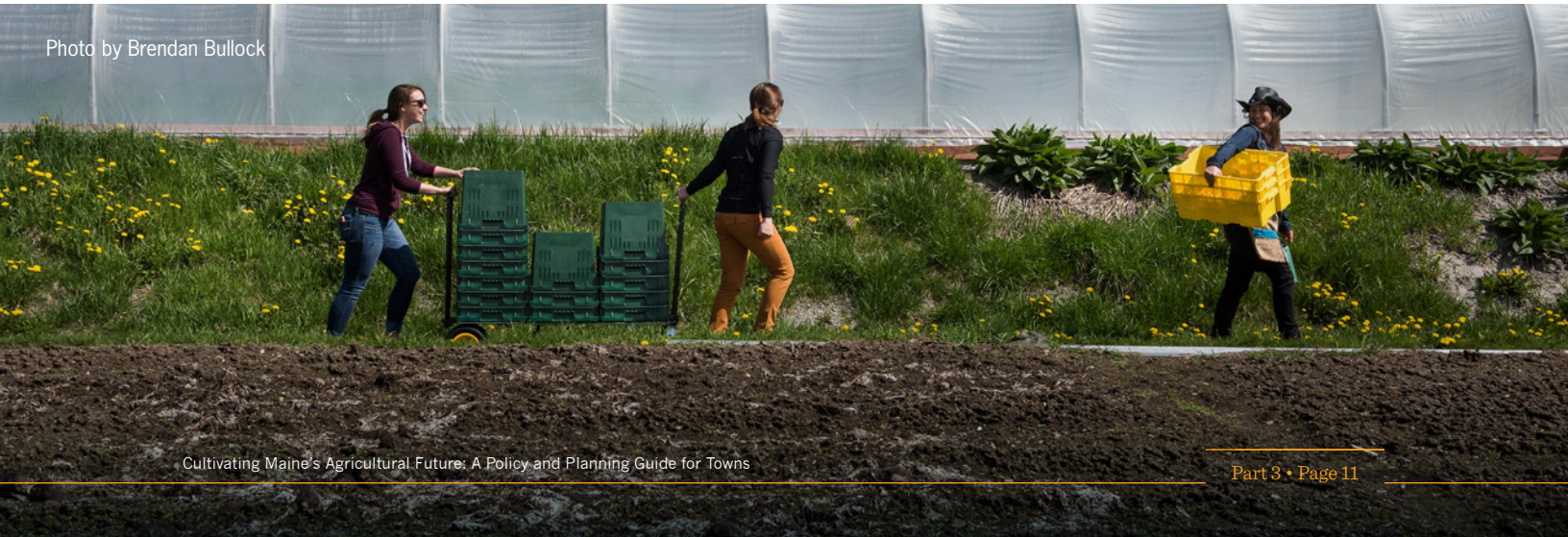


Photo by Brendan Bullock

Cost of Community Services Studies

Tool/Strategy

Educating community officials and residents about the fiscal benefits of local farms and farmland

Who Is Involved

Town staff, committees, or agricultural commissions

Why It Matters

Educating local officials and residents about how farms affect the local property tax base may help to build the case for why a community should develop farm-friendly municipal policies and programs.

Cost of Community Service (COCS) studies quantify the local fiscal impact of farmland and other open space. COCS studies are a snapshot in time of costs versus revenues for each type of land use in a community. They do not predict future costs or revenues or the impact of future growth, but provide a baseline of information that can help communities make informed land use decisions.

Raising public awareness about the fiscal benefits of farms may help boost enrollment in the Farmland and Open Space tax programs or encourage a community to adopt a Voluntary Municipal Farm Support Program. It may also help more people to see the fiscal benefits of permanent farmland protection.

COCS typically show that, while farms may generate less tax revenue than residential properties, they require even less in the way of public infrastructure and services. According to American Farmland Trust, more than 30 years of studies across the country show that, even when assessed at its agricultural value, farms only require a median cost of $0.37 in services for every dollar of tax revenue collected, whereas residential properties consistently require more in municipal services than the revenue they generate in property taxes—a median cost of $1.16 per dollar collected.[8]

Take Action

Not every community has the resources to conduct a COCS study, nor does every community need to, since COCS study results are remarkably consistent around the country. **Consider hosting a workshop** for assessors, budget committee members, and other local officials about COCS studies and their findings or write an article about the fiscal benefits of farmland for the local paper or town report. Consult with American Farmland Trust for more information about COCS studies or to find a speaker who can discuss COCS studies.

If your community is interested in conducting a COCS study, you will need a researcher to do the work, as well as the active involvement of town officials. While not essential, you might consider hiring a consultant to conduct the study.

When conducting a COCS study, the first step is to identify which types of land use you want to analyze. Typically, three categories are used:

1. Working and open lands, including farms and woodland;
2. Residential development, including farm residences; and
3. Commercial and industrial land uses.

The second step is to collect data on local revenues and expenditures. These revenues and expenditures must then be allocated among the land use categories. Attributing expenditures to each land use category will require research and interpretation. Once revenues and expenditures are allocated among the land use categories, you can calculate the revenue-to-expenditure ratio for each land use category.

Town Case Study

Town of Lebanon, Connecticut Cost of Community Services Study[9]

Lebanon is one of the largest farming communities in Connecticut and is believed to have the most preserved farmland of any town in New England, at 6,000 acres.[10] In response to increasing development pressure, Lebanon conducted a COCS study in 2019-2020 to gather data on the costs and benefits of preserving farmland. The study was funded through the Connecticut Department of Agriculture Ag-Viability Grant and guided by an outside consultant. Key municipal players included the town assessor, town planner, emergency services, school department, and finance staff.

COCS Study Overview

Following the steps outlined in the general guidance above, Lebanon's COCS study found that farms help to lower the community's overall tax rate by using less in municipal services than they contribute to the tax base, whereas residential land requires more in services.[11]

Cost of Services Used for Every $1 Paid in Taxes

Town (Year)	Open Space/ Farm/Vacant	Residential
Lebanon (2019/2020)	$0.20	$1.16

The town advertised the COCS study findings to the public and to key municipal committees and incorporated the information into future land use-related reports.

Lessons Learned

Lebanon town officials found the COCS study to be an effective tool in dispelling the misconception that more residential development will lower taxes. The results have also supported the allocation of public funds to the town's local farmland preservation program.

Resources

American Farmland Trust's Farmland Information Center (for COCS examples and reports)	https://farmlandinfo.org/

Economic Impact Data

Tool/Strategy

Compiling and leveraging information about the contribution of agriculture to the local economy

Who Is Involved

Town or regional groups

Why It Matters

Farms serve as economic development engines for rural communities and often represent a sizeable portion of a community's or region's land base. It is important that economic development efforts consider farms' contribution to the local economy, as well as their associated land access, processing, distribution, and marketing needs.

A compilation of relevant data and information on the economic contribution of agriculture to a community or region can help illustrate the value of farms to the economy and build the economic case for supporting agriculture locally through farm-friendly ordinance development. It can also help encourage local, regional, and state economic development entities to pursue investments in needed agricultural infrastructure and support services.

Take Action

As first steps, **find out what economic data on local agriculture may already be available** and consider how this data can be used as a tool to identify trends and inform local planning and policy efforts. Information on the contribution of agriculture to the local economy could be gathered and presented through a standalone effort or as part of a broader local or regional economic development or planning initiative.

To start out, check with your town's relevant municipal departments and committees to determine if any surveys or studies related to farms and farmland (including Cost of Community Services Studies) have recently been administered through local, municipal, or regional efforts. Also check with your area's local economic development organizations, regional planning organizations, councils of government, or Soil and Water Conservation District, as well as agricultural commodity groups and statewide agricultural organizations, agencies, and service providers (e.g., University of Maine Cooperative Extension) to learn what data and research on the local agricultural economy may already exist. Information related to municipal taxes, such as current use tax program statistics and annual tax commitment books, can also help illustrate how much farmers and farmland owners are contributing to the municipal tax base. See the Resources list below for additional regional and national sources on the economic contributions and impacts of agriculture.

Towns can also add targeted questions to a community farm survey, such as whether the farm business employs people, if the farm is open to the public, what type of tourism-attracting activities they offer, and what other local businesses or services the farm makes purchases from or supports.

Example Strategies

City of Auburn

In 2018, the City of Auburn worked with a consultant as part of a policy and planning effort for the city's Agriculture and Resource Protection Zone. The consultant produced a report that assembles local, county, state, and national data on farmland and agriculture and also includes conclusions about the economic state of agriculture in the city.[12]

Town of Patten

The Town of Patten's 2017 Comprehensive Plan discusses several trends in farming in the area and their associated contributions to the local economy, including the need for a regional slaughter facility to open up markets for the region's beef producers and the positive impacts of Amish farmers purchasing underutilized farmland in the town.[13] The plan also discusses recommendations from a report by regional economic development agencies for ways to support the growth of small-scale and diversified agricultural operations in the three-county region of Aroostook, Piscataquis, and Washington counties.[14]

Resources

American Farmland Trust's Farmland Information Center (including AFT's 2016 report Cost of Community Services Studies)	https://farmlandinfo.org/ https://farmlandinfo.org/publications/cost-of-community-services-studies/
Farm Credit East's Northeast Economic Engine report	https://www.farmcrediteast.com/resources/Industry-Trends-and-Outlooks/Reports/2020-Northeast-Economic-Engine#2020economicengine
Maine Department of Agriculture, Conservation and Forestry's Maine Farm Data & Reports website (includes a compilation of Maine county profile data from the Census of Agriculture)	https://www.maine.gov/dacf/ard/resources/farm-data.shtml
USDA, National Agricultural Statistics Service, Census of Agriculture data for Maine, including some data available by zip code using the Quick Stats database	https://www.nass.usda.gov/AgCensus/ https://quickstats.nass.usda.gov/?agg_level_desc=ZIP%20CODE&year=2017

References for Part 3, Section 1

1 This case study was developed in part from input and information provided by Joe Gray (farmer and Natural Products & Agriculture Working Group member, City of Auburn) and Rosemary Mosher (former Data, Analytics, and Visualization Specialist, City of Auburn).

2 Auburn Agriculture Committee, "Auburn's Ag Zone Land Use Inventory," (Jan 20, 2022), available at: https://storymaps.arcgis.com/stories/4b6f2bfb15d247e3a370cb7abd9f9a26.

3 This case study was developed in part from input and information provided by Abby Sadauckas (former Maine Field Agent, Land for Good and Supporting Project Manager, Bowdoinham Community Development Initiative), Nicole Briand (Town Manager, Town of Bowdoinham) and Jennifer Curtis (Town Planner, Town of Bowdoinham).

4 Bowdoinham Community Development Initiative, "Farmland Inventory Project," available at: www.bcdimaine.org/farmland-inventory.

5 Winslow Agriculture Working Group, ***Cultivating Winslow's Agricultural Future***, (March 2014).

6 Town of Gorham Comprehensive Plan, p. 105, (Adopted 2016), www.gorham-me.org/planning-department/files/comprehensive-plan-2016.

7 Town of Clinton Comprehensive Plan, p. C-1, 4-1 · 4-8, and Tab 2 Subsection C (Agricultural Survey Rollup) (Adopted 2021), available at: www.clinton-me.us/compplan.

8 American Farmland Trust Farmland Information Center, ***Cost of Community Services Studies***, p. 1 (September 2016), available at: www.farmlandinfo.org/publications/cost-of-community-services-studies/.

9 This case study was developed in part from input and information provided by Philip Chester (Town Planner, Town of Lebanon, CT).

10 Lebanon Conservation and Agriculture Commission, 2021 Newsletter, (Fall 2021), available at: www.lebanonct.gov/sites/g/files/vyhlif4596/f/uploads/2021_newsletter_10-25-21_final.pdf.

11 Town of Lebanon, ***Fiscal Value of Land Use Cost of Community Services Study***, p. 13 (2019-2020).

12 Meter, K. & Goldenberg. M.P. "Auburn's Local Economy: Agriculture, Forestry, and Housing Data Book." Prepared for the Ad Hoc Committee, City of Auburn, Maine, by Crossroads Resource Center and New Growth Associates, (2018), available: https://www.auburnmaine.gov/pages/government/agriculture-and-natural-resource-economy.

13 Town of Patten 2017 Comprehensive Plan, Natural Resources, pages 143-145, available: www.maine.gov/dacf/municipalplanning/comp_plans/Patten_2017.pdf

14 Northern Maine Development Commission, Sunrise County Economic Council and Piscataquis County Economic Development Council, ***Improving Distribution Channels for Producers in the Great Region*** (2016), available: www.nmdc.org/wp-content/uploads/2023/05/RBDG-Ag-Final-Report-2016.pdf.

Part 3
Section 2

Promotion and Public Awareness

MAINE FARMLAND TRUST

Promotion and Public Awareness

An important part of supporting farms is increasing public awareness of local agriculture, creating opportunities for the public to interact positively with farmers, and supporting agriculture economically.

Promoting Local Farm Businesses

Tool/Strategy

Promoting local farms through events, educational materials, and signage

Who Is Involved

Town boards and committees, local organizations, and individuals

Why It Matters

Farms are often destination points within communities through farm stands, pick-your-own operations, Community Supported Agriculture (CSAs), on-farm events, as well as other direct marketing and agritourism activities. Communities that want to support farming can play a role in building consumer awareness about local farms, farmers, and products.

Take Action

Communities can help build consumer awareness about local farms by organizing events that promote farms and feature their products, promoting activities farms offer and where to buy local agricultural products, and ensuring that town policies allow for adequate and effective on- and off-site signage.

Local Events

- Look for opportunities to feature local farms at town events: invite farmers to sell products at local fairs and festivals, organize a farm float or tractor-cade for the local parade, or sponsor a tour of local farms.
- Organize a "meet your farmer" potluck, harvest supper, or social media campaign.
- Encourage town boards and committees to serve locally grown foods at their functions.
- Organize and advertise community events through Maine's statewide Open Farm Day.

Farm Product Guides and Other Promotional Materials

- Develop a brochure with a map that identifies local farm stands, pick-your-own farms, farmers' markets, and on-farm events and tourist attractions, along with their hours of operation and products.
- Provide information about local agriculture on the town website and include links to local farm websites.
- Prepare promotional materials such as videos about local farms that could be made available on the town's website, social media platforms, or local access channel.

Signage

- If your town has (or is considering) signage regulations, make sure the rules allow for the use of permanent, seasonal, and off-site directional signs for farms. Off-farm directional signs are especially important, since farms are often on less-traveled roads and may be difficult to find.
- Because agriculture is a seasonal business with advertising needs that vary as different crops become available, local rules should allow farms to display both permanent signs to advertise the business, and seasonal signs to advertise products when they are available.

Example Strategies:

Town of Bowdoinham

The Town of Bowdoinham created an online business directory to help potential customers find local products and services, including those being offered by local farms. The directory also features farm profiles.[15]

Town of Gorham

The Town of Gorham produced a promotional video in 2021 highlighting The Hop Yard – a local business that grows and processes hops on a farm in Gorham and then sells them to breweries throughout Maine. Local officials hope the video drives more people to explore agricultural business opportunities in Gorham.[16]

Resources:

The Maine Department of Agriculture, Conservation and Forestry promotes Maine farm products and experiences through its Real Maine program. Use the search tool to build an itinerary of local farm offerings.	https://www.realmaine.com/
Within the public right-of-way, Maine only allows Official Business Directional Signs (OBDS). To place such a sign, the applicant must apply to the Maine Department of Transportation for a permit.	

Photo by Greta Rybus

Agricultural Commissions

Tool/Strategy

Giving farmers a role in developing policies and programs that support agriculture

Who Is Involved

Select boards or councils, town boards and staff, and local farmers (for a local agricultural commission); regional entities and farmers (for a regional agricultural commission)

Why It Matters

Farmers have multiple interests in a community. They may be simultaneously business-people, taxpayers, land owners, land stewards, and people who are concerned about the overall well-being of their communities. Because their interests span the work of many different boards and committees, it is often difficult for farmers to be engaged in all the issues that might affect them.

A formal agricultural commission can ensure that the needs of agriculture are considered and integrated into various policies and initiatives. They can be created by a single town or by a regional entity, depending on their scope and purpose.

Take Action

Suggested steps in forming a local agricultural commission:

- **Hold a local forum with farmers and town officials.** This will provide an opportunity to discuss the possible formation of an agricultural commission and identify potential farmer volunteers.
- **Identify necessary steps at the municipal level to form a commission.** If there is adequate interest and support, request that the select board or council either establish a commission themselves or allow an article creating a commission to be considered at town meeting.
- **Develop a set of duties for the commission.** These might include:
  - Identifying issues of concern to farmers and ways in which the town can be supportive of local farm businesses;
  - Providing input to other town boards as they consider actions and ordinances that may affect farming;
  - Raising public awareness of the benefits of local farms and farmland;
  - Facilitating the resolution of farmer-neighbor conflicts;
  - Sponsoring town celebrations of agriculture (such as an annual harvest supper);
  - Hosting workshops for farmers about farmland preservation, generational transfer, estate planning, farm viability programs, and other issues of interest;
  - Supporting the town in developing comprehensive, open space, or climate action plans that reflect farm-friendly goals and implementation strategies;
  - Assisting in creating, promoting, or managing a municipal farmland leasing program; or
  - Spearheading an inventory of local farmland and other agricultural resources, including for the purposes of identifying farmland protection goals and opportunities to facilitate farmland access.

Photo by Sue Lanpher

- **Determine the size and make-up of the commission.** Most agricultural commissions have five to seven members who are either farmers or are involved in farm-related businesses. A commission may also include one or more designated seats for members of other town boards, such as the planning board, conservation commission, or economic development committee.

The suggested steps in forming a regional agricultural commission are similar, except the likely first step would be to reach out to an appropriate regional entity that can help convene and lead the process. The right entity may be a Regional Planning Commission or Council of Government, or another regional group that focuses on agricultural issues. A regional commission would also likely have more members.

Town Case Study

Town of Winslow Agricultural Commission[17]

In 2013, the Winslow Town Council appointed a group of interested residents, farmers, and municipal leaders to serve on a new Ad-Hoc Agriculture Working Group. This working group was motivated by a desire to identify and promote policy and planning strategies that would support local farms. With assistance from Maine Farmland Trust, the working group inventoried farming activities in Winslow, reviewed relevant components of town policy and planning documents, surveyed local farmers about their needs and priorities, and organized a public forum to discuss local agricultural trends and public programs that existed to support farms.

The working group then produced and submitted to the Town Council a report of recommendations for how the town could better support local farms, including the recommendation to create a formal agricultural commission that would be responsible for implementing many of the proposed strategies.[18] The Town Council approved the formation of the Winslow Agricultural Commission in 2014.

Agricultural Commission Structure and Initiatives

Winslow's Agricultural Commission acts as an advisory board to the Town Council on matters related to agriculture. The commission is guided by a charter which outlines the group's purpose, procedures, structure and responsibilities. The charter stipulates that the commission's five to seven members should include active and retired farmers, a member of the Winslow Planning Board, and residents with knowledge of forest management.[19] The commission also includes non-voting representatives and municipal liaisons from the Parks and Recreation Department, the Assessor's Office, and the Town Manager's Office.

Since its formation, Winslow's Agricultural Commission has implemented several of the strategies proposed in its 2014 report to the Town Council, including the establishment of Maine's first Voluntary Municipal Farm Support Program (VMFSP) (see Part 3, Page 40). The Commission also manages the Town Forest, helped to create land use ordinance standards for domesticated chickens, and installed "Farm Friendly Community" signs at the entrance of town.

Photo by Abby Farnham

Future Considerations

Looking ahead, members of Winslow's Agricultural Commission hope to be involved in other town planning processes, such as comprehensive plan updates, and to collaborate more with the Planning Board on strategies to protect important farmland soils. Currently, the VMFSP is the primary tool the Agricultural Commission uses to support this goal, and Commission members would like to engage in more outreach efforts to famers to grow participation in that program. The Commission also wants to explore how they can support another priority area identified in the 2014 report, which is the agricultural infrastructure needs of local farmers.

Lessons Learned

According to Commission members, the 2014 report acted as a valuable tool for generating support from the Town Council and has continued to guide the Commission in prioritizing projects. The Commission's work to develop the state's first VMFSP was a significant undertaking that benefited greatly from the time and attention of a designated and committed group of people. The municipal liaison roles also provide important continuity and coordination between the Agricultural Commission and relevant areas of town government.

Other Maine town agricultural commission examples:

- Auburn's Natural Products and Agriculture Working Group
- Eliot's Agriculture and Food Security Commission
- North Berwick's Conservation-Agriculture Commission

Resources:

American Farmland Trust's Farmland Information Center (for examples in other states)	https://farmlandinfo.org/
Maine Department of Agriculture, Conservation & Forestry (for guidance and assistance)	https://www.maine.gov/dacf/
Maine Farmland Trust (for guidance and assistance)	https://www.mainefarmlandtrust.org/
Massachusetts Association of Agricultural Commissions (for more examples)	https://www.massagcom.org/
Regional planning organizations and councils of government (for potential support with regional commissions)	https://www.maine.gov/dacf/municipalplanning/technical/regional_council.shtml

Photo by Greta Rybus

Connecting Farms & Schools

Tool/Strategy

Incorporating agriculture into local schools through curriculum, school gardens, or other projects; getting more local foods into school meal programs

Who Is Involved

Local school boards, school food service staff, parent-teacher organizations, agricultural commissions, or Granges

Why It Matters

Exposing children to farming and gardening at an early age helps increase awareness of the source and nutritional quality of the foods they eat and of the link between agriculture and the environment. Giving children a chance to observe and interact with farmers promotes an understanding of farming and can encourage interest in agriculture as a future vocation or avocation.

Take Action

Connections between farms and schools can be strengthened in many ways. Below are some ideas for how to build these connections within curriculum development and school meal programs.

Curriculum Development

- **Maine Agriculture in the Classroom** is a program that offers teacher resources and curriculum units that align with state and national learning standards. It also offers small grants (up to $2,000) for farm field trips and infusing agricultural concepts into pre-K-12 curricula.
- Many Maine schools have school gardens, which provide students with hands-on experience learning how to grow food. These are typically developed and maintained by proactive teachers, school staff, or community members. The Maine **School Garden Network** also offers resources like webinars, lesson plans, recipes, and grants to bring educational gardens to Maine's students.
- Consider a project where students identify and interview local farmers about their farm operations. The interviews and photographs could be featured at the town library or in the school newsletter.

School Meal Programs

After many years of effort, school meal programs are changing, thanks to the growing demand for local foods from parents and students and collaboration among school administrators, kitchen staff, farmers, and local health care providers. If your town already has momentum, consider what you can do to keep things moving. If your town has yet to source food from local or regional farms, consider how you can help make something happen.

- The state's **Local Foods Fund** matches $1 for every $3 spent on local foods (fruits, vegetables, value-added dairy, protein, or minimally processed foods) purchased from a farmer, farmers' co-op, food hub, or other local processor or distributor. Funding of up to $5,500 is available per school administrative unit annually.
- The Maine Department of Education's **Harvest of the Month campaign** promotes locally sourced food in schools by spotlighting a new Maine product each month that schools serve to students. Teachers also have the option to incorporate educational materials on the product in the classroom.
- **Maine Farm & Sea to School Network** offers a year-long professional development program for schools and school districts to create a culture of equity and wellness, improve food access, increase student leadership, and strengthen local food systems.

Photo by Chip Dillon

Example Strategies

Troy Howard Middle School, Regional School Unit (RSU) 71

The Troy Howard Middle School in Belfast uses its school garden and greenhouse as a living laboratory to teach students about agriculture's relationship with math, life science, art, social studies, and language arts. The program is self-supported through sales, grants, and volunteers, and each year students harvest over 1,500 pounds of produce, most of which is used in their own cafeteria.[20]

Maine School Administrative District (MSAD) 1

Aroostook County's MSAD 1 boasts a vibrant 38-acre school farm that employs up to 40 students from Presque Isle, Mapleton, Chapman, Castle Hill, and Westfield during peak harvest. Students engage with agriculture through horticulture and nursery work, selling their products at a market, processing crops into value-added food products, and raising fish as a part of an aquaculture course.[21]

Wolfe's Neck Center for Agriculture and the Environment (WNC) and RSU 5

WNC offers a six-week Farm Discovery School in partnership with RSU 5, the school district serving Freeport, Pownal, and Durham. The Farm Discovery School launched in 2020 and, after several iterations, evolved to give local elementary school students a weekly hands-on farming experience applicable to the lessons being taught in the classroom and in line with state curriculum standards.[22]

Resources

FoodCorps (a national nonprofit organization that works with students and teachers to establish food- and nutrition-related programs)	https://foodcorps.org/
Full Plates Full Potential (a nonprofit organization focused on ending childhood hunger in Maine that supports local food procurement programs at school districts across the state)	https://fullplates.org/
Maine Agriculture in the Classroom	https://maine.agclassroom.org/
Maine Department of Education, Local Foods Fund	https://www.maine.gov/doe/schools/nutrition/programs/localfoods/producefund
Maine Farm & Sea to School Network	https://www.mainefarmtoschool.org/
Maine Farm to Institution	https://www.mainefarmtoinstitution.org/
Maine Harvest of the Month Program	https://www.maine.gov/doe/harvestofthemonth
Maine School Garden Network	https://msgn.org/
ReTreeUS (a nonprofit organization that has planted over 70 school and community orchards in Maine)	https://www.retree.us

Farmers' Markets

Tool/Strategy

Collaborating with, sustaining, or creating a local farmers' market

Who Is Involved

Town staff and committees

Why It Matters

Farmers' markets expand market opportunities for farmers while increasing community access to healthy, locally grown foods. Farmers' markets are also great venues for community socializing. They can help revitalize downtowns or village centers and increase business for nearby retailers. Towns can play an instrumental role by supporting a local farmers' market. Although not every town can or should have one, a successful market is possible anywhere there are willing farmers and a good customer base.

Take Action

Note: The general guidance below was developed with input from Jimmy Cesario-DeBiasi with the Maine Federation of Farmers' Markets

The success of a farmers' market depends on the demand for local farm products, the vendors, the quality and diversity of products those vendors sell, and how well the market is managed and promoted. The decision by a town to create a farmers' market is one that should be made thoughtfully. If there are established farmers' markets in nearby communities, consider how to avoid competing with them. This might mean holding the new market on alternate days or perhaps determining how the town can support existing farmers' markets rather than starting a new one. The Maine Federation of Farmers' Markets (MFFM) has found that successful farmers' markets in Maine are often organized, run, and founded by farmers themselves.

The location of the market is vitally important, and town officials' involvement is often key, because the ideal location may be town-owned property, including indoor venues for winter markets, which are becoming increasingly popular across the state. If that is the case, a town can provide a boost to the farmers' market by making a long-term commitment to host the market at that site. Knowing the market will be there over the long term will help build a base of loyal customers and vendors.

A town can also support a farmers' market in the following ways:

- **Review town rules that may affect the farmers' market and address any issues proactively.** This may include rules around signage, parking, and permitting, just to name a few.
- **Promote the market.** Use town newsletters, social media pages, banners, or websites to promote the farmers' market.
- **Partner with the farmers' market to increase accessibility for all community members.** A town could help raise funds or offer staff support for the market to be able to accept Electronic Benefit Transfer (EBT)/Supplemental Nutrition Assistance Program (SNAP) benefits. Towns can also explore ways to help the market participate in Maine Harvest Bucks, a nutrition incentive program that offers financial bonuses to shoppers using SNAP/EBT.

Example Strategies:

City of Augusta

For many years, the City of Augusta directly managed the local Farmers' Market at Mill Park. During that time, the city created local policies in support of the market, hired a staff member to help manage the market, and acted as the market's fiscal agent, which enabled the market to accept donations from MaineGeneral Medical Center and establish a low-income food access program.

In 2017, the city oversaw the transition of the market into a fully vendor-run operation, with a local nonprofit taking on the role of fiscal agent. The city continues to support the farmers' market by providing two year-round, seasonal venues, promoting it online and through social media, and putting out informational and directional signs on market day. The city views the market as a valuable community resource and an economic driver for other local businesses.[23]

City of Bangor

As part of a 2019 wellness initiative, the City of Bangor partnered with the Maine Federation of Farmers' Markets (MFFM) to increase access to local foods for the city's more than 500 employees. Funds were granted by the city's health insurer and, through MFFM's Bumper Crop program, employees were given gift vouchers to local farmers' markets.[24] The collaboration was successful in introducing city employees to local markets and attracting new shoppers to the markets.[25]

Town of Wayne

The Town of Wayne established a Farmers' Market Committee in 2015 to manage the Wayne Farmers' Market, which began in 2009 as a high school student project and is now organized by the town.[26] The committee's role is to promote local growers and connect community members with local farms and food.[27] Committee members also recruit vendors, take turns volunteering at the market, and solicit vendor feedback annually through surveys.

Resources

Maine Department of Agriculture, Conservation and Forestry's Real Maine farmers' market directory	https://www.realmaine.com/
Maine Farm Food Access Program (for resources to support farmers' markets in purchasing wireless EBT equipment)	https://www.maine.gov/dacf/ard/business_and_market_development/farm-food-access-program/index.shtml
Maine Federation of Farmers' Markets (for farmers' market directories, examples of market rules and by-laws, and information on programs that incentivize community members to shop at farmers' markets). A growing number of municipalities also participate in MFFM's Bumper Crop program.	https://mainefarmersmarkets.org/

Photo by Bridget Besaw

Minimizing Conflicts Between Farmers And Non-Farming Residents

Tool/Strategy

Using education, policy, outreach, and mediation to minimize conflicts between local farmers and non-farming residents

Who Is Involved

Select board or council, planning board, conservation or agricultural commissions, and town staff

Why It Matters

Conflicts between farmers and non-farmers—especially neighbors—can be costly to a farm business. Educating residents about agricultural practices and the state's "Right-to-Farm" law can help minimize these conflicts, and finding ways to mediate any conflicts that do arise can help avoid expensive legal battles.

Take Action

Communities that want to help minimize conflicts between farmers and non-farming neighbors might consider one or more of the following:

- Create a process for hearing and mediating disputes that arise between farmers and non-farming neighbors. Such a process could be developed or implemented by a town agricultural commission, select board, or council with input from other town boards.
- Put together an annual tour of local farms. Residents would learn directly from the farmers about their agricultural practices and why those practices are important to their business.
- Hold local agriculture and farmer appreciation events to educate the broader community about the many benefits farms create for the town.
- Hold a town forum at which both farmers and non-farmers can share their thoughts and concerns about farming in town. Use a facilitator to help residents find constructive ways to address concerns.
- Educate local residents about Maine's Right-to-Farm law.
- Enact a local right-to-farm ordinance that affirms the town's commitment to agriculture and identifies farming as an accepted and valued activity. Such an ordinance would:
    - Be modeled after the state's Right-to-Farm law, recognizing and citing the definitions used in that statute;
    - Document the importance of local farming;
    - Describe what may be perceived as nuisances and then clearly state that these are protected activities, provided best management practices are followed; and
    - Require a landowner selling property adjacent to an active farm provide the buyer with a notice disclosing the town's support for agriculture and the types of impacts that may be associated with farming.

Right-to-Farm Law

The Maine Agriculture Protection Act (commonly known as the "Right-to-Farm" law) states that a "farm, farm operation or agricultural composting operation may not be considered a public or private nuisance... if [it] is in compliance with applicable state and federal laws, rules and regulations and... conforms to best management practices, as determined by the commissioner."[28] The Maine Department of Agriculture, Conservation and Forestry (DACF) employs several Agricultural Compliance Officers who are tasked with supporting farmers in designing their operations in alignment with established best management practices, navigating conflicts with municipalities or non-farming neighbors, and providing guidance about the Right-to-Farm law and other relevant statutory protections for farmers and farm businesses. Though Agricultural Compliance Officers typically focus on resolving conflicts surrounding nutrient management and livestock operations, their services could be useful in a number of challenging situations.

Additionally, Maine DACF administers Maine's Farmland Registration program. This voluntary registration provides farmers with a layer of legal protection to "engage in common agricultural activities with minimal potential for causing harm to their neighbors" and to "minimize any health or other adverse impacts which common agricultural activities may have on the occupants of land adjacent to farmland."[29] In practice, enrolling eligible farmland in this program can serve to establish defensible setbacks from farmland property lines, preventing abutters from developing their land in a way that jeopardizes the integrity of the agricultural operation.

Photo by Emily Gherman-Lad

Example Strategies

Town of Hermon

Hermon's land use ordinance includes right-to-farm provisions in two zones that put the responsibility on new developers to implement a 100-foot-wide buffer wherever a new development and agricultural uses abut. The ordinance also requires residential developers to inform any potential new homeowners that the property abuts an agricultural use and that farmers have the right to engage in farm practices that may generate dust, odor, smoke, noise, and vibration.[30]

Resources

Maine Agriculture Protection Act, Maine Revised Statutes Title 7, § 151-161	
Maine Department of Agriculture, Conservation and Forestry Agricultural Compliance Program	https://www.maine.gov/dacf/php/ag_compliance/index.shtml
Maine Department of Agriculture, Conservation and Forestry Farmland Registration Program	https://www.maine.gov/dacf/ard/farmland_protection/farmland_registration.shtml
Maine Department of Agriculture, Conservation and Forestry's *Manual of Agricultural Best Management Practices*	
Maine Farmland Registration Act, Maine Revised Statutes Title 7, §51-59	
University of Maine Cooperative Extension's Maine Agricultural Mediation Program	https://extension.umaine.edu/agriculture/agricultural-mediation/

Photo by Yoon S. Byun

References for Part 3, Section 2

15 This example strategy was developed in part from input and information provided by Jenn Curtis (Director of Planning and Development, Town of Bowdoinham).

16 This example strategy was developed in part from input and information provided by Kevin Jensen (Economic Development Director, Town of Gorham).

17 This case study was developed in part from input and information provided by Sally Hardwood (member, Winslow Agricultural Commission), Erica LaCroix (Town Manager, Town of Winslow), Kate Newkirk (chair, Winslow Agricultural Commission).

18 Winslow Agriculture Working Group, ***Cultivating Winslow's Agricultural Future,*** (March 2014).

19 Town of Winslow, Article XVII, Agricultural Commission Charter (Adopted 5-12-2014 by Ord. No. 4-2014).

20 Troy Howard Middle School Garden Project website, available at: www.sites.google.com/rsu71.org/gardenproject.

21 MSAD #1 Educational Farm, available at: www.sad1.org/page/educational-farm.

22 This example strategy was developed in part from input and information provided by Molly Cooper (Education Programs Manager, Wolfe's Neck Center).

23 This example strategy was developed from input and information provided by Kelby Young (Market Manager, Mill Park Farmers' Market), Leif Erik Dahlin (former Director of Community Services, City of Augusta) and Earl Kingsbury (Director of Community Services, City of Augusta).

24 This example strategy was developed in part from information provided by Lori Bagley (Human Resources Manager, City of Bangor).

25 Maine Federation of Farmers' Markets, "Bumper Crop 2020 Partnership Report," available at: www.mainefarmersmarkets.org/bumpercrop/bumper-crop-in-action/.

26 This example strategy was developed in part from input and information provided by Theresa Kerchner (member, Farmers Market Committee, Town of Wayne) and Aaron Chrostowsky (Town Manager, Town of Wayne).

27 Town of Wayne, Selectboard Organizational and Directive Document for the Farmers' Market Committee, Accessed Oct. 27, 2022, available at: www.waynemaine.org/waynemainefarmersmarket.

28 Maine Revised Statutes Title 7, Chapter 6 § 151-161.

29 Maine Revised Statutes Title 7, Chapter 2-B, §51.

30 Town of Hermon, Maine Code of Ordinances. § 154.067 Agriculture, Animal Husbandry, Livestock, and Pets. (G) Right to farm, accessed Nov. 18, 2022.

Part 3
Section 3

Municipal Tax Programs

MAINE FARMLAND TRUST

Municipal Tax Programs

In many communities, the costs of property taxes for farmers with large land holdings can be so high as to force them to sell portions for development, or the costs may impact their profitability. Maine's tax laws include some special programs that can support the maintenance of open and working lands. These programs are not the only way towns can help address the challenge of property taxes for farms. Towns can also consider the impact of a permanent agricultural conservation easement on a farm's property taxes (Part 3, Page 108).

Current Use Taxation

Tool/Strategy

Minimizing local property taxes on farms and educating town officials and residents about the fiscal benefits of supporting farms and farmland through current use tax programs

Who Is Involved

Select boards, assessors, town committees

Why It Matters

Local taxes affect the profitability of all small businesses, including farms. Property taxes can be onerous for farmers who often own a significant amount of land, especially when that land is assessed at its potential use as developable land, rather than its current use as cropland, fields, or woods. Fortunately, three of Maine's current use tax programs (Farmland, Open Space, and Tree Growth) can help landowners reduce their property tax liability.

Occasionally there can be community resistance to landowners enrolling in current use tax programs, especially the Farmland and Open Space programs, as municipalities are not reimbursed for tax revenues lost due to the lower assessed values these programs provide. However, as various Cost of Community Services studies have shown, farms generally pay more in taxes than they receive in services, even when they are enrolled in a current use tax program. The loss of farms due to high taxation rates will likely drive up local taxes, as farms are often replaced with forms of development that use more services. Thus, it is generally in a community's best interests to encourage more farms to enroll in current use tax programs.

Additionally, if parcels are enrolled in a current use program and their assessed value is reduced, the total assessed value of the municipality is also reduced accordingly. With a lower assessed value, municipalities qualify for a greater share of state aid for education and municipal revenue sharing.[31]

Take Action

Towns can begin by educating assessors and other local officials about current use taxation programs and how they benefit not only participating landowners, but also the community as a whole. Staff at the Maine Department of Agriculture Conservation and Forestry (DACF) are available to introduce assessors and municipal staff to the current use tax programs or make referrals to Maine Revenue Services (MRS) if additional technical assistance is needed.

Towns can encourage farmland owners to enroll in one or more of Maine's current use tax programs by holding a local forum and inviting officials from MRS and Maine DACF to speak about the programs and their benefits. Towns can also mail a letter to all potentially eligible landowners to ensure they are aware of current use tax programs. Such a letter might describe:

- Why the town cares about maintaining natural and working landscapes
- A brief overview of each current use tax program
- Eligibility criteria
- Benefits to the landowner
- Which actions could trigger a penalty
- How to get more information
- Other farmland protection tools for farmers and farmland owners to be aware of, such as agricultural conservation easements

The MRS bulletins on current use tax programs provide additional details that might be helpful to include.

For some farmers, though, it may be most helpful to receive information about current use programs through one-on-one conversations with the local assessor or other town officials.

Assessors can help landowners comply with the annual April 1 filing deadline for the state tax programs by making the tax program bulletins and application forms available at the town office and on the town's website.

Towns may want to consider providing farmers with additional property tax support that goes beyond the savings from current use taxation programs. This can be done under a Voluntary Municipal Farm Support Program, which further lowers property taxes on farms that choose to protect their land and applies to both eligible farmland and farm buildings (see Part 3, Page 40).

Photo by Greta Rybus

Maine Current Use Tax Programs

The three Maine current use tax programs that are most likely to apply to farmers have slightly different eligibility requirements and will result in different levels of tax savings for landowners. The best fit for a farmland owner will depend on various factors specific to that owner's property and future plans. Some parcels may qualify for designation under multiple programs (a working farm could meet the eligibility threshold for Open Space classification, for example) and landowners are encouraged to consult with their local assessor to determine which program is the best fit for any particular property. A landowner may also place some land in one program and other land in another program (e.g., many farms also consist of woodland that may be eligible for Tree Growth), but a single parcel cannot be classified under multiple programs at the same time. A landowner may also move a piece of land from one program to another. However, if a landowner removes a parcel from the current use tax programs entirely, a penalty is assessed.

Any landowner with eligible land has the right to enroll in any of these programs. Applications are due to local tax assessors by April 1.

Farmland Program

The Farmland tax program can be a helpful way to reduce the property tax burden on working farmland. The landowner must have at least five contiguous acres, and the land must be used for agriculture or horticulture (although it can also include woodland or wasteland). The tract must generate at least $2,000 gross income from sales of agricultural products each year, including the value of commodities produced for consumption by the farm household. This income can be derived by the owner or by a lessee, so landowners may be able to realize tax benefits from this program by making otherwise unused and suitable farmland available for active agricultural production. Maine FarmLink is a helpful online resource for connecting interested farmland owners with farmers who are looking for land to lease. Enrolled land is assessed at its current use value, based on state guidelines for the value of farmland, with some discretion provided to assessors to account for soil suitability, location, and other relevant factors. The established value should not reflect road or shore frontage or potential uses of the land other than farming. If the landowner is not yet generating agricultural income, a provisional classification can be issued providing the owner meets the $2,000 threshold in the coming years. Landowners could consider submitting their Schedule F tax filing (or other equivalent documentation) to demonstrate sufficient agricultural income was generated on the property.

Photo by Chris Battaglia

Open Space Program

A landowner may enroll a parcel that is preserved or restricted in use and provides a public benefit, as determined by the local assessor. Examples of some of the factors that assessors should consider to determine whether the property provides a public benefit include:

- Scenic values;
- Recreation;
- Wildlife habitat;
- Likelihood that development of the land would impact the scenic, natural, or historic character of the area;
- Existence of a conservation easement that will permanently preserve the land in its natural, scenic, or open character; and
- Preservation of a resource that attracts tourism or commerce to the area, among other benefits.

See MRS Open Space Tax Law Bulletin # 21 for a longer list of factors. Only one factor, whether listed in Bulletin #21 or not, is needed to qualify.

Enrolled land is assessed at its value as open space using state guidelines. If an eligible property is preserved with a permanent easement, the tax reduction is generally 50 percent of the assessed value, and if public access is provided, the total tax reduction is generally 75 percent.

Tree Growth Program

A landowner must have at least 10 acres of forested land commercially harvested and must have a Forest Management and Harvest Plan. Enrolled land is assessed at a statewide rate for hardwood, softwood, and mixed wood stands. Unlike the Farmland and Open Space programs, the state reimburses municipalities for revenue lost as a result of Tree Growth Program enrollment.

Example Strategies

Maine Department of Agriculture, Conservation and Forestry

Through a number of local and regional forums, Maine DACF has educated local officials and landowners about current use taxation, especially the less understood Farmland and Open Space programs. As of 2021, over 347,000 acres of land (including farmland and farm woodland) were enrolled in the Farmland tax program.[32]

Town of Winslow

The Assessor for the Town of Winslow has held several workshops to educate property owners about current use tax programs and has found that one-on-one engagement can be an effective way of making landowners aware of current use programs and increasing participation.[33]

Town of Monmouth

In 2022, the Monmouth Conservation Commission mailed an informational letter to property owners of 10 or more acres to raise awareness of voluntary programs that financially incentivize the preservation of open space. The letter emphasized the importance of natural and working lands to the broader community and provided information on current use tax programs, Monmouth's Voluntary Municipal Farm Support Program, and permanent conservation easements with contact information for land trusts operating in the area.[34]

Resources

Maine Department of Agriculture, Conservation and Forestry (for guidance and informational support)	https://www.maine.gov/dacf/ard/farmland_protection/farmland_tax_law.shtml
Maine Revenue Services Bulletin #19 – Tree Growth Classification	
Maine Revenue Services Bulletin #20 – Farmland Tax Classification	
Maine Revenue Services Bulletin #21 – Open Space Classification	
Maine Revenue Services, Property Tax Division, Current Use Programs (for guidance and informational support)	https://www.maine.gov/revenue/taxes/tax-relief-credits-programs/property-tax-relief-programs/land-use-programs
Municipal tax assessors	

Voluntary Municipal Farm Support Program

Tool/Strategy

A local program that simultaneously lowers the property tax burden on farmers and protects farmland for at least 20 years

Who Is Involved

Select board, council, agricultural commission, or town committee crafting a local program, or Town Meeting or town council adopting the program and approving participants

Why It Matters

The Voluntary Municipal Farm Support Program (VMFSP) provides an additional tool for communities wishing to support farm viability and protect farmland. Under state guidelines, a community can adopt a local program that lowers property taxes on participating farms (beyond the reduction available through current use taxation), which may be critical for a local farm to remain in business. Farmers that receive these special tax breaks must place agricultural conservation easements on their land that remain in effect for at least 20 years. The effect of such easements is to boost the farms' profitability, while the community protects farmland without having to raise capital to purchase easements.

Take Action

Towns interested in establishing a municipal farm support program must:

1. Adopt eligibility requirements for qualifying farmland and farm buildings;
2. Develop a model easement; and
3. Determine the mechanism for making farm support arrangements and payments.

The amount of property tax relief is determined by the town. The town could choose to pay the entire tax bill of a farm participating in the program (either through deduction, reimbursement, or some other mechanism), but under no circumstances may the benefit to a taxpayer exceed the value of the easement on that particular property.

Once a local program is established, a farm can apply to the municipality to enroll. Every application must be approved by the town's legislative body.

The Maine Department of Agriculture, Conservation and Forestry can provide guidance to towns that are working to develop the program.

State rules require that:

- An eligible property must be comprised of at least five contiguous acres;
- The eligible property must produce one or more agricultural crops that generate a minimum annual gross income or fair market value of $2,000; and
- Eligible farm buildings must be used for the production or processing of agricultural crops.

Towns may elect to establish additional criteria. Towns are also given latitude to include additional land and buildings that are not specifically used to produce or process crops, as long as they are associated with the agricultural enterprise.

Town Case Study

Town of Winslow Voluntary Municipal Farm Support Program[35]

> *"One of the major concerns we had at the beginning was having farmland being converted to housing... So, we saw that we needed to have some controlled growth... and think about ways to support [farmers] so the property owner doesn't feel compelled to sell to a developer."*
>
> Mike Heavener,
> former Winslow Town Manager[36]

The Town of Winslow adopted a VMFSP in 2016, the first in the state.

After results of a community survey indicated an interest in property tax relief and farmland conservation among local farmers, Winslow's Agriculture Working Group—which later became a formal agricultural commission—took on the task of creating a VMFSP for the Town of Winslow.

Key Steps to Establishing Winslow's VMFSP

- Charging **a designated group,** the Winslow Agricultural Commission, with the responsibility of creating the program.
- Getting **support from the Town Council and community** by:
  - Organizing **public workshops** with Maine Farmland Trust and the Maine Department of Agriculture, Conservation and Forestry for community and council members to hear farmers' stories and learn about the fiscal benefits of maintaining farms.
  - Describing the purpose of the program as similar to **Tax Increment Financing** (a tool used by municipalities to support specified types of economic development with property tax revenues) in that the VMFSP would provide financial support to farm businesses by giving some tax revenue back to the farmer.
  - **Engaging the town assessor** to run scenarios of properties enrolled in the Farmland current use tax program and their associated buildings to find that the VMFSP program would not have a significant impact on other taxpayers.
  - Designing a **Decision Tree for Qualifying Land and Buildings,** based on soil type and agricultural use, to determine tax reimbursement recommendations for program applicants, which built confidence that the process would be formalized and measurable.
  - Ensuring **flexibility for the Town Council** to have final approval over how much property tax reimbursement to provide to program applicants.
- Working closely with **Maine DACF** to ensure the program was developed in line with state requirements.

Program Overview

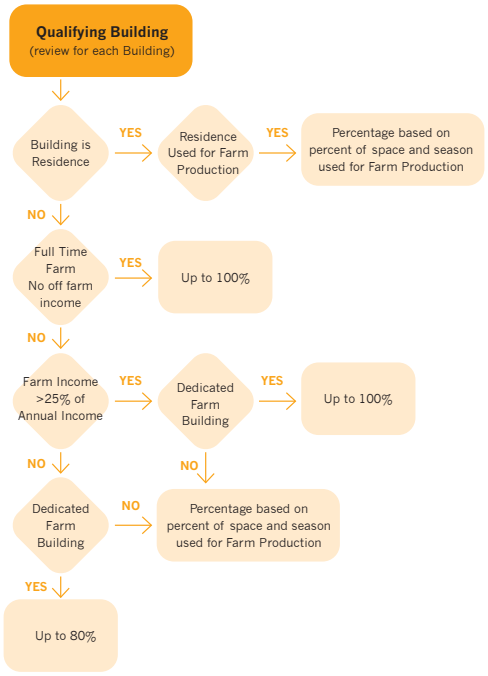
The primary goal of Winslow's VMFSP is to support agricultural infrastructure and production and to protect NRCS-classified farmland soils. The program enables the town to enter into a 20-year Farm Support Arrangement with qualifying landowners who, in exchange for granting an agricultural conservation easement to the town, receive up to 100 percent reimbursement of property tax paid on qualifying farmland and farm buildings.

Farmers apply to the program by October 1 of each year, which is important for accommodating the necessary application processing and Town Council approval steps ahead of the April tax filing deadline.

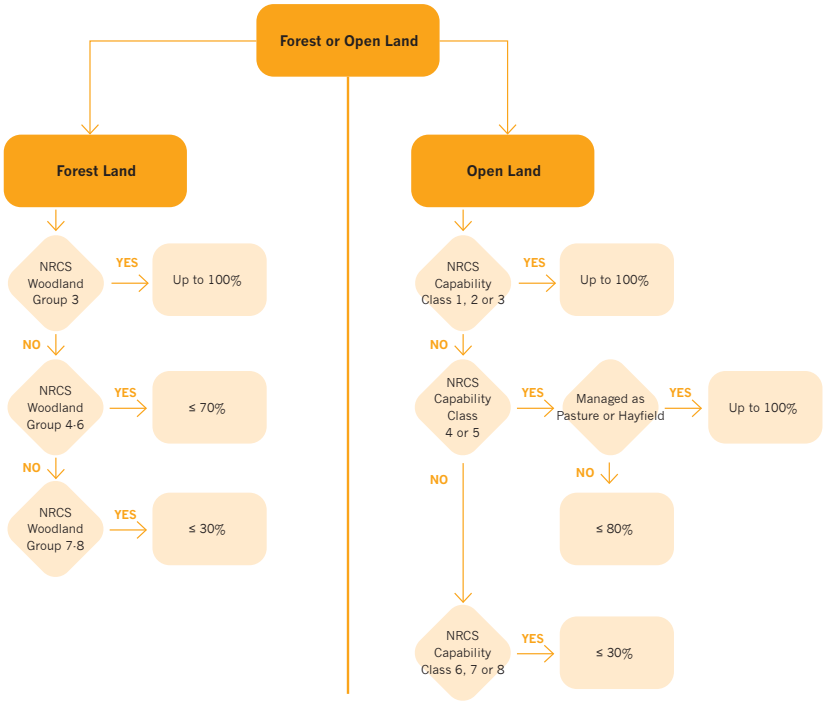
Decision Tree for Qualifying Land and Buildings

Winslow's Agricultural Commission makes a recommendation to the Town Council for the amount of tax reimbursement to provide to program applicants; however, the council has final authority to approve the recommendation, deny it, or request an alternative. To guide the reimbursement recommendation process, the Agricultural Commission created a **Decision Tree on Qualifying Land and Buildings,** which serves as a framework and contains formulas for calculating reimbursement rates that can be applied to each application. For example, the Decision Tree outlines that farmland containing certain NRCS-classified farmland soils is valued at a higher reimbursement rate, and farm buildings are eligible for more reimbursement if a certain percentage of the applicant's income comes from farming.[37]

Winslow VMFSP Decision Tree for Qualifying Buildings



Winslow VMFSP Decision Tree for Qualifying Land



Based on USDA NRCS Web Soil Survey website and the "Soil Survey of Kennebec County Maine" by USDA-SCS in cooperation with Maine Agricultural Experiment Station and Maine Soil and Water Conservation Service, August 1978.
Created by members of the Winslow Agricultural Commission for the Town of Winslow's VMFSP

Program Costs and Benefits

Two farms are currently enrolled in Winslow's VMFSP.

The town assessor estimates that (as of April 2022) if all of the eligible farm properties in Winslow enrolled and were granted a full reimbursement, the total tax reimbursed in one year would be approximately $38,800, which amounts to a $0.05 increase for every $100,000 in assessed value. For fiscal year 2023 the town budgeted approximately $7,500, about 0.04 percent of the town's total budget.

Hapworth Farm, a former dairy farm and diversified beef operation that now produces hay and firewood, has 90 acres enrolled in Winslow's VMFSP. Owner Wayne Hapworth is proud to be the first farmer to join the program.

> *"When the town came out with [the VMFSP], it made me feel they were... concerned that what I did was important."*[38]
>
> Wayne Hapworth, Hapworth Farm

Winslow officials view farmers feeling appreciated as a key benefit of the program.

The program also helps support the viability of Hapworth Farm.

"It puts that money right back into my checking account to run my operation... It's taken the pressure off," Wayne Hapworth said.[39]

Additional benefits that Winslow stakeholders associate with the program include:

- Protecting important farmland soils;
- Maintaining open space;
- Investing in local food security in the face of potential market and climate disruptions;
- Supporting viable local businesses;
- Helping farmers grow their operations and keep their land in farming; and
- Hopefully helping to attract the next generation of farmers.

Wayne Hapworth sees the VMFSP playing an important role in his farm's future:

"If we're going to sell this farm someday, [the VMFSP] would be a good point in the sale."[40]

Because enrollment is transferrable, the program could help with farm transfer and succession by making the purchase and continued ownership of the farm more accessible to an incoming farmer.

Challenges

Increasing farmer participation and outreach to farmers has remained a consistent challenge. The Winslow Agricultural Commission has held informational workshops and the town assessor spreads awareness through individual conversations with landowners and by distributing a brochure on tax relief programs. Members of the Agricultural Commission note that while personal outreach and one-on-one conversations are key, the program will not be the right fit for everyone.

Lessons Learned

Winslow Stakeholders' Tips for Other Towns

- **Designate a group of people,** ideally with municipal and agricultural connections, whose responsibility is to create the program (such as by forming an Agricultural Commission).
- **Design a program that fits the community's needs and context.** The program is flexible enough to meet a range of requirements that a town may determine are necessary or important. Towns could start off reimbursing a smaller percentage of property taxes and amend the program over time as comfort with the program grows and the community learns more about its fiscal impact.
- **Gather feedback from farmer participants** about the impact of the program and keep detailed records to educate the broader community, maintain buy-in from the town, and grow interest and participation among the farming community.
- **Take advantage of Winslow's VMFSP materials.** Other towns will need to make the program their own, but they could make the process significantly easier by using Winslow's experience and program materials as guidance.

Resources

Maine Department of Agriculture, Conservation and Forestry (for guidance and informational resources)	https://www.maine.gov/dacf/
Maine Farmland Trust (for technical assistance and outreach)	https://www.mainefarmlandtrust.org/
Monmouth's Voluntary Municipal Farm Support Program	https://monmouthmaine.gov/index.asp?SEC=8D406595-C7AF-4E90-9568-A5B2BC53914A
State rules provide additional information about program requirements	https://www.maine.gov/dacf/ard/farmland_protection/voluntary_municipal_farm_support.shtml
Winslow's Voluntary Municipal Farm Support Program	https://www.winslow-me.gov/departments/assessor/voluntary_municipal_farm_support_program.php

References for Part 3, Section 3

31 30-A MRSA Ch. 223-2 Sec 5681 (4-B).

32 Maine Revenue Services, "2021 Municipal Valuation Return Statistical Summary Report," available at: www.maine.gov/revenue/taxes/property-tax/municipal-services/valuation-return-statistical-summary

33 This example strategy was developed in part from input and information provided by Judy Mathiau (Assessor for the Town of Winslow).

34 This example strategy was developed in part from input and information provided by Andy Smith (member, Monmouth Conservation Commission) and Donna Hays (Assessing Agent, Town of Monmouth).

35 This case study was developed in part from input and information provided by Kate Newkirk (chair, Winslow Agricultural Commission); Sally Hardwood (member, Winslow Agricultural Commission); Mike Heavener (former Winslow Town Manager); Judy Mathiau (Winslow Town Assessor); Erica LaCroix (Winslow Town Manager); Wayne Hapworth (owner, Hapworth Farm in Winslow).

36 Mike Heavener, former Winslow Town Manager, interview April 14, 2022.

37 Winslow Voluntary Municipal Farm Support Program Description, Pursuant to Winslow Ordinance No. 3-2016 adopted May 9, 2016.

38 Wayne Hapworth, Hapworth Farm, interview May 20, 2022.

39 Wayne Hapworth, Hapworth Farm, interview May 20, 2022.

40 Wayne Hapworth, Hapworth Farm, interview May 20, 2022.

Part 3
Section 4

Municipal Planning

MAINE FARMLAND TRUST

Photo by Sue Lanpher

Different planning tools and processes are applicable to different municipalities. Towns can consider how the planning initiatives below apply to their situation and to achieving their farmland conservation and farm support goals.

Mitchell Center's Equity Framework

The Equity Framework provided by the University of Maine Mitchell Center in their 2020 report for the Maine Climate Council can serve as an important and useful guide for towns that are engaging in local planning processes.[41] This framework was designed for assessing climate mitigation and adaptation strategies in the context of equity, but it can also be applied to community goals and strategies related to farmland protection, farmland access, and farm business support. In developing local planning strategies, this framework encourages consideration of:

- **Social impacts,** including changes in wealth, health, or accessibility that could result from a given strategy;
- **Vulnerable populations,** including potential impacts on low-income community members, people who are Black, Indigenous and other people of color, and other groups who experience financial, social, demographic, or geographic vulnerabilities; and
- **Participation and inclusion,** including ensuring that vulnerable stakeholder groups who are impacted by a given strategy are meaningfully engaged in the process, implementation, and ongoing assessment of the strategy.

Comprehensive Plans

Tool/Strategy

Supporting local farms and farming through the town's comprehensive plan

Who Is Involved

Comprehensive plan committee, select board or town council, town staff

Why It Matters

Comprehensive plans describe a town's vision for the future, set policies and goals, and establish short- and long-term implementation strategies. Because the comprehensive plan is the document to which all town ordinances are referenced and legally tied, it should make strong, supportive statements about farms and farming.

The comprehensive plan can capture the full range of benefits that farms bring to a community, identify specific steps to address the needs of local farms and farmers, and serve as a catalyst for sustaining local agriculture.

Take Action

General guidelines for developing comprehensive plans that support local agriculture:

Reference agriculture throughout the comprehensive plan. Farming and farmland are vital to many aspects of communities. When updating, revising, or preparing a comprehensive plan, make sure that each chapter (or component) includes agricultural considerations, where appropriate. For example, address agriculture in the chapters that deal with soils, flooding, wildlife habitat, the economy, existing and future land use, climate change, and scenic resources.

In the comprehensive plan's "Agriculture" section, establish the issues (needs, threats, and opportunities) relating to agriculture. This can be done by inventorying farms and farmland, seeking out input directly from farmers by engaging the agricultural commission (if one exists), administering a farm survey, holding farmer forums, and/or conducting other forms of targeted farmer outreach (see Part 3, Page 3). Consider these guiding questions during the inventory and analysis phase of the comprehensive plan process:

- Is agriculture economically viable in the community? If not, why not?
- Do farmers need more access to land to sustain or grow their operations?
- Is farmland being lost to non-agricultural uses?
- Does the local land use ordinance create barriers to farming?

- Are farmers concerned about encroaching development and non-farming neighbors?
- Are farmers experiencing impacts from climate change? If so, what types of resources or assistance would help farmers make their farm more resilient to these impacts?
- Is the town proactively welcoming and supporting farmers from historically underserved communities and diverse backgrounds? If not, what changes would help?
- Are there programs in place to protect farmland that local farmers consider important to their operations?
- Do the community's existing local ordinances recognize farmland as a critical resource in the development review process? Are there measures in place to direct new development into growth areas and away from active farms and important farmland soils?
- Are farmers enrolled in state and federal programs, such as the current use property tax programs? If not, why not?
- Are there transportation corridors that are important to the agricultural community?
- Are there businesses or support services in town for the farming community?

Ideally, the comprehensive plan will establish specific needs, threats and opportunities related to local agriculture, but if needed, broader policy goals and implementation strategies could be included that identify the need for these or other questions to be addressed and specify steps for how this will be done. Comprehensive plan committees should also consider whether any other recent planning initiatives may have already gathered some of this information.

Include policy goals and implementation strategies that address the full range of farm business and land use needs. For instance:

- **Ensure local ordinances protect agricultural resources.** Ordinances should recognize farmland as a critical resource in the development review process and include measures to direct new development into growth areas and away from active farms and important farmland soils.
- **Avoid including soils of statewide importance, prime farmland soils, or contiguous areas of active farms when defining the town's growth area.** It is possible for new development to locate on other soils, but most farms cannot locate elsewhere. If the best agricultural soils are lost to non-agricultural uses, farming will be permanently diminished. Moreover, fragmentation of the agricultural land base limits the production and marketing options for an area's remaining working farms.
- **Task the planning board with evaluating the town's existing ordinances.** This evaluation should include recommended changes to help support the viability of farm operations, encourage compact development, and drive new development to designated growth areas.
- **Recommend that agriculture be integrated into the community's economic development strategy.** As part of that recommendation, include ways the town might assist farmers with marketing, developing community-scale infrastructure, or addressing labor shortages.
- **Promote existing working lands conservation tax incentive programs.** Maine's current use property tax programs and the Voluntary Municipal Farm Support Program lower tax burdens and help maintain working landscapes.
- **Set a community goal for farmland protection and identify mechanisms to help pay for it.** Consider proposing a local bond to pay for the purchase of agricultural conservation easements. Evaluate the pros and cons of special development fees as a way to steer development to growth areas and as another source of funding for purchasing easements.

Photo by Greta Rybus

- **Explore regional partnerships and initiatives.** Partnerships with neighboring towns, local and regional land trusts, and economic development entities could help achieve shared farmland protection and agricultural economic development goals.
- **Investigate the formation of an agricultural commission.** Find out whether local farmers support the formation of an agricultural commission comprised of community members active in local farming to provide guidance on policies and initiatives that impact agriculture.
- **Consider opportunities within the comprehensive planning process to integrate goals that advance diversity, equity, and inclusion (DEI).** Committing to broader community DEI goals is a step towards identifying and understanding barriers that different farmer groups face in meeting their land stewardship, food production, and/or farm business goals. Such a commitment is also a step towards addressing the disparities that limit historically underserved farmers' access to opportunities and resources. Also consider specific goals and strategies designed to better engage with local farmers and understand their needs so that targeted policies and procedures can be established that support those needs.

Town Case Study

Town of Gorham Comprehensive Plan[42]

The Town of Gorham's 2016 Comprehensive Plan describes Gorham as having abundant prime farmland soils and soils of statewide importance, although much of these important soils have been lost to subdivision development. In 2014, the town had at least 22 active farms producing hay, vegetables, fruit, livestock, and hops.[43] The comprehensive plan was prepared under the guidance of the Gorham Town Council with support from a Comprehensive Plan Review Committee (which included local farmers). The town planner, town manager, town clerk, zoning administrator, and Maine Farmland Trust also provided assistance.

Local farming trends were identified through farmer interviews and surveys, current use tax data, aerial photography, and statewide economic and soils data.

Comprehensive Plan Overview

Through the comprehensive planning process, town officials learned that many local farmers have either retired or are approaching retirement, and many would be interested in conserving their farmland if financial incentives were available. The town also discovered that there was little local data on agriculture's economic impact and that the town could be doing more to promote the growth of farm businesses through its land use ordinance.

Spotlight Goals and Strategies from Gorham's Comprehensive Plan[44]

Plan Goal: Safeguard lands identified as prime farmland.

- Plan Strategy: Adopt a process for spending density transfer funds to protect open space and include farmland as a priority.

Plan Goal: Support farming and forestry and encourage their economic viability.

- Plan Strategy: Amend the Land Use Code to better support farming by removing unreasonably burdensome ordinance language and permitting processes for farm operations, including provisions related to setbacks, signage, commercial sale of products grown, and required parking for farm stands.
- Plan Strategy: Approach the University of Southern Maine Muskie School to partner on an inventory of farming activities and an economic impact analysis to better understand the impact farming has on the local economy.

Plan Implementation

Motivated by increasing development pressure, Gorham has made progress in implementing a number of these strategies. After adopting its comprehensive plan, the town amended its land use ordinance to allow the construction of farm stands through a building permit as opposed to the lengthier review process. In 2017, the town also approved a spending policy for density transfer funds that favors farmland with prime soils and high development potential. Lastly, in 2022, Gorham added agritourism as a defined use in its land use ordinance, and identified various agritourism activities that are permitted by right for active farms.

Lessons Learned

Gorham recommends partnering with outside organizations to help bridge communication between farmers and municipal staff. Gorham municipal officials felt that the outside support from Maine Farmland Trust helped the town quickly gather information that could then be used to draft effective and meaningful policy goals.

Example Strategies

Town of Durham

The Town of Durham is centrally located among a number of southern Maine's most populated communities. The town's 2018 Comprehensive Plan describes Durham as having abundant prime farmland soils with some working farms that contribute to the town's rural character by keeping land in production and preserving open space.[45] Increasing development pressure coupled with strong community support for the protection of farmland motivated the town to include several goals and strategies aimed at promoting and preserving agriculture in its 2018 comprehensive plan.[46]

Spotlight Goals and Strategies from Durham's Comprehensive Plan[47]

Plan Goal: Support farming and forestry and encourage their economic viability.

- Plan Strategy: Form a Farming and Forestry Advisory Board to guide town policies in a farm- and forestry-friendly way.
- Plan Strategy: Review all town ordinances to ensure they do not overly restrict activities that support small farm and woodlot operations.

Plan Goal: Consider farming and its infrastructure an untapped part of the town's economic base and encourage agriculture as a form of economic development.

- Plan Strategy: Add provisions in ordinances that accommodate the needs of emerging small-scale agriculture, such as roadside stands, greenhouses, and pick-your-own operations.
- Plan Strategy: Consider allowing on-farm processing, agritourism, and retail sales of products by right provided best practices for soil and watershed protection are followed.
- Plan Strategy: Support the growth of an organic farm cluster to enhance local and regional agricultural opportunities.
- Plan Strategy: Incorporate commercial agriculture into the town's commercial development efforts through planning for financial incentives such as tax credits and business promotion.

Plan Goal: Protect agricultural and forestry industries from incompatible development.

- Plan Strategy: Consider mandatory clustering with permanent open space when property is developed to preserve critical rural agricultural land for commercial agriculture.

Town of Easton

Easton is a small agricultural community in Aroostook County that, as of writing, does not have an established land use ordinance. While most of the farmland in Easton is part of large farm properties that primarily produce potatoes, the town's growing Amish community has led to an increase in smaller, more diverse agricultural operations in recent years. The critical role agriculture plays in the community led the Town of Easton to weave agricultural strategies into numerous sections of its 2016 comprehensive plan.[48]

Spotlight Strategies from Easton's Comprehensive Plan[49]

Plan Section: Transportation

- Plan Strategy: Add additional "Share the Road" signage near Amish farms, community centers, and businesses.

Plan Section: Local Economy

- Plan Strategy: Evaluate the interest of local farmers in the development of a packing/shipping and grain milling facility.

Plan Section: Future Land Use Plan

- Plan Strategy: Market underutilized farmland that qualifies as organic to interested farmers.
- Plan Strategy: Develop a land use ordinance that includes a "Farm and Residential District" that maintains natural resource-based land uses, with the highest priority being the reservation of large tracts of forest and agricultural land and sensitive natural resources.

Other Maine towns with comprehensive plans that have strong agricultural goals and strategies:

- Auburn (updated in 2021)
- Brooksville (2021)
- Dover-Foxcroft (2016)
- Starks (2012)

Photo by Jenny McNulty

Resources

GrowSmart Maine (for planning support and the Planning for Ag Toolbox)	https://growsmartmaine.org/anchoring-agriculture-in-the-comprehensive-plan/
Maine Farmland Trust (for assistance on agricultural components of comp plans)	
Maine's Growth Management Act (Title 30-A, Chapter 187) Maine Land Use Planning Commission (LUPC), also within the Bureau of Resource Information and Land Use Planning, is the planning and zoning authority for the unorganized and de-organized areas of the state. See their website for information on the Comprehensive Land Use Plan, laws and rules, and contacts for the entire LUPC service area.	https://www.maine.gov/dacf/lupc/index.shtml
Municipal Climate Adaptation Guidance Series: Comprehensive Planning," a tool municipalities can use to incorporate climate-related considerations into the agricultural components of their comprehensive plans (see page 11 for agriculture), developed collaboratively by the Municipal Planning Assistance Program of the Maine Department of Agriculture Conservation and Forestry, and several regional planning organizations.	https://www.maine.gov/dacf/municipalplanning/docs/CAGS_06_Comprehensive_Planning.pdf
Municipal Planning Assistance Program (MPAP), located with in Maine DACF's Bureau of Resource Information and Land Use Planning (for comprehensive plan information, resources, technical assistance, and the guide "Comprehensive Planning: A Manual for Maine Communities")	https://www.maine.gov/dacf/municipalplanning/comp_plans/index.shtml https://www.maine.gov/dacf/municipalplanning/docs/2005manual_lowres.pdf
Regional planning organizations or councils of governments (for planning assistance)	https://www.maine.gov/dacf/municipalplanning/technical/regional_council.shtml

Open Space Plans

Tool/Strategy

Incorporating farmland protection and access into open space plans

Who Is Involved

Conservation or open space commissions preparing municipal plans, towns and groups collaborating on regional plans

Why It Matters

Open space plans offer the opportunity to highlight the importance of land for agricultural uses in addition to habitat protection and recreation. An open space plan can identify threats to farmland and lay the groundwork for implementing proactive policies and strategies for retaining farms and farmland and creating or facilitating opportunities for farmland access.

Take Action

General guidelines for developing open space plans that support local agriculture:

- **Involve agricultural stakeholders and conservation organizations in the planning process.** This could include farmers, local and regional land trusts, and other community organizations that are facilitating farmland protection and access projects. Consider creating an agricultural commission, if one is not already established, to help with the plan.
- **Distinguish working agricultural and forest lands from other types of open space.** Describe the economic, environmental, climate-resilience, and community food security benefits that working lands create for communities.
- **Inventory active agricultural land, high-value farm soils, and suitable land not currently being used for farming.** Include prime farmland and soils of statewide and potentially local importance. Ask farmers to identify farmland they consider important to their farm operations. Develop a map that shows the community's most important farmland resources. Identifying suitable farmland not currently used for production can help expand access to farmland and facilitate new farming opportunities.
- **Outline clear goals, strategies, and implementation steps.** The goal is to have an open space plan that is consistent with the broad goals of the community's comprehensive plan. Open space plans are often prepared to implement policies in a comprehensive plan and offer the opportunity to "dig in" and identify detailed strategies to protect farmland, promote farmland access, and facilitate the transition of farmland from one generation to the next.
- **Promote existing working lands conservation tax incentive programs.** This could include current use tax programs and, if your community has adopted a program, the Voluntary Municipal Farm Support Program.
- **Consider a regional open space plan.** Regional plans often make sense because natural resources are not restricted by town borders. Similarly, farms can be clustered regionally and the land base on which these operations rely may support a web of interconnected agricultural businesses and resources across multiple communities. Such a plan might also attract more financial resources. A regional open space plan can involve considerable work, given the need to coordinate with multiple towns and to engage other appropriate regional partners (such as the regional planning organization, council of government, and local and regional land trusts). Moreover, it is important to develop implementation strategies that are appropriate for all partners.

Example Strategy

Town of Bar Harbor

Bar Harbor's Open Space Plan—first published in 2014 and updated in 2020—includes a chapter on working lands that considers soils, property and acreage data, and the community's agricultural history.

Spotlight Goals and Strategies from Bar Harbor's Open Space Plan:[50]

Plan Goal: Protect undeveloped important farm soils to ensure the availability of local foods now and in the future.

- Plan Strategy: Connect new and current farmers with MFT's FarmLink program.

Plan Goal: Support local farming through local tax, economic development, and zoning policies.

- Plan Strategy: Facilitate the formation of an agricultural commission to propose ordinance changes that would make farming easier, as well as potentially help address the barriers related to temporary housing for farm workers and identify and evaluate large parcels of undeveloped farmland that may be able to be farmed in the future.
- Plan Strategy: Explore adoption of the Voluntary Municipal Farm Support Program to provide additional tax relief to farmers.
- Plan Strategy: Explore incentives that encourage the purchase of locally grown products for municipal programs and by local institutions.
- Plan Strategy: Review the Land Use Ordinance and follow agricultural strategies outlined in the Comprehensive Plan to optimize agricultural use in designated rural areas and prioritize planned development to limit the development footprint on prime agricultural soils.

Other Maine towns with open space plans that incorporate agricultural goals and strategies:

- Biddeford (2012)
- Eliot (2010)
- Falmouth (2018)
- Holden (2010)
- Readfield (2006)
- Windham (2021)
- Yarmouth (2019)

Resources

Beginning with Habitat website (for mapping and other resources for open space planning)	https://www.maine.gov/ifw/fish-wildlife/wildlife/beginning-with-habitat/index.html
Maine Farmland Trust (for municipal technical assistance)	
Municipal Planning Assistance Program (MPAP), located within the Bureau of Resource Information and Land Use Planning (for information on the natural resources located within a community that is provided as part of the comprehensive plan process. This information packet is publicly available from the Bureau's website.) Regional planning organizations or councils of governments (for planning assistance)	https://www.maine.gov/dacf/municipalplanning/comp_plans/planning_data.shtml https://www.maine.gov/dacf/municipalplanning/technical/regional_council.shtml

Other Community Planning Initiatives

Tool/Strategy

Supporting local farms and farming through other types of community planning initiatives

Who Is Involved

Local boards and committees, town staff, and local or regional organizations collaborating on various community planning projects

Why It Matters

Just as agriculture creates benefits for communities in numerous ways, towns should consider the range of community planning initiatives that could support farm viability and farmland protection. Agricultural goals and strategies can align with and strengthen goals and strategies related to food security, climate action, and broadband expansion plans, to name a few. Incorporating agricultural considerations into a wide variety of local planning initiatives can help to establish multifaceted support for farms.

Take Action

Consider what planning opportunities might exist in your community to support local agriculture. Here are some considerations and ideas for incorporating agricultural goals and strategies into different types of community planning initiatives:

Climate Action Plans

Climate resilience and action plans, and resources to support this type of planning, are becoming increasingly popular in towns across Maine. The state's Community Resilience Partnership provides municipalities and tribal communities with Community Action Grants to support projects and planning initiatives that will help communities become more resilient to the impacts of climate change.

To support farmland protection and farm viability goals through municipal climate action planning, towns could consider local mitigation and adaptation activities that are eligible for no-match Community Action Grants and align with relevant strategies from the state's climate action plan Maine Won't Wait. These strategies include:[51]

- Strategy D: Grow Maine's Clean Energy Economy: Protect Our Natural Resource Industries
    - D1: Adopt policies that enable, support, or incentivize local food production and consumption, including community gardens.

- Strategy E: Protect Maine's Environment and Working Lands and Waters: Promote Natural Climate Solutions and Increase Carbon Sequestration
    - E2: Incorporate a goal into conservation plans of conserving 30 percent of land in the community by 2030 (including undeveloped town property), with a priority on addressing conservation gaps related to high biodiversity areas, undeveloped blocks, and land and water connectivity.

Broadband Expansion Plans

The lack of access to affordable, reliable internet service in Maine can prevent farmers from being able to grow and diversify their businesses by diminishing sales and market opportunities, causing delays in obtaining needed supplies, and hindering access to needed research. Towns and regional groups that are developing broadband expansion plans can look for ways to incorporate the perspective and needs of local farm businesses into the planning process, such as by circulating relevant community surveys to local and regional food and farming organizations and ensuring representation by the agricultural community on broadband planning committees.

Other examples of community planning initiatives in Maine that support local agriculture:

- Biddeford Community Action Plan (2018)
- Gray Community Agriculture Plan (2021)
- Local Foods, Local Places Action Plan for Lewiston-Auburn (2019)
- Portland Community Agriculture Plan (2021)

Example Strategy

Town of Cumberland's Climate Action Plan

The Town of Cumberland's 2021 Phase I Climate Action Plan was developed by a subcommittee of the town's Land and Conservation Commission, which surveyed residents to determine actions the town should consider to lower greenhouse gas emissions and mitigate the impacts of climate change.

The sustainability objective ranked highest by survey respondents was to develop a robust and sustainable food economy and increase the availability of local food with the help of local farms. As a result, Cumberland's Climate Action Plan includes recommendations for the town to enter into low-cost leases with aspiring farmers on town-owned land as well as to support the re-establishment of a community garden where residents can grow produce.[52]

Resources

Cumberland County Soil and Water Conservation District's Community Agriculture Plan toolkit	https://www.cumberlandswcd.org/documents-1/cap
Maine Broadband Coalition (for information on funding opportunities, broadband expansion planning, and examples of community initiatives across the state)	https://www.mainebroadbandcoalition.org/
"Maine Community Resilience Workbook: A framework and how to guide for climate change assessment, collective climate action, and achieving community resilience outcomes (2023 Edition)"	https://extension.umaine.edu/climatesolutions/maine-community-resilience-workbook/
Maine Connectivity Authority (for grants, resources, and programs that support broadband expansion projects and digital equity initiatives in Maine)	https://www.maineconnectivity.org/
State of Maine's Community Resilience Partnership (for grants, service providers and direct support on community resilience and climate action planning)	https://www.maine.gov/future/climate/community-resilience-partnership
United States Environmental Protection Agency's Locals Food, Local Places program (for technical assistance to support community-driven efforts like preserving farmland, boosting economic opportunities for local farmers, and improving access to healthy local food)	https://www.epa.gov/smartgrowth/local-foods-local-places
University of Maine Mitchell Center for Sustainability Solutions' report: "Assessing the Potential Equity Outcomes of Maine's Climate Action Plan: Framework, Analysis and Recommendations"	https://umaine.edu/mitchellcenter/resource/assessing-the-potential-equity-outcomes-of-maines-climate-action-plan-framework-analysis-and-recommendations/

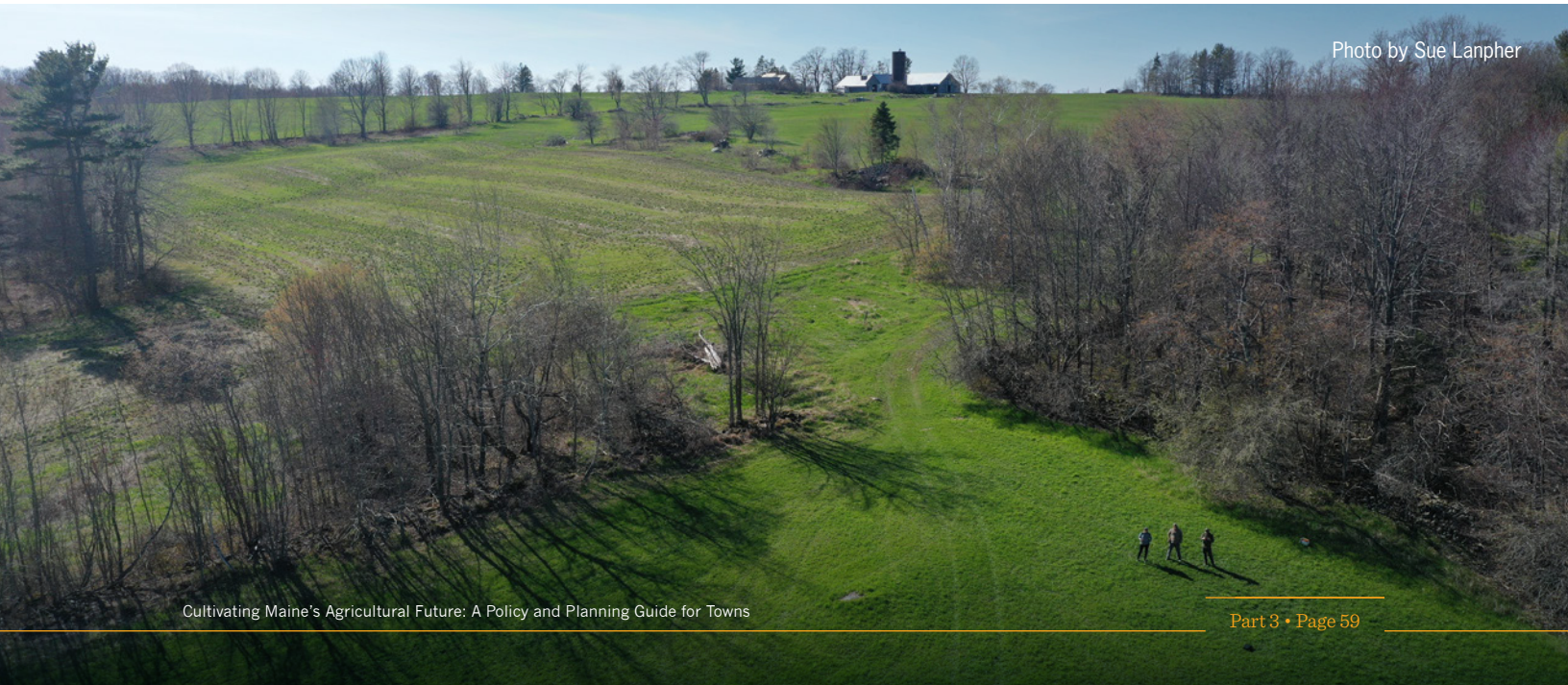


Photo by Sue Lanpher

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41 University of Maine Senator George J. Mitchell Center for Sustainability Solutions, ***Assessing the Potential Equity Outcomes of Maine's Climate Action Plan: Framework, Analysis and Recommendations***, Report to the Maine Climate Council, p. 5-6 (Sept 2020), available at: www.umaine.edu/mitchellcenter/road-to-solutions/enhancing-equity-outcomes-for-the-maine-climate-council/.

42 This case study was developed in part from input and information provided by Thomas Poirier (Director of Community Development, Town of Gorham) and Carolyn Eyerman (Town Planner, Town of Gorham).

43 Town of Gorham Comprehensive Plan, p. 107 (Adopted Sept. 6, 2016, Last amended March 2, 2021), available at: www.gorham-me.org/planning-department/files/comprehensive-plan-2016.

44 Town of Gorham Comprehensive Plan, p. 42-43 (Adopted Sept. 6, 2016, Last amended March 2, 2021).

45 Town of Durham Comprehensive Plan, Volume II, Section 3, p. 3.17-3.18, (Adopted 2018), available at: www.durhamme.com/planning-board/comprehensive-plan-adopted-2018#:~:text=It%20is%20organized%20to%20enable,the%20next%20decade%20and%20beyond.

46 This example strategy was developed in part from input and information provided by George Thebarge (Town Planner, Town of Durham).

47 Town of Durham Comprehensive Plan, Volume I, Section 2, pages 2.11-2.14 (Adopted 2018).

48 This example strategy was developed in part from input and information provided by James Gardner (Town Manager, Town of Easton).

49 Town of Easton Comprehensive Plan, p. 31, 46, 121 and 123 (Adopted June 2016), available at: www.eastonme.com/government/comprehensive-plan/.

50 ***Bar Harbor Open Space Plan: Creating a Shared Vision for Open Space***, Appendix A p. 29-31 (2014-2020), available at: www.barharbormaine.gov/DocumentCenter/View/4956/Open-Space-Plan-2020-01-25-21-.

51 Community Resilience Partnership, "List of Community Actions," Revised April 2023, available at: www.maine.gov/future/climate/community-resilience-partnership/grants.

52 ***Climate Action Plan Phase I – Recommendations for Action***, Cumberland Action Plan Subcommittee, p. 4, 20, 26 (Feb 2021), available at: www.cumberlandmaine.com/climateactionplan.

Part 3
Section 5

Local Ordinances

MAINE FARMLAND TRUST

Local Ordinances

Different regulatory tools are applicable to different municipalities. Towns can consider how the strategies below apply to their situations and to achieving their farmland conservation and farm support goals. It may be most effective to use these tools in conjunction with other tools in this publication, to best help support agriculture and maintain farmland.

NOTE: Maine communities use varying types of regulatory tools. Some have zoning ordinances that specify permissible uses within distinct areas or zones. Some have simpler land use ordinances that specify standards that apply throughout the municipality. Others have site plan review ordinances that commonly apply to commercial development. Moreover, many communities have multiple ordinances affecting land use in one way or another. This document uses the term "local ordinance" to refer to all of these types of regulatory tools.[1]

Farm-Friendly Local Ordinances

Tool/Strategy

Using local ordinances to support viable farms and the diverse needs of local farmers and protect working agricultural land

Who Is Involved

Planning boards, town staff, and councils and select boards crafting ordinance language

Why It Matters

More than most other businesses, farms are directly tied to the land. Local ordinances that regulate land use can go a long way to either support farming or hinder it. Agriculture in Maine is experiencing significant challenges resulting from increasing and new development pressures on farmland, rising production costs, a lack of agricultural infrastructure and processing capacity, PFAS contamination, and unpredictable climate conditions.

Farms are needing to adapt, and many are moving towards more diversified, resilient, and innovative operations. Maine's agricultural community is also diverse, and farmers' motivations for producing food and stewarding the land are often rooted in culture and community. Any actions towns can undertake to amend or adopt ordinances in ways that support the viability and resilience of farm operations and respond to the diverse needs and goals of local farmers is critical to farmers' success and to the impact agriculture can have on the community.

Farmland across the state is also being lost to all types of development. By proactively developing ordinances that protect the agricultural use of the land and limit the impact of non-agricultural development on important farm soils, towns can help their community maintain the land base and agricultural resources needed for farmers to sustain and grow their operations now and in the future.

1 It is recommended that any local ordinances developed from the information contained in this guide be reviewed by municipal counsel regarding ordinance language, process for adoption, and applicable state laws

Take Action

A community can consider changing its local ordinances at any time. It is common for towns to develop new ordinance language after a new comprehensive plan has been adopted, so that any new policies included in the plan can be articulated in the ordinance. However, there is nothing that prohibits a town from considering ordinance changes at other times. If your community's local ordinances are not doing all they can to support farms and help protect farmland, initiate a process to bring about change.

The first step is to generate interest among key members of the planning board, select board, or municipal council and engage local farmers to determine how local ordinances can support farming.

Flexible and Responsive Ordinance Definitions

Local ordinances should be sufficiently flexible to allow farmers to grow and diversify their businesses, including pursuing season extension strategies, renewable energy generation for on-farm use, value-added product development, establishment of farm worker housing, agritourism and direct marketing activities, and non-agricultural business activities that are compatible with and supportive of the farm operation.

It is also important to recognize that not all farmers in Maine are producing food for the purpose of generating income. For example, while there are several Wabanaki-run farm operations that sell agricultural products and utilize food production for economic development opportunities, the focus of many Wabanaki food projects is to maintain traditional land-based practices and address the direct food needs of community members who struggle with food insecurity or food-related illnesses.[53] Similarly, some of Maine's immigrant and refugee communities engage collectively in farming to maintain cultural traditions and produce food to share with their community. Not all members of a given group of producers share the same needs, so it is important for towns to understand the diversity of farming operations and individuals who are engaging in agriculture in their community and ensure any ordinance definition of "agriculture" is culturally relevant to the diverse needs of local farmers.


Photo by Molly Haley

Ideally, local ordinances will allow appropriate agricultural activities anywhere in the community (see "Urban Agriculture," below, for activities within a downtown or small village district). An ordinance's definition of "farm" should include a wide array of buildings, such as barns, sheds, greenhouses, high tunnels, farmer and farm worker housing, processing and retail facilities, and other culturally relevant farm structures.

Allowable farm activities should also be defined to encompass a broad range of agricultural uses, including:

- Raising, handling, packing, processing, storing, and direct selling of any farm product;
- Maintaining farm equipment and buildings;
- On-farm renewable energy production that supports the electricity needs of the farm operation;
- Housing for farmers and farm workers;
- Agritourism activities;
- Ancillary non-agriculture business activities, as long as they are compatible with farming; and
- Culturally relevant farming activities identified through outreach to local farmers.

Farm Business-Friendly Ordinance Strategies

Towns may want to consider the size, nature, seasonality, and impact of farm activities when establishing farm-related ordinance provisions, as well as the importance of farms becoming more resilient to the impacts of climate change and diversifying their markets. Here are some things to consider:

- **On-farm retail:** Local ordinances should recognize that farm stands and pick-your-own operations are similar in some respects to other retail establishments but differ in important ways. Direct farm retail is often seasonal and limited in scale, but some operations may generate significant customer volume for short periods. Other operations may offer a wider variety of products over a longer season.
- **On-farm processing:** Value-added products such as cheeses, jams and jellies, wines, sausages, salsa, and many other farm products are helping farmers diversify and capture more of the consumer dollar. Towns can facilitate the development of value-added products by allowing processing facilities by right (i.e., without requiring a permit) on farms or by simplifying the application process for special permits. Towns can also develop separate guidelines for farm-based kitchens that provide limited and seasonal menu items, distinguishing them from large restaurant kitchens.
- **Agritourism:** Some farms are incorporating agritourism ventures, including tours and rides, restaurants and catering, and special events. Towns can enable these types of agricultural enterprises by allowing them by right or minimizing the permitting requirements.
- **On-farm energy generation:** Wind turbines and solar arrays, as well as methane digesters (on dairy farms), are important sources of energy to meet on-farm electricity needs. An ordinance could allow these uses by right provided they are accessory to the primary agricultural use of the property. Towns should consider additional siting requirements and standards for permitting commercial renewable energy development on farmland (see Part 3, Page 81).
- **Housing:** Housing for farm labor is critically important to many farms. Towns can review their ordinances to ensure that additional housing for seasonal farm workers is permitted and that such housing is not restricted through a short-term rental ordinance. Towns can also consider how the permitting process for accessory dwelling units (ADUs) can help to support the need for farm worker housing.
- **Setbacks:** Reducing setback requirements for certain farm structures from roads can facilitate access to and visibility of structures such as farm stands and can reduce the need for farmers to place structures on important and productive farm soils.
- **High tunnels, greenhouses, and other agricultural structures:** Farmers across Maine are increasingly turning to the construction of plastic-covered structures like greenhouses and high tunnels to extend the growing season and maximize crop production. Towns should consider defining these season-extension tools as "temporary" structures and reducing or eliminating permitting fees and requirements for these and other structures intended for agricultural use whenever possible.
- **On-farm irrigation:** Farms of all types and sizes across the state are recognizing the need to build their resilience to the impacts of climate change so that their businesses can withstand extreme weather events, including drought. Farmers are increasingly interested in expanding irrigation sources like water ponds and wells. Towns can support this need by ensuring that relevant municipal permitting processes and local ordinance definitions facilitate the affordable and sustainable development of on-farm irrigation.

- **Non-farming business activities:** Some farms generate additional income through on-farm activities, such as operating a machine repair shop or earth-moving business. Such income diversification can supplement the farming income or help the farming operation survive temporary economic downturns. It is important that these activities be accommodated in local ordinances, provided they are compatible with or accessory to the primary agricultural use of the property.
- **Agricultural infrastructure:** Investment in community agricultural infrastructure is needed to support farm business diversification and market access. Depending on existing community assets and the needs of the local agricultural community, these investments may include transportation and distribution infrastructure, slaughter facilities, dairy processing, or broadband expansion, to name a few. Towns can engage farmers in identifying needs and opportunities, partner on funding applications, and ensure local ordinances are structured to support agricultural infrastructure development.

Farmland Protection Ordinance Strategies

Local ordinances could do any or all of the following to protect farmland soils and the agricultural use of the land:

- **Avoid important agricultural resources when defining the town's growth area,** including areas with prime farmland soils and soils of statewide or local importance as well as contiguous areas of active farms;
- **Direct new, non-agricultural development to locally designated growth areas** through strategies like smaller lot sizes or density bonuses in downtowns or villages or limiting residential subdivisions outside of growth areas;
- **Require most (or all) new non-agricultural commercial activity to locate in the growth area;**
- **Discourage new development on important farmland and farm soils** through an agricultural overlay district or through clustering, conservation subdivision, or lot creation/building envelope standards that maximize the retention of contiguous areas of open agricultural land and important farm soils for current or future agricultural use;
- **Avoid minimum lot sizes and road frontage requirements that result in splitting farmland;**
- **Require adequate set backs and that vegetated buffers are maintained for any new non-agricultural development** located adjacent to farms so farmers can maintain access to productive soils or pasture lands near property lines;
- **Establish an agricultural overlay district** and apply different ordinance standards that support farm viability and protect important agricultural land in that zone.

Cluster, Open Space, and Conservation Subdivision Standards

Subdivision ordinances can be designed to minimize negative impacts of new development on active farms and high-value agricultural soils. Some towns may choose to limit residential subdivisions outside of the growth area, especially if a community priority is to promote denser development and more housing opportunities close to town services. Towns may also adopt different subdivision standards for rural areas or areas that contain contiguous areas of important farm soils and working farms (potentially through an agricultural overlay zone).

Many Maine towns have adopted open space, conservation, or cluster subdivision standards. These standards typically provide developers with incentives like density bonuses in exchange for reserving a portion of land as permanent open space. Towns may require this type of subdivision or incentivize it as an option over traditional subdivision. If these standards are to benefit working lands and enhance farming, however, they must at a minimum require that the vast majority of (if not all) high-value farmland soils be permanently protected and that the reserved land be suitable and accessible

Photo by Yoon S. Byun

for viable agricultural uses and community food production, including by ensuring that agricultural activities and structures are permitted and encouraged. The reserved agricultural land can be retained by the property owner and be farmed by them or another farmer, shared by the new residents for growing vegetables or raising livestock, or held by the town, a homeowners' association, or a local land trust and leased to a farmer or farmers.

Many municipalities in Maine and the Northeast have enacted open space, conservation, and cluster subdivision standards with elements that are designed to protect farmland and/or support agricultural land uses:

- Cape Elizabeth offers increased density bonuses for certain open space subdivisions that permanently preserve agricultural land.[54]
- Cape Elizabeth has implemented open space design standards that allow agricultural structures to be built on reserved land.[55]
- East Hampton, New York sets requirements for open space subdivisions on land containing prime agricultural soils or land within the town's Agricultural Overlay District and also requires that 70% of the total acreage of land containing prime agricultural soils shall be set aside as agricultural open space." [56,57]
- Eliot has an open space development requirement for subdivisions of five lots or more over a 10-year period in the critical rural overlay.[58]
- Gorham has established high-value conservation areas for cluster residential development that include "prime farmland, farmland of statewide, and/or local importance of at least one contiguous acre" and "actively farmed land which will remain active farmland of a least one contiguous acre."[59]
- Kittery requires developers to provide a management plan, such as a farm management or community garden plan, for conservation subdivisions that reserve land for agricultural uses.[60]
- Topsham has cluster standard requirements for residential subdivision proposals on open agricultural lands of 10 acres of more.[61]

Maximum Lot Size and Maximum Density in the Rural or Agricultural District

For another strategy to avoid farmland fragmentation, towns could consider requiring a maximum lot size, rather than a minimum, and a maximum density in rural or agricultural districts. For example, a maximum lot size might be one acre and a maximum density might be one unit for every 10 acres. On a 50-acre parcel this would allow for five house lots on five acres leaving roughly 45 acres as usable farmland. This approach is quite distinct from a typical 10-acre zoning strategy often used to protect open space. Without additional standards designed to protect farmland and support agricultural viability, standard 10-acre zoning strategies commonly yield five houses spread equally across the same 50 acres, resulting in a loss of intact and viable tracts of farmland. GrowSmart Maine's website provides a helpful factsheet, "The Maximum Solution: Maximum Lot Sizes and Densities in the Rural District," as well as other resources on conservation subdivision strategies.

Agricultural Overlay Districts

An agricultural overlay district allows a community to apply different ordinance standards in that zone, and can be used both to support farm viability and to protect important agricultural resources.

Agriculture districts are a zoning tool that can help mitigate problems between farms and non-farming neighbors, reduce the footprint of new development or its impact on farmland, and identify priority agriculture areas in which certain zoning provisions are waived or instituted.

An agricultural overlay district is an area identified on a town map within which certain uses are allowed or prohibited. Overlays are not restricted by the borders of existing zoning districts and can be drawn to span multiple underlying zoning districts. Typically, overlay zones are identified and delineated based on productive agricultural soils and contiguous areas of active farms. The underlying district requirements remain in effect, except as modified by the overlay zone.

Agricultural overlay districts can allow additional agricultural-related or compatible non-agricultural business uses by right (i.e., without requiring a permit). Towns may limit the expansion of infrastructure (such as roads and sewers) into the zone to reduce the potential for future development. Agricultural overlay districts can be used to institute additional development guidelines, such as buffers or site plan reviews, which can limit the impacts of new development on neighboring farms. Within an overlay zone, a town might allow low density development and/or require that all new subdivision developments be clustered. Alternatively, a town may simply prohibit any non-agricultural development on certain high-quality soil types. An agricultural overlay zone can also be the "sending zone" for a transfer of development rights program.

These regulatory approaches could also be applied to existing or new base-level zoning districts, so towns should consider whether creating an agricultural overlay or underlying zone, or making amendments to existing zones would better suit their community goals and conditions.

Transfer of Development Rights Programs

Transfer of Development Rights (TDR) programs promote land conservation by shifting potential development from one area to another. With a TDR program, the development rights of areas to be protected (called "sending areas"), which may include farmland, are transferred to areas of the community that are targeted for growth (called "receiving areas"). GrowSmart Maine's Planning for Ag Toolbox has helpful additional information about TDR programs.

Urban Agriculture

Enabling food production in the heart of Maine's cities and villages can be a great way to support local food access and food security projects, as well as the agricultural activities of smaller-scale producers and producers who lack access to land or do not own property. A community considering changing its local ordinances to allow urban agriculture should ensure a robust and inclusive community engagement process.

Agricultural activities, especially having livestock, in a more densely developed area requires special considerations to avoid unpleasant impacts or neighbor disputes. Here are some questions to consider for an ordinance:

- How many and what types of animals are acceptable per acre or portion of an acre?
- How far should animal pens be from property lines? From neighboring houses? From the road?
- What are options for disposing of livestock wastes?
- Are on-site sales ok? How will traffic or signage issues be addressed?

Ordinances allowing urban agriculture can also include a requirement that any owner of livestock follow the Maine Department of Agriculture, Conservation and Forestry's Best Management Practices for that species.

Local Food Sovereignty Ordinances

In 2011, the towns of Blue Hill, Penobscot, and Sedgwick all adopted ordinances that exert local authority over food and farm policies. Since then, many more towns across the state have also adopted ordinances that declare local food sovereignty. A prime feature of these ordinances is to exempt local farms from certain federal and state regulations affecting direct sales.

In 2017, Maine enacted the Food Sovereignty Act, which further recognized the authority of municipal governments to implement ordinances that allow food producers to sell directly to consumers at the site where the food was produced, with the exception of meat and poultry.[62]

These ordinances have raised some legal issues about the relative powers of different levels of government (federal vs. state vs. local) and may be controversial in a given community. Moreover, in a town that has not taken action to promote and support local farming, such an ordinance may not be the best place to start. This publication outlines a variety of other strategies that may make more sense as first steps. Communities considering a local food sovereignty ordinance should explore the pros and cons and solicit input from a broad range of local farmers to determine whether an ordinance of this type could benefit them.

Town Case Study

Town of Unity Land Use Ordinance

Channeling Development into the Locally Designated Growth Area

Unity's Downtown District—the town's designated growth area—is the existing village center and the surrounding area that is served by public sewer. It was purposely made small, but it is large enough to accommodate future growth, primarily through in-fill development. Though the district includes some working farmland, the amount is tiny compared to the overall amount of farmland in the community.

Unity's ordinance encourages new development to locate in the Downtown District rather than on the farmland found throughout the Rural District. It does this by allowing higher densities and smaller lots downtown. (Lots can be as small as 10,000 square feet if connected to public sewer.)[63] The ordinance also requires most new commercial activity to be located downtown, including all new retail businesses except farm-related and small home-based businesses.

Providing Flexibility in Rural Lot Size

Unity's ordinance allows rural land to be developed in creative ways that can lessen negative impacts on farmland. In the Rural District, Unity requires an average lot density of 120,000 square feet (about 2¾ acres) per unit, but it does not require that all new lots be that size.[64] Big lots can be interspersed with small lots (as small as 20,000 square feet where soil conditions allow), as long as the average density is maintained.

This approach allows farmers wishing to sell a few house lots to do so without giving up


Photo by Sean Alonzo Harris

as much of their farmland. It also allows developers to create site plans that retain large tracts of open space (including farmland) under a single ownership without reducing the number of lots they can create.

Encouraging Developers to Protect Farmland

A Farmland Protection Incentive Measure in Unity's ordinance allows landowners who are subdividing land to create even more lots than otherwise allowed if they take extra steps to:[65]

- Locate new structures away from productive farmland; and
- Protect farmland through permanent deed restrictions.

Protecting Existing Farms Through Setbacks on New Development

Unity's ordinance was designed to minimize the impacts that farm operations may have on new development, such as from the spreading of manure. It includes setback requirements that do not allow new residential wells to be drilled within 300 feet of commercial farmland or new houses to be built within 100 feet of farmland.[66]

Limiting Development on Farmland

Unity's ordinance requires that all new developments be configured in ways that protect farmland to the maximum extent practical. New structures and roads may be built on farmland, but the applicant must seek ways to creatively minimize development that:[67]

- Occurs on productive farmland;
- Divides a single field; or
- Otherwise reduces the ease with which a parcel of farmland can be farmed in the future.

Such measures may include interspersing small and large lots to maximize the size of a field in single ownership or locating some or all structures in woodland abutting fields.

Beyond this, Unity's ordinance requires "larger" developments (construction totaling over 20,000 square feet and any subdivision including five or more lots) occurring on parcels of land containing five or more acres of farmland to adhere to the following standards:[68]

- No more than 15% of the farmland may be used for non-agricultural structures, roads, or other impervious surfaces; and
- The remaining farmland shall be retained in a manner that facilitates agricultural use.

Example Strategies

Farm Business-Friendly Ordinances

Town of Cape Elizabeth

The Town of Cape Elizabeth's land use ordinance defines "agriculture related use" as "a use that is incidental and subordinate to the primary use of agriculture, that complements the primary agricultural use and which will help sustain the primary use of agriculture on the property."[69]

The definition is intentionally open-ended to allow farmers increased land use flexibility and opportunities to supplement farming income, provided the use is secondary to the principal use of agriculture. The use is permitted in four districts and, according to town planning staff, has been used by several farmers to construct farm worker housing or create an ancillary business enterprise.[70]

Town of Turner

Turner offers farmers the opportunity to supplement their income by operating ancillary business enterprises not otherwise permitted in four of the town's zones. Conditions for planning board approval require that the enterprise be located on the farm and owned by the farmer, that any new structure constructed for the enterprise be no larger than 10,000 square feet, and that the enterprise cease if the farm operation ceases.[71]

Town of Eliot

Eliot's Agricultural Tourism Ordinance permits by right activities such as pick-your-own operations, farm tours, educational events, crop mazes, and seasonal harvest festivals for farms that have been in continuous operation for three years.[72]

Example Strategies

Farmland Protection Ordinances

City of Auburn

Auburn's Agriculture and Resource Protection Zone is comprised of over 19,000 acres—almost half of the city's total land area. The district has a 10-acre minimum lot size paired with a requirement that all new residential housing be accessory to farming, recreation, or natural-resource based uses, which must be expressed through a business or land use plan approved by the city.[73]

Town of Cape Elizabeth

The Town of Cape Elizabeth's Transfer of Development Rights ordinance includes an "Agricultural Transfer of Development Bonus" as an incentive for developers to specifically protect agricultural land. The provision states that "land that has been designated a TDR sending area because it is used for agricultural purposes may transfer up to 33% more development rights than the density allowed on the agricultural land."[74]

Town of Wilton

Wilton's development standards include a performance ranking Rural Land Management System that, in part, uses soil types to determine minimum lot size requirements for subdivisions in the Farm & Forest District. A subdivision proposal on a site containing more Prime or Unique Farmland (as mapped by the United States Department of Agriculture) would receive fewer points. The scoring matrix includes other areas of evaluation, but subdivision proposals that score highest can create lots as small as 40,000 square feet, while proposals that score lowest are prohibited.[75]

Photo by Yoon S. Byun

Example Strategies

Agricultural Overlay Districts

Town of York

York's Farm Enterprise Overlay District allows qualifying farmers to engage by right in agricultural-related activities (beyond what is already permitted in the town's land use ordinance) such as educational events, recreational trails, and the processing and sale of local agricultural products. Farmers may also apply to construct additional buildings or structures to accommodate these activities.[76]

Example Strategies

Urban Agriculture

Town of Brunswick

Brunswick's land use ordinance permits urban agriculture in a majority of the town's growth areas. Use standards state that products grown on site may be sold on site, so long as the structure used for sale is no larger than 150 square feet and meets the required setback.[77]

City of South Portland

South Portland's Animals and Fowl ordinance allows, subject to permitting requirements and standards, small farm animals—such as sheep, goats, and pigs—on properties of at least one acre in certain districts, as well as the temporary grazing of goats and sheep as a vegetation control method.[78]

Resources

For technical assistance and ordinance resources:	
GrowSmart Maine's Planning for Agriculture program and toolbox	https://growsmartmaine.org/planning-for-ag/
Maine Farmland Trust	https://www.mainefarmlandtrust.org/
Maine Municipal Association	https://www.memun.org/
Municipal Planning Assistance Program at the Maine Department of Agriculture, Conservation and Forestry	https://www.maine.gov/dacf/municipalplanning/index.shtml
Regional planning organizations and councils of government	https://www.maine.gov/dacf/municipalplanning/technical/regional_council.shtml
Soil & Water Conservation Districts	https://www.maine.gov/dacf/about/commissioners/soil_water/index.shtml
Sustainable Development Code website	https://sustainablecitycode.org/about/

For relevant state laws:
Maine Agricultural Protection Act (Title 7, Chapter 6)
Maine's Growth Management Act (Title 30-A, Chapter 187)
Maine Food Sovereignty Act (Title 7, Chapter 8-F)

Special Development Fees

Tool/Strategy

Using impact fees, development transfer fees, and in-lieu fees as a source of funding for local farmland protection projects

Who Is Involved

Planning board, conservation commission (or other town group), perhaps in partnerships with land trusts

Why It Matters

Development fees can be used to help fund agricultural conservation easements. Fees generated from a single development are unlikely to generate sufficient funding for purchasing an easement, but such fees can be collected over time or combined with other funds for this purpose.

Take Action

Development fees are established by a special ordinance (e.g., an impact fee ordinance).

Impact Fees

A municipality may adopt an ordinance that requires developers to pay a fee to offset their development's impact on the community. The fee can be used for various purposes, including purchase of development rights to protect farmland. Impact fees are generally based on the number of dwelling units proposed in a residential project or the number of square feet proposed in a commercial project. There must be a rational connection between the fee and its purpose—in this case, protecting farmland.

Development Transfer Fees

A municipality may also adopt a development transfer fee program (sometimes called a density transfer fee). Under such a program, developers pay "transfer fees" to the town, which allows them to build more units in designated growth areas than would be allowed under existing density limits. The payments can be used by the town to protect farmland in designated rural areas. To establish such a program, a municipality must craft an ordinance that defines fees, credits, transfer districts, density standards, and administrative rules. Moreover, a town must specify that protecting farmland is a community priority.

Payment In-Lieu Fees

A municipality may require developers to reserve open space or conservation land as part of certain types of development, such as subdivisions. To accommodate for instances where no (or not enough) appropriate land is readily available for developers to reserve, some ordinances allow a payment in-lieu fee. These fees can be used for local land conservation. Towns can emphasize protecting working farmland and prime or statewide important farmland soils as priorities in spending policies for the funds.

Example Strategies

Town of Gorham

Gorham allows density bonuses in new residential subdivisions or for mixed use projects that are served by public water and sewer, subject to subdivision and/or site plan review. Development transfer fees are deposited into a separate account and used to purchase land or easements in Gorham's Rural District. In 2017, the town approved a spending matrix that favors farmland with prime soils and high development potential, and by 2022, enough funds had accumulated for the town to begin soliciting project proposals.[79]

Town of Topsham

Topsham's subdivision ordinance enables the payment of a cash-in-lieu fee when an open space dedication will not be beneficial to the town.[80] The fees can be used for conservation and recreation purposes, including the purchase of easements and other land conservation efforts. In 2022, the town used the funds to collaborate with the Brunswick-Topsham Land Trust to conserve the Hideaway Farm property.[81]

The Town of Topsham also has a development transfer fee program, which they used as a basis for establishing a Habitat Mitigation Fee as part of their Solar Energy Conversion Systems standards. The Habitat Mitigation Fee requires developers to pay a mitigation fee for commercial solar energy projects that are located in priority areas of the town's Natural Areas Plan (see Topsham solar ordinance case study, Part 3, Page 87).

Resources

Maine Revised State Statutes outline a community's ability to develop, collect, and spend impact fees. See Title 30-A, Section 4354.	
The State of Maine provides guidance on establishing impact fees in a manual, "Financing Infrastructure through Impact Fees."	https://www.maine.gov/dacf/municipalplanning/docs/impactfeemanual.pdf

Permitting High Tunnels And Greenhouses

Note: This section is adapted from the Maine Department of Agriculture, Conservation and Forestry's 2023 Bulletin "High Tunnels and Greenhouses: A Guide for Municipalities."

Tool/Strategy

Permitting and accommodating high tunnels and greenhouses through ordinances and fee schedules

Who Is Involved

Municipal staff, town council or select board, planning board, and others crafting municipal ordinance language and fee schedules

Why It Matters

Farmers across Maine are increasingly turning to the construction of greenhouses, high tunnels and similar plastic-covered structures (referred to here as "tunnels") to extend the growing season and maximize crop production or for cost-effective livestock housing or equipment storage. These structures are affordable and valuable tools for farmers looking to protect their crops from an increasingly unpredictable climate and can dramatically increase yields and cropping options throughout the year. Towns can support farmers' use of tunnels and the positive impact they have on farm viability and resilience by updating town ordinances to reflect the unique nature of these structures.

Take Action

Tunnels often straddle definitions of permanent and temporary structures. How these structures are treated in permitting and assessment often comes down to the interpretation of existing ordinances by town officials. To prevent confusion, towns should clearly identify structures that are exempt from conventional permitting or site plan review processes.

Municipalities are encouraged to consider these structures as temporary and not as permanent buildings. Towns should also consider reducing or eliminating permitting fees and requirements for these and other agricultural structures whenever possible.

Defining as Temporary Structures

Tunnels are often considered temporary because steel posts driven into the ground may be removed without material damage or impact to the surrounding real estate. Often, the presence or absence of external utilities is a major factor in designating these as permanent vs. temporary structures: if no fuel or electricity is run to the tunnel, the case for defining them as temporary is compelling. Municipalities are encouraged to define high tunnels and greenhouses that could be reasonably relocated or removed without material damage to the soils on the property as "temporary" structures whenever possible.

Reducing or Eliminating Permitting Fees and Adjusting Permitting Requirements

Typical permitting fees are often cost-prohibitive for the development of tunnels. Assigning a similar fee for building permits, site plan review, and other requirements on a per square foot basis could add up to 20-50 percent of the cost of the structure itself. If there is latitude available to municipal staff and assessors, towns should consider adding flexibility in the assignment of fees or the creation of an alternative fee schedule and/or permitting requirements for these structures, as well as other agricultural buildings whenever possible.

Example Strategies

Town of Bowdoinham

Bowdoinham's land use ordinance differentiates between "Greenhouses" and "Hoop-houses or High tunnels."[82] Greenhouses, with a "permanent foundation or anchoring system," require approval from Code Enforcement or the Planning Board. High tunnels, with no permanent footings, are allowable without a permit, subject to standards.

Assuming construction takes place in an approved zone, a farm seeking to build greenhouses with an aggregate footprint of less than 10,000 square feet can proceed simply with permission from the Code Enforcement Officer. Above the 10,000 square feet threshold, the project must proceed through full site plan review.[83]

Photo by Greta Rybus

City of Auburn

The City of Auburn established a reduced building permit fee for new agricultural buildings as a way to help promote farming. The fee of $25 plus $0.07 per square foot is lower than that of other commercial buildings.[84] This reduced fee recognizes the lower cost of inspection services that are required of agricultural buildings.[85]

Town of Warren

The Town of Warren does not charge a permit fee for the construction of agricultural buildings or structures, including greenhouses.[86]

Additional Considerations

Engineer-stamped drawings are not required for farm buildings, per 32 MRSA Ch. 3A, §226 2.B.	http://www.mainelegislature.org/legis/statutes/32/title32sec226.html
Buildings that house livestock or harvested crops are not required to meet technical building codes, per 10 MRSA Ch. 1103 §9722, sub-§6.	https://www.mainelegislature.org/legis/statutes/10/title10sec9722.html
The Maine Uniform Building & Energy Code must be enforced in municipalities with a population of 4,000 residents or more. Municipalities with fewer than 4,000 residents can create their own permitting requirements if in compliance with all other state laws and regulations.[87]	

Resources

Maine Dept. of Agriculture, Conservation and Forestry, Bureau of Agriculture, Food and Rural Resources (for guidance and informational resources)	https://www.maine.gov/dacf/ag/
Maine DACF's publication, "High Tunnels and Greenhouses - A Guide for Municipalities"	https://www.maine.gov/dacf/ard/resources/docs/dacf-tunnel-bulletin.pdf

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70 This example strategy was developed in part from input and information provided by Maureen O'Meara (Town Planner, Town of Cape Elizabeth).

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72 Town of Eliot, Agricultural tourism, Article II, Sec. 10-32, accessed Feb. 23, 2023.

73 City of Auburn, City Council Special Meeting Agenda, July 10, 2023, AGRP District Zoning Ordinance Text Amendments - PROPOSAL "B" as Directed by Planning Board, p. 32-40, accessed July 12, 2023.

74 Town of Cape Elizabeth, Zoning Ordinance, SEC. 19-7-3 TRANSFER OF DEVELOPMENT RIGHTS, F. Agricultural Transfer of Development Bonus, accessed June 5, 2023.

75 Town of Wilton Zoning Ordinance, Article 4.5.C, available at: wiltonmaine.org/departments/code-enforcement/.

76 Town of York Zoning Ordinance, Article 10-G, available at: www.yorkmaine.org/339/Zoning-Ordinance.

77 Town of Brunswick Zoning Ordinance, Chapter 3 - Property Use Standards Section 3.4 - Supplementary Use Standards F.3. P.3-11, accessed Feb. 23. 2023.

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83 Town of Bowdoinham, Land Use Ordinance, p. 64.

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85 Auburn City Council Meeting Agenda (Jan 27, 2020), "City Council Information Sheet, Agricultural Building Permit Fees — Additional Information."

86 Town of Warren Fee Schedule, accessed April, 11 2023, available at: www.warrenmaine.org.

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Part 3
Section 6

Balancing Solar Development and Farmland Protection

MAINE FARMLAND TRUST

Balancing Solar Development and Farmland Protection

Solar energy generation and agriculture can co-exist in Maine in a mutually beneficial manner as long as solar development is sited in ways that minimize impacts to agricultural resources.

Tool/Strategy:

Permitting solar energy development in ways that minimize impacts to agricultural resources

Who Is Involved:

Planning boards, town committees, and agricultural commissions

Why It Matters:

A number of recent policy changes have opened the door for rapid increases in commercial solar development across the state, including on undeveloped agricultural lands. Solar energy generation and agriculture can co-exist in Maine in a mutually beneficial manner as long as solar siting is structured to balance these important interests.

Solar energy production is an important strategy for addressing climate change, and can create opportunities for farmers to diversify their income, reduce energy expenses, and meet on-farm energy needs. However, it is important that solar development does not result in the loss of critical agricultural resources, displace agricultural production, or impede the ability of farmers to access the land base needed for their operations now and in the future.

According to an analysis conducted by Maine Audubon, 90 percent of the 185 solar development proposals that were reviewed and approved by the Maine Department of Environmental Protection as of June 2021 intersected with prime farmland soils and soils of statewide importance.[88, 89] While only 34 percent of the acreage proposed for development would actually cover these soils, this analysis helps to illustrate the extent to which solar development is being proposed on farmland in Maine. These high-value agricultural soils are a precious and limited resource, making up only 14 percent of the state's total land area.[90] Farmland was also threatened before solar development intensified. The 2022 United States Department of Agriculture Census of Agriculture showed that between 2017 and 2022, Maine lost 6 percent of its farmland, over 82,000 acres.

Through thoughtful planning and policy development, towns can play a critical role in balancing support for solar energy generation with support for agricultural production and resilience.

General Agricultural Solar Siting Guidelines*

Take Action

If solar installations are being developed on farmland, the following general guidelines, developed by a group of Maine-based agricultural and environmental organizations,[91] may be helpful guiding principles for towns looking to balance these two important interests:

1. Where possible, **avoid land identified by the Natural Resources Conservation Service as "prime farmland" or "farmland of statewide importance,"** or otherwise causing productive farmland to be taken out of production, including land leased for agricultural uses.
2. Preferentially use **previously developed, disturbed, degraded, or marginally productive portions of the farm property.** This includes rooftops, land within and around farmstead areas, sand and gravel pits, and other areas with low utility for agricultural production.
3. **Encourage dual-use projects,** where agricultural production and electricity production from solar installations occur together on the same piece of land.
4. Build, operate, and decommission projects in ways that **preserve the ability for the land to be farmed in the future** and that do not inhibit access to or the productivity of farmland surrounding the solar installation.
5. **Minimize the impacts of grid connection** on the agricultural resources of the property.
6. Where applicable, **projects should benefit the farm business directly** by providing electricity to meet the energy needs (in whole or in part) of the farm.

Photo by Zara Dowling, courtesy of UMass Clean Energy Extension

* Farmland that has been permanently protected by Maine Farmland Trust or another entity may be subject to additional restrictions and guidelines surrounding solar development.

Municipal Ordinance Provisions to Support Balanced Solar Siting

There are a variety of ways in which municipalities can integrate these general agricultural solar siting guidelines into the land use tools they are crafting or amending to permit solar development in their communities.

The following are summaries of provisions from ordinances that have been adopted by towns in Maine and other New England states to support balanced solar siting at the local level.* How local planning officials apply these and other ordinance provisions is a determining factor in how effective they are at minimizing impacts to agriculture. See "Town Case Study" later in this section for a more in-depth review of the approaches that some of these towns took to develop a solar ordinance.

Supporting On-Farm Energy Production

- **Applicability Section:** Exempting solar energy systems that are intended to solely satisfy the electricity needs of the farm operation from being subject to the municipal review procedure and ordinance standards.

  (City of Auburn, ME)[92]

* It is recommended that any language adapted from these summaries be reviewed by municipal counsel prior to adoption.

Photo by Garrett Linck

Siting Solar Development Away from Prime Soils and Productive Lands

- **Purpose Statement:** Including within the purpose statement of the ordinance that the Planning Board may recommend that the solar facility be located on a portion of the site where the soil does not have prime agricultural use potential.

  (Town of Barre, MA)[93]

- **Mitigation Fee:** Disincentivizing the siting of solar development on and partially mitigating impacts to important natural and working lands by collecting fees from solar developers to support natural resource conservation.

  (Town of Topsham, ME)[94]

- **Prime Soils Analysis:** Requiring solar developers to demonstrate if the proposed site contains prime farmland soils and requiring that the least productive agricultural soils are considered for siting first.

  (City of Auburn, ME)

- **Siting and Impact Performance Standards:** Prioritizing solar siting on previously developed, degraded, or marginally productive portions of the property; restricting the removal of prime farmland soils from the site during installation; and requiring weekly third-party inspections during the solar installation phase (not included in the ordinance but required as a condition of approval).

  (Town of Topsham, ME)

- **Siting and Agricultural Impact Standard:** Discouraging the siting of projects on prime agricultural soils or soils of statewide importance to the extent practicable.

  (Town of Monmouth, ME)[95]

- **Design Standard:** Incentivizing siting away from land that is in active or potentially active agricultural use by providing the Planning Board with flexibility to reduce some of the setback requirements for applicants who exclude such land from the proposed site.

  (Town of Barre, MA)

Minimizing Impacts to Current and Future Agricultural Production

- **Purpose Statement:** Reinforcing in the ordinance purpose statement the intention to support the goals and policies of the Comprehensive Plan, including the protection of agricultural resources.

  (Town of Readfield, ME)[96]

- **Installation Method Requirement:** Restricting acceptable installation methods to pile driven or ballast block footing so as to minimize the disturbance of soils during installation.

  (City of Auburn, ME)

- **Review by an Agriculture Committee:** Requiring the Planning Board to consult with a municipal committee focused on agricultural issues to ensure that additional proposed solar energy projects would not diminish the potential for agriculture.

  (City of Auburn, ME)

- **Lot Coverage Approval Standard:** Limiting the amount of a lot that can be covered by large and medium-scale ground-mounted solar installations to 20 percent, calculated by airspace projected over the ground.

  (Town of Readfield, ME)

- **Alternatives Assessment Approval Standard:** Requiring the applicant to re-evaluate the proposed site if, as determined by the Planning Board, the site does not meet the goals and objectives established in the town Comprehensive Plan and associated town planning documents.

  (Town of Readfield, ME)

- **Preservation of Town Character Approval Standard:** Ensuring that, as determined by the Planning Board, solar energy development is consistent with the character of the community, including via maintenance of open space lands and farms, the town Comprehensive Plan, and associated town planning documents.

  (Town of Readfield, ME)

Promoting Dual-Use and Co-Location Projects

- **Purpose Statement:** Including within the purpose statement of the ordinance that, in the event the proposed site is presently in agricultural use, the continued agricultural use shall be encouraged.

  (Town of Barre, MA)

- **Operations and Maintenance Plan:** Requiring applicants to submit an operations and maintenance plan that prioritizes the ability to co-mingle agricultural and energy generation land uses, such as apiaries, grazing or handpicked crops.

  (City of Auburn, ME)

- **Vegetation Management Plan:** Including the grazing of farm animals as a suggested vegetation management method for proposed large-scale solar energy systems.

  (City of Belfast, ME)[97]

- **Siting and Agricultural Impact Standard:** Requesting that efforts be made to minimize the impact of solar installations on existing agricultural uses by developing dual-use solar projects where possible.

  (Town of Monmouth, ME)

Integrating Agricultural Production and Solar Generation

The recently convened Agricultural Solar Siting Stakeholder Group defined dual-use projects as solar installations that allow for agricultural activities to be maintained simultaneously on the farmland and co-location projects as solar arrays that have not been modified to accommodate agriculture and either host plantings with environmental benefits or are sited on a portion of farmland while retaining other farmland for agricultural use. More information on this stakeholder group's recommendations for balanced solar siting can be found in the Appendix to this section.

Photo by Michael Dennett, courtesy of Crescent Run Farm/Maine Solar Grazing LLC

Photo by Jessica Forcello, courtesy of BlueWave

Solar Grazing with Crescent Run Farm

Crescent Run Farm is a solar grazing operation based in Jefferson. Solar developers have contracted with farmer Michael Dennett to provide needed mowing services for solar installations by grazing sheep underneath the solar arrays. This arrangement not only offers an important source of compensation for the farm, but also creates access to additional land that is needed to support the grazing operation.[98]

Solar Energy Generation and Wild Blueberry Production

In 2021, BlueWave Solar and Navisun LLC developed a solar installation over 12 acres of south-facing wild blueberry fields in Rockport. The project was designed in three distinct areas using different construction methods, and new farming equipment was designed to accommodate access under the panels for harvesting.[99] The University of Maine Cooperative Extension is collaborating with the farmer, landowner and project partners to study the impacts of construction on crop production and identify costs and management changes that will be needed in order to continue commercial wild blueberry production on fields that host solar arrays.[100]

Maine Solar Decommissioning Law

In 2021 Maine enacted a Solar Decommissioning Law[101] requiring developers of solar installations occupying more than three acres to have an approved decommissioning plan and sufficient financial assurance to cover decommissioning costs. Some of the requirements of the new law include:

- All components of solar energy developments must be physically removed to a depth of at least 24 inches, and any portion on farmland must be removed to a depth of 48 inches.
- The decommissioning plan must provide for restoration of farmland sufficient to support resumption of agricultural activities.
- When there is a transfer of ownership of the solar development, the person that transfers ownership remains responsible for implementation of the decommissioning plan until transfer of the plan to the new owner is approved.
- The financial assurance must be updated 15 years after approval of the plan and at least every 5 years thereafter.

Towns can use the decommissioning standards provided by this law as guidance when drafting or amending solar decommissioning requirements at the local level.

Photo by River Strong, courtesy of UMass Clean Energy Extension

Towns are permitting solar development in different ways depending on their local conditions and circumstances, as well as their community's established goals and planning resources. The case studies described below are based on newly adopted solar ordinances, so it will take time and further investigation to determine the extent to which they are effective in supporting renewable energy development while minimizing impacts to important agricultural resources.

Farmland Profile

Agricultural lands in Topsham primarily consist of cropland, orchards, and pasture

Approach

Disincentivizing solar development on valued natural and working lands

Spotlight Ordinance Provisions

Habitat Mitigation Fee; Siting and Impact Performance Standards

Town Case Study

Town of Topsham Solar Ordinance [102]

The Town of Topsham's Solar Energy Conversion Systems Ordinance was adopted at the June 2020 Town Meeting. The ordinance was championed by the Topsham Solar Advocates (TSA), a group of community members and local business owners promoting solar energy generation in their community. Members of the TSA worked closely with the Topsham Department of Planning and Development and the Planning Board to develop an ordinance amendment that would enable solar energy generation in Topsham while also managing threats to natural and working lands. The organizers gathered insights from commercial solar installers to understand the on-the-ground implications of some of the model ordinance provisions that were being considered.

Ordinance Overview

Topsham categorizes ground-mounted solar installations as small, large, or utility scale based on their square footage.[103] These size categories are then permitted in certain zoning districts, but all principal-use, ground-mounted developments are required to obtain site plan approval.[104, 105] Solar projects that serve as an accessory use are permitted by-right.

Spotlight Ordinance Provision:

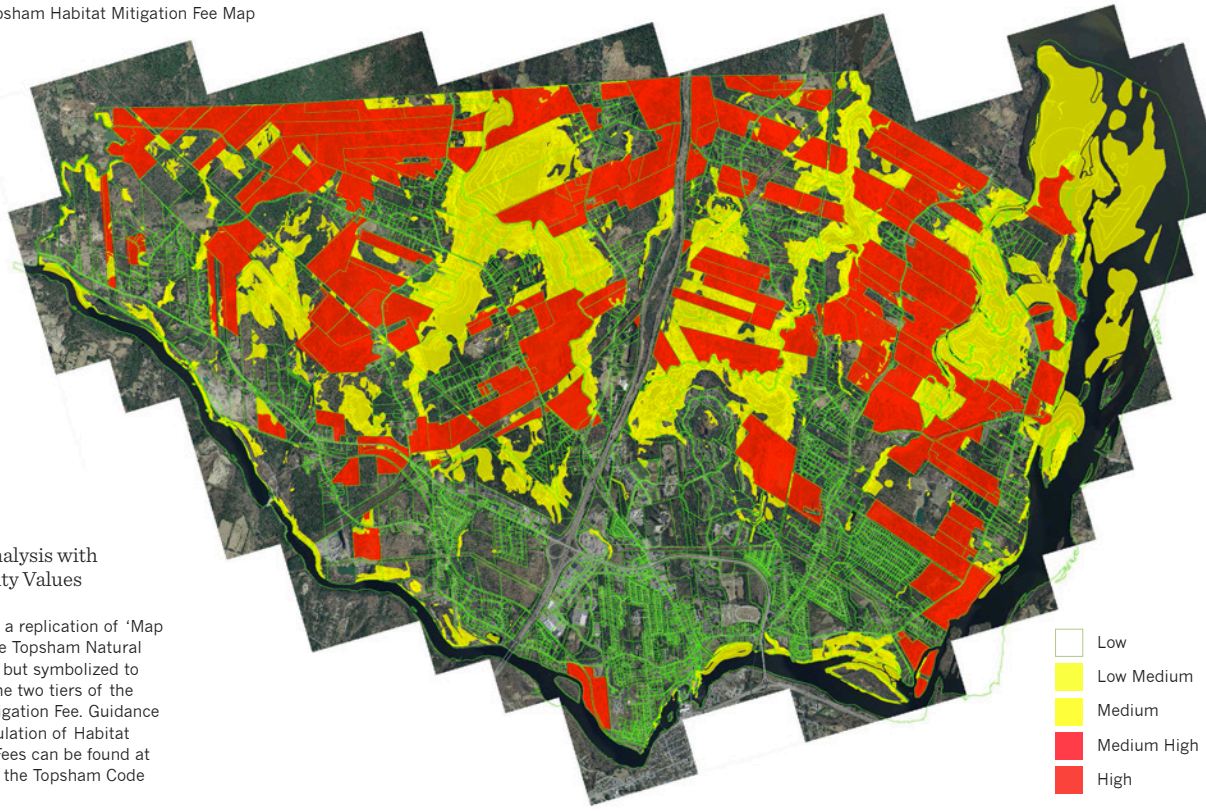
Habitat Mitigation Fee

Topsham's solar ordinance contains a Habitat Mitigation Fee to disincentivize solar siting on priority open spaces, working lands and contiguous habitat tracts. A weighted map that was created through Topsham's 2010 Natural Areas Plan provides the basis for the mitigation fee. Farmland was identified by mapping active farmland known by the community and parcels enrolled in the Farmland current use taxation program.[106]

The Habitat Mitigation Fee establishes a tiered fee system, requiring "solar energy conversion systems located within the low-medium and medium [or medium-high and high] rated areas of the [weighted map] to pay a mitigation fee of 15% [or 25%] of the average value per acre of disturbed area or facility size (whichever is greater)...Such funds shall be deposited into an account for the purposes of natural resource conservation."[107] This fee was modeled after Topsham's Development Transfer Fee ordinance. The Habitat Mitigation Fee not only disincentivizes solar siting on valued natural and working lands, but also partially offsets the impact of development by collecting funds for the conservation of other lands. Topsham's Conservation Commission makes recommendations to the Select Board for how the collected funds should be spent.

Lessons learned so far: All four projects approved so far through Topsham's ordinance have triggered mitigation fees, which Topsham officials anticipate may generate a significant amount of funding for land conservation. More research is needed to learn about how the mitigation fee is factoring into site selection considerations for solar developers.

Town of Topsham Habitat Mitigation Fee Map



Matrix Analysis with Community Values

This map is a replication of 'Map 12' from the Topsham Natural Areas Plan, but symbolized to represent the two tiers of the Habitat Mitigation Fee. Guidance on the calculation of Habitat Mitigation Fees can be found at 8225-16 of the Topsham Code

Spotlight Ordinance Provision:

Siting and Impact Performance Standards

The ordinance aims to manage impacts to agricultural resources through its siting and impact performance standards. Those standards provide that "preference should be given to locating the system on previously developed, degraded, or marginally productive portions of the property,"[108] and is up to the Planning Board and/or municipal staff to request the applicant to provide an alternatives analysis demonstrating that the project avoids productive portions of the property. Additionally, the performance standards state that "no topsoil or prime agricultural soil shall be removed from the site for the installation of the system..."

Lessons learned so far: Topsham officials have learned that the permitting plan may not account for impacts to soils that can take place the during the construction process, so they have begun the practice of requiring weekly third-party inspections during the solar installation phase as a condition of approval.

Implications for Current and Future Agricultural Production

Topsham's ordinance strikes a balance between allowing for solar projects to support farm viability and minimizing and mitigating some of the potential impacts to farmland. The ordinance creates the option for farmers to lease portions of their land to a solar developer for principal-use solar projects (where more energy is generated than is required for farm operation, allowing it to be sold back to the grid), a use that was not permitted under existing zoning regulations. Most of the farmland in Topsham is located within its Rural Residential Zone (R-3), where large and utility-scale solar projects are permitted (with site plan approval). The R-3 Zone is also where most of the priority properties included in the Habitat Mitigation Fee are located,[109] so the mitigation fee may play a role in minimizing the placement of solar development on some of Topsham's agricultural lands. For solar projects that are sited on farmland, the ordinance's siting and impact performance standards and additional inspection practices may help to minimize impacts to current and future agricultural productivity.

Members of the TSA are interested in exploring the potential for dual-use projects in Topsham, where farmland is primarily used for hay and pasture, but they also note that the current increased costs associated with further elevating and spacing panels to construct dual-use projects, combined with the Habitat Mitigation Fee, may limit the development of these types of projects in Topsham for the foreseeable future.

Other future considerations for Topsham planning staff include trying to anticipate how many additional solar development proposals they might receive and determining if Topsham may want to consider limiting the total amount of land that can be converted to solar development through zoning regulations.

Farmland Profile

Agricultural land in Auburn primarily consists of corn, hay, orchards, tree farms and pasture[110]

Approach

Establishing special standards for the Agriculture and Resource Protection Zone

Spotlight Ordinance Provisions

Total Land Area Standard and Agriculture Committee Review; Prime Soils Analysis; Operations and maintenance plan prioritizing agricultural activities

Town Case Study

City of Auburn Solar Ordinance[111]

The City of Auburn approved its Solar Energy Generating Systems Ordinance for its Industrial Zone in February of 2020 and passed an amended ordinance in June of that year to permit solar development in the city's Agriculture and Resource Protection (AGRP) Zone. The Planning Board wanted to establish a baseline ordinance before expanding it to permit solar development on farmland, which would require additional performance standards to protect agriculture. Auburn's unique AGRP Zone was implemented in 1964 to allow for the conservation of natural resources and open space, and to encourage agriculture, forestry, and certain types of recreational uses. The AGRP Zone is comprised of nearly 19,000 acres—almost half of the city's total land area. Approximately 75 percent of the AGRP Zone is currently forested.[112]

The key players involved in the creation of Auburn's ordinance included the Planning Board, Planning Department staff, and many of the community members who ultimately were appointed to the Auburn Agriculture Committee, which was being formed at the same time to advise the city on needs related to farming and forestry. City officials also sought input from commercial solar developers to learn what factors make an agricultural site desirable and what types of soil protection mechanisms are available to developers.

Photo by Joe Gray, courtesy of Auburn Natural Products & Agriculture Working Group

Ordinance Overview

Auburn's solar ordinance provides that ground-mounted solar projects occupying less than one acre in total land area are permitted by right, and projects occupying greater than one acre are permitted by special exception, which reverts back to Auburn's site plan review process. However, ground-mounted projects intended to satisfy the electricity needs of the principal use of the lot are exempt, regardless of their size, in an effort to simplify the process for solar projects that support on-site energy production for the farm operation. Projects permitted by special exception in the AGRP Zone are subject to a number of conditions and performance standards that are focused on agricultural resources.

Spotlight Ordinance Provision:

Total Land Area Standard and Agriculture Committee Review

The Auburn Agriculture Committee was formed during the same timeframe that the solar ordinance was developed for the AGRP Zone. Although the intention was for the Agriculture Committee, once formed, to play an important role in guiding how solar development would impact farmland, the city wanted the ability to permit some projects to move forward in the interim. The solution was to establish a Total Land Area standard, which set a cap on the amount of land that could be developed for solar energy generation in the AGRP Zone at one percent of the Zone's total land area, or 200 acres. Once this cap is reached, the Planning Board must consult with the Agriculture Committee[113] to "find that any additional proposed solar energy generating systems will not materially alter the stability of the overall land use pattern of the [AGRP Zone]" or make it more difficult for existing farms to expand, purchase or lease farmland.[114]

Lessons learned so far: Four solar development projects covering approximately 90 acres have been approved in the AGRP Zone as of the initial publication of this section in 2022, so the Agriculture Committee review has not yet been triggered.

Spotlight Ordinance Provision:

Prime Soils Analysis

Proposed solar developments located in the AGRP Zone must provide a soils analysis to "demonstrate if the site proposed for development contains prime farmland as defined by the United States Department of Agriculture. Least productive agricultural soils shall be considered first for development" unless it can be demonstrated that non-prime farmland is not reasonably available.[115] This prime soils analysis enables Auburn planning officials to request a different location that does not contain as much prime soils within an applicant's proposed site.

Lessons learned so far: All four of the approved projects in the AGRP Zone have intersected with prime soils in some way, but for planning staff, this provision has been effective in reducing the extent to which these soils are impacted by site selection.

Spotlight Ordinance Provision:

Operations and maintenance plan prioritizing agricultural activities

All operations and maintenance plans for proposals in Auburn's AGRP Zone must include a plan that prioritizes the "ability to co-mingle agricultural and energy generation land uses including but not limited to: apiaries, grazing or handpicked crops."[116] This provision intends for solar developers to incorporate a commitment to working with farmers in some way. It does not include specific parameters or require applicants to consider dual-use in the design of the project.

Lessons learned so far: During a tour of a solar project in the AGRP Zone, one farmer expressed concerns about grazing their sheep at the site due to the low height of the panels and concern that the sheep may cause damage. Auburn planning officials are interested in learning about industry standards that are developed for dual-use projects, including minimum panel height to accommodate agricultural activities, and would consider making changes to the solar ordinance to reflect these standards in the future. Local farmers also note that it will be important to continue to revise this component of the ordinance as more information is gained about dual-use solar projects.

Implications for Current and Future Agricultural Production

Auburn's ordinance contains provisions that aim to protect agricultural production and encourage developers to integrate agricultural activities, while also enabling farmers' access to lease payments from developers by permitting solar development in the AGRP Zone. Looking ahead, Auburn planning officials view Auburn's solar ordinance as a working document that should be amended as they go through the process of applying the ordinance standards and learning what impacts they have on the AGRP Zone.

Farmland Profile

Agricultural land in Readfield primarily consists of pasture and hay production, dairy, orchards, mixed vegetables, and berries[117]

Approach

Leveraging the town comprehensive plan to help guide solar siting

Spotlight Ordinance Provisions

Purpose Statement; Alternatives Assessment and Preservation of Town Character Approval Standards; Lot Coverage Approval Standard

Town Case Study

Town of Readfield Solar Ordinance [118]

The Town of Readfield's Solar Ordinance was adopted by town meeting in June 2021. The ordinance development process was a year-long effort conducted primarily by members of the Readfield Planning Board, the Town Manager, and the Code Enforcement Officer. The Planning Board reviewed numerous solar ordinances that had been enacted by other towns, consulted with commercial solar developers on certain concepts and definitions, and leaned heavily on Readfield's existing planning resources to ensure that the ordinance would support the community's established goals.

Ordinance Overview

Readfield's ordinance applies to all solar energy systems and defines projects as small, medium, or large scale based on both the physical size of the system and its megawatt potential. The ordinance also differentiates between ground-mounted and roof-mounted installations. Ground-mounted systems of all scales are permitted in certain zoning districts, with Planning Board approval, and are subject to additional submission requirements and approval standards.

At the time of initial publication of this section in 2022, no solar development project has been approved through Readfield's ordinance.

Spotlight Ordinance Provision:

Purpose Statement

Included in the ordinance's purpose statement is the intention to "support the goals and policies of the Comprehensive Plan, including orderly development, efficient use of infrastructure, and protection of natural, scenic, and agricultural resources."[119] Members of the Readfield Planning Board felt that rather than reinvent visions and goals for the community, it made sense to reference the existing philosophy of the town Comprehensive Plan. The aim was for the ordinance to communicate upfront that this is a community that values its natural, scenic, and agricultural resources, and that support for the goals of the Comprehensive Plan would be reflected throughout as a condition of approval.

Spotlight Ordinance Provision:

Alternatives Assessment and Preservation of Town Character Approval Standards

The ordinance ties back to the Comprehensive Plan in two other provisions, including the Alternatives Assessment, which provides that if a proposed large or medium-scale ground-mounted project does not meet the goals and objectives of the Comprehensive Plan, "then other potential suitable alternative area(s), on the lot(s) included in the application, where a [solar energy system] can meet the Town's standards, goals, and objectives needs to be evaluated by the applicant."[120] The intention of this approval standard is to provide a mechanism by which the Planning Board can question the placement of a proposed solar development and have more flexibility in the review process.

Additionally, the ordinance contains a "Preservation of Town Character" approval standard, which states that "all reasonable efforts, as determined by the Planning Board, shall be made to ensure any [solar energy system] is consistent with the character of the community via visual consistency with local neighborhood area, maintenance of scenic views, maintenance of open space land and farms, and the Town Comprehensive Plan, and associated Town planning documents."[121] The Planning Board intends for this provision to reinforce to developers that significant infrastructure change that is not consistent with the community's identified planning goals and rural living character will not be permitted.

Spotlight Ordinance Provision:

Lot Coverage Approval Standard

Proposed large and medium-scale ground-mounted projects in Readfield "shall not exceed 20% coverage of a lot area. Lot coverage shall be calculated based on the total [solar energy system] airspace projected over the ground."[122] The intention of this standard is to allow enough coverage to support a viable commercial solar project on a large enough lot, while also preventing the property from becoming fully encompassed by a solar installation. When crafting the ordinance, the Planning Board reviewed a parcel map of Readfield and combined this investigation with their local knowledge to determine the extent to which there were properties, namely open agricultural lands, that might be at risk for large-scale solar development. Although Readfield officials view this standard as a land conservation provision since it would protect a significant portion of a site from development, they also note that directing solar siting to larger lots could potentially put these properties at greater risk for development.

Implications for Current and Future Agricultural Production

Readfield's ordinance permits solar development (with Planning Board approval) in the Rural Zone where most of the farmland in town is located, while emphasizing the community's goals and values around protection of natural and agricultural resources. The ordinance does not contain specific solar siting standards; rather, it guides siting through references to the goals and objectives of the town's Comprehensive Plan and creates opportunities for the Planning Board to address relevant issues with developers on a case-by-case basis. Therefore, the onus will be on the Planning Board to apply the values-based standards of the ordinance in ways that protect natural and agricultural resources and advance the objectives of the Town Comprehensive Plan. The Comprehensive Plan is also currently being updated, so the goals, objectives and strategies that are established in the revised plan will play an important role in guiding solar siting in the future.

While the ordinance does not specifically encourage dual-use projects, Readfield officials are interested in those types of projects and believe that the ordinance contains enough language related to maintenance of open space and farms to be able to address this topic with solar developers.

Other future considerations for Readfield officials include how it could be beneficial for towns to be able to communicate their goals and priorities for solar siting before solar developers conduct site searches in their community. This would provide an opportunity for towns to help to guide balanced siting before developers come to them with a proposed project site.

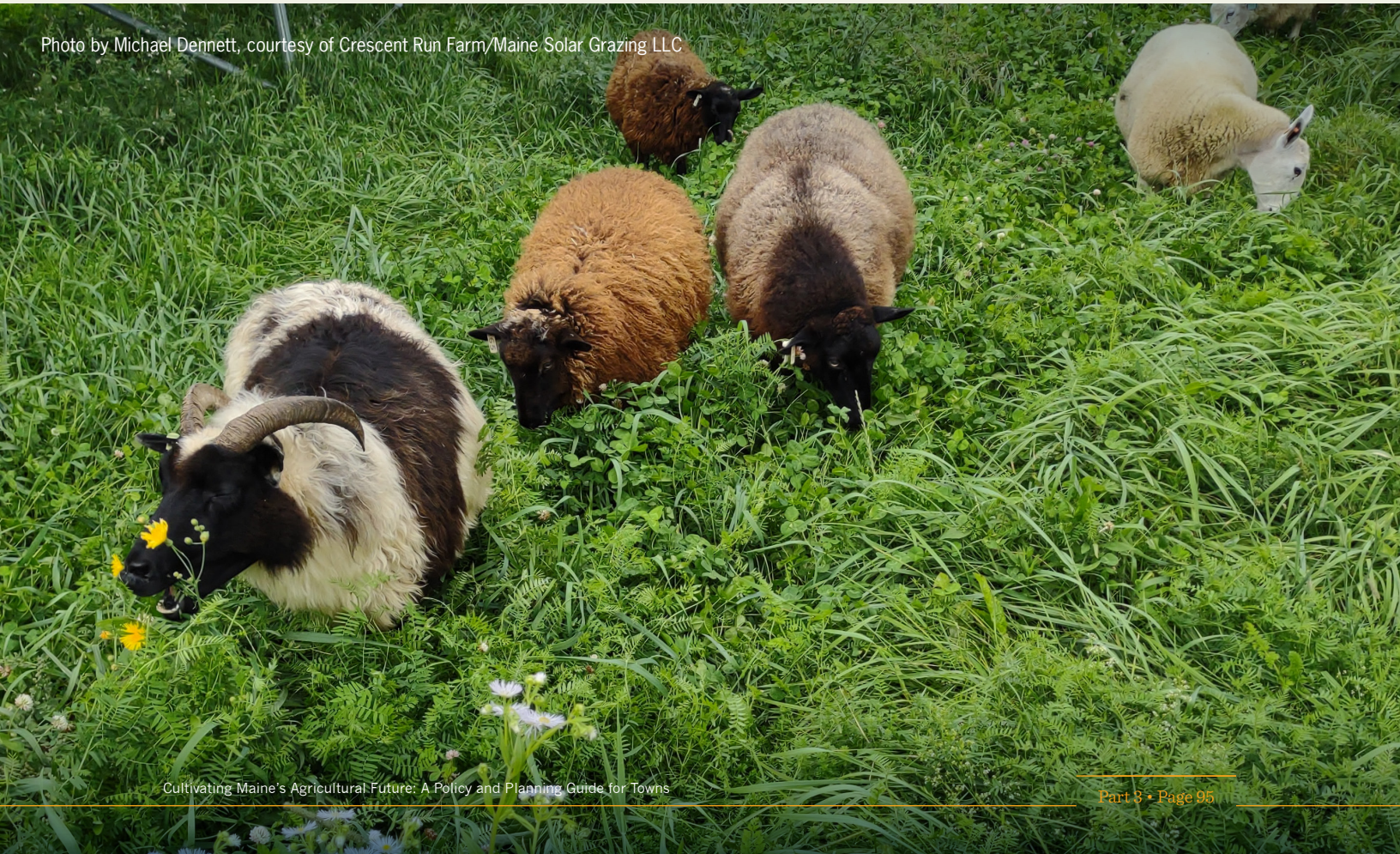


Photo by Michael Dennett, courtesy of Crescent Run Farm/Maine Solar Grazing LLC

Resources

Final Report of the Agricultural Solar Stakeholder Group	https://www.maine.gov/energy/studies-reports-working-groups/current-studies-working-groups/agricultural-solar-stakeholder-group
Maine Department of Agriculture, Conservation and Forestry, *LD 820 Report to the Legislature*	https://www1.maine.gov/DACF/ard/resources/docs/soalar-report-ld820.pdf
Maine Department of Agriculture, Conservation and Forestry, Agricultural Solar Siting Resources	https://www.maine.gov/dacf/ard/resources/solar.shtml
Maine Audubon, *Best Practices for Low Impact Solar Siting, Design, and Maintenance: Avoiding and Minimizing Impacts to Natural and Agricultural Resources*	https://maineaudubon.org/wp-content/uploads/2020/09/Best-Practices-Nov-2019-singl-pgsLR.pdf
Maine Audubon Renewable Energy Siting Tool	https://audubon.maps.arcgis.com/apps/webappviewer/index.tml?id=28bece227ab04c0e9c148cddba7f0b5c
Maine Audubon, *Model Site Plan Regulations and Conditional Use Permits to Support Solar Energy Systems in Maine Municipalities*	https://maineaudubon.org/wp-content/uploads/2020/03/ModelSolarOrdinance-Feb2020-FINAL.pdf
American Farmland Trust's Farmland Information Center Solar Siting Resources	https://farmlandinfo.org/solar-siting/
Vermont Law School's Farm and Energy Initiative's Farmland Solar Policy Design Toolkit	https://farmandenergyinitiative.org/projects/farmland-solar-policy/policy-design-toolkit/
Bill Pederson and Brooks Lamb, *Agrivoltaics: Producing Solar Energy While Protecting Farmland*	https://farmlandinfo.org/publications/agrivoltaics-producing-solar-energy-while-protecting-farmland/
Maine Farmland Trust's municipal technical assistance and "Farmland and Solar Development" resources	https://www.mainefarmlandtrust.org/farmers/find-resources

Appendix:
Stakeholder Recommendations for Balanced Solar Siting

In response to both a recommendation included in the updated climate action plan, ***Maine Won't Wait,***[123] and legislation adopted by the Maine Legislature in 2021,[124] Maine's Department of Agriculture, Conservation and Forestry and the Governor's Energy Office convened an Agricultural Solar Stakeholder Group in 2021 to make policy recommendations to balance the need to protect the state's farmland with the need to increase solar energy generation.

The Stakeholder Group's final report includes several recommendations[125] that will be important to achieving a balance between these important needs, such as:

- Creating **greater regulatory efficiency** for well-sited solar projects through the permit-by-rule process;
- Supporting the creation of a **dual-use pilot program** to allow for the collection of data on how dual-use could be a viable model for agricultural operations and solar production;
- Creating a **centralized database** of information and impact trends related to approved and constructed projects;
- Providing more **technical assistance to municipalities** as they work to evaluate solar projects; and
- Ensuring the **involvement of agricultural stakeholders** in the creation of siting policy so that impacts to important agricultural and natural resources are considered and that well-sited projects are given a leg up in renewable energy programs.

The Stakeholder Group also developed the following definitions to describe dual-use and co-location solar projects:[126]

- **Dual-use projects** are solar installations on farmland that allow for primary agricultural activities (such as animal grazing and crop/vegetable production) to be maintained simultaneously on the farmland. Dual-use designs may (but are not required to) include increased panel height or expanded panel row spacing to improve compatibility with farming operations and crop production.
- **Co-location projects** generally involve conventional ground-mounted solar installations (designs that have not been modified to accommodate agricultural use) that either host non-agricultural plantings with additional environmental benefits or involve siting a more conventional solar installation on a portion of farmland, while retaining other farmland for agricultural use.

References for Part 3, Section 6

88 Haggerty, S., Maine Audubon, "Solar Siting: Encouraging Thoughtfully Sited Renewable Energy Development," Presentation to the Agricultural Solar Stakeholder Group, (June 3, 2021).

89 Caveats about the solar project dataset used in this analysis: The Maine DEP Solar Site Permit Polygon dataset is a representation of the solar sites that have been reviewed and approved by the Maine DEP. This dataset is not a representation of all the solar sites in Maine, just those that the Maine DEP has reviewed (many smaller sites don't require DEP review). Polygons are based on the best available map and/or dataset which is often a detailed site plan but sometimes may be a parcel or multiple parcel boundaries. For this reason, the user cannot assume that the acreage represented by the polygon is an accurate representation of the acreage of the final solar site (Sarah Haggerty, Maine Audubon, email March 11, 2022).

90 ***Final Report of the Agricultural Solar Stakeholder Group,*** p. 17 (Jan 2022), Available at: https://www.maine.gov/energy/studies-reports-working-groups/current-studies-working-groups/agricultural-solar-stakeholder-group.

91 Maine Audubon, ***Best Practices for Low Impact Solar Siting, Design, and Maintenance: Avoiding and Minimizing Impacts to Natural and Agricultural Resources,*** (November 2019). Available at: https://maineaudubon.org/advocacy/solar/

92 City of Auburn, Chapter 60, Article XVIII, Solar Energy Generating Systems, available at: https://library.municode.com/me/auburn/codes/code_of_ordinances?nodeId=PTIICOOR_CH60ZO_ARTXVIIISOENGESY. For City of Auburn's use regulations for solar energy generating systems in the Agriculture and Resource Protection Zone: https://library.municode.com/me/auburn/codes/code_of_ordinances?nodeId=PTIICOOR_CH60ZO_ARTIVDIRE_DIV2AGREPRDI_S60-145USRE

93 Town of Barre, Solar energy facilities special permit and site plan review, Section 140-10.1, available at: https://ecode360.com/31873652

94 Town of Topsham, Solar energy conversion systems, Chapter 225-60.19, available at: https://ecode360.com/36530347

95 Town of Monmouth, Comprehensive Development Ordinance, Last Amended July 14, 2020, "Solar Energy Systems," Section 6.8.9, p. 63, available at: https://monmouthmaine.gov/?SEC=8D406595-C7AF-4E90-9568-A5B2BC53914A

96 Town of Readfield Solar Ordinance, 6-8-2021, available at: https://www.readfieldmaine.org/ordinances-policies-permits/pages/ordinances

97 City of Belfast, Chapter 102, Zoning Amendments Regarding Solar Energy Systems, available at: https://www.cityofbelfast.org/443/Solar-Ordinance

98 Michael Dennett, Crescent Run Farm, interview March 24, 2022.

99 Jessica Forcello, BlueWave, email June 1, 2022.

100 Dr. Lily Calderwood, Mara Scallon and Brogan Tooley, University of Maine Cooperative Extension, "Investigating the Impact of Solar Installation Methods on Wild Blueberry Production" in ***2021 Wild Blueberry Research and Extension Reports,*** p. 149 (Jan 2022).

101 LD 802, ***An Act To Ensure Decommissioning of Solar Energy Developments.*** The law applies to projects that began construction on or after October 1, 2021, as well as to projects that undergo an ownership transfer after October 1, 2021.

102 This case study was developed in part from input and information provided by the following individuals: Rod Melanson (Director of Planning, Development and Codes, Town of Topsham); Andrew Deci (former Assistant Town Planner, Town of Topsham); Yvette Meunier (Topsham Solar Advocates); Victor Langelo (Topsham Solar Advocates; Topsham Conservation Commission); and Nick Whatley (Topsham Solar Advocates; Whatley Farm).

103 Town of Topsham, Zoning Definitions, Chapter 225-6 "Solar Energy Conversion System (Ground-Mounted)"

104 Town of Topsham, Table of Use Regulations, 225 Attachment, last amended July 2, 2020

105 Town of Topsham, Solar energy conversion systems, Chapter 225-60.19.B, Accessed Nov 11, 2021

106 ***Topsham Natural Areas Plan***, p. 21

107 Town of Topsham, Solar energy conversion systems, Chapter 225-60.19.F, Accessed Nov 11, 2021

108 Town of Topsham, Solar energy conversion systems, Chapter 225-60.19.E(1)(b), Accessed Nov 11, 2021

109 Town of Topsham, Solar Energy Conversion Systems Habitat Mitigation Fee Map, available at: https://ecode360.com/documents/TO1615/public/575918716.pdf

110 Auburn Agriculture Committee, Auburn's Ag Zone Land Use Inventory, (Jan 20, 2022). Available at: https://storymaps.arcgis.com/stories/4b6f2bfb15d247e3a370cb7abd9f9a26

111 This case study was developed in part from input and information provided by the following individuals: Eric Cousens (Director of Planning and Permitting, City of Auburn); Megan Norwood (former City Planner, City of Auburn); Kathy Shaw (Owner, Valley View Farm in Auburn; Chair, Auburn Agriculture Committee)

112 City of Auburn Ad Hoc Committee, ***Final Report: Study to Support and Enhance Auburn's Agricultural and Resource Sector,*** p. 3 (July, 2018)

113 At the time of writing, the Auburn Agriculture Committee is being restructured as a working group that will focus on issues related to agriculture, conservation and sustainability (Eric Cousens, Director of Planning and Permitting, City of Auburn; interview March 2, 2022).

114 City of Auburn, Agriculture Resource and Protection District Sec. 60-145(b)(19)(d), Accessed Oct 20, 2021

115 City of Auburn, Agriculture Resource and Protection District Sec. 60-145(b)(19)(g), Accessed Oct 20, 2021

116 City of Auburn, Agriculture Resource and Protection District Sec. 60-145(b)(19)(i)(1), Accessed Oct 20, 2021

References for Part 3, Section 6 (continued)

117 Town of Readfield Comprehensive Plan, p. 91 (Adopted June 11, 2009)

118 This case study was developed in part from input and information provided by the following individuals: Henry Clauson (Readfield Planning Board); Eric Dyer (Readfield Town Manager); Chip Stephens (Code Enforcement Officer, Town of Readfield); and Jerry Bley (Readfield Conservation Commission)

119 Town of Readfield Solar Ordinance, Section 2.e, Accessed Jan 27, 2022

120 Town of Readfield Solar Ordinance, Section 7.19 (Large and Medium-Scaled Ground-Mounted Solar Energy Systems), Accessed Jan 27, 2022

121 Town of Readfield Solar Ordinance, Section 7.20 (Large and Medium-Scaled Ground-Mounted Solar Energy Systems), Accessed Jan 27, 2022

122 Town of Readfield Solar Ordinance, Section 7.1 (Large and Medium-Scaled Ground-Mounted Solar Energy Systems), Accessed Jan 27, 2022

123 Maine Climate Council, ***Maine Won't Wait: A Four-Year Plan for Climate Action,*** p. 76 (Dec 2020), https://www.maine.gov/climateplan/the-plan. Recommendation: "Develop policies by 2022 to ensure renewable energy project siting is streamlined and transparent while seeking to minimize impacts on natural and working lands and engaging key stakeholders."

124 LD 820, Resolve, ***To Convene a Working Group To Develop Plans To Protect Maine's Agricultural Lands When Siting Solar Arrays,*** https://legislature.maine.gov/bills/display_ps.asp?PID=1456&snum=130&paper=SP0206. This bill directed Maine's DACF to convene a working group of stakeholders to develop plans to discourage the use of land of higher agricultural value and encourage the use of more marginal agricultural lands when siting a solar array.

125 ***Final Report of the Agricultural Solar Stakeholder Group,*** p. 4 (Jan 2022). A more detailed summary of these recommendations can be found at: www.mainefarmlandtrust.org/stakeholder-group-recommendations-for-creating-balanced-solar-energy-development/.

126 ***Final Report of the Agricultural Solar Stakeholder Group,*** p. 27 (Jan 2022).

Part 3
Section 7

Non-Regulatory Farmland Protection and Access Tools

MAINE FARMLAND TRUST

Non-Regulatory Farmland Protection and Access Tools

These farmland protection and access tools can be employed to help protect the land base for local agriculture and increase local farming opportunities. Some municipalities may feel they can take on these non-regulatory strategies themselves; other communities may wish to partner with a land trust or other community organization.

Leasing Town Land to Farmers

Tool/Strategy

Better utilizing farmland and helping farmers access affordable land

Who Is Involved

Select board or town council, town staff, a town committee overseeing municipal land, a town group working with private landowners, or a local land trust

Why It Matters

The availability of affordable land is often a barrier to new farmers and to existing farmers who wish to expand. A 2022 survey conducted by the National Young Farmers Coalition revealed that finding affordable land to buy is the top challenge that young farmers face and is an even greater challenge for farmers who identify as Black, Indigenous and people of color. Over half of all respondents to the survey said they need more access to land, whether to buy or lease.[127]

For many farmers in Maine, leasing is an affordable land access strategy. According to the 2022 Census of Agriculture, 20 percent of Maine farms lease some or all of the land they use for farming.[128] Many Maine communities have good farmland that is not currently in active agricultural use. Much of this land is privately owned, but in many communities, the town itself may own underutilized farmland. Leasing suitable properties to farmers can be a great way to increase local farming and to support farmers, particularly small-scale, beginning, low-income, and historically underserved farmers who either lack the capital and resources necessary to purchase land or whose business or personal goals may not align with private landownership.

Photo by Emily Gherman-Lad

Take Action

Note: The general guidance below was developed with input from Kathy Ruhf with Land For Good, as well as Land For Good's resource "Leasing Land to Farmers: A Handbook for New England Land Trusts, Municipalities and Institutions."

What to Consider First

Land leasing arrangements between towns and farmers should be mutually beneficial relationships, as farmers are providing land stewardship and contributing to the local agricultural economy and character of the community, while towns are reducing barriers to land access and acknowledging the value of farms and farming to the community. Public buy-in and transparency throughout the process can help to ensure these benefits.

Prior to leasing land to farmers, towns should consider establishing:

- **Supportive goals and values:** Leasing town-owned land to farmers is likely to work best in communities that value agricultural activities and support the town's decision to lease to farmers. These values may already be established in a comprehensive, open space, or climate action plan. Towns could also gauge support from residents through surveys, town meetings, and educational forums. Public input may help towns establish broad goals and guidelines for leasing farmland, such as determining whether to provide public access, which types of agricultural activities to permit, and tenant qualifications.
- **Adequate capacity:** It's important to ensure that adequate staffing capacity and resources are in place to manage the leasing process and relationships. These needs will vary based on the amount of farmland a town is looking to lease, as well as the specific delegation of responsibilities around management, stewardship, and communication. To fulfill these duties, towns could consider engaging the conservation commission, establishing an agricultural commission, or integrating some of these responsibilities into town staff roles.

Photo by Brendan Bullock

- **An inventory of town-owned land that is suitable and available for farming:** Understanding not only the amount of farmland available, but also the quality and agricultural characteristics of that farmland is a critical step when preparing to lease. This may mean conducting a farmland inventory and compiling data on available properties, including relevant details on acreage, zoning or easement restrictions, infrastructure, historical uses, water access, and soil quality.

Preparation to lease farmland will vary by town based on each community's unique needs and circumstances. Therefore, it will be valuable to consider any local factors and consult with legal counsel or other experts when taking the first steps. Land For Good offers extensive resources on farmland leasing, such as sample Requests for Proposals (RFPs, more below) and lease agreements.

Crafting a Lease

To work well, a lease needs to serve the interests of both the landowner (in this case, the town) and the farmer leasing the land. All towns will want assurance that their land will be maintained and managed in ways that align with their stewardship goals for the property. Beyond this, some towns may have other particular requirements. For instance, a town may feel strongly that public access be provided on the land; yet a farmer may view a lease ensuring public access as problematic unless it is carefully structured.

Many towns will care about aesthetics, odors, and noise associated with the use of the land, and this may also be a concern of landowners who live near a property being leased. It is important to consider that farmers may want to erect high tunnels or greenhouses, spread manure, or store farm equipment on site. Indeed, such practices may be critical to the farmer utilizing the land in an economically viable manner. Therefore, it is important to discuss and address the needs and concerns of both parties early in the lease development process.

Two other key issues with any lease are duration and cost:

- **Lease duration:** Some farmers are unlikely to invest time or money in improving the soils or infrastructure unless they are provided a longer-term lease. Where appropriate and feasible, towns should consider lease terms of 5 to 10 years or even longer. Also consider a lease that requires the landowner to give two-, three-, or five-years' notice before a farmer can be asked to vacate. This kind of approach may encourage farmers to continue investing in soil fertility. The lease should specify the termination parameters for both parties.
- **Lease cost:** There are no set rental rates. In some parts of Maine, high-quality farmland may lease for hundreds of dollars per acre, however, in many places, farmland is leased for much lower rates. When determining the lease fee, consider the impact it will have on accessibility, particularly for beginning or underserved farmers. A lower-than-market rate may be appropriate, especially if the farmland has been idle for many years and the farmer will be making needed improvements (such as repairing fencing or building up organic matter). Towns may also want to consider in the lease cost the numerous public benefits that farming and farmland create for the community, as well as the land stewardship services that the farmer may be providing (e.g., removing brush, mowing open fields) that would otherwise require town resources.

Towns should also consider how the funds generated through the lease will be used, which might include farmland improvement projects or offsetting the cost to farmers of stewarding the land. It may even be appropriate to allocate additional town funds or apply for grants to support the maintenance and development of farm infrastructure and the property's overall potential for agricultural production.

Finding Farmers

Once the lease parameters are established, the next step is finding the right farmer or farmers. Many municipalities do this through a Request for Proposals (RFP), which outlines the specific details of the properties available, tenant selection criteria, lease parameters, and how interested applicants can get more information. The RFP may ask the applicant to include a business plan, information on prior farming experience, and overall intention for the property. On this point, towns should consider how certain experiential or business qualifications may present structural or cultural barriers for some farmers from historically underserved groups, including farmers of color, whose agricultural experience either may not conform to traditional definitions of farming or who have been systematically excluded from opportunities to access land and capital in order to gain experience with farming as a business.

Photo by Emily Gherman-Lad

RFPs may be promoted through town websites, newsletters, social media, and local newspapers, as well as through community organizations that may help reach a broader or more diverse audience. The town may then create a review panel tasked with choosing lessees. Selection criteria must be decided upon before searching for tenants to ensure a transparent public process. While some municipalities may give preference to local residents with prior farming experience, **leasing town farmland may also be a great opportunity to welcome and create opportunities for new, beginning or historically underserved farmers.** Towns should seek out legal guidance when developing the lease selection criteria and process.

One resource to help find farmers is **FarmLink,** a program of Maine Farmland Trust. FarmLink connects farmland seekers with farmland owners who are looking to sell, lease, or enter into a non-traditional tenure arrangement. At any given time, there are hundreds of farmers looking for land access through FarmLink. A farmland owner (including towns) can enroll a piece of property in the service without charge. If a town organizes a more formal program to encourage leasing, that town could coordinate the online informational posting of multiple properties through FarmLink.

Other agricultural and education service providers with farmer training programs may also be resources for towns in their search for potential farmers. See the Resources section below for additional contacts.

Other Ways Towns Can Support Farmland Access

Towns can further support farmland access for farmers by **promoting private lease opportunities.** For example, towns can help promote farmland leasing opportunities being made available by a land trust or other private landowner that is looking for assistance getting the word out. Towns could also spearhead or partner with a land trust or other local organization on an **inventory of privately held land** to identify farmland in the community that could be used for agricultural purposes and facilitate opportunities for interested landowners to make their land available for farming (see Bowdoinham Community Development Initiative Farmland Inventory, Part 3, Page 7).

If town funds are available, towns may also consider **purchasing important farmland outright** and leasing it to local farmers. Towns could also **contribute municipal funds to a farmland acquisition or protection project being led by a land trust.** Through Maine Farmland Trust's Buy/Protect/Sell program, MFT purchases a farm that is up for sale and is at risk of being developed or is unaffordable for farmers. The organization then protects the farm with an easement and sells (or may lease) it to farmers at its farmland value. MFT is always willing to partner with a town or local land trust on such a project.

Finally, towns could consider incorporating support for these types of creative land access solutions into the goals and strategies of a comprehensive, open space, or climate action plan.

Example Strategies:

Town of Lincoln, Massachusetts

Making town land available to farmers through a farmland licensing program

The Town of Lincoln, Massachusetts, runs a farmland licensing program on town-owned conservation land. The town makes the land available through licenses because Massachusetts state law does not allow the leasing of certain lands that are conserved by public entities. The program is overseen by the Conservation Commission and managed by the town Conservation Planner, who coordinates RFPs, license agreements and renewals, and stewardship responsibilities. The program is structured after a Farm Stewardship Policy, which outlines the town's vision for farming and the agricultural practices that are permitted on town-owned land. As of 2022, the town had about 200 acres of farmland licensed to 13 farms, including animal grazing and organic vegetable operations. All of the parcels have a public access component, such as trails.

Photo by Sandy Alles, courtesy of Cultivating Community

- **Evaluation criteria:** Lincoln's tenant selection criteria prioritize operations that will produce local food for the community, use organic practices, and build soil health. The Conservation Commission selects applicants based in part on the extent to which the proposal meets the goals of the Farm Stewardship Policy.[129]
- **Cost:** The annual license fee for farmers is $35 per acre for grazing or haying and $40 per acre for all other operations including vegetables and orchards. The objectives of the Farm Stewardship Policy outline that licenses should be affordable to the working farmer and set at rates that will encourage responsible stewardship of and investment in town-owned lands for future generations. Town officials also report that this affordable, set rental rate prevents bidding wars and helps to attract and support new and small farms. The funds are deposited into a town fund that can only be used for approved farmland improvement projects, such as maintaining access roads.
- **Duration:** Farmland licenses are issued for five-year periods. Some license cycles see no turnover, since farms that are in good standing and are looking to relicense are prioritized. Other years there are new applicants or existing farmers apply again to access additional land.[130]

Town of Falmouth

Contributing town funds to a land trust's acquisition of a farm property

In 2015, the Town of Falmouth, Maine allocated $400,000 from its Parks Land Capital Fund to support the Falmouth Land Trust in the acquisition and conservation of Hurricane Valley Farm. The land trust—which raised an additional $300,000 in private funds to purchase the 62-acre property—now leases the farm to Cultivating Community, a nonprofit organization that uses the property for their refugee and immigrant farmer training and community gardening programs. The farm also has over a mile of public hiking trails. In 2022, the town secured a $50,000 Community Action Grant through the state's Community Resilience Partnership for the installation of rooftop solar on the farmhouse to help meet some of the farm's energy needs.[131]

Town of Cumberland

Exploring land leasing as a climate action strategy

In 2021, as a first step in exploring land leasing opportunities for farmers, the Town of Cumberland formed a Farmland Assessment subcommittee of the Lands & Conservation Commission and tasked the subcommittee with identifying town-owned land that contains prime farmland soils.[132] Inspiration for exploring a farmland leasing program came from Cumberland's 2021 Climate Action Plan, where the highest rated objective among surveyed residents was to "develop a robust and sustainable food economy to increase the availability of local food" with the help of local farms.[133]

Town of Winterport

Leasing town land to farmers

Winterport was deeded 40 acres of federal land many years ago, with the condition that the land never be developed. The property has approximately 12 acres of wild blueberry fields, which the town leases, most recently to growers at Foggy Hill Farm. A portion of the land also remains open for residents to access hiking trails. The town council oversees the lease.[134]

Resources

Land For Good offers extensive online resources on farmland leasing, such as ***Leasing Land to Farmers: A Handbook for New England Land Trusts, Municipalities and Institutions***	https://landforgood.org/

For finding farmers	
Cultivating Community's farmer training programs	https://www.cultivatingcommunity.org/
Maine Farmland Trust's FarmLink program	https://www.mainefarmlandtrust.org/
Maine Organic Farmers and Gardeners Apprenticeship program	https://www.mofga.org/
University of Maine Cooperative Extension's Maine New Farmers Project	https://extension.umaine.edu/new-farmers/

Permanent Agricultural Conservation Easements

Tool/Strategy

Permanently protecting farmland through the donation or sale of an agricultural conservation easement

Who Is Involved

Landowners working in partnership with a land trust or municipalities; town officials or groups such as conservation, agricultural or open space commissions protecting key farm properties; local or regional land trusts

Why It Matters

Agricultural conservation easements provide the best means of protecting farmland in perpetuity. Well-crafted agricultural conservation easements provide the landowner flexibility to ensure that a property can always be used for farming.

Towns can benefit greatly from having farmland protected through agricultural conservation easements: protected farmland will not only make it possible for farming to continue to support the local economy, but will also hold down future costs of community services while retaining natural and working lands, providing recreational opportunities, and building a more resilient local food system. Easements also play an important role in farmland access by helping to make farmland more affordable for purchase by a farmer.

Take Action

Towns can support the use of easements as a farmland protection tool by **helping to identify important agricultural land in the community, as well as landowners who might be interested in protecting their land** through an agricultural conservation easement. This task is often undertaken by a conservation or agricultural commission, though it could also be done by another town group or in collaboration with a land trust. Consider relevant local farmland inventories that have been conducted or established town plans that identify farmland protection goals and strategies.

A town cannot compel a landowner to pursue an easement; easements are voluntary legal agreements. However, a town may wish to encourage landowners to grant easements by **providing municipal funding to help pay for them.**

Easements can be donated to or purchased (using private or government funds) by a qualified easement holder—typically a land trust, but municipalities can also hold easements. There can be tax benefits for landowners who either donate an easement or sell an easement for less than full market value. A landowner can donate or sell an easement at any point, provided a land trust (or municipality) has funding available and is willing to accept the easement.

What Is an Easement?

An agricultural conservation easement (or simply, an "easement") is a voluntary, permanent, enforceable restriction that landowners place on their property. Such easements prevent subdivision and non-agricultural development.

Beyond that, agricultural conservation easements are often structured with a great deal of flexibility. That is because their purpose is to ensure that land is forever available for farming— and no one can predict with certainty what kind of farming will make sense on a particular property far into the future. Thus, unlike other types of conservation easements (many of which prevent all structures and prohibit any changes on the land), most agricultural conservation easements allow fencing, land clearing, and new farm structures. Most agricultural easements also define one or more "farmstead areas" or other building areas where a farmhouse and other farm buildings are permitted.

Farmland that is protected with an easement remains in private ownership and is still subject to property taxes, though the assessed value may be lower due to the ways in which the easement limits the types of future development that can occur on the property. Landowners may sell the protected farmland; however, because the easement is permanent, future owners will also be subject to its terms and conditions.

The entity that "holds" the easement (generally a land trust, but at times a municipality) is responsible for enforcing its terms over time, regardless of who owns the property.

Easements vary considerably. The specific terms are negotiated individually between the landowner and the entity that will hold the easement.

Additional Easement Protections

Option to Purchase at Agricultural Value

In response to rising land prices and a growing interest in farm properties from non-farming buyers, some easements incorporate additional restrictions on the resale of the property to ensure protected farmland stays in farmer ownership. In Maine, this type of voluntary restriction is most commonly referred to as an Option to Purchase at Agricultural Value (OPAV). When a protected farm property with an OPAV is put up for sale, the OPAV gives the holder the opportunity to purchase the property at its agricultural use value (typically determined via appraisal) and resell it to a farmer at a more affordable price in order to keep the farm in active production. Typically, the OPAV can only be exercised when the farm is under contract to a buyer who is not a family member or a commercial farmer. Due to the additional restrictions OPAV provisions provide, they may limit the market value of the encumbered property and may result in a lower assessed value than if the property were protected by an easement that does not contain an OPAV.

Easements need to be crafted carefully so that they are tailored to a particular property and the particular interests of the landowner. Crafting an easement can take considerable time, especially if the landowner has business planning or estate planning to complete first. (This type of planning should be encouraged before entering into an easement agreement.) The principal sources of government funds for purchased easements are the state's Land for Maine's Future (LMF) Program and the federal Agricultural Conservation Easement Program's Agricultural Land Easement component (ACEP-ALE). Under these programs, a landowner interested in selling an easement must apply to receive funds in conjunction with a land trust or municipality. In addition, some towns have established their own funds for purchasing easements. In many cases, a combination of funding sources is used, since both LMF and ACEP-ALE, by themselves, will only fund 50 percent of the value of an easement.

The total amount of funding available annually through LMF and ACEP-ALE is limited—well below the level needed to meet the demand from interested landowners. As a result, the application process is highly competitive. In addition, farms must meet certain eligibility criteria in order to qualify for these funding sources. For all these reasons, it is highly unlikely that LMF and ACEP-ALE will be available to satisfy all the needs for purchased easements in a given community.

Although land trusts may also be able to contribute private funding to a farmland protection project, the limitations of LMF and ACEP-ALE suggest that a community may want to develop its own source of funds to purchase easements. This can be done through municipal borrowing. Since farmland preservation is likely to pay for itself over time, there is a certain logic to borrowing funds to protect farmland now, then paying for it over time. A community could also help pay for easements directly with tax revenues or through development fees (Part 3, Page 74).

Towns can also **ensure that the restrictions of a permanent agricultural conservation easement are considered when assessing property taxes** for a farm property that is protected by an easement.

Purchasing a permanent agricultural conservation easement is not the only way to compensate landowners for protecting farmland. The Voluntary Municipal Farm Support Program provides an alternative (see Part 3, Page 40).

Photo by Bridget Besaw

Maine Farmland Trust and Buy/Protect/Sell

Maine Farmland Trust has worked to permanently protect nearly 350 farms and keep over 68,000 acres of Maine farmland in farming.

If the owner of an important and vulnerable farm in your town is not open to an easement but is willing to sell the property, Maine Farmland Trust's Buy/Protect/Sell program exists to purchase farms that are at risk of being developed or are unaffordable to farmers. After buying the land, MFT protects the farm with an easement and sells (or may lease) the property to farmers at its farmland value. MFT prioritizes Buy/Protect/Sell projects that will help farmers struggling with affordable land access and that will protect farmland that would likely have otherwise been developed. MFT is always willing to partner with a town or local land trust on a Buy/Protect/Sell project.

Conservation Funding

The LMF and ACEP-ALE programs can be used separately, or together. However, because funding cycles are not synchronous, it can take several years to complete a project involving both programs.

The applications for these programs are complex. Landowners or municipalities interested in an LMF or ACEP-ALE project should contact the Maine Department of Agriculture, Conservation and Forestry or Maine Farmland Trust to learn more about the rules and processes.

Land for Maine's Future Program
Land for Maine's Future is a state program created in 1987 to acquire both land and easements to protect important conservation areas, water access, outdoor recreation, fish and wildlife habitat, and farmland. In 2021, the Working Farmland Access Protection Program (WFAPP) was established as a subsect of LMF to provide dedicated funding for protecting agricultural land.

The program will pay up to 50 percent of the fair market value of the easement as determined by an independent appraiser. Applications are evaluated according to certain criteria, including the quality of the soils on the property, economic viability, and development pressure, among others. A successful WFAPP award also provides the landowner with the opportunity to request additional grant dollars for capital improvements and future stewardship needs.

Agricultural Conservation Easement Program – Agricultural Land Easements
The Agricultural Land Easements (ALE) component of the federal Agricultural Conservation Easement Program (ACEP) provides funds to eligible partners (such as local governments) to purchase agricultural easements on qualifying land. For working farms, the program is designed to help farmers keep their land in agriculture. The program will pay up to 50 percent of the fair market value of the easement.

Example Strategies

Town of Scarborough

Through a series of referenda, voters in the Town of Scarborough have approved $7.5 million in bonds to conserve important lands. Additional funds for that purpose are also generated through recreational fees and open space development incentives. The Parks and Conservation Land Board evaluates properties based on benefits to the community and makes a recommendation to the Town Council, which approves all expenditures. Through partnerships with Maine Farmland Trust and Scarborough Land Trust, the funds have contributed to the purchase of agricultural easements on several local farms, including Broadturn Farm and Frith Farm, both of which remain active today.[135]

Town of Wells

The Town of Wells annually budgets funds for a Land Bank reserve, which is managed by the Conservation Commission. All expenditures must be authorized first by the Town Council and then by voters. In 2014, the town approved contributing $152,000 from the fund for the purchase of a permanent agricultural easement on the 130-acre Spiller Farm. The project was also funded in part by a federal grant obtained by the Great Works Regional Land Trust, which oversees the easement.[136]

Resources

American Farmland Trust Farmland Information Center	https://farmlandinfo.org/
Local and regional land trusts	https://www.mltn.org/trusts/
Maine Department of Agriculture, Conservation & Forestry – Land for Maine's Future's Working Farmland Access and Protection Program	https://www.maine.gov/dacf/lmf/funds/wfapp.shtml
Maine Farmland Trust	http://www.mainefarmlandtrust.org/
Natural Resource Conservation Service – Agricultural Conservation Easement Program	https://www.nrcs.usda.gov/programs-initiatives/acep-agricultural-conservation-easement-program
"Property Taxation of Conservation Land: Options for Property Owners" (revised July 2013) by Maine Coast Heritage Trust	https://www.mltn.org/resources/publications/

Limited Development

Tool/Strategy

Strategies that allow some development while protecting farmland

Who Is Involved

Land trusts, towns, developers, and land-owners partnering on conservation and limited development projects; planning board or town officials revising ordinances to allow limited development

Why It Matters

For various reasons, a community may not be able to protect all the farmland in the municipality. However, more farmland will be protected if creative strategies are pursued. In some cases, protecting a farm through a donated or purchased easement or a Buy/Protect/Sell project might be the right strategy. In other instances, the only way to pay for protecting farmland may be to allow some portion of a property be developed.

Take Action

Since this strategy still involves an easement, towns would likely undertake a limited development project in partnership with a land trust. The basic steps of a limited development project include:[137]

- Purchasing a vulnerable farm property (typically one facing high development pressure);
- Carving out and selling one or several lots that do not contain high-value agricultural soils and are less suitable for farming in order to help finance the project; and then
- Protecting the remaining farmland with an agricultural conservation easement.

The protected property should contain the majority, if not all, of the original parcel's valuable farmland soils and other important characteristics to support the agricultural use of the land. Towns could then sell or lease the protected farmland to a farmer.

Towns could also explore how limited development projects can help address the important need for more affordable housing in communities across the state through collaborations with affordable housing organizations in addition to conservation organizations.

Limited development projects can be complicated. Towns pursuing this strategy should establish public support and a transparent process as well as seek legal and tax advice.

Photo by Ian MacLellan

Encouraging Limited Development

Towns may also want to take steps to encourage limited development efforts in their community by adopting ordinances that make it easier to get limited development projects approved. In many communities, the site review process is just as cumbersome and expensive for a five-lot subdivision as it is for a 40-lot subdivision, and this may push a landowner to propose more development where the land allows it.

The planning board may want to consider less burdensome application submission requirements or a simpler review process wherever limited development projects meet certain standards. If these less burdensome ordinance provisions are to enhance farming, however, they must, at a minimum, require that the vast majority (if not all) of the good farmland be permanently protected and that this land be suitable for viable agricultural uses.

Unfortunately, some limited development projects that profess to support farming only protect farmland as open space. The remaining farmland has become unsuitable for viable agriculture, either because it is too small, was preserved with prohibitions on certain farm practices, or doesn't contain adequate farm infrastructure. **Though limited development is a useful tool, a planning board should take steps to ensure it is encouraging and protecting land for agricultural production, not just open space.**

Example Strategies:

Town of Red Hook, NY

In 2023, the Town of Red Hook, New York purchased a 109-acre farm property that was desirable for development and a high conservation priority for the community.[138] The town partnered with local conservation organizations Scenic Hudson and Dutchess Land Conservancy to sell an agricultural conservation easement on 97 of those acres, the majority of which contain prime farmland soils. The town plans to sell the protected farmland, which can only be sold at its agricultural value, to a farmer. The remaining 12 acres are situated near the town's village area and the town plans to sell this portion of the land to nonprofit housing organization RUPCO for the development of affordable housing.[139]

Maine Farmland Trust's Buy/Protect/Sell Program

Maine Farmland Trust purchases vulnerable farms under its Buy/Protect/Sell program, which—as the names implies—protects farmland and then resells it to farmers at its lower value as protected farmland. About a quarter of MFT's Buy/Protect/Sell projects have involved some form of limited development. Usually, the development has involved no more than creating a single house lot, but MFT also pursues projects where the only way to fund easements on the good farmland is to develop more of the land that is unsuitable for farming.

Resources

Green Development: Balancing Development with Conservation, a publication of the Mainewatch Institute	https://mainewatch.org/pdf/Green Development.pdf
Local and regional land trusts	https://www.mltn.org/
Maine Farmland Trust	https://www.mainefarmlandtrust.org/

References for Part 3, Section 7

127 National Young Farmers Coalition, ***Building a Future with Farmers 2022: Results and Recommendations from the National Young Farmers Survey***, available at: www.youngfarmers.org/22survey/.

128 United States Department of Agriculture (USDA), National Agricultural Statistics Service (NASS), ***Census of Agriculture for 2022, Maine, "Summary by Tenure of Farm Operation: 2022***."

129 Town of Lincoln, Massachusetts, ***2018 Farm Stewardship Policy***, (2018, revised January 2023), available at: www.lincolntown.org/DocumentCenter/View/78827/Farm-Stewardship-Policy-1-12-23---FINAL.

130 This example strategy was developed in part from input and information provided by Stacy Carter (Conservation Planner, Town of Lincoln, Massachusetts).

131 This example strategy was developed in part from input and information provided by Mila Plavsic (Executive Director, Falmouth Land Trust), Theresa Galvin (Sustainability Coordinator, Town of Falmouth), Brenda Peluso and Roberto Rodriguez (Interim Co-Directors, Cultivating Community).

132 This example strategy was developed in part from input and information provided by Denny Gallaudet (Lands and Conservation Commission, Town of Cumberland).

133 Town of Cumberland Lands and Conservation Commission, ***Climate Action Plan Subcommittee, Climate Action Plan Phase I – Recommendations for Action***, p.20. (Feb. 2021).

134 This example strategy was developed in part from input and information provided by Josh Dickson (Owner, Foggy Hill Farms) and Maureen Black (Interim Town Manager, Town of Winterport).

135 This example strategy was developed in part from information provided by Todd Souza (Community Services Director, Town of Scarborough) and Suzanne Foley-Ferguson (Chair, Scarborough Parks and Conservation Land Board).

136 This example strategy was developed in part from information provided by Steve Brennick (Conservation Commission, Town of Wells).

137 Gazillo, C., Guszkowski, J., Kolesinskas, K., Swamy, L., ***Planning for Agriculture: A guide for Connecticut Municipalities***, American Farmland Trust, p. 52 (2020), available at: farmlandinfo.org/publications/connecticut-planning-for-agriculture-2020/

138 This example strategy was developed in part from information provided by Robert McKeon (Town Supervisor, Town of Red Hook, NY).

139 Johndonnell R., McKeon R., and Thornton R., Press Release: ***Partnership keeps agricultural land affordable for farmers, provides a suitable site for affordable housing, and will connect public parks with new trails***, Town of Red Hook New York Supervisors Updates, (Sept 12, 2023), available at: www.redhookny.gov/CivicAlerts.aspx?AID=1180

Part 3
Appendix

Farm-Friendly Municipal Tools and Strategies Summary Table

MAINE FARMLAND TRUST

Farm-Friendly Municipal Tools and Strategies Summary Table

Tool/Strategy	Why It Matters	Take Action
Engaging Farmers and Building the Case for Supporting Local Agriculture		
Community farm surveys	Understanding the diverse experiences and specific needs of local farmers is at the core of developing effective town policies, programs, and planning efforts that support farming.	Ask targeted questions based on the objective of the planning initiative. Enlist the help of local farmers to help frame questions and develop an inclusive outreach strategy to avoid technology, language, or cultural barriers to participation.
Agricultural commissions	An agricultural commission can amplify the voices of farmers in municipal policy and planning initiatives.	Hold a local forum with farmers and town officials to discuss the possible formation of an agricultural commission and identify interested farmers. Develop a set of duties and determine the size and makeup of the commission.
Economic benefits data	Economic development efforts should consider farms' contribution to the local economy, as well as their associated land access, processing, distribution, and marketing needs.	Compile economic data on agriculture that is available through existing local or regional studies, surveys, plans, municipal tax data, and national data sources. Use this data to inform local planning, policy, and economic development efforts.
Cost of Community Services (COCS) studies	Raising public awareness about the fiscal benefits of farms may help boost enrollment in current use tax programs, encourage communities to adopt a Voluntary Municipal Farm Support Program, or help build the fiscal case for permanent farmland protection.	Host a workshop to educate local officials and residents about COCS studies and their findings around the fiscal benefits of farms to municipalities.
Prioritizing Agricultural Goals and Strategies in Local Planning Initiatives		
Comprehensive plans	The comprehensive plan can capture the full range of benefits that farms bring to a community, identify specific steps to address the needs of local farms and farmers, and serve as a catalyst for sustaining local agriculture.	Reference agricultural considerations throughout the comprehensive plan. Establish the needs, threats, and opportunities relating to agriculture by soliciting input from the local agricultural community. Include policy goals and implementation strategies that address the full range of farm business, land use, and land stewardship needs.

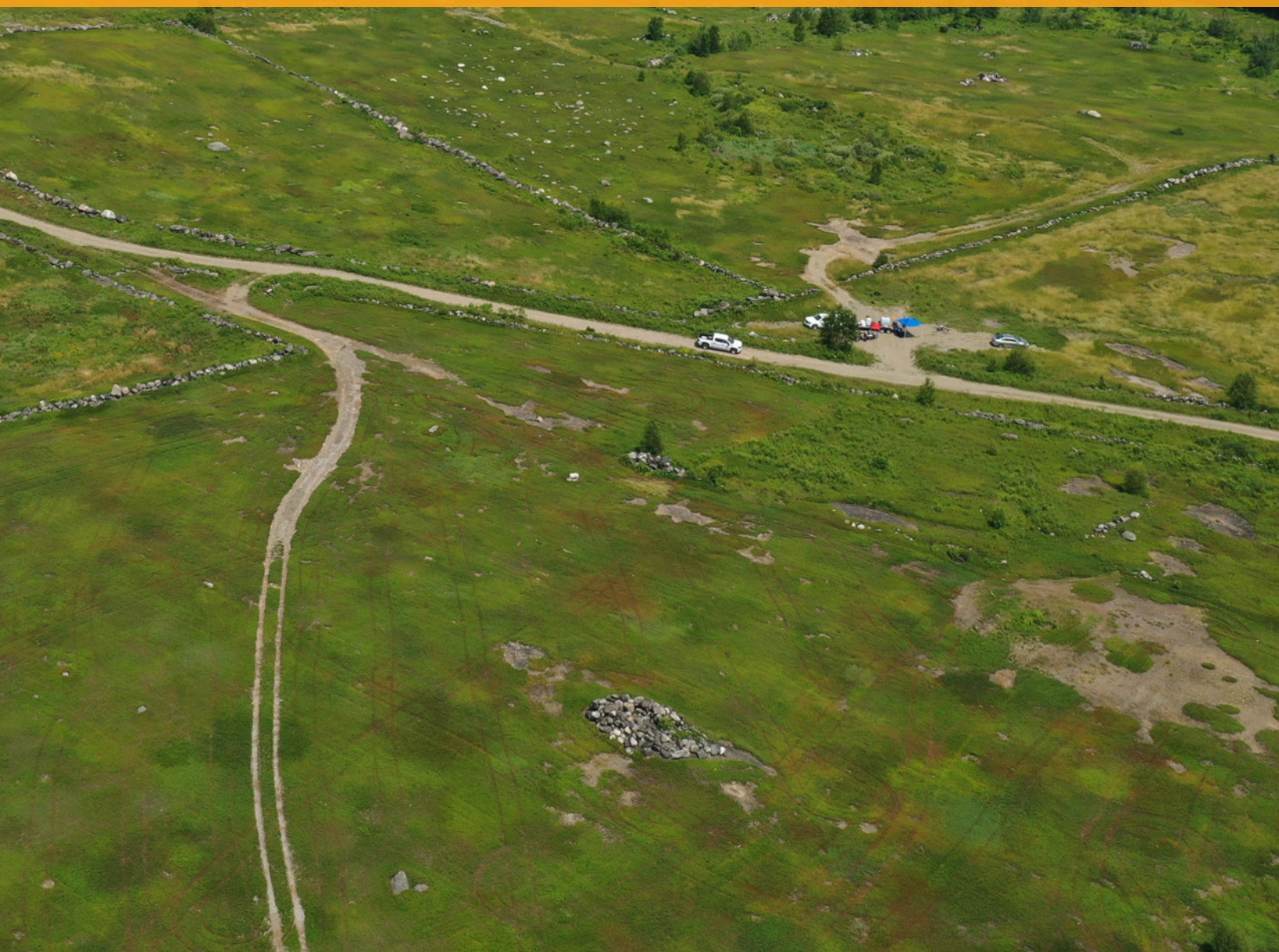
Tool/Strategy	Why It Matters	Take Action
Open space plans	An open space plan can highlight the importance of land for agricultural uses, identify threats to farmland, and lay the groundwork for implementation of proactive policies and strategies for retaining farms and increasing farmland access opportunities.	Engage agricultural stakeholders in the planning process. Inventory active and inactive farmland and describe the benefits working farmland creates for communities. Outline goals and strategies to protect farmland, promote farmland access, and facilitate the transition of farmland from one generation to the next.
Climate action plans	Ensuring that farmland remains in farming is a key natural climate solution. Farmers are also on the front lines of climate change: their livelihoods and the food security of our communities are directly impacted by changes we are already seeing in our climate.	Towns can recognize the important role agriculture plays in climate change mitigation and resilience by incorporating farmland protection and farm viability goals into municipal climate action plans.
Broadband expansion plans	The lack of access to affordable, reliable internet service in Maine can prevent farmers from growing and diversifying their businesses.	Towns and regional groups that are developing broadband expansion plans can ensure that the perspective and needs of local farmers and farm businesses are included in the planning process.
Protecting Working Agricultural Lands and Expanding Farmland Access		
Local ordinances	Maine's most productive farmland soils are a precious and finite resource, and farmland in Maine is being lost to all types of development. There are a variety of regulatory tools towns can use to proactively limit the impact of non-agricultural development on important farm soils and working agricultural land.	Local ordinances can direct new, non-agricultural development away from important farmland soils and areas with active farms and towards locally designated growth areas. Towns should consider lot creation, conservation subdivision, or clustering development standards that maximize the retention of contiguous areas of open farmland for agricultural use.
Solar siting	Solar energy production can create economic benefits for farms and is important for addressing climate change. However, it is important that commercial solar development does not also result in the loss of Maine's valuable agricultural land, displace agricultural production, or impede farmland access.	Discourage the siting of commercial solar installations on important farmland soils or in ways that cause productive farmland to be taken out of production. Prioritize siting on marginally productive portions of farm properties and encourage dual-use projects where agricultural production and solar energy generation occur together. Enable solar projects that support the electricity needs of the farm operation.

Tool/Strategy	Why It Matters	Take Action
Special development fees	Development fees can be used to generate municipal funding to help pay for agricultural conservation easements.	Towns can specify that protecting farmland is a local priority for special development fees. There are a variety of fees to consider, including impact fees, development transfer fees, and payment-in-lieu fees.
Agricultural conservation easements	An agricultural conservation easement permanently protects farmland from non-agricultural development and can help make farmland more affordable for purchase by a farmer.	Towns can partner with land trusts and identify both important agricultural land and landowners who might be interested in protecting their land through an easement. Towns can also provide municipal funding to help pay for easements.
Farm and farmland inventories	Understanding local farmland can help a town make more informed land use decisions, establish farmland protection goals, and help identify and facilitate farmland access opportunities.	An inventory can be a simple list of local farms and a map of important farm soils or involve more elaborate mapping and provide details about individual farms, protected farmland, and current use taxation participation. Consider smaller-scale or non-commercial farming activities, as well as inactive agricultural land.
Leasing town land to farmers	The availability of affordable land is a barrier to new farmers and to existing farmers who wish to expand. Leasing town-owned farmland to farmers can be a great way to increase local farming and support farmers, particularly those who are small-scale, beginning, low-income, and members of historically underserved groups.	Towns can explore longer-term leases as well as lease fees that consider farmer accessibility and whether the farmer will be providing land stewardship, climate resilience, and food security benefits. Consider access for low-income and historically underserved farmers when developing and promoting the lease opportunity and determining lessee selection criteria.
Urban agriculture	Enabling food production in the heart of Maine's cities and villages can be a great way to support the agricultural activities of smaller-scale producers and people who do not own property, as well as enable food access and food security projects.	Engage local community members to identify needs and priorities. Consider factors like how many and what types of animals are permitted, whether on-site sales are allowed, and how traffic or signage issues should be addressed.

Tool/Strategy	Why It Matters	Take Action
Supporting Viable and Resilient Farms		
Local ordinances	Local ordinances have a direct impact on farmers' ability to farm and on farm viability. It is important for ordinances to be responsive to the diverse goals and needs of local farmers.	Local ordinances should be sufficiently flexible to allow farmers to grow and diversify their businesses and operations. Local ordinances' definitions of "agriculture" should encompass a broad range of agricultural uses and structures and be culturally relevant to the diverse needs of local farmers.
Permitting agricultural structures, like high tunnels	Farmers across Maine are increasingly turning to the construction of high tunnels and similar plastic-covered structures to extend the growing season and protect their crops from unpredictable climate conditions.	Towns can support farmers' use of tunnels and the positive impact they have on farm viability and resilience by defining these structures as temporary and reducing or eliminating permit fees for these and other types of agricultural structures.
Current use taxation programs	Property taxes strongly affect farmers' ability to keep farmland in farming. Maine's current use tax programs can help landowners reduce their property tax liability.	Educate assessors and other local officials about current use taxation programs and how they benefit not only participating landowners, but also the community as a whole. Promote the programs to farmers through informational forums, mailings, and one-on-one conversations.
Voluntary Municipal Farm Support Program (VMFSP)	Towns can adopt a VMFSP to lower property taxes on qualifying farmland and farm buildings, which may be crucial to a local farm remaining in business. In exchange, farmers must place agricultural conservation easements on their land for at least 20 years.	Engage the farming community to determine if this program would be a benefit. Towns that adopt a program will need to determine eligibility requirements for qualifying farmland and farm buildings, develop a model easement, and promote the program to local farmers.
Farm promotion	Farms are often a destination point within communities through on-farm marketing and agritourism activities. Communities can help build consumer awareness about local farms, farmers, and their products.	Towns can organize events that promote farms and feature their products, promote activities farms offer, publicize where to buy farm products, and ensure that town policies allow for effective on- and off-site signage.
Farmers' markets	Farmers' markets expand market opportunities for farmers while increasing community access to healthy, locally grown foods.	Towns can make long-term commitments to host farmers' markets on town property, review town signage and permitting rules, promote the market, and raise funds for the market to participate in local food access programs.

Appendix

Resources for Farmers



Resources for Farmers

There are many resources available to support farmers and farm business development. Below is a list of some of the entities and programs that provide financial, business planning, land access, and farmer training services to agricultural producers in Maine.

Any of these organizations may be able to help make referrals to others depending on your needs

Agrarian Trust Assistance, legal tools, and fundraising to expand community ownership of farmland	agrariantrust.org/
Agricultural Council of Maine For a list of agricultural industry associations and commodity groups in Maine	maineagcom.org/membership/member-reps
American Farmland Trust Farmer microgrants, conservation technical assistance, and climate and agriculture peer-to-peer support, trainings, and resources for New England farmers	farmland.org/about/how-we-work/new-england-regional-office/
Black Farmer Fund Financing, business coaching, and technical assistance for Black farmers, business owners, and land stewards	blackfarmerfund.org/
Bomazeen Land Trust Wabanaki-led organization focused on rematriation, perpetual protection, and healing of ancestral Wabanaki spaces and advancing land access, land back, and food justice for Wabanaki communities	bomazeenlandtrust.org/
Coastal Enterprises, Inc. (CEI) Loans, financing, and advising services for farm businesses	ceimaine.org
Cornell Small Farms program Online courses to help farmers improve technical and business skills	smallfarms.cornell.edu/online-courses/
Cultivating Community Farmer training program for immigrants and refugees	cultivatingcommunity.org
Dairy Grazing Apprenticeship Program National program providing training on managed grazing dairy production	dga-national.org/

Eastern Woodlands Rematriation Indigenous-led support network providing capacity building, infrastructure, and technical support for tribal food producers and farmers	rematriate.org
Equity Trust Resources on alternative farm ownership models	equitytrust.org
Farm Coaching Management and communication skill coaching and workshops for farmers (University of Maine Cooperative Extension and Maine Farmer Resource Network)	extension.umaine.edu/maine-farmer-resource-network/farm-coaching-supporting-relationships-for-farm-success/
Farm Credit East Credit and financial services for farmers	farmcrediteast.com
Five County Credit Union's Maine Harvest Solutions Program Loans and financial services for farms in select Maine counties	fivecounty.com/mhsabout
Fund to Address PFAS Contamination State fund for PFAS-impacted farmers, purchasing and managing PFAS-contaminated agricultural land, and research on PFAS and agriculture (Maine DACF)	maine.gov/dacf/about/commissioners/pfasfund/advisory-committee.shtml
Kiva Loans and financial services for farms	kiva.org/
Land For Good Resources and advising on farmland access, leases, and farm transfer planning	landforgood.org
Land in Common Community land trust focused on land access, land justice, and providing secure tenure for BIPOC communities	landincommon.org/
Legal Food Hub Pro bono legal assistance for farmers (Conservation Law Foundation)	legalfoodhub.org
Maine AgrAbility Support for farmers and farmworkers with disabilities (University of Maine Cooperative Extension and Alpha One)	extension.umaine.edu/agrability/

Maine Agricultural Mediation Program Conflict resolution services for farmers (University of Maine Cooperative Extension and USDA Farm Service Agency)	extension.umaine.edu/agriculture/agricultural-mediation/
Maine Department of Agriculture, Conservation, and Forestry (Maine DACF) Farm business, market development, and promotion assistance, farmland and animal agriculture resources, farmer grants (Farms for the Future, Agricultural Development Grant, Farmer Drought Relief Grant Program, Maine Healthy Soils Program), farmer loans (Agricultural Marketing Loan Fund, Dairy Improvement Fund, Potato Marketing Improvement Fund)	maine.gov/dacf/
Maine Farm and Ranch Stress Assistance Network Resources for farmer and farmworker wellness and resilience (University of Maine Cooperative Extension)	extension.umaine.edu/agriculture/maine-frsan/
Maine Farmer Resource Network Resources for aspiring and beginning farm businesses (University of Maine Cooperative Extension)	extension.umaine.edu/maine-farmer-resource-network/
Maine Farmland Trust Technical assistance and grant funding for farm business planning and climate-smart farm management practices and infrastructure, farmland access assistance, farmland protection and agricultural conservation easements	mainefarmlandtrust.org
Maine FarmLink Linking service for farmland owners and farmland seekers	farmlink.mainefarmlandtrust.org/
Maine Federation of Farmers' Markets Resources and technical support for farmers' markets and direct market local food access programs	mainefarmersmarkets.org/
Maine New Farmers Project Trainings and resources for beginning farmers, also provides list of current grants and loans for farms in Maine (University of Maine Cooperative Extension)	extension.umaine.edu/new-farmers/ extension.umaine.edu/new-farmers/payments-grants-and-loans-for-farms-in-maine/
Maine Organic Farmers & Gardeners Association Organic certification, farm production technical assistance, farmer training programs, organic loan fund, and beginning farmer, farm worker, and marketing resources	mofga.org
Maine Sustainable Agriculture Society Resources on sustainable agricultural practices	mainesustainableag.wordpress.com/

National Young Farmers Coalition Trainings on Food Safety Modernization Act (FSMA) certification and finding farmland	youngfarmers.org/services/#
New England Farmers of Color Land Trust BIPOC-led organization advancing equitable land access for farmers and land stewards of color, also operates NEFOC Network, an informal alliance of Black, Latinx, Indigenous, and Asian farmers and land stewards of color in the Northeast	Nefoclandtrust.org
Northeast Dairy Business Innovation Center Grants and technical services for dairy farmers and processors in the Northeast	nedairyinnovation.com/
Northeast Sustainable Agriculture Research and Education Sustainable agriculture research grants and education for farmers in the Northeast (USDA and University of Vermont)	northeast.sare.org
Northern Maine Development Commission Loans for farm businesses in northern Maine	nmdc.org/loans/
PFAS Emergency Relief Fund Emergency relief for any Maine farm dealing with PFAS contamination (MFT and MOFGA)	mainefarmlandtrust.org/farm-network/pfas-emergency-relief-fund/
Real Maine Promotion assistance for Maine farms and food producers	realmaine.com/
SCORE Maine Mentoring services and educational workshops on farm business and financial planning	scoremaine.org
Soil & Water Conservation Districts Technical assistance and educational programs on soil conservation and other farm management practices	maineconservationdistricts.com
Somali Bantu Community Association Land access, technical assistance, and resources for New American farmers and food producers	somalibantumaine.org

USDA Farm Service Agency Loans for farm ownership, operating, emergency and other types of expenses, organic certification cost share, disaster assistance programs, conservation programs like Conservation Reserve Program (CRP)	fsa.usda.gov
USDA Natural Resources Conservation Service Conservation technical assistance, conservation grant programs including Conservation Stewardship Program (CSP), Environmental Qualities Incentives Program (EQIP), Conservation Innovation Grant (CIG), and Agricultural Management Assistance (AMA)	nrcs.usda.gov
USDA Rural Development Marketing grant programs like Value-Added Producer Grant (VAPG), renewable energy grant programs like Rural Energy for America Program (REAP), housing construction and repair loans and grants	rd.usda.gov
University of Maine Cooperative Extension Agricultural educational resources, programs, research, technical assistance and consultation services on wide range of farm management and production topics	extension.umaine.edu
Wolfe's Neck Center for Agriculture & the Environment Regenerative agriculture demonstration farm and educational resources, farmer training programs	wolfesneck.org

Maine Farmland Trust is a member-powered non-profit that protects farmland, supports farmers, and advances the future of farming.

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