

Everglades Law Center Ag Reserve Proposals for Consideration

March 6, 2015

Thank you for the opportunity to submit these concepts regarding the Agricultural Reserve for your consideration. We recommend the County consider the following.

1. Reiterate the County's support for and intent of preserving agriculture in the Ag Reserve. The public trust in the County's long-term commitment to the Ag Reserve has been shaken by consideration of the developer-driven proposals over the last year, as well as by development decisions that have allowed existing preserve areas to be modified and changed, and increasing non-agricultural uses to be sited in the Ag Reserve, including on preserve parcels.
2. Ensure preserve parcels are preserved in perpetuity. Allowing parcels that were intended to be preserved in perpetuity to be used to accommodate more development within the Ag Reserve undermines the purposes for which the Ag Reserve was established. Allowing preserve parcels to be "swapped" undermines the long term viability of agriculture by allowing larger parcels that have greater agricultural value to be replaced by a greater number of smaller parcels with less overall value agriculturally. We have several recommendations on this issue:
 - a. Revise the comprehensive plan to require conservation easements to have 3rd party or public enforcement rights. This change will ensure public confidence that the land will, in fact, be preserved as farmland, in perpetuity.
 - b. Require the land use of preserve area parcels to be changed to conservation.
 - c. Consider requiring a super-majority vote prior to releasing conservation easements on preserve parcels.
 - d. Consider requiring deed restrictions on preserve parcels that limit the use to agriculture, in perpetuity.
 - e. Consider implementing a policy that implements qualitative criteria for any preserve area parcel swap. Only allow preserve areas to be released if they are being replaced by land with equal or greater agricultural value and / or acreage.
 - f. Revise the comprehensive plan to prohibit non-agricultural uses (such as schools) on TMD preserves.
 - g. Require preserve parcels and publicly owned land in the Ag Reserve to be maintained free of exotics. This area is directly adjacent to the Loxahatchee National Wildlife Refuge, which has a significant problem with invasive exotic plants. Publicly owned land and preserve parcels with exotic species serve as a seed bank which harms efforts to reduce and eliminate invasive plants within the Refuge.
3. Consider changes to Transfer of Development Rights Program to create a market outside the Ag Reserve for Ag Reserve development units by:
 - a. Maintaining the Ag Reserve as a sending area only for TDR's,

- b. Maintaining the Urban / Suburban tier as a receiving area while ensuring these areas are not negatively impacted by increased density,
 - c. Requiring all density increases County-wide to be implemented through TDR program (the current exceptions to this rule result in extreme underutilization of TDR's),
 - d. Consider allowing density transfers from Ag Reserve to Urban Suburban Tier at a higher rate than current densities development densities (2 units per acre?), and
 - e. Temporarily suspending sale of existing county TDR units to create market for Ag Reserve Units.
4. Implement or consider developing similar programs to the "Beginning Farmer" and "Farm Link" programs described in the Ag Reserve Master Plan. As discussed in the Master Plan:
- a. "A County-sponsored agribusiness enterprise program for "Beginning Farmers," those wishing to begin agriculture cultivation with little or no past record, who have developed a business plan and the ability to obtain the necessary capital to establish the initial cash flow required to enter the industry could utilize the facilities of a packing house. The large capital inputs needed for a person to start a new agricultural production operation can be prohibitive, especially if land acquisition is added to the other start-up costs. Using the facilities of a converted packing house, the County could provide access to some of the resources required by "Beginning Farmers".
 - b. An agricultural education center located in the Ag Reserve could provide additional opportunities for South Florida farmers and those interested in agriculture, enabling them to pursue the continuation of agriculture in the area, encouraging new generations of farmers in the County.
 - c. Agricultural education facilities could be used to assist farms making the transition from one generation to the next. "Farm Link" programs have been initiated in several states including California and Iowa. Through these programs, a farmer approaching retirement is linked with someone wanting to start farming through a coordinated effort and process. A "Farm Link" program, undertaken through a university, could complement the "Beginning Farmers" program described in section 2.4.
 - d. University facilities could also be used to assist in the establishment of growers' cooperatives. These enterprises can be organized as marketing, bargaining, services, farm supply, machinery or "new generation" cooperatives, depending on the specific needs of the growers involved. The University of Florida Food and Resource Economic Department and the Florida Department of Agriculture and Consumer Affairs' Marketing Division, working with the County's Agriculture Economic Development Program, may be able to assist in the establishment of such a program."
5. Consider implementing (or re-implementing) a Purchase of Conservation Easement or Willing Seller purchase program. The Ag Reserve Master Plan identifies

programs that may be able to provide grants or other assistance in conservation easement acquisition:

- a. The Farmland Protection Program, which can be used to help purchase development rights and keep productive farmlands in agricultural use. Eligible applicants are "any local or State agency, county or group of counties . . . that has a farmland protection program that purchases conservation easements [emphasis added] for the purpose of protecting topsoil by limiting conversion to non-agricultural uses of land, and that has pending offers." ²
 - b. The U. S. Department of Agriculture (USDA) Natural Resources Conservation Service has a number of programs that provide incentives to farmers or funding for acquisition of easements.
6. Consider, develop and fully evaluate other ways of promoting the Ag Reserve as a "local" agricultural resource, such as the labeling of produce ("locally grown – PBC AG Reserve"), signage, etc. Consider establishment of a task force to assist with this issue.
 7. In response to suggestions that the existing 80/20 development option is "non-viable because it results in too dense of development", consider changes to the 80/20 development option to clarify that less than maximum density can be built.
 8. Consider implementing a moratorium on land use / zoning changes while the County evaluates all available options to enhance and promote the long-term viability of agriculture in the Ag Reserve.