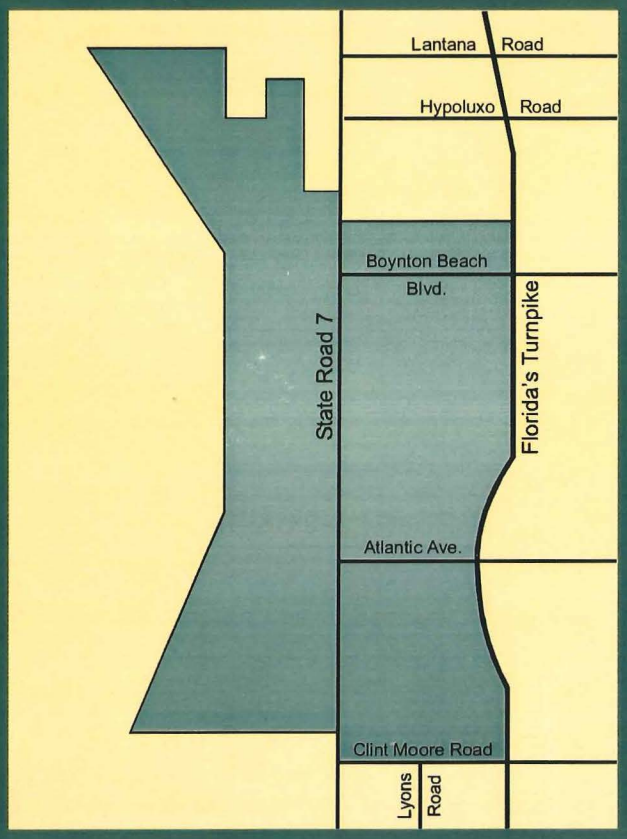






Palm Beach County Agricultural Reserve Master Plan

Addendum

Palm Beach County
Planning, Zoning, and
Building Department
Planning Division

Cooperative Extension
Service

June 2000

Report

Agricultural Reserve Master Plan Addendum

Prepared by:

Palm Beach County
Planning Division

June 2000

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Executive Summary

In 1998, the Palm Beach County Board of County Commissioners (BCC) directed development of a Master Plan for the Agricultural Reserve (Ag Reserve) area in south-central Palm Beach County (County). CH2M Hill and Dover, Kohl & Partners (the Consultants) were selected to develop the Master Plan.

In December 1999, the BCC was presented the results of the Master Plan. Rather than act on the Master Plan at that time, the BCC requested additional information on various aspects of the Plan be developed by staff. Specifically, the BCC requested that staff provide additional information on the following issues:

1. Potential lease back options for land acquired by the County through the Conservation Land Acquisition Selection Committee as part of the 1999 conservation bond referendum.

2. The types of niche or specialty crops that might be successfully grown in the Agricultural Reserve.

3. The amount of land that might be acquired through the Conservation Land Acquisition Selection Committee as part of the 1999 conservation bond referendum.

4. The availability of matching funds that could be accessed by the County for land acquisitions in the Agricultural Reserve using the proceeds of the 1999 conservation bond referendum.

5. The potential configuration of the development options in the Agricultural Reserve, the straight subdivision of land at a density of one dwelling unit per five acres and a planned development with 60 percent open space preservation at a density of one dwelling unit per acre.

6. The feasibility of creating a Community Development District in the Agricultural Reserve.

This Addendum to the Master Plan reflects the additional information requested by the BCC, as well as recommended modifications to the Consultants' recommendations in those areas where staff does not concur with the original recommendation.

In addition, the Addendum provides an evaluation of the feasibility of creating a resort in the Ag Reserve similar to Chautauqua, New York, as discussed by the BCC in early 2000.

Background & History

The Ag Reserve has had a long history of agricultural diversity. At one time or another over the last five decades, the farmers of the Ag Reserve have learned to cultivate more than 80 varieties of vegetables and twelve types of fruit, not including citrus. This effort has had a considerable economic impact to the County. The per-acre productive value of the Ag Reserve is considerably higher than any other agricultural acreage in the county. The Ag Reserve represents approximately 10% of the total agricultural economic impact to the County on less than 3% of the total acreage dedicated to agricultural production. Over the last few years, increased fresh vegetable imports in conjunction with growing development pressure has had the effect of increased speculative land values and lower profit margins in agriculture production.

In recognition of this increased pressure, the BCC joined with the South Florida Water Management District (SFWMD) in the funding of a Master Plan for the Ag Reserve in 1998. CH2M Hill and Dover, Kohl and Partners were selected to develop the Master Plan, and began a two-step process for the Plan. To guide this effort, the BCC established the following purpose statement:

> *To preserve and enhance agricultural activity and environmental and water resources in the Ag Reserve, and produce a master development plan compatible with these goals.*

In December of 1998, Phase I of the Master Plan was presented to the BCC. This element of the Plan, which was developed with significant stakeholder input through workshops and a charrette, resulted in three alternative development scenarios for the Agricultural Reserve: (1) a Status Quo Alternative reflecting the likely outcome of continuing to use existing regulations, (2) a Bond Alternative, which assumed approval of a bond issue for the acquisition of land for the preservation of open space, which would result in a reduction in the number of development rights associated with the Ag Reserve; and (3) a No Bond Alternative, which attempted to reflect a likely development scenario with revised regulations but no land acquisition program. Each alternative was developed and evaluated considering the following objectives:

1. *Preserve and Enhance the Potential for Agriculture, including Equestrian Uses*
2. *Enhance Environmental Resource Value*
3. *Enhance Water Management Capability*
4. *Enhance Accessible Open Space*
5. *Create a Functional, Self-Sustaining Form of Development*
6. *Minimize Cost/Impacts to Countywide Taxpayers*

Following the presentation of Phase I, the BCC directed a bond referendum on land acquisition for conservation in the County, with a portion of the proceeds dedicated to land acquisition in the Ag Reserve. The success of the referendum led the County to authorize Phase II of the Master Plan.

Phase II built upon the assumptions used in Phase I, seeking to refine the Bond Alternative and suggest the programs and regulatory revisions necessary to implement the Bond Alternative. The results of this stage of the Consultants' work were presented to the BCC in December

1999. Before proceeding to take action on the Master Plan, the BCC directed staff to provide additional information on several issues, including:

1. Potential lease back options for land acquired by the County through the Conservation Land Acquisition Selection Committee as part of the 1999 conservation bond referendum.

2. The types of niche or specialty crops that might be successfully grown in the Agricultural Reserve.

3. The amount of land that might be acquired through the Conservation Land Acquisition Selection Committee as part of the 1999 conservation bond referendum.

4. The availability of matching funds that could be accessed by the County for land acquisitions in the Agricultural Reserve using the proceeds of the 1999 conservation bond referendum.

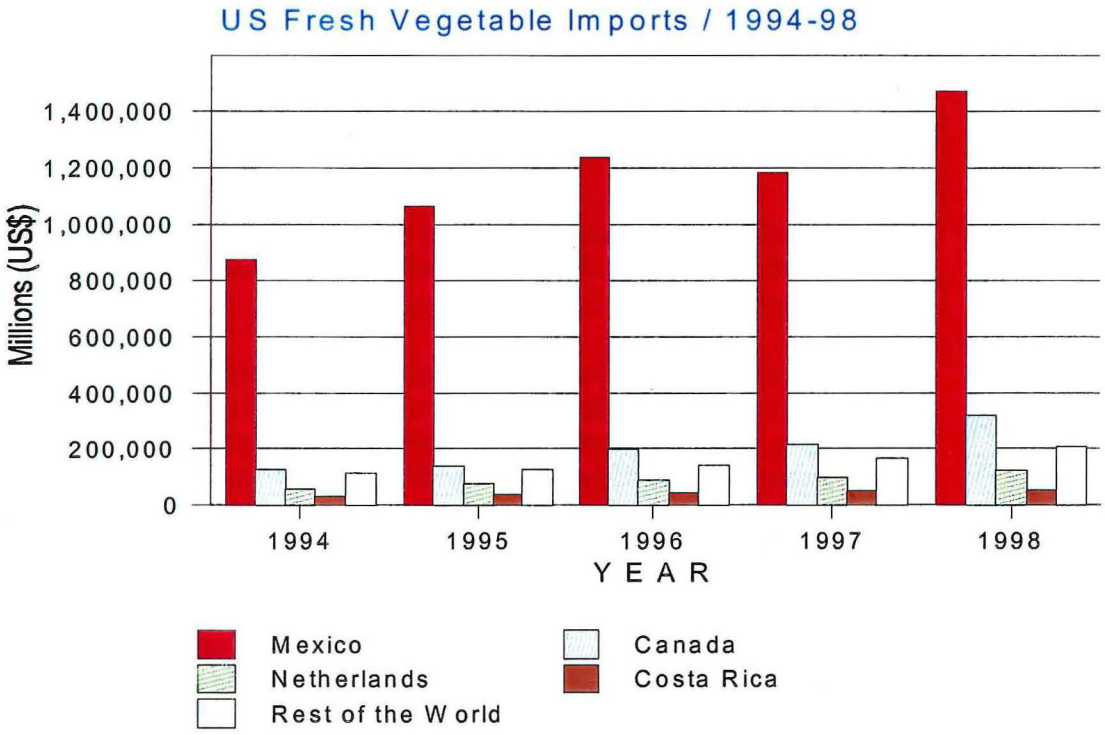
5. The potential configuration of the development options in the Agricultural Reserve, the straight subdivision of land at a density of one dwelling unit per five acres and a planned development with 60 percent open space preservation at a density of one dwelling unit per acre.

6. The feasibility of creating a Community Development District in the Agricultural Reserve.

To address the issues raised by the BCC, information was obtained from the County's Consultant on land acquisition in the Ag Reserve, The Conservation Fund; the Cooperative Extension Service, the Conservation Land Acquisition Selection Committee; the County's Consultant on grants, Langton Associates; the U.S. Department of Agriculture Natural Resources Conservation Service; the County Attorney's Office; and the County Office of Financial Management and Budget. National experts on farmland preservation, including representatives of the Agricultural Preservation Board of Lancaster, Pennsylvania; Scenic Hudson, Inc., of Duchess County, New York; and the State of Maryland also were consulted regarding their programs.

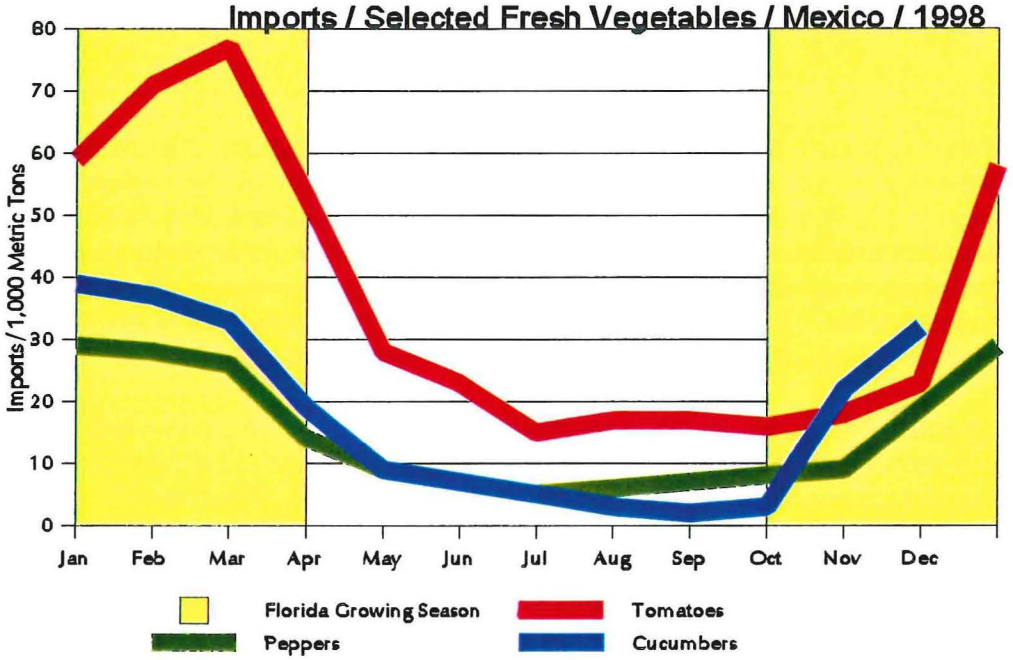
In addition to addressing these six specific issues, the Planning Division and the Cooperative Extension Service reviewed all of the recommendations of the Consultants, keeping in mind that the BCC established the primary goal of the Master Plan was to preserve and enhance the potential for agriculture, including equestrian uses. In developing the Master Plan, the Consultants considered the recommendations of the National Audubon Society in its 1998 report on the future of agriculture in South Florida, the recommendations of the Governor's Commission for a Sustainable South Florida in their 1999 report on sustainable agricultural practices, and the 1999 recommendations of the Urban Land Institute for equestrian developments. In addition to these recommendations, the Planning Division evaluated the report against the recommendations of The Conservation Fund in their 1999 report "Better Models for Development in the Shenandoah Valley." The Cooperative Extension Service also evaluated the Consultants' recommendations against the programs identified by the American Farmland Trust being undertaken in other states.

The goal of preserving and enhancing agriculture in the Ag Reserve may require the provision of incentives which may not be available in other areas of the County to bring about a different mix of agricultural enterprises than presently exist in the area. There are a number of independent factors adversely affecting the dynamics of agriculture within the County, and especially the Agricultural Reserve. Among these are:



1. Continued increases in fresh vegetable imports, as illustrated in the above graphic. Although the U.S. Department of Agriculture (USDA) reports that the impacts of the North American Free Trade Agreement have been nominal, tomatoes, peppers, and cucumbers, the major Ag Reserve crops, presently rank 1st, 3rd, and 5th respectively in fresh vegetable imports and, as indicated in the graphic below, the peak period of importation of these crops coincides with the growing season in Florida. From all indications this trend in fresh vegetable imports will continue; the USDA long-term projections for this category of imports have been estimated to increase at a rate of 10% per year. It is difficult to determine to what extent this projected growth in imports will result in meeting increased demand, diminishing prices, or both.

2. Urban development pressure. The pressure for urban development typically results in increasing speculative land values. As these values increase, it becomes increasingly difficult for farmers to continue to maintain their land in agricultural production. Most of the agricultural preservation programs utilized in other states deal with land valued at



$8,000 to $15,000 per acre, far less than the land values in the Agricultural Reserve.

3. Labor shortages. Many American citizens do not consider farm labor lucrative employment, forcing growers to increase their dependence on migrant workers. Federal proposals to limit the number of farm workers from other countries could dramatically impact the ability of farmers to harvest their crops economically, forcing increases in production costs that would give foreign competition additional advantages.

4. Substantial regulatory requirements, including the complete ban on methyl bromide, a soil fumigant presently being used in more than 100 crops which has been designated as a cause of ozone depletion, by 2005. These regulations, designed to protect the environment and public health, serve to increase the cost of production, further contributing to the relative advantage of foreign competition.

These factors are as important to the success or failure of any effort the County can make for agricultural preservation in the Ag Reserve as the County program itself. The authors of *Holding Our Ground, Protecting America's Farms and Farmlands* have noted that "all too often, local governments focus on the tools to protect farmland without understanding the business of farming . . . it makes little sense to protect farmland if farmers cannot make a living."[1]

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1 Tom Daniels and Deborah Bowers, *Holding Our Ground, Protecting America's Farms and Farmland*, Washington, 1977, 59.

Palm Beach County Agricultural Reserve Master Plan - The Addendum

Despite the significant factors impacting South Florida agriculture, the University of Florida anticipates that it will continue to be an important element of the region's economy. In recognition of this, the Governor's Commission for a Sustainable South Florida's Sustainable Agriculture Committee evaluated a series of options which could serve to support agriculture in South Florida. They concluded that no single "tool" will preserve agriculture in the region, nor can any single entity. Successful preservation and enhancement of agriculture will require utilization of a variety of tools, including planning, zoning, and incentives for farmers.

This "Addendum" to the Master Plan represents the results of staff's continued investigation of the issues raised by the BCC in December of 1999. In addition, staff has reviewed all of the recommendations made by the Consultant in Phase II. In this "Addendum," the Consultants' recommendations are shown in a summarized format in *italics*. Where additional information has been provided by staff, it is shown after the Consultants' recommendation. In addition, staff recommendations are shown if staff does not concur with the Consultants' recommendations. Recommendations about which the staff has no additional information and in which staff concurs are indicated solely by the summary of the Consultants' recommendation.



Finally, the Addendum provides a preliminary evaluation of the feasibility of establishing a Chautauqua-like resort in the Ag Reserve. This concept was discussed by the BCC in early 2000. Planning staff visited Chautauqua in April 2000 to collect information about the resort. Staff's evaluation and recommendation as a result of this visit may be found at the end of the report.

The recommendations which follow acknowledge that the Ag Reserve is in a period of transition. Changes in agricultural practices are occurring that provide opportunities for new agricultural practices. As the population of the County continues to grow, the Ag Reserve will continue to change. This change can lead to increased connections between urban residents and farmers, allowing a valuable economic resource, the Ag Reserve, to meet a growing demand rather than a diminishing need.

1 Preserve and Enhance the Potential for Agriculture, including Equestrian Uses

1.1 Lease Program

Consultant Recommendation: The County should establish a committee of community members familiar with local agriculture to establish a lease program for the agricultural

properties acquired by the County. This program should provide ways for new farmers to engage in farming and provide funding for agricultural incubator programs.

The BCC rejected this recommendation of the Consultants. The concept of creating a program enabling the County to lease any lands acquired in the Ag Reserve was widely discussed during the 1999 conservation bond referendum. Rather than create a committee to determine the requirements of an agricultural lease program, staff was directed to further explore the potential of leasing lands acquired by the County to interested farmers.

Two very different lease programs may be utilized in the Ag Reserve, an agricultural reservation program and a lease program. Information on agricultural reservations was provided by The Conservation Fund, the County's Consultant on Ag Reserve land acquisitions; the Cooperative Extension Service provided information on the operation of a more traditional lease program.

The national experts consulted by staff concur that County ownership of the land may not be necessary to ensure farmland preservation. Successful programs in other states have worked simply by creating permanent easements on the property to eliminate non-farm related development rights. Accordingly, another option which the County may consider if it does acquire property is placing restrictive easements on the property to eliminate the non-farm related development rights and then selling the land to individuals wishing to farm it. Information on this option was provided by Scenic Hudson, Inc., a not-for-profit that has preserved several thousand acres of viable agricultural land in New York.

1.1.2 Agricultural Reservations

Agricultural reservations are tools used in the negotiation of a land acquisition agreement to arrive at a favorable price. They may be utilized if, at the time of a land sale, the selling property owner retains the right to continue to farm that property for some period of time (or in perpetuity). In exchange for this consideration, the seller agrees to a reduction in the purchase price reflecting the value of a lease on the property for the period of the reservation. Agricultural reservations would be negotiated during the acquisition process as part of the purchase price.

Agricultural reservations could offer benefits to both the County, as the purchaser, and to interested landowners willing to sell to the County. The most direct benefit to the County would be a reduction in the initial cost of the land, enabling the bond proceeds to be used to acquire a greater amount of property. In addition, a reservation could be structured to ensure that the entity holding the reservation was responsible for property taxes. For property owners interested in participating in a reservation program, the advantage would be a reduction in capital gains liabilities.

Utilization of agricultural reservations is likely to result in additional administrative costs being incurred by the County to cover property management costs. Liability issues would also have to be addressed during the negotiation.

The Conservation Fund, the County's Consultant on land acquisition in the Ag Reserve, is continuing to explore the use of agricultural reservations. Information provided by The Conservation Fund is included in the appendix.

1.1.2 Lease Backs

The Cooperative Extension Service focused its efforts on the development of a more traditional lease program. This program would be utilized on lands acquired by the County on which the selling property owner elects not to retain any rights. A primary consideration in the description of this program is the concept that continuity of use on active agricultural lands in the Ag Reserve represents an asset and a potential cost savings to the County. Continuity of use represents a benefit for two primary reasons:

1. There may be a demonstrated ability to successfully develop a marketable commodity on the property being leased. To the extent that this is the case, continuity of use minimizes the risks associated with changing crops.

2. There may be permitting issues, especially water use permitting, associated with any change in crops. Water use permits regulate both surface water management (drainage) and consumptive use, each of which is governed by the nature of the crops grown on the land. Any change in the nature of the crops grown is likely to raise permitting issues. Despite this factor, changing market conditions are expected to require that some new crops be grown in the Ag Reserve.

For these reasons, opportunities to ensure continuity should be employed to the maximum extent feasible. Accordingly, a first refusal lease option should be offered to the owner or current lessee, if the property is currently under a lease, on a per-acre fee based on current rental rates. This "right of first refusal" would ensure continuity and should be a major consideration in deciding who is awarded land rental leases. Exercise of this option would not entail any bid process, if included in the purchase contract and considerations were given for it.

If the current lessee elects not to exercise this option, opportunities should be given to those interested in the "Beginning Farmer" program described in Section 1.3, Packing House Conversion, or to those committing to the development of some of the specialty or niche crops described in Section 1.5, Niche and Specialty Crops. Preference at this point should be given to those qualifying for the "Beginning Farmer" program. Leases based upon the cultivation of niche or specialty crops should be conducted on a highest bid basis.

If there are no potential lessees under the "Beginning Farmer" program, and there are no commitments to the cultivation of niche or specialty crops, an option to lease the land should be extended to existing farmers in the Ag Reserve, and then farmers in other areas of the County, with the property offered to the highest bidder. Offering the property to existing farmers in the Ag Reserve would provide some of the advantages of continuity to the program, and also offers opportunities to expand operations to existing farmers.

The following issues must be considered in the development and implementation of a lease program:

- The uses of the land that the County will permit. Some land acquired by the County may be better suited for alternative uses (water resource management or environmental enhancement) than agriculture.
- Physical changes to and maintenance of existing infrastructure.

- Buffer zone responsibilities and size. Given the likelihood of additional uses in the Ag Reserve, maintenance of buffers will be a critical issue.
- Access to the property. As the owner of the property, the County must be able to ensure some right of access to the property.
- Lease payment schedules. Lease payments should be flexible in view of the different long-term crops that can be produced in this area. A deferred payment program should be implemented for crops such as lychee, longan, or other tropical fruit tree crops that initially require a significant capital outlay with long-term return projections.
- Real estate tax liability. Any leases should be structured to ensure that the lessee is responsible for property taxes and land management fees through lease payments. Lease payments in excess of the amount needed for these purposes should be assigned to the Cooperative Extension Service to be used for the sole purpose of enhancing agricultural opportunities in the Ag Reserve with direction provided by the Agricultural Enhancement Council.
- Property security obligations.
- Liability.
- Property sublease considerations.
- Provisions for renewing the lease.
- Guidelines governing the return of control of the property to the County at the conclusion of the lease.
- Ownership of any crops under cultivation at the termination of the lease.
- Penalties for noncompliance with the provisions of the lease.

An optimal situation, though one unlikely to occur frequently, would be to ensure that any properties acquired by the County for agricultural purposes remain in the crop(s) the water permits would presently allow. If the land remained in the same crop, the permit could be transferred from the owner to the County with no changes necessary other than a transfer of the permit to the new owner. Any new costs associated with modifying water use permits might be avoided if the crops proposed for cultivation under a lease were the same as those which were grown prior to the County's acquisition.

More commonly, however, the County will acquire property and lease it to someone who wants to grow a crop that is different from the one currently serving as the basis for the permit. This would require potentially expensive modifications to the permit. For example, if the County acquired land currently used for pasture and leased it to a lessee proposing to use the land for a niche or specialty crop with strict water requirements, the permit changes would be extensive and the cost of the permit could be significant. Any lease agreement must include provisions dealing with the costs associated with changing water use permits. If the lessee pays for the cost of the permit, he or she should be given other considerations, such as a longer lease term. Consideration in the lease cost should also be given to the 5 -15% of the land which may have to be set aside for retention purposes if no previous set aside had been required. Other factors which must be considered are the costs of infrastructure changes required under the new permit; favorable consideration should be given to potential lessees who commit to incurring this cost.

1.1.3 Easements and Sale of Land to New Farmers

Scenic Hudson, Inc., has implemented a successful farmland preservation program in the Hudson River Valley of New York. This program emphasizes maintaining farmland as an

integral part of the economy, rather than as open space which will merely serve to increase the value of adjoining lands. They have acquired the non-farm related development rights of more than 7,000 acres, with nearly half of that land subsequently sold at discounted rates to new, young farmers.

The approach used by Scenic Hudson, Inc., was developed by a Farmland Protection Advisory Committee composed of farmers in the area. It involves placing a perpetual easement on the effected property, limiting its use to farmsteads, agriculture as defined by the state, or resource protection. The easements, which Scenic Hudson, Inc., recommends be made in favor of multiple entities, including at least one governmental entity and a not-for-profit, also require agricultural activities to be conducted using best management practices. The easements also specify whether the land may be used for farmsteads or for the other allowed purposes. Within designated farmstead areas, uses are restricted to agricultural support services (including limited commercial services providing goods for agricultural uses such as feed and grain and equipment), farm housing (including farm labor housing), and recreation. Such uses as farm stands, "pick your own," and other forms of "agritainment" are encouraged on all property protected by an easement while further subdivision of the land for non-farm purposes is prohibited.

A similar program could be employed in the Ag Reserve on land acquired by the County. The County could record perpetual easements on the acquired land and then offer it for sale to new farmers. This could be done in conjunction with the lease program described in Section 1.1.2, Lease Backs, offering lessees a lease-purchase option on the property which could be exercised at a set time, perhaps consistent with the time frame allowed for new farmers utilizing the agribusiness enterprise program described in Section 1.3, Packing House Conversion. Such a strategy could be particularly attractive if the County's goal is to "grow new farmers," since the high cost of initial land acquisition is considered one of the major factors inhibiting new young farmers from entering the industry.[2] The proceeds from the sale could be used to acquire the non-farm development rights from additional property or to acquire more land. In either case, the result could be an additional revenue stream for enhanced farmland protection and the return of land to the tax roles, albeit at sharply reduced rates.

1.2 Rural Restaurants and Farm Markets

Consultant Recommendation: The County should provide flexibility within land use and zoning regulation to permit development of rural restaurants and farm markets.

Commercial activities, such as this recommendation describes, are more intensive uses than are usually associated with maintenance of agriculture. While designed to ensure that farmers have a readily available market, the result of its implementation may be the introduction of very intensive uses into agricultural areas. This recommendation is inconsistent with The Conservation Fund's recommendations for preservation of agriculture, which calls for limiting uses in areas where agricultural preservation is desired.

As an alternative to modifying the Comprehensive Plan and Unified Land Development Code to permit restaurants on agricultural lands, the BCC may want to consider other pro active steps

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2 Tom Daniels, "Integrating Working Landscape Protection: The Case of Lancaster County, Pennsylvania," Society and Natural Resources, 13:261, 2000.

to assist farmers in establishing relationships with local high volume consumers of fresh products (restaurants and institutional users). Given the variety of crops with potential to be grown in the Ag Reserve and the likely decline in agricultural acres due to development, the Ag Reserve could possibly evolve into a more diverse sector agriculturally and thus an area less threatened by imports. To ensure the most favorable conditions, one must address the extent of privately-held acreage that will continue to be farmed in the Ag Reserve. This will depend almost exclusively on the profitability of the commodity being grown. Given this, the following actions have potential and should be pursued:

1. In conjunction with the United States Department of Agriculture and the Florida Department of Agriculture and Consumer Services, the County should explore marketing programs and assistance available that can provide new outlets for locally produced fresh produce.

2. The County should actively promote Palm Beach County produce both locally and, to a lesser degree, statewide using the County's green markets, and a "Get Fresh" promotional campaign.

3. The County should assist in creating direct Internet marketing assistance for niche and specialty crops.

A "Farmer to Chef" program could be established to design annual events where farmers and local chefs meet and discuss what grows locally, the special needs of the chefs, and ways to promote locally grown products in restaurants. Promotional activities to assist chefs in helping the public connect with the "locally grown is fresher" goal could be one element of an ongoing program to gain public acceptance and enhance local growers' share of the local market. The Palm Beach County Culinary Institute could be an initial contact for this effort.

Another program that could be used to strengthen the role of the consumer to locally grown products is "Community Supported Agriculture," or subscription farming. This program would require the grower to involve consumers prior to the planting season, promising to deliver at a predetermined price and at fixed intervals a certain amount of produce during the growing season. The consumer could then pick the product up at the farm or make arrangements for its delivery. While not practiced widely in Florida (four such operations exist in Central and North Florida), "Community Supported Agriculture" has been successful in other states, such as Washington and one Palm Beach County grower is currently making plans for a trial effort this fall. County support for this program could be promoted through the Agricultural Economic Development Program within the Cooperative Extension Service.

Consumer cooperatives could also be used to promote more local consumption of locally grown produce. In consumer cooperatives, consumers buy directly from the farmer and bring it to a central location where the fresh produce is made available to the members of the cooperative. The members donate time to the cooperative working at tasks which include signing up members to the cooperative, moving the produce from the farm to the cooperative facility, filling orders of the members and similar jobs. As an incentive to encourage development of consumer cooperatives, growers who agree to work with such groups could be given preference in leasing County-acquired land for agricultural purposes.

1.3 Packing House Conversion

Consultant Recommendation: The County should acquire an existing packing house to encourage development of a multi-use facility to support the various agricultural operations which remain in the Ag Reserve.

There are eleven packing houses in the Ag Reserve; the expected decrease in produce availability resulting from the changing nature of agriculture in South Florida will proportionally curtail the need for this number of facilities. The agricultural support infrastructure in the Everglades Agricultural Area, which is more than adequate to meet the needs of agribusiness, reinforces the idea that there may be some potential for converting packing houses to other uses.

One potential use would be a County-sponsored agribusiness enterprise program for "Beginning Farmers," those wishing to begin agricultural 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. 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."

Some of the County-acquired land could enhance the agribusiness enterprise program by offering small acreages to "Beginning Farmers" at favorable lease rates and providing additional training opportunities, or for sale at favorable prices once the non-farm related development rights have been removed. One way that the County could assist "Beginning Farmers" through such an agribusiness enterprise program would be by assisting in obtaining the modified water use permits required by the new farm. If operating through a lease program, after a fixed period of time, the farmer would no longer be able to lease the County-owned land at the "Beginning Farmer" rate or benefit from those aspects of the agribusiness enterprise program specifically directed to the "Beginning Farmer." Staff support for an agribusiness enterprise program could be provided through the Cooperative Extension Service with funding for individuals available through Farm Credit of South Florida, Inc., and the Farm Service Agency's Loans for Beginning Farmers and Ranchers Program, which offers direct loans for the purchase of farms and loans for operating expenses.

1.4 Organic Farming

Consultant Recommendation: The County should set aside a portion of the land it acquires, permitting them to lay fallow so that they can be certified for organic crops.

It is estimated that there are 12,000 organic farmers nationwide, most of them in small-scale operations. In 1999, the estimated value of organic foods was approximately six billion dollars. This value has been increasing at a rate of 12% per year.

The U.S. Department of Agriculture has announced new and comprehensive proposals for the National Organic Standards which "detail the method, practices, and substances that can be used in producing and handling organic crops and livestock, as well as processed products." These standards address the use of soil fumigants and other pesticides to control pests, as well as the use of fertilizers. Within the Ag Reserve, soil fumigants have been extensively used to

control insects, nematodes, weeds, and soil pathogens. The fertilizers which have been used also do not meet the new organic production standards.

These past practices suggest that only land which has not been in intensive agricultural use could be immediately used for organic production. Opportunities to use some of the land acquired by the County for organic farming should be explored with qualifying land advertised for leases through organic organizations locally and statewide. Other land acquired by the County may have to lay fallow for several years, or, alternatively, be used to grow a crop for at least three years that does not require traditional production inputs, in order to qualify for use in organic farming.

1.5 Niche or Specialty Crops

Consultant Recommendation: The County should promote growth of niche or specialty crops.

The 1974 Soil Survey of Palm Beach County identified several soil types, primarily sands, in the Ag Reserve that are not appropriate for certain crops. Since that date, modifications in water control and soil improvements have allowed an appreciable number of row crops to be produced in this area. Despite the soil's natural low fertility and susceptibility to flooding without adequate water controls, most of this acreage has been under agricultural production for a considerable number of years. The production capacity and profitability of this area have been determined by outside market forces rather than by the area's ability to produce an acceptable crop. Experience in farming these type of mineral soils has more than amended soil deficiencies and there is no reason to believe that production of a variety of commodities cannot be continued in the future.

The BCC requested more information about the various types of niche or specialty crops which may be cultivated in the Ag Reserve. The Cooperative Extension Service has identified the various crops described in Table 1.5-1as potential niche crops which appear suited to the Ag Reserve. Consumer demand, production requirements and other unknowns may limit the acreage committed to some of these crops in an effort to ensure their profitability.

Table 1.5-1
Potential Niche and Speciality Crops for the Ag Reserve

Annatto	Tropical flower with red seeds that can be used as a natural dye. This red dye is tasteless and can be used for coloring foods such as cheese, rice, and noodles
Appaloosa Beans	Delicate flavored beans that double in size when cooked.
Atemoya	Grown in various areas of Florida, this tropical fruit has a pale green and bumpy skin.
Australian Blue Squash	Cultivated in California, this squash has a blue-grey shell that reveals a thick, orange flesh that is soft and mild-flavored like a pumpkin.
Babaco	Large papaya with a strawberry flavor. Imported from New Zealand with limited production in California
Baby Cauliflower	Miniature cauliflower (a 2" diameter) with full taste.
Baby Corn	Produced in Mexico and California. Grown in white and yellow varieties. Generally used in salad and special dishes
Baby French Green Beans	Available from California from February to November, it has recently gained popularity throughout the US.

Table 1.5-1 (Continued)
Potential Niche and Speciality Crops for the Ag Reserve

Baby Pineapple	Small pineapple (5" tall). Once picked, it does not continue to ripen
Baby Soft Squash	Almost identical in taste to regular squash.
Baby Tear-Drop Tomatoes	Presently grown on a limited basis in the County. Yellow and red varieties are grown.
Baby Zucchini	Mostly imported from Mexico and Guatemala.
Barbados Cherries	Limited cultivation in Florida and Hawaii. Sweet flavor for use fresh, in preserves, and desserts.
Belgian Endive	A relative of chicory. Mostly imported but grown hydroponically in some locations.
Black Radishes	Resembling large black turnips with a white interior, this vegetable has a sharp, pungent flavor. Generally used in salads.
Boniato	Also known as Cuban potatoes, this is a tropical sweet potato cultivated and heavily imported from the Caribbean and Central America. Limited production in south Miami-Dade County.
Breadfruit	Often used as a vegetable, this fruit which is imported mainly from the Caribbean can be cooked or eaten raw.
Calabaza	Hard shelled squash mostly produced in south Miami-Dade County. It is a staple for the Latin-American community.
Canistel	Another Florida winter-grown fruit, the canistel has a thin, glossy skin and is similar to a cooked sweet potato.
Cassava	Also called Yuca. This cooking vegetable is widely grown and consumed in South America and by Latin-Americans in this country.
Cucuzza Squash	Authentic Italian vegetable with a mildly sweet flavor. It is mint color and presently only grown commercially in Louisiana.
Lychee	Hard-shelled Oriental fruit with the outer appearance of a strawberry and a soft white fleshy center.
Malanga	Cuban and Hispanic staple grown primarily in Miami-Dade County or imported from various countries in South America.
Passion Fruit	Edible fruit of the passion flower. Grown year-round in Florida. Used as a sauce, ice cream, custard, and tropical drinks.
Plantain	Imported from various countries in South American and the Caribbean basin, they are generally cooked at various stages of ripening.
Rapini	Popular in Italian and Chinese cooking, rapini has dark green leaves and a slightly bitter flavor. Grown in California.
Romanesco	Decorative cauliflower that cooks quickly and has a very mild taste.
Salad Savoy	Closely related to the kale and cabbage. The flavor of the savoy resembles cabbage, cauliflower, and broccoli.
Tomatillos	Also called Mexican husk tomatoes. The tomatillo is imported from Mexico or produced in California. It has a slight acidic, lemon flavor.
White Sapote	Also called Mexican custard. The white sapote is grown in both Florida and California. It has an edible green skin with a whitish sweet flesh that tastes like papaya and banana.
Yellow-eyed Bean	Resemble black-eyed peas with gold pigmentation, it has a mellow flavor that complements baked bean dishes and casseroles.

The growing multi-cultural population in the County and throughout South Florida suggests increasing demand for these crops in the area. This is reinforced by the growing appreciation of gourmet chefs for the use of these crops, which also indicates an expanding market. The high marketing and distribution costs of specialty and niche crops suggest potential disadvantages to growers of such crops, reflecting the hesitancy of distributors to carry them. To combat this, a marketing web site could be designed and developed to assist specialty growers in directly marketing to consumers. The County's Agricultural Economic Development Program should assess the local market potential for these crops with the results provided to farmers by the Cooperative Extension Service.

The acreage of tropical fruit production in eastern Palm Beach County has continued to expand over the last several years, with more than 300 acres of lychee, longan, jak fruit and mangos among other tropical fruits grown in the County. The acreage dedicated to these crops could be expanded in the Ag Reserve, though growers anticipate a need for marketing assistance over the next several years as trees come into maximum fruiting. This assistance could be provided through the formation of agricultural cooperatives. Depending on the specific needs of the farming community, these enterprises could be organized as marketing, bargaining, services, farm supply, machinery or "new generation" cooperatives. The Agricultural Economic Development Program should be utilized to assist in the formation of such cooperatives.

Native plants could represent another specialty crop grown in the Ag Reserve by some of the nurseries. Based on the needs of the landscape industry in South Florida, nurserymen desiring to lease land purchased by the County should be encouraged to produce good quality native plants to the extent the market might allow. This should not be the only nursery activity allowed in the Ag Reserve; however, nurserymen not relying on native plants should be permitted to lease land from the County-acquired acreage in the Ag Reserve.

The continued expansion of a multi-cultural population in South Florida also suggests a potential increased interest in the raising of small ruminants such as sheep and goats for consumption. While the interest locally is limited, opportunities to enhance production of small ruminants, if economically feasible, should be provided. In combination with a fast-growing plant such as kenaf for feed, browsers such as goats, might be raised efficiently in the Ag Reserve. A limited amount of the County-acquired acreage, no more than 30 acres, should be reserved for this purpose to test the demand in the marketplace.

Aquaculture has enjoyed limited, but continuing, success in other areas of Florida. The Ag Reserve meets some of the basic needs of this element of the agricultural industry including warmer winter temperatures, available water supply and close proximity to an urban market. Some of the County-acquired land, up to 30 acres, should be made available for this enterprise.

1.6 Agricultural Education Center

Consultant Recommendation: The County should pursue opportunities with Florida Atlantic University for development of an Agricultural Education Center in the Ag Reserve.

The BCC expressed support for this recommendation. Use of County acquired land for the facilities and uses associated with an Agricultural Education Center should be given precedence over all other programs for the use of any County acquired land in the Ag Reserve.

The addition of agricultural education facilities in the Ag Reserve should be viewed as a means of encouraging new generations of farmers in the County. Staff was directed to continue to pursue it. Since the December workshop, the Cooperative Extension Service has been in contact with several universities, discussing options for the Ag Reserve. Correspondence on this issue may be found in the appendix.

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 Farmer" program described in Section 1.1.2, Lease Programs.

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.

The University of Florida College of Veterinary Medicine has expressed an interest in locating a large animal veterinary clinic in South Florida to serve the equestrian industry, including race tracks, and complement the veterinary practitioners in the region. As part of this effort, an assessment of the need for veterinary technicians should be undertaken to evaluate the potential for a veterinary technician program through Palm Beach Community College, Florida Atlantic University, and the University of Florida. The general concept for this project has been presented to Dr. Anthony Catanese, President of Florida Atlantic University, and Dr. Joe DiPietro, Dean of Veterinary Medicine at the University of Florida for their consideration. At this time, however, it is not possible to determine the specifics or a time table.

1.7 Equestrian Facilities

Consultant Recommendation: The County should encourage equestrian-oriented residential developments by permitting variable lot sizes ranging from 1/4 acre to 13 acres within subdivisions, encouraging development of a network of bridle paths, and facilitating the equestrian community's development in holding special events in the Ag Reserve.

The concept of variable lot sizes is considered critical to successful equestrian developments by the Urban Land Institute. However, the lot sizes suggested by the Consultants (as small as 1/4 acre) may be more urban than the County wishes to encourage. Such small lots would require the extension of centralized potable water and sewer systems into areas which could utilize on-site wells and on-site sewage disposal systems (septic tanks) if larger minimum lots were required. The Public Health Department has advised the Planning Division that 2-acre lot sizes may be needed in order to ensure that developed land meets all drainage requirements while safely using on-site systems.

The Consultants' recommendations should also be modified to permit use of centralized drainage systems rather than require individual ponds on each lot.

2 Enhance Environmental Resource Value

2.1 Environmentally Sensitive Lands

Consultant Recommendation: The County should purchase the identified Environmentally Sensitive Lands (ESLs) within the Ag Reserve.

As a general rule, the County should not acquire any land which has been designated as a preserve area of an approved Ag Reserve - Planned Development (AgR-PDD) using either of the development scenarios allowed in the Ag Reserve, especially if the County's goal is the preservation of agriculture in the area. The preserve areas are already limited to uses consistent with those which would be allowed on lands acquired by the County using funds from the bond program. County acquisition would add no protection, would create additional management responsibilities for the County, and remove the land from tax roles. Subsequent County acquisition of designated preserve area lands should be limited to those properties where a special need can be identified.

2.2 Future State Park

Consultant Recommendation: The County should work with the State of Florida, the South Florida Water Management District, and the U.S. Fish and Wildlife Service to develop a State Park in the Ag Reserve near Loxahatchee National Wildlife Refuge and the Water Preserve Areas.

The State Division of Parks has identified a 410-acre site within the Ag Reserve on which a State park could be developed. The site was acquired by the South Florida Water Management District on May 11, 2000. The SFWMD intends to use most of the site for a reservoir within the Water Preserve Areas (Section 3.1). The precise footprint of the reservoir has not been determined, but land not needed for the reservoir will be available for park development. The State has announced that their plans are to locate campgrounds, canoe trails, and ancillary uses within the park. Development of the park is expected to begin by 2005.



Potential State Park Location

3 Enhance Water Management Capability

3.1 Water Preserve Areas

Consultant Recommendation: The County should work with the South Florida Water Management District to facilitate development of the Water Preserve Areas in an efficient and cost-effective manner.

3.2 Integrated Water Management System

Consultant Recommendation: The South Florida Water Management District and the Lake Worth Drainage District should examine the feasibility of an interconnected system of canals, lakes, and waterways to handle drainage issues in the Ag Reserve more efficiently. Pending completion of this study, the County should limit use of water preserve areas within the preserve areas of AgR-PDDs to those which have been identified by the South Florida Water Management District in their "WPA Feasibility Study."

At the time that the Consultant submitted Phase II of the Master Plan, the SFWMD indicated their inability to begin work on the feasibility studies for an integrated water management system until they had completed modeling work associated with the Comprehensive Everglades Restoration Plan. To date, the SFWMD has not indicated an ability to move forward with this effort.

Before the technical feasibility of an integrated system can be evaluated, some decisions regarding the dispersal of land uses in the area must be made. The water control requirements of agriculture and urban development differ greatly, with agriculture offering opportunities for greater flexibility, including the capacity to hold more water than urban development during certain seasons. Until a plan that indicates the predominant uses anticipated in different areas of the Ag Reserve is approved, the technical feasibility of an integrated water management system may be problematic.

3.3 Turnpike Aquifer Protection Overlay (TAPO)

Consultant Recommendation: The County should amend the Comprehensive Plan to extend the TAPO to the east side of Lyons Road.

4 Enhance Accessible Open Space

4.1 Bond Money Purchases and PACE Program

Consultant Recommendation: The County should not compete with the South Florida Water Management District for lands identified for acquisition through the WPA Feasibility Study, but should focus its acquisition efforts outside of those areas.

As part of the additional information to be provided through this Addendum to the Master Plan, the BCC requested information regarding the estimated number of acres which would be acquired in the Ag Reserve through the County's Conservation Land Acquisition Selection Committee (CLASC). After reviewing this request, CLASC indicated an inability to provide an estimate of the acreage that might be acquired because of the following factors:

- the number of willing sellers is unknown;
- the number of potential purchases as a fee simple acquisition versus a less than fee acquisition is unknown;
- the amount of money that will be available through cost sharing, price reductions and grant dollars is unknown; and,

- the appraised values for lands in the Ag Reserve vary widely with location, road frontage and access to the major highways, and improvements on the land.

In addition, CLASC expressed concern that giving estimates of acreage that could be bought with the funds available might provide an opportunity for people and/or the press to do some calculations to arrive at a cost per acre basis that could hinder the acquisition process. The letter from CLASC is in the appendix.

In considering lands for purchase for the preservation and enhancement of agriculture, the pattern of contiguity should be a major factor. A critical mass of contiguous acres is required to justify the expected increased costs in infrastructure, overhead, and other costs associated with the changing nature of agriculture in the Ag Reserve. The Cooperative Extension Service recommends that no properties be considered for acquisition that are less than 20 acres unless they border larger parcels to permit the necessary 20 acre critical mass to be assembled.

Other factors also suggest that the acreage acquired for agriculture be centrally located. The cost to the County of managing the land can be reduced by localizing the agricultural production area. The water control requirements of agriculture are vastly different from those for urban development, requiring more flexibility and capacity. Centralizing the location of the agricultural properties acquired will simplify water management issues and costs. Finally, although the acreage in agricultural production is expected to diminish, this area will continue to have some intensive commercial agriculture which will not be compatible with more urban activities. Localizing agricultural acreage will significantly reduce the number of land use conflicts within the Ag Reserve.

Finally, centralizing the location of lands acquired will minimize the impact of the County's acquisitions on land values in the Ag Reserve. Dr. Tom Daniels, the former director of the Agricultural Preserve Board of Lancaster, Pennsylvania, cautions that the creation of isolated preserved farms, while politically attractive due to the ability to offer funds to multiple small landowners rather than to a few large farmers, does little to ensure the long term preservation of agriculture while offering developers a marketing tool of guaranteed open space. These isolated small farms will, over time, be forced to abandon agriculture due to rising complaints from neighbors. At the same time, they serve to escalate the development value of adjoining properties which can market themselves as being proximate to assured open space.

The County should cooperatively work with the South Florida Water Management District (SFWMD) on land acquisitions in the Ag Reserve. The SFWMD has previously indicated that it will not eliminate the density associated with any lands in the County which it acquires, but will seek to use those units as TDR units. The BCC has directed that the density associated with any acquisitions in which the County is a partner will have the density removed following the acquisition. County participation with the SFWMD on land acquisition efforts could be a means of reducing the development potential in the Ag Reserve, thus preserving additional open space. The CLASC has recommended partnering with the SFWMD on land acquisitions in the Ag Reserve and the BCC has voted to participate in joint acquisitions. The County Consultant on grants, Langton Associates, has confirmed that participating with the SFWMD on acquisitions could create opportunities to extend the County's land acquisition dollars with matching grant dollars.

Consultant Recommendation: The County should abolish the Purchase of Agricultural Conservation Easements Program and focus on fee simple acquisition of land in the Ag Reserve.

The County should abolish the PACE Program, but should give CLASC and its consultants on land acquisition flexibility to acquire interest in land in ways other than fee simple purchase. National experts on farmland preservation who have successfully implemented programs in other states advise utilization of a variety of tools for farmland preservation, including land acquisition, transfer of development rights, and purchase of development rights. To ensure preservation of the land as farmland, perpetual easements limiting the use of the land to agriculture, farmsteads, or resource protection should be placed on the property in favor of multiple entities, including both governmental entities and not-for-profits to ensure public confidence that the land will, in fact, be preserved as farmland. The County's grants consultant, Langton Associates, confirmed that such flexibility could enable the County's existing bond dollars to go much further than if the program is limited to fee simple purchase. In addition, existing federal programs which could be accessed by the County as sources of matching funds for agricultural preservation focus on less than fee simple interest.

The BCC requested information regarding potential matching grant funds for acquisitions in the Ag Reserve be provided through this Addendum. The County's Consultant on grants, Langton Associates, researched the active federal and state grant sources for agricultural land acquisitions that could be used to leverage bond money. In their letter, which is in the appendix, they indicated that they were unable to identify any Federal or State program for land acquisition that could be used in the Ag Reserve unless it was tied to the purchase of environmentally sensitive lands or lands for water resource enhancement.

Langton Associates did identify the following sources of potential funding:

- 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 groups 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."
- 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** [emphasis added].
- The USDA Conservation Reserve Program provides annual rental payments and cost-share assistance to eligible farmers to protect environmentally sensitive crop land, increase habitat for wildlife and safeguard ground and surface water.
- The Florida Department of Community Affairs Florida Communities Trust/Florida Forever Program emphasizes development of recreational resources, to the extent that the identified projects are implementing an adopted local government Comprehensive plan.
- The Land and Water Conservation Fund is a source for matching grants to acquire parklands.
- The Office of Greenways and Trails provides funding for acquisition of greenways and trails.

- The Florida Recreational Development Assistance Program provides funding for park improvement facilities.

Langton Associates did note that other programs, such as the Lands Legacy Initiative and the Better America Bonds, have been proposed, but are currently not funded. Likewise, they indicated that special appropriations could be sought by the County at both the State and Federal level.

4.2 Open Space Management Plan

Consultant Recommendation: The County Department of Environmental Resource Management should develop management plans for any lands acquired in the Ag Reserve which are not used for agricultural purposes.

The Consultants made no recommendations regarding the management of lands acquired for agricultural purposes. Due to the distinctive administrative and technical demands of agricultural leases, the Palm Beach Soil and Water Conservation District may be the most appropriate entity for the management of these lands. The Soil and Water Conservation District has a history of successfully conducting an ongoing land management program for properties owned by the South Florida Water Management District and leased for agricultural purposes. Their ongoing relationship with the farmers in the County and their understanding of agriculture should assist in assuring a successful management program, though potential conflicts of interest with members of the Soil and Water Conservation District who are also landowners in the Ag Reserve will have to be resolved.

The District's Conservation Plan of Operations includes:

- Ensuring that Best Management Practices(BMP's) are observed;
- Crop rotation principles;
- Nutrient management;
- Pest management; and,
- Irrigation management.

Implementation of this recommendation would require an agreement between the Soil and Water Conservation District and the County, potentially in the form a general comprehensive contract with addenda as individual properties proposed for management are acquired. Compensation for management could take the form of a general per-acre fee based on the size of the managed property. Fees for management should be generated from the lease payments.

Consultant Recommendation: The County should require the preparation of management plans for any preserve areas set aside through the approval of AgR-PDDs if the property remains in private ownership.

As an inducement to utilizing the privately held preserve areas for agriculture, the regulations governing the 60/40 development option should be modified to permit retention of some density (no more than one unit per 20 acres) on a portion of the preserve areas to permit use of these areas for farmsteads, allowing limited agricultural support uses as well as farm labor housing. Presently, a portion of the 4,000 farm workers employed in the Ag Reserve is transported from locations outside of Palm Beach County. The long range viability of the agricultural industry in the Ag Reserve would be enhanced if there was housing available within the area for that purpose.

The 60/40 development option should also be modified to require a developer utilizing it to declare, as part of the submittal of an application for development approval how many of the potential development rights associated with the preserve area will be utilized, with the remainder being retired. This has been an issue in past proposals when agents advocated for their project during the approval process by noting how few of the units that could be used were being used, only to declare their intention to utilize additional units during later phases of the project.

4.3 Maintenance of Existing Density Provisions for Open Space

Consultant Recommendation: Maintain the existing density of 1 dwelling unit per 5 acres unless a property uses a clustered development option to achieve a density of 1 dwelling unit per acre.

4.4 Enhanced Views to Open Space

Consultant Recommendation: Prohibit billboards in the Ag Reserve.

The ability to locate billboards throughout the County was the subject of a settlement agreement between the County and the outdoor advertising industry. In the Unified Land Development Code, billboards are not allowed in agricultural or residential zoning districts, but are allowed in commercial and industrial zoning districts. New nonresidential or mixed use districts in the Ag Reserve should include provisions to prohibit billboards.

Consultant Recommendation: Designate Lyons Road and State Road 7 as scenic roadways.

The County could designate Lyons Road between Atlantic Avenue and Boynton Beach Boulevard as a Rural Parkway, subject to the use limitations being considered in the Comprehensive Plan as part of Amendment Round 00-1 which was transmitted to the Department of Community Affairs for review on May 8, 2000.

To ensure that Lyons Road between Atlantic Avenue and Boynton Beach Boulevard functioned as a Rural Parkway, the Thoroughfare Right-of-Way Identification Map would require an amendment restricting the number of through lanes on this segment to two lanes with the remainder of the right of way used for drainage, landscaping and pedestrian or equestrian trails. To preserve the rural character and provide for the potential of parkway easements, the existing right-of-way may require expansion, or, attentively, additional setbacks may be required.

The requirements for land assembly for any of the Agricultural Reserve Planned Development Districts (AgR-PDDs) which would be impacted by the designation of this segment of Lyons Road as a Rural Parkway would also require modification. Property owners should not be required to establish AgR-PDD Preserve Area acreage for the land within a designated parkway easement.

4.5 Golf Courses in Protected Areas

Consultant Recommendation: Permit freestanding golf courses in the Ag Reserve provided all development rights are eliminated from the property. Permit golf courses in 60/40 AgR-PDDs to utilize up to 25% of their protected area for a golf course.

While freestanding golf courses which eliminate all density are appropriate, golf courses should not be allowed within the preserve areas of an AgR-PRD. A golf course represents an amenity designed to enhance the value of the AgR-PRD. It would not enhance potential agricultural development in the Ag Reserve, nor would it contribute to environmental resource or water resource enhancement.

5 Create a Functional, Self-Sustaining Form of Development

5.1 Comprehensive Plan

Consultant Recommendation: The Consultant recommended a variety of changes to the Comprehensive Plan, as outlined below.

5.1.1 Buffer Zones and Residual Parcels

Consultant Recommendation: The County should modify the Comprehensive Plan to remove the requirement that water features within AgR-PDDs to be located to serve as a buffer for the development. The County should also require stub streets or easements to be located every 1/4 mile in AgR-PDDs.

Stub streets should not be required at 1/4 mile intervals; the resulting grid pattern may become too uniform and urban for the Ag Reserve. Stub streets, with appropriate easements to provide access to potential residual parcels, should be required with a minimum of one stub street (or existing vehicular access point) to each undeveloped adjoining property provided in each cardinal direction (north, south, east, and west) unless the adjoining property has had its development rights removed and is therefore considered preserved as open space in the future. Developments should be required to connect to designated stub streets whenever they have been shown on the approved master plan of an adjoining clustered development.

5.1.2 The 60/40 Development Option

Consultant Recommendation: The County should modify the Comprehensive Plan for the Ag Reserve to permit 500,000 square feet of retail space, 600,000 square feet of office space, and 330,000 square feet of industrial space. Nonresidential space should be awarded on a first-come, first-serve basis.

Nonresidential, non-agricultural land use approvals should not be granted on first-come, first-served basis. The BCC has previously indicated a desire to avoid "California gold rushes" in granting approvals where limits are placed on the ability to develop. Given that, a more reasoned approach to the review of applications for these uses should be established to ensure priority is given to projects which best demonstrate compliance with the goals for the Ag Reserve.

The BCC should direct that no applications for nonresidential, non-agricultural land use changes be accepted in the Ag Reserve until the second amendment round in the year 2001 (Amendment Round 01-2). Applications for these types of land use approvals should be required to submit a site plan for the development concurrently with their land use plan amendment, with staff directed to review all concurrently submitted amendments

simultaneously. Those projects which exhibit an ability to most directly achieve the goals of the Plan and the Unified Land Development Code should be given preference in awarding the approval of the limited acreage available for each of these uses. The time of the application should only be a factor in the event that two or more projects are evaluated as being equivalent to one another.

5.1.3 New Ag Reserve PDD Designations

Consultant Recommendations: The County should revise the Comprehensive Plan to allow three new designations utilizing the 60/40 option:

- *AgR-PRD, (Planned Residential Development) for residential development*
- *AgR-TMD (Traditional Marketplace Development) for retail and office development*
- *AgR-EDC (Economic Development Center) for industrial development*

The AgR-TMD should not be established as a separate land use category. The Comprehensive Plan acknowledges the Traditional Marketplace as one form of commercial development, but also acknowledges that other patterns should be allowed, to the extent that they are designed to reflect the character of the area in which they are located. Similar options should be available in the Ag Reserve. The Comprehensive Plan should be amended to permit the Commercial Low and Commercial Low-Office uses that serve the needs of neighborhoods in the locations recommended by the Consultant.

The Plan should be amended to acknowledge the ability to utilize the Economic Development Center category for industrial uses in the locations recommended by the Consultant.

5.1.4 New AgR-PRD Designation (Planned Residential Development)

Consultant Recommendation: In addition to the locations where an AgR-PDD could be permitted, the County should permit this designation east of State Road 7 and south of Atlantic Avenue.

The Comprehensive Plan should be amended to acknowledge that, south of Atlantic Avenue, frontage along Lyons Road would qualify a development using the AgR-PRD option. Currently, only properties which front Lyons Road north of Boynton Beach Boulevard have this option. The likely result of this restriction is that other roads, most notably State Road 7, may be stripped out by development, making access to agricultural areas more difficult. Acknowledging Lyons Road south of Atlantic Avenue as appropriate frontage for development would also reflect market forces, which have established this area as some of the most valuable land in the Ag Reserve.

Consultant Recommendation: Should the BCC continue to find the existing minimum acreage for an 80/20 development be inequitable with the requirements for a 60/40 development, the acreage requirement for a 60/40 development should be reduced to 100 acres, with the 60 acre preserve area required to be west of State Road 7 or, if east of State Road 7, north of Atlantic Avenue and south of Boynton Beach Boulevard.

The BCC made the original determination that the 80/20 and 60/40 development options appeared inequitable, considering that no developer had utilized the 80/20 option. In the past year, one project, La Rivage, a 40.7 acre 80/20 planned unit development, was approved by

the BCC. Given that approval, the BCC may want to reevaluate whether inequities between the options exist. The differences in the preserve area requirements of the two options are consistent with the recommendations of The Conservation Fund for sliding scale zoning based upon the area of the property as a tool to preserve agriculture. This Consultants' recommendation should only be followed if the determination is made that there continue to be inequities between these options.

Consultant Recommendation: Nonresidential uses within an AgR-PRD should be limited to corner stores, daycare centers, community centers, places of worship, and small neighborhood-serving restaurants. These uses should be located to serve both the residential development and other users.

Nonresidential uses within an AgR-PRD should be located to primarily serve the residents of the proposed development, not other users. The commercial uses located in the mixed use centers (the intersections of Lyons Road and Atlantic Avenue and Boynton Beach Boulevard) should be the areas designed to serve the entire Ag Reserve.

5.1.5 AgR-TMD Designation (Traditional Marketplace Development)

Consultant Recommendation: The County should allow this designation within 1/4 mile of the intersections of Lyons Road with Atlantic Avenue and with Boynton Beach Boulevard. Any properties with an area of 40 acres or less which are partially within this area should be required to use this form.

As described in Section 5.1.3, New Ag Reserve PDD Designations, the AgR-TMD should not be established as the only form of commercial development allowed in the Ag Reserve, though the locations described by the Consultants are appropriate locations for commercial uses designed to serve the entire Ag Reserve.

Consultant Recommendation: This designation should require a minimum area of 25 acres, with 10 acres used for development and a 15-acre preserve area located west of State Road 7 or, if east of State Road 7, north of Atlantic Avenue and south of Boynton Beach Boulevard. Up to 1.5 acres of the preserve area could be allowed to serve as a square or green within the developed area.

Isolated preserve areas smaller than 150 acres should not be permitted. This is significantly smaller than the minimum acreage recommended by the Cooperative Extension Service for sustainable agricultural production. Fifteen acre preserve sites, such as recommended by the Consultants, should only be permitted if they are adjacent to existing preserve areas which result in a combined minimum size of 150 acres in order to minimize administrative costs associated with the preserve areas.

As an alternative to the designation of preserve areas for an Ag Reserve commercial development, a developer should be allowed to dedicate equivalent acreage for a civic use (a school, fire station, or library site). In order to use this option, the dedicated site should not be allowed west of State Road 7, but should be encouraged adjacent to the commercial site or to existing residential sites in order to foster a sense of place.

Consultant Recommendation: The County should permit use of residential density within these

developments at a density of one dwelling unit per acre if the residential units are vertically integrated with the nonresidential uses.

This recommendation may be appropriate for use in an AgR-TMD, but not in more typical commercial developments. It essentially establishes a density bonus within an AgR-TMD, if the residential development is vertically integrated with the nonresidential portion of the project. It is inconsistent with the recommendation in Section 5.2.4, Unified Land Development Code - Traditional Marketplace Development, to not provide any density bonus for an AgR-TMD.

5.1.6 AgR-EDC Designation (Economic Development Center)

Consultant Recommendation: The County should allow this designation at the intersections of the Ronald Reagan Turnpike and Atlantic Avenue and Boynton Beach Boulevard.

Consultant Recommendation: Other than location, all of the provisions for an AgR-TMD should apply to an AgR-EDC.

5.2 Unified Land Development Code

Consultant Recommendation: The Consultant recommended a variety of changes to the Unified Land Development Code, as outlined below.

5.2.1 Planned Development Districts

Consultant Recommendation: The County should not approve additional AgR-PDDs, but should limit future approvals to AgR-PRDs, AgR-TMDs, and AgR-EDCs.

An AgR-PDD is the equivalent of an AgR-PRD. Any development approved in the Ag Reserve following adoption of the ULDC provisions would have to comply with the regulations in effect at the time of its approval.

As described in Section 5.1.3, New Ag Reserve PDD Designations, it is unlikely that all commercial development within the Ag Reserve will take the form of a Traditional Marketplace Development, or AgR-TMD.

5.2.2 Land Uses

Consultant Recommendation: The County should permit a wide variety of nonresidential and non-agricultural land uses.

The list of uses recommended by the Consultant should be revisited during development of the ULDC provisions for the Ag Reserve. Several of the uses suggested, such as art galleries, junior department stores, and karate schools may be too intense for an area where the County's goal is preservation of agriculture and open space with the nonresidential, non-agricultural uses limited to those which serve the residents of the immediate area. Nonresidential, non-agricultural uses within the Ag Reserve should be focused on meeting the needs of neighborhoods, with the more community-serving needs, such as those described above, met in adjoining areas within the Urban/Suburban Tier.

5.2.3 The New AgR-PRD Designation

Consultant Recommendation: The County should provide no density bonuses for AgR-PRDs.

Consultant Recommendation: The County should require an additional unit type for each additional 5 acres in an AgR-PRD after the first 5 acres and 10 units.

This recommendation was intended to avoid a "cookie-cutter" effect within planned developments, in which every home looks alike. While agreeing with this general goal, staff does not concur with the recommendation. The County should continue to maintain the current ULDC provisions, which require an additional unit type after the first 75 acres and 300 units.

Consultant Recommendation: The County should prohibit cul-de-sacs within AgR-PRDs and should also require a stub street in each of the cardinal directions so long as they do not cross designated preserve areas. New developments should be required to connect to adjoining stub streets.

Staff does not support an absolute prohibition on cul-de-sacs. Cul-de-sacs of limited length which are incorporated in the design of a project as one of a variety of street types within an overall traffic circulation system should not be a problem. Traffic circulation problems do occur if a development consists of a single access road with multiple cul-de-sacs stemming from it. The provisions requiring stub streets should ensure future interconnectivity and preclude the need to prohibit all cul-de-sacs.

5.2.4 The New AgR-TMD Designation

Consultant Recommendation: the County should provide no density bonuses for AgR-TMDs, nor should they require minimum dimensions in terms of the width and depth of lots within an AgR-TMD. The maximum FAR for buildings in an AgR-TMD should match the FAR used for TNDs within the Urban-Suburban Tier.

The recommendation of no density bonus within an AgR-TMD is inconsistent with the recommendation in Section 5.1.5, Comprehensive Plan - Traditional Marketplace Development, to allow utilization of the underlying density if the residential units are vertically integrated into the entire development.

Consultant Recommendation: The County should require an additional unit type for each additional 5 acres in an AgR-PRD after the first 5 acres and 10 units.

This recommendation was intended to avoid a "cookie-cutter" effect within planned developments, in which every home looks alike. While agreeing with this general goal, staff does not concur with the recommendation. The County should continue to maintain the current ULDC provisions, which require an additional unit type after the first 75 acres and 300 units.

Consultant Recommendation: The County should prohibit cul-de-sacs within AgR-PRDs.

Staff does not support an absolute prohibition on cul-de-sacs. Cul-de-sacs of limited length which are incorporated in the design of a project as one of a variety of street types within an overall traffic circulation system should not be a problem. Traffic circulation problems do occur if a development consists of a single access road with multiple cul-de-sacs stemming from it.

The provisions requiring stub streets should ensure future interconnectivity and preclude the need to prohibit all cul-de-sacs.

Consultant Recommendation: The County should permit on-street parking spaces adjacent to buildings to count toward the parking requirements of those facilities.

5.2.5 Landscaping and Buffering for AgR-TMD in Mixed-use Centers

Consultant Recommendation: Buffers should not be required. These centers should be developed as mixed-use areas.

The elimination of internal buffers in a project designed as a Traditional Marketplace may be appropriate, but perimeter buffers, with appropriate provisions to ensure interconnectivity should be maintained. Commercial development which does not take the form of a Traditional Marketplace should meet all buffer requirements.

5.2.6 The Location of the CCSO (Community Commercial Services Overlay)

Consultant Recommendation: The CCSO should be defined as the existing nonresidential uses at the southwest quadrant of the intersection of Atlantic Avenue and State Road 7.

6 Minimize Costs

6.1 Community Development District

Consultant Recommendation: The County should investigate the potential for creating a Community Development District within the Ag Reserve.

The County Attorney's Office investigated the feasibility of creating a Community development District, or other financial mechanism, to fund public services and facilities in the Ag Reserve. A memo detailing their findings, which are summarized below, is contained in the appendix.

1. One or more community development districts could be established in the Ag Reserve, so long as each district served at least 1,000 acres. Such districts would have the ability to levy ad valorem taxes to construct, operate and maintain community improvements and facilities and to issue bonds to provide community improvements and facilities, using its taxing authority to repay the bonds. Creation of community development districts requires the written consent of the owner or owners of 100% of the real property included in their area prior to establishment. The district would require its own elected board of supervisors.

2. A municipal service taxing or benefit unit could be created by ordinance as an alternative to a community development district. A municipal service unit may provide a wide range of public services and facilities, including fire protection, law enforcement, recreation, water, streets, drainage and transportation, so long as the properties within the unit specially benefit from the services. These municipal services would be paid for through service charges, special

assessments, or taxes, though any taxes levied would count against the millage cap of the property. The Florida Legislature has expressed its intent that municipal service benefit or taxing units should be used as the preferred procedure for providing municipal services in the unincorporated areas

3. A dependent special district, which would require the creation of a board whose members could be the BCC or individuals appointed by the BCC and subject to removal by the BCC, could also be used to address this funding issue. The special district's charter would spell out the specific purpose, powers, functions and duties, geographic boundary, authority and an explanation of why the special district is the best alternative means of providing these functions. The budget of the special district would also be subject to the approval of the BCC. The extensive reporting and other requirements for special district accountability typically discourage the creation of new special districts.

6.2 Existing Development Rights

Consultant Recommendation: the County should not reduce the densities currently allowed in the Ag Reserve.

The BCC requested that staff graphically depict how the Ag Reserve might develop if the majority of the properties developed utilizing the one unit per five acre subdivision option rather than the one unit per acre planned development option. This graphic, which utilizes the original graphic developed by Dover Kohl and Partners as its base, may be found at the rear of this document, entitled Appendix "H". It assumes that few additional AgR-PDDs will be approved; those shown on the graphic generally represent projects which agents have discussed with staff. As discussed section 6.3, Retain the Flavor Pict Road Right of Way, it does not show the extension of Linton Boulevard through th Ag Reserve. The other major change in this conceptual drawing from that of the Consultant, is the elimination of the mixed use centers at the intersections of Lyons Road with Atlantic Avenue and Boynton Beach Boulevard. These are replaced by a strip along Atlantic Avenue which currently has Industrial land use designation, it is assumed that these properties will develop with a mix of industrial and commercial uses.

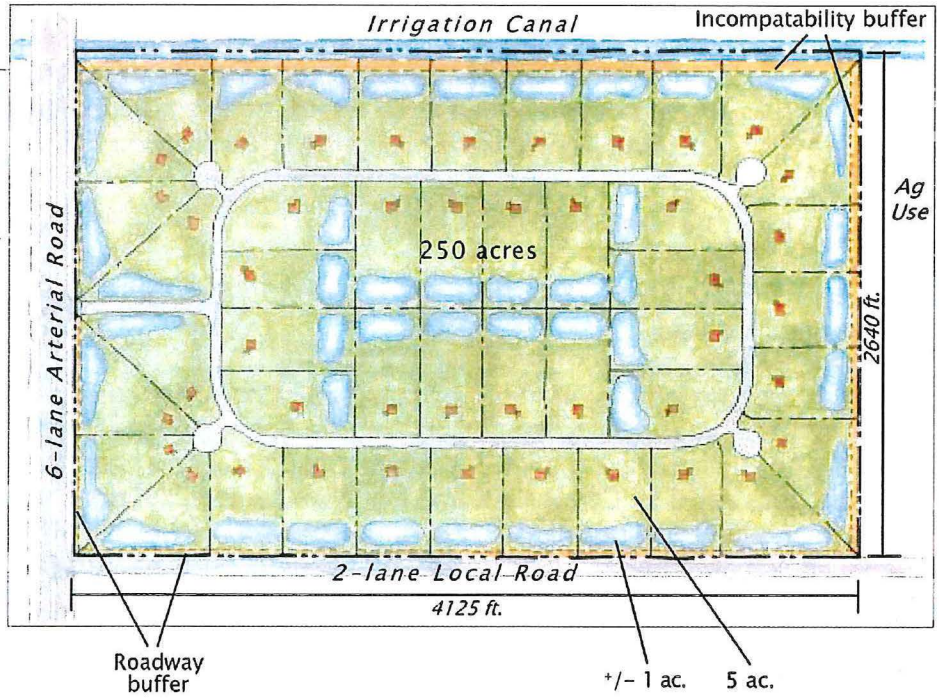
The land use pattern shown in this graphic would substantially reduce the number of units in the Ag Reserve, potentially by more than 10,000 units, with a corresponding decrease in the demand for new infrastructure throughout the area. This pattern is unlikely to be realized, given the current regulations governing development in the Ag Reserve. Developers have demonstrated greater interest in the AgR-PDD option than in the subdivision option which is the basis for this graphic. In order to achieve this pattern, the County would need to revise the options within the Ag Reserve to eliminate the AgR-PDD development option.

In addition to showing this over all graphic, staff has depicted the various residential development patterns that could occur within the Ag Reserve if the changes recommended by the Consultant were approved. Accordingly, staff has prepared schematics showing four residential development alternatives. In each case, the schematic depicts a 250-acre parcel located on the east side of State Road 7 bordered by a major canal on the north, with the surrounding properties continuing to be used for agricultural purposes. The schematics are not intended to represent any specific property within the Ag Reserve; they are conceptual drawings indicating the different forms which the development could take.

1. The schematic on the prior page reflects development of the property using the existing provisions of the Unified Land Development Code. This requires a minimum of five acres for each lot with each lot having its own retention area. As a result of requirements for access, it was assumed that approximately 10% of the total land area of the subdivision would be required for the road network. The resulting conceptual drawing indicates development of the property with 45 homes on the 250-acre site.

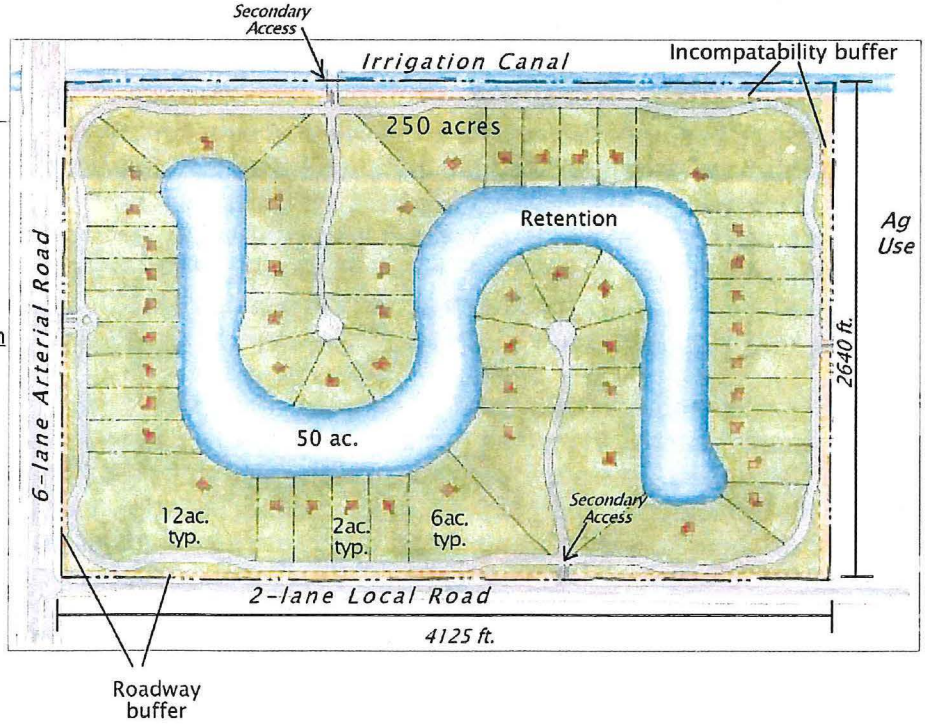
Existing Rules

- 1 unit = 5 acres
- *Access:* single
- *Retention:* seperate
- *# of units:* 45



Variable Lots

- 40 @ 1 du./2 ac.
  8 @ 1 du./6 ac.
  2 @ 1 du./12 ac.
- *Access:* multiple
- *Retention:* common
- *# of units:* 50

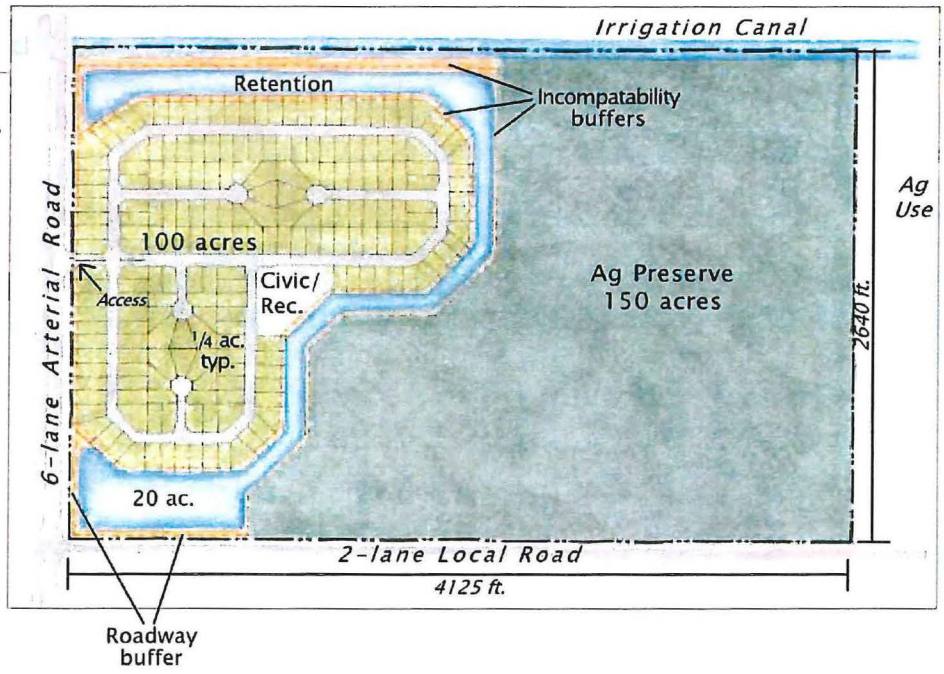


locations the buffer is reduced by half. Water features, when utilized within the developed area, are located adjacent to the required buffer, creating strips of unutilized land. The resulting conceptual drawing depicts 250 units on 100 acres of land, with 150 acres of land preserved as open space.

The BCC identified several problems with the existing regulations governing the 60/40 clustered development option. These problems led to the BCC's decision to initiate the master plan for the Ag Reserve.

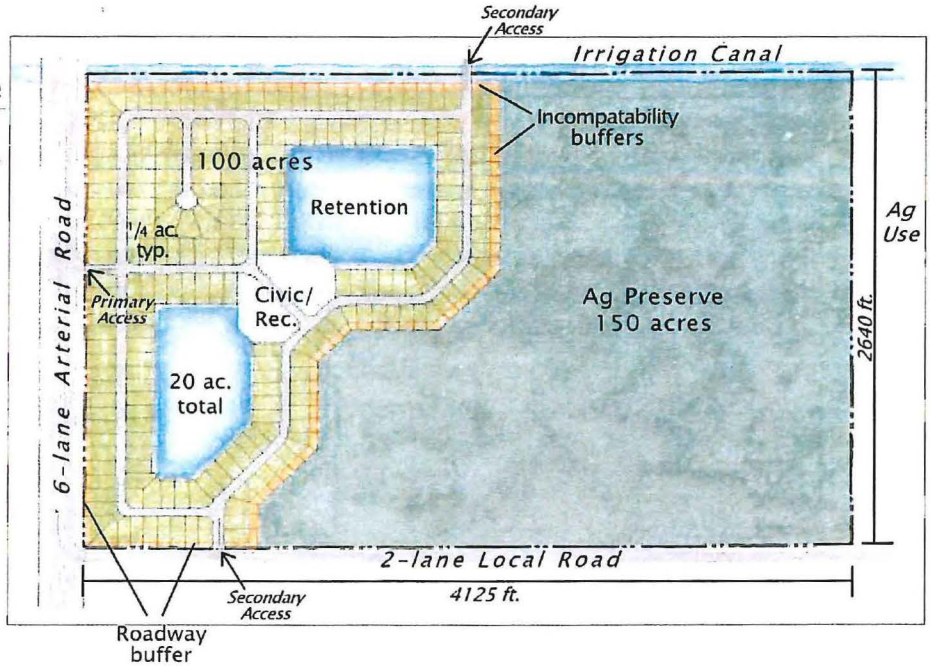
60/40 Current

- Ag Preserve 150ac. Residential 100ac. (Civic/Rec. 3 ac.)
- *Access:* single
- *Retention:* common
- *# of units:* 207 (1/4 ac. typical)



60/40 Alternate

- Ag Preserve 150ac. Residential 100ac. (Civic/Rec. 3 ac.)
- *Access:* multiple
- *Retention:* common
- *# of units:* 231 (1/4 ac. typical)



3. The existing provisions of the ULDC governing the 60/40 clustered development option are depicted in the schematic shown below. These provisions permit an increase in the number of units built on the 250-acre site to one unit per acre, provided that 60 percent of the land area is preserved as open space and the 40 percent of the area which is developed is contained in a single contiguous area. A 50-foot compatibility buffer is provided around the developed area, except along the frontage of the road and adjacent to the canal; in these locations the buffer is reduced by half. Water features, when utilized within the developed area, are located adjacent to the required buffer, creating strips of unutilized land. The resulting conceptual drawing depicts 250 units on 100 acres of land, with 150 acres of land preserved as open space.

   The BCC identified several problems with the existing regulations governing the 60/40 clustered development option. These problems led to the BCC's decision to initiate the master plan for the Ag Reserve.

4. The final schematic reflects the provisions of the AgR-PRD recommended by the Consultant with the modifications recommended by staff in sections 5.2.3, The New AgR-PRD Designation. The changes include elimination of the requirement that water features be located adjacent to the buffer, creating a "moated" effect. Elimination of this requirement would also eliminate some of the strips of unutilized land and permit the water features to become a more effective amenity within the development. At least one stub street is shown in each cardinal direction to permit access with future developed areas and preclude the development of residual parcels. This schematic does permit cul-de-sacs, though the number is limited.

6.3 Retain the Flavor Pict Road Right of Way

Consultant Recommendation: The County should continue to show the right-of-way for Flavor Pict Road on the Thoroughfare Identification Map and require dedication if adjacent property-owners develop.

The BCC requested that staff evaluate the need for Linton Boulevard and see whether the County could avoid construction of this road, which was shown on the Conceptual Master Plan. After reviewing projected traffic counts based upon potential development pursuant to the Conceptual Master Plan, the Engineering Department and the Planning Division determined there would be no need for Linton Boulevard for approximately twenty years. Accordingly, staff recommends that the extension of Linton Boulevard be retained on the Thoroughfare Identification Map and dedications required through the development process, similar to the Consultant recommendation for Flavor Pict Road.

7 Create a Chautauqua-Like Resort

7.1 Create a Chautauqua-Like Resort



In March 2000, the BCC discussed the idea of creating a resort community in the Ag Reserve modeled after Chautauqua, New York. Chautauqua is located on the western shore of Lake Chautauqua in southwestern New York State. Founded in 1874 by two leaders of the Methodist church, Chautauqua continues to operate as originally envisioned - a resort offering a blend of fine arts (opera, dance, symphony, theater, and painting), lectures, recreational activities, and religion. As historian David McCullough describes it, "there is no place like [Chautauqua] . . . It is at once, a summer encampment and a small town, a college campus, an arts colony, a music festival, a religious retreat and the village square."[3]

In many respects, the marketplace developments proposed by Dover Kohl and Partners mirror the physical form of Chautauqua. The community itself sits on 750 acres, with approximately 300 acres taken up by a village development, which, as Dr. McCullough notes, is really a small town with 19 religious houses, nine hotels or tourist facilities, eight restaurants, 28 shops, and hundreds of homes, all built around a series of parks and greens. The gross density of the developed portion of the community is 6-8 units per acre to accommodate the nearly 4,000 permanent residents, 3,500 seasonal residents, and 2,400 day visitors of the resort.

Uses are mixed within the community, with public and commercial uses dominant around the central square, Bestor Plaza, but extending into residential areas with no buffering. Public buildings within the community, other than churches, include a library, post office, police department, utilities department, lecture halls, and the offices of the Chautauqua Institution (which sponsors the lecture series and arts program). Two public schools, an elementary school and a middle school are located on the highway immediately adjacent to the community itself.



The streets are narrow with parking very limited to discourage automobile traffic. Most parking is located along the highway on the outskirts of the community itself in a series of large parking

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3 *Chautauqua 2000*, 2





lots. Access within the community is further restricted by the gates which limit automobile entry and encourage pedestrian use of the town.



Chautauqua is a resort which provides fine arts offerings as well as an internationally-renowned lecture series. Its location on Lake Chautauqua enables visitors to enjoy water-related sports, particularly fishing and boating, in addition to the cultural and intellectual offerings of the Chautauqua Institution. Its relative isolation from larger cities (Buffalo is just over an hour away while Pittsburgh is nearly two hours to the south) ensures that most visitors come and stay for at least one week. There have been efforts to create Chautauqua-like resorts in other communities, most notably in the Disney Institute at Disney World. None of these have been as successful as the original, however, because they have been unable to match the combination of factors that have made Chautauqua a success.

It is possible that Palm Beach County could serve as the location of a Chautauqua-like resort, but the Ag Reserve is an unlikely location for such a resort. The Ag Reserve is too close to the urban areas along the Atlantic Ocean to offer the relative isolation required to ensure that guests stay for extended periods which would be needed to enhance the profitability of such a resort. A location in the Ag Reserve would also place such a resort in direct competition with existing resorts on the ocean. Further, the Ag Reserve does not offer the immediate access to resource-based recreational amenities (such as a large lake providing water-based recreation) that have contributed to the success of Chautauqua. Additional obstacles to the creation of a successful Chautauqua-like resort in the Ag Reserve are the land values in the area and the restrictions on density established by the County. Finally, the addition of a tourist resort into the Ag Reserve would represent the addition of a new use that could hamper the County's efforts to emphasize agricultural preservation and enhancement in an area already experiencing significant development pressure.

A more appropriate location for such a resort might be in the Glades, where it could serve as a support facility for the Lake Okeechobee Scenic Trail. This location would provide access to recreational amenities (Lake Okeechobee) and sufficient distance from existing resorts and urban centers on the coast to minimize complaints of competition while encouraging users to stay for extended periods. Equally important, if located in proximity to an existing community,

such as Pahokee, the housing needs of employees could be better met and utility costs could be reduced.

The development of a Chautauqua-like resort in an area where such a use does not currently exist is likely to require public involvement and support. More detailed feasibility studies, involving the hospitality industry, will be required. Despite such an effort, the County should not anticipate recreating Chautauqua in South Florida, however. To again quote Dr. McCullough, "There is no place like [Chautauqua]. No resort. No spa. Not anywhere else in the country, or anywhere else in the world . . . there's no place - no place - with anything like its history."[4]



T:\PLANNING\AGRESERV\agradd_final.wpd

4 *Chautauqua 2000*, 2.

Appendix A

Conservation Land Acquisition Selection Committee Land Acquisition Concepts/The Conservation Fund

Conservation Land Acquisition Selection Committee (CLASC)
Land Acquisition Concepts

Real Estate or **Real Property**. Land and Everything more or less attached to it, stretching from the center of the earth and above to the heavens. Real Property consists of the following bundle of rights:

1. **Disposition**. The right to transfer all or any portion of the land during lifetime or at death;
2. **Use**. The right to uninterrupted use and control of land in any manner consistent with local laws;
3. **Possession**. The right to occupy the premises; and,
4. **Exclusion**. The right to exclude others, legal control over entry and use.

Ownership of this entire bundle of property rights is referred to as **Fee Simple** ownership.

When any one or more of these rights are separated from the larger bundle of rights, it is called **Less-Than-Fee Simple** ownership. Specific types of Less-Than-Fee Simple situations that may be discussed throughout the Agricultural Reserve program include, but are not limited to the following and will require additional appraisal work:

- **Agricultural Conservation Easement**. A legal agreement between a landowner and a qualified conservation organization or government agency that permanently limits a property's uses in order to protect its agricultural values.
- **Agriculture Lease**. When the one entitled to the possession of real property (lessor) transfers those rights to another (lessee) for a specified period of time. This may occur at the time of closing or any time thereafter.
- **Agricultural Reservation**. When a property owner, at the time of sale, retains the right to continue to farm that property for a specific period of time or in perpetuity. This reservation is built into the deed.
- **Conservation Easement**. A legal agreement between a landowner and a qualified conservation organization or government agency that permanently limits a property's uses in order to protect its conservation values.
- **Life Estate**. An interest in a property that expires upon the death of the owner or some other specified person.

An **Option Contract** is a contract that conveys the right (but not the obligation) to purchase a property within a specific time and for a specified amount. The Conservation Fund will acquire Option Contracts from landowners in the Agricultural Reserve and present those Option Contracts to CLASC. If CLASC recommends the purchase of that property and the Board accepts this recommendation, The Conservation Fund will assign that Option Contract to the

County and the County will exercise the Option Contract and move forward to purchase the property (See Attached Flow Chart). The typical Option Contract period is 120 days (from execution of the contract to closing of the transaction) but may vary depending on the specific circumstances of the transaction.

Appendix B

Letter from Anthony J. Catanese, President University of Florida to Commissioner Burt Aaronson

FLORIDA ATLANTIC UNIVERSITY
777 GLADES ROAD
P.O. BOX 3091
BOCA RATON, FLORIDA 33431-0991

OFFICE OF THE PRESIDENT
(561) 297-3450 • (561) 297-2777

January 25, 2000

The Honorable Burt Aaronson
Palm Beach County Board of Commissioners
301 N. Olive Avenue
West Palm Beach, FL 33401

Dear Burt:

Florida Atlantic University, in cooperation with the University of Florida, would like to be partners with Palm Beach County in the planning and implementation of the Agriculture Preserve. Faculty and administrators from both Universities have been discussing a variety of programs for teaching, research, and public service. This area of Preserve land would hold enormous promise for attaining multiple goals. Not only would the land be protected from over-development, but strategic planning for the future of agriculture could occur. Along with programs for education and research, new concepts for the 21st Century can be implemented.

Please let me know how we can become more involved in the planning for the Agricultural Preserve. It's an opportunity that is unique.

Best regards,

Anthony James Catanese
President and Professor

cc: Dr. Charles Young
Interim President
University of Florida

Appendix C

Estimated Acreage/Letter from the Conservation Land Acquisition Selection Committee to Frank Duke, Planning Director

Department of Environmental
Resources Management
3323 Belvedere Road, Building 502
West Palm Beach, FL 33406-1548
(561) 233-2400
FAX: (561) 233-2414
Suncom: 274-2400
www.co.palm-beach.fl.us

Palm Beach County
Board of County
Commissioners

Maude Ford Lee, Chair

Warren H. Newell, Vice Chairman

Karen T. Marcus

Carol A. Roberts

Mary McCarty

Burt Aaronson

Tony Masilotti

County Administrator

Robert Weisman

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Affirmative Action Employer"

printed on recycled paper

February 11, 2000

Mr. Frank M. Duke, AICP
Planning Director
Department of Planning, Zoning & Building
100 Australian Avenue
West Palm Beach, FL 33406

Dear Mr. Duke:

SUBJECT: ESTIMATED AMOUNT OF AGRICULTURAL RESERVE LAND TO BE ACQUIRED WITH THE COUNTY'S BOND REFERENDUM

Your letter dated December 22, 1999, requested the Conservation Land Acquisition Selection Committee (CLASC) to provide Linda Hoppes with an estimate of the acreage that may be acquired through our acquisition efforts in the Ag Reserve.

As you may be aware, this request is a very difficult one to fill with any kind of accuracy. Some of the existing variables that make it difficult to provide an accurate estimate of the acreage that will be acquired are:

1. The number of "willing sellers" is currently undetermined. CLASC is currently aware of "interested parties." Interested parties are willing to talk to the County about participation in the County's Conservation Land Acquisition Program and have agreed to have their property appraised by the County's appraisers. The number of interested parties is not a static figure and will definitely change over time. Negotiations for purchase of the lands have not begun; therefore, the County has a very limited idea of how many owners are willing to sell at the County's offering price.

2. The number of potential purchases as a fee simple acquisition versus a less than fee acquisition is also unknown. Sales conditioned on lease-back arrangements, life estates or trusts, conservation easements, or other things dealing with development rights are being discussed as policy issues for the County. These factors alone could make the acreage amount vary dramatically.

3. The amount of money that will be available through cost sharing, price reductions, and grant dollars is anyone's guess at this time. Early research into grant dollars available for purchasing agricultural lands for preservation as agricultural land indicates that very little money is available for this purpose. The County has no track record of obtaining grant dollars for this purpose, and therefore has almost no basis upon which to make an educated or valid estimate.

4. The appraised values for lands in the Ag Reserve vary widely with location, road frontage and access to the major highways, and improvements on the land. Averaging the appraisals for a given area and using that value to estimate a number of acres that could be acquired is very risky, and could ultimately be damaging to the acquisition program, because it may give some landowners a false expectation as to what their individual properties are worth.

5. Some areas of the Ag Reserve currently are not targeted for acquisition because of initial direction from the draft Ag Reserve Master Plan. Properties in these areas could become acquisition targets and purchased by the County and the development rights stripped from the land, then resold to other agencies (e.g., to the State for a state park, or to the South Florida Water Management District for a reservoir). Activities such as these also require policy decisions that have not been made.

6. Giving estimates of acreage that could be bought with the funds available provides an opportunity for people and/or the press to do some calculations to arrive at a cost per acre basis. Again, this cost per acre may be nowhere near the actual appraised value for any given parcel of land. The derived figure could be very detrimental to the program by giving landowners or the public false expectations as to the cost to acquire property in the Ag Reserve. An acreage estimate given this early in the program could also be used as a benchmark for the success or failure of the program. CLASC sees no benefit to the acquisition effort by establishing an artificial acquisition acreage estimate at this time.

Because of the several factors listed above, CLASC is not currently prepared to provide you with an estimate of Ag Reserve acres to be acquired. The committee believes such an estimate could not be supported with the current information at hand. We hope this letter makes our position clear and reasonably explains our inability to respond to your request.

Sincerely,

Joanne Davis, Chair
Conservation Land Acquisition Selection Committee

cc: Robert Weisman, P.E., County Administrator
Patrick Miller, Deputy County Administrator
Verdenia Baker, Assistant County Administrator
Dominic Sims, Executive Director, PZB
Robert Banks, Assistant County Attorney
Heidi Juhl, Assistant County Attorney
Richard E. Walesky, Director, ERM
Ross Hering, Director, PREM
Linda Hoppes, Senior Planner, PZB
David Gillings, Environmental Program Supervisor, ERM
Matt Sexton, The Conservation Fund

Appendix D

Grant Sources/Letter from Langton Associates to Linda Hoppes, Planning Division

LANGTON
Associates

RECEIVED
JAN 17 2000
PLANNING DIVISION

To: Linda Hoppes, Planning Division
From: Sandy Faraldo
Date: January 7, 2000
Subject: Grant sources for Ag Reserve

As requested, I have researched active federal and state grant sources for "land acquisition in the Ag Reserve that can leverage bond money." I have searched the Catalog of Federal Domestic Assistance (CFDA), talked to several federal and state agencies and researched state funding publications. I found no federal or state program that offers funding for land acquisition for the purpose of limiting development unless it is tied to protection of sensitive lands or water resources. Land acquisition programs generally require specific use of the acquired land such as forestry protection, wetlands protection, rural economic development, transportation easements/right of ways, etc.

Land acquisition funding is primarily targeted for environmentally sensitive lands. Federal money for most land acquisition is targeted toward conservation or preservation of existing wetlands and is designated for particular agencies such as the Bureau of Land Management in the Department of Interior.

The U.S. Department of Agriculture's **Natural Resources Conservation Service** (NRCS) has a number of programs that provide conservation incentives to farmers or funding for acquisition of easements. **The Farmland Protection Program** provides funds to help purchase development rights to keep productive farmlands in agricultural use. Eligible applicants are "any local or State agency, county or groups of counties...that has a farmland protection program that purchases conservation easements for the purpose of protecting topsoil by limiting conversion to non-agricultural uses of land, and that has pending offers." *This may be a program worth investigating if the county can qualify as an applicant.*

The **USDA's Conservation Reserve Program** administered by the Farm Service Agency is the Federal Government's single largest environmental improvement program providing annual rental payments and cost-share assistance to eligible producers to protect environmentally sensitive crop land, increasing habitat for wildlife and safeguarding ground and surface water.

The **USDA's Rural Development Project Grants** may be an alternative if you have agricultural land that can be used for economic development in some of the smaller municipal area (pop. of 50,000 or less.) These rural business enterprise funds can be used "to establish revolving loan funds, provide operating capital and finance industrial sites in rural areas including the acquisition and development of land..." These grants give priority to areas having a population of not more than 25,000.

4244 St. Johns Avenue Jacksonville, FL 32210 • (904) 387-3342 • (904) 387-3364 FAX • melangton@aol.com

State funding follows similar lines since much of the state's grant resources are passed through from federal agencies. The most notable exception is the **Florida Communities Trust (FCT)/Florida Forever** program. We expect another round of funding announced under the old FCT rules and one round of funding possible by the end of the year under the new Florida Forever rules. It appears that the Florida Forever program will place an emphasis on development of urban recreational resources so you may have to be creative about structuring a project for the Ag Reserve.

Another potential source may be through the **Land and Water Conservation Fund**. In budget negotiations at the end of '99, congress approved $40 million for matching grants to states. (This program was not funded for the past six years.) Funds can be used to acquire parklands and open space as well as fund a variety of outdoor recreation projects.

Small grants may be available through recreational development grants such as the **Greenways and Trails** funding I recently sent you and the **Florida Recreational Development Assistance Program (FRDAP)**. You should consult the Parks and Rec Department about potential recreational projects in the reserve.

Another source of funding may be private foundations and private donors. Palm Beach County has a number of foundations that serve the area. Establishing a non-profit for the collection and solicitation of private funds to help finance land purchases may also be something worth considering.

Apart from grant funding, there are several state and federal agencies that have the ability to purchase lands for specific projects and I suggest that you involve these in your discussions. These include the South Florida Water Management District, the Army Corps of Engineers, the Forestry Service and Fish and Game Commission. There may be project opportunities that serve county and agency goals. You may also want to schedule visits with the various federal and state agencies to "pick their brains" and involve them in your quest for funding.

Of course there is always the possibility of a special appropriation through state or federal legislators. There is also the possibility of the introduction of new legislation. Last year the President proposed billions in funding to conserve open space through such programs as the **Lands Legacy Initiative** and **Better America Bonds**. Unfortunately these programs were not included in the '99 budget but they have sparked a renewed interest in open space preservation. Like Palm Beach County, more communities are seizing the initiative in preserving open space by taking land out of development.

You may also consider talking to the Trust for Public Lands (TPL). This is a non-profit organization that has pioneered a number of creative financing methods to assist local governments. Programs include: (1) Lease/purchase - TPL buys and leases property to local governments for up to 15 years on transactions from $1 million to $20 million; (2) Buy/hold - TPL buys and holds property (up to 2 years on transactions from $500,00 0 to $10 million) until public funding is secured; (3) Phased acquisition - TPL buys and conveys property in phases as

public funding becomes available (holding period 5 years on transactions from $500,000 to $10 million.)

I will send you any grant announcements that I see which allow land acquisition.

P.S. Regarding grant funds for farm capital: There are no grants to individuals that I found, but there is the **Farm Loan Program** through the USDA Farm Service Agency. FSA offers direct and guaranteed farm ownership and operating loan programs to farmers who are unable to obtain private, commercial credit. Often, these are beginning farmers who can't qualify for conventional loans because they have insufficient financial resources.

Appendix E

Public Services and Facilities/ Memo from Paul F. King, Assistant County Attorney to Verdenia Baker, Assistant County Administrator

RECEIVED
MAR 2 2000

Denise Distel Dytrych
County Attorney
P.O. Box 1989
West Palm Beach, FL 33402-1989
(561) 355-2225
Suncom: (561) 273-2225
FAX: (561) 355-4398
www.co.palm-beach.fl.us

Palm Beach County Board of County Commissioners
Maude Ford Lee, Chair
Warren H. Newell, Vice Chairman
Karen T. Marcus
Carol A. Roberts
Mary McCarty
Burt Aaronson
Tony Masilotti

County Administrator
Robert Weisman

MEMORANDUM

DATE: February 29, 2000

TO: Verdenia Baker, Assistant County Administrator

FROM: Paul F. King, Assistant County Attorney PFK

RE: Funding of Ag Reserve Public Services and Facilities

This memo will address funding for needed public services and facilities in the agricultural reserve area of Palm Beach County.

Municipal Service Units

A municipal service taxing or benefit unit may be created in all or a part of the unincorporated area of the County. §125.01(q), Fla. Stat. Such a municipal service unit is created through an ordinance enacted by the Board of County Commissioners. A municipal service unit may provide a wide range of public services and facilities to be paid for through service charges, special assessments or taxes. These specified public services and facilities include fire protection, law enforcement, recreation, water, streets, drainage and transportation. The total ad valorem taxes imposed on any parcel of property for such specified municipal services may not exceed 10 mills. §125.01(a), Fla. Stat. A municipal service unit may only impose charges, assessments or taxes for services or facilities that specially benefit the real property included within the unit.

Special Districts

By ordinance, the Board of County Commissioners ("the Board") may create a dependent special district in an unincorporated area of the County. §189.4041, Fla. Stat. A dependent special district's members must either be the Board, be appointed by the Board, be subject to removal at will by the Board, or the dependent special district must have its budget approved or vetoed by the Board. §189.403(2), Fla. Stat. The dependent special district charter ordinance must include the special

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district's purpose, powers, functions and duties, geographic boundary, authority and an explanation of why the special district is the best alternative. §189.4041(4), Fla. Stat. It should be noted that the Florida Legislature has expressed its intent that municipal service benefit or taxing units are the preferred procedure for providing municipal services in the unincorporated areas. §189.402(2)(h), Fla. Stat. Further, recently imposed extensive reporting and other requirements for special district accountability should serve to discourage new special district formation. See §§189.4031, 189.412, 189.413, 189.415, 189.418, 189.419, 189.421, Fla. Stat.

Community Development Districts

A community development district covering 1,000 or more acres may be established pursuant to administrative rule adopted by the Florida Land and Water Adjudicatory Commission granting a petition to create such a large development district. §190.005(1), Fla. Stat. However, written consent of the owner or owners of 100% of the real property to be included (or documentation of control of the consent over 100% of such property) must be contained in the petition. §190.005(1)(a), Fla. Stat. Public hearings are required prior to consideration of the petition by the Adjudicatory Commission. §190.0005(1)(d), Fla. Stat. A community development district of less than 1,000 acres may be established by ordinance of the Board of County Commissioners, based on a petition meeting the above requirements, including written consent of 100% the property owners. §190.005(2), Fla. Stat.

A state or locally created development district has its own elected board of supervisors, §190.006(1), Fla. Stat., and has special powers related to a broad range of public improvements and community facilities. §190.012, Fla. Stat. A development district may issue bonds and other debt instruments. §§190.014, 190.015, 190.016, 190.017, Fla. Stat. A development district's elected board may levy and assess ad valorem taxes to construct, operate and maintain assessable improvements and repay development district bond obligations. §190.021(1), Fla. Stat. A development district's elected board must assess annual total benefit special assessments for bonds issued and related expenses to finance development district facilities and projects. §190.021(2), Fla. Stat. Maintenance special assessments may also be levied by the development district's governing board. §190.021(3), Fla. Stat.

PFK/mej
cc: Maureen Cullen, Chief Assistant County Attorney
Frank Duke, Planning Director

Appendix F

Better Models for Development in the Shenandoah Valley/ The Conservation Fund

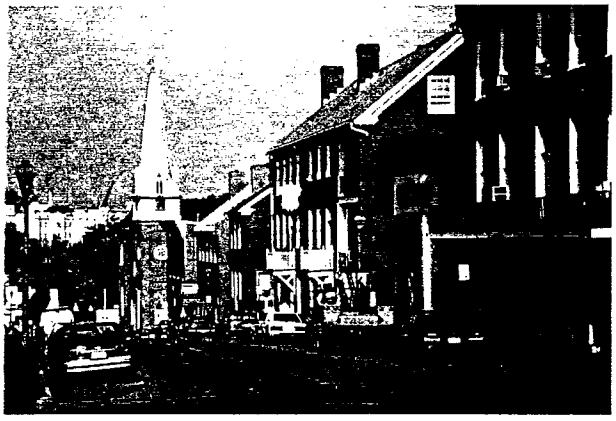
Better Models for Development

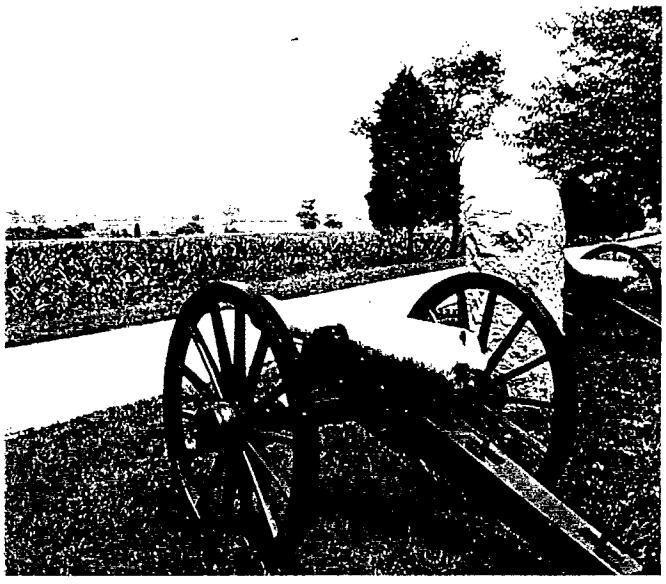
in the Shenandoah Valley









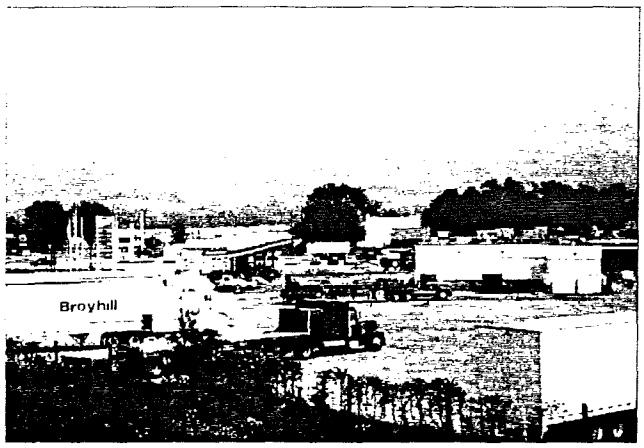


by Edward T. McMahon
and Sara S. Hollberg

Valley Conservation Council and The Conservation Fund

Protect Farm and Forest Land





Would you rather see cows or concrete on Valley farmland?

AGRICULTURE IS THE SHENANDOAH VALLEY'S leading industry but it faces many challenges. One of the greatest of these is encroaching suburbanization.

Farmland is critical to the Valley's economic health not just because of the value of the products it generates, but also because it contributes to the region's economy as scenic assets. The Valley's working landscapes of farms and forests attract new businesses and wealth to our communities, increase property values throughout the region, and support our tourist economy. Farmland and forests also play a key role in sustaining healthy natural systems by providing plant and wildlife habitat and migration corridors, watershed protection, and other benefits.



Farmland lost

Today, vast areas of the Valley remain in hardwood forest, a renewable resource that pumps the rural economy while providing aesthetic, recreational, and environmental benefits.

Despite the vital contribution that farmland and forests make to our local economies, farmers and forest landowners currently receive little financial return from communities for their contribution to local quality of life. Even the most profitable farms are often less lucrative than selling land for subdivisions.

Looking to the future, if agriculture is to remain a vital element of the Valley economy, state and local leaders will have to act on opportunities to ensure the long-term economic viability and productivity of our region's agricultural

between four and ten years. In return, the locality must consider the district in its local planning and zoning. While ag districts are only a temporary fix, district status does have an impact. An ag district is a powerful image on a land use map, declaring that an area is reserved for farming and is off limits for suburban-style development. The process of organizing, and the certainty of continuity, can strengthen the farming community.

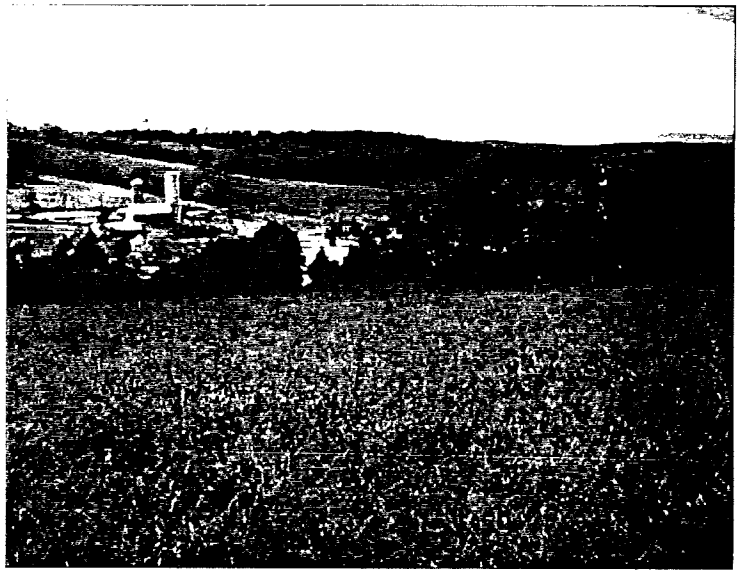
Things You Should Know:

- Agricultural and forestal districts are used in at least 27 Virginia localities and cover more than 650,000 acres of farmland. Valley localities with districts include the counties of Augusta, Clarke, Frederick, Rockingham, Shenandoah, and Warren, and the City of Staunton.
- Agricultural districts range widely in size, with a minimum of 200 contiguous acres. There is no minimum acreage for each landowner and no maximum on the size of the district. A single property owner can create a district.
- Thirty-one agricultural districts are in place in the Shenandoah Valley region and more are being formed each year.
- One Frederick County agricultural district contains more than 15,000 acres; the smallest district in the Valley is approximately 225 acres.
- Cities can have agricultural districts too.
- Landowners in ag districts are guaranteed land-use tax rates, which means landowners pay lower property taxes.

Landowner Benefits of Agricultural and Forestal Districts:

Conserve Natural and Scenic Assets

- Guaranteed land-use tax rates
- Protection from nuisance ordinances for customary farming or forestry practices
- Locality must consider the ag district in local land-use decisions, such as rezonings
- State agencies must consider the impact of their actions on farming and forestry in ag districts
- Greater protection from land condemnation



Agricultural district near Keezletown, Rockingham County

For More Information:

American Farmland Trust, 1200 18th Street, N.W., Suite 800, Washington, DC 20036; (202) 331-7300.

Valley Conservation Council, P.O. Box 2335, Staunton, VA 24402; (540) 886-3541

Local planning office; soil and water conservation district office; Virginia Extension office

lands. We can identify and aggressively pursue ways to make it possible and desirable for private landowners to keep their land part of the working landscape.

THINGS YOU SHOULD KNOW:

- Farmers more than pay their way, as shown in numerous studies across the nation. An Augusta County study found that farm and forest landowners, even at land-use tax rates, paid more in taxes than they received in services, by $1.24 million in fiscal year 1996; in contrast, residential uses ran a $8.73 million deficit. A 1998 study in Illinois found that farmland required only 31 cents in services per dollar generated, compared to $1.11 in services for that same land once it became a residential subdivision.

- Agriculture generated more than $2.7 billion in cash receipts to farmers in Virginia in 1996. Cash receipts from agriculture topped $488 million in Rockingham and Augusta counties alone in 1992.

- Nearly 1 in 7 Virginia workers is dependent on agriculture or related industries.

- The Shenandoah Valley contains three of the top five agricultural counties in the state.

- The Valley is particularly strong in livestock production, including beef cattle, sheep, and dairy cows.

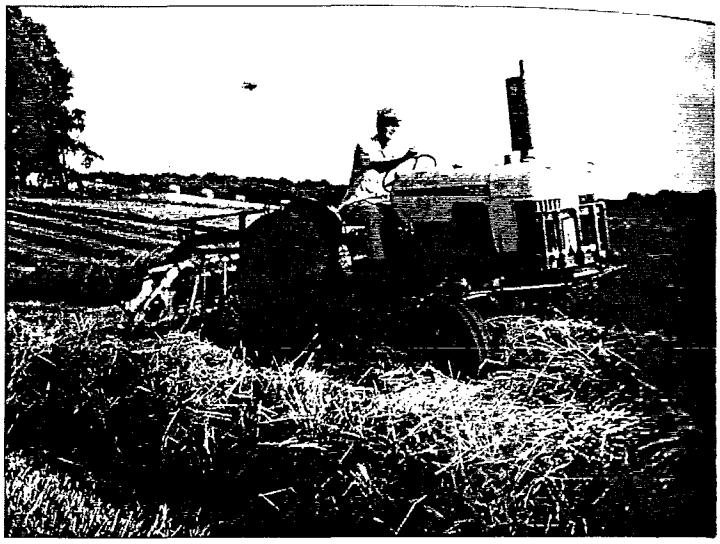
- Virginia lost 1.1 million acres of agricultural land between 1982 and 1992—12% of its total. Valley counties lost an average of 10% of their farmland.

- Timber harvests brought in $307 million in cash receipts in 1997. Altogether, the harvesting, processing, and marketing of timber products adds $9.8 billion to Virginia's economy. Another $1.7 billion is generated by forest-related wildlife and recreation.

- Timber is the #2 crop in the state, behind poultry and eggs, and the forest products industry accounts for one in six manufacturing jobs.

- For every $1.00 received by a timber [illegible] estimated $48.64 in total value is add[illegible] economy.

- Since 1977, Virginia has lost an average of [illegible] acres of forest annually, mostly due to [illegible]



Form Agricultural and Forestal Districts

The Shenandoah Valley is the "bread basket" of Virginia. But while in past years the rural nature of the Valley was so self-evident as to not require special agricultural zones, scattered residential and commercial development is making it increasingly important for farmers to form agricultural and forestal districts. Farmers in many Valley localities already have taken this option.

Agricultural and forestal districts are voluntary measures. They are a contract between the local government and property owners spelling out that no new non-agricultural uses will take place in the district for a specified time.

Property owners in ag or forestal districts commit to keeping their land in farming or forestry for a term of

Use Targeted Planning Tools to Protect Farmland

WITHOUT ACTIVE FARMING, there is no chance of retaining the rural landscape that distinguishes the Shenandoah Valley. Protecting farmland requires not only protecting a sufficient land base but also addressing the many financial and legal stressors on the farming way of life.

The key to long-term farmland preservation is to reduce the development capacity of farmland, while appropriately protecting property rights. An effective strategy must be two-pronged. It must limit the potential for widespread non-agricultural uses in rural areas. At the same time it must provide the stability and financial resources to help farmers stay in business. Farmers need a critical mass of farmland, but they also need to maintain the value of their primary asset—their land.



PLANNING TOOLS YOU CAN USE:

- **Exclusive Agricultural Zones** - The best-known and most successful program in agricultural zoning is in Oregon, which has a statewide demarcation of exclusive agricultural areas in which uses not compatible with farming are not permitted. Here in Virginia, Isle of Wight County has designated 70 percent of the county a Rural/Agricultural Conservation District. Some low-density residential development is allowed, with densities based on a sliding scale or on achieving desired development standards. Generally, the more open space reserved and the more compact the development design, the higher the density allowed. Contact: Isle of Wight County Director of Planning and Zoning, (757) 357-3191.

- **Purchase of Development Rights** - The City of Virginia Beach's Agricultural Reserve Program pays market value for easements over prime farm and forest land. Enacted in 1995, this voluntary program costs the city less than half the capital expenses that would be required if the land were built out at current zoning. Contact: Director of Agriculture, Virginia Beach Department of Agriculture, (757) 426-5775.

- **Mandatory Open Space Requirements** - Fauquier County requires that 85 percent of tracts in rural areas be retained in permanent open space when development occurs. Contact: Fauquier County Chief of Planning, (540) 347-8703.

- **Sliding Scale Zoning** - Clarke County was the first locality in the state to use a sliding scale zoning that reduces the density capacity as parcel size increases. This protects the right to add dwelling units to smaller parcels while forestalling large-scale, dense development on rural tracts. Contact: Clarke County Planning Director, (540) 955-5132.

- **Maximum Lot Size** - Clarke County also sets a maximum lot size for dwellings placed on prime farmland.



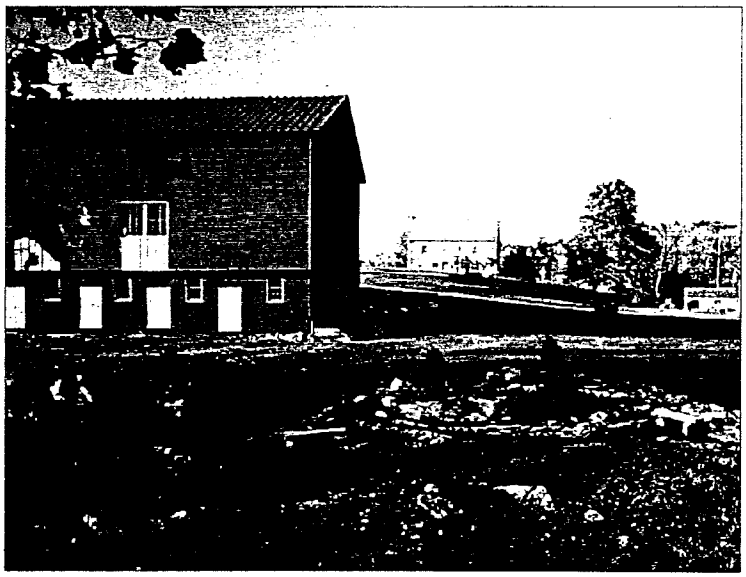
- **Large-Lot Zoning** - (not recommended as the primary method of protecting farmland) Many communities use a large minimum lot size to curtail development of farmland. In reality, however, this strategy often results in "farmettes" that increase land consumption without saving farmland. Essex County and Albemarle County are among the counties that allow divisions on small parcels, including 1 house per 5 acres on the first 20 acres, but only one development right per 20 acres for remaining land. Contacts: Essex County Administrator, (804) 443-4331; Albemarle County Planning Department, 804 296-5823.

- **Statewide Efforts** - Many states have policies and programs designed to protect farmland. For example the state of Maryland's extensive farmland protection programs have permanently protected approximately 200,000 acres of farmland. Tools used in Maryland include the following:

  - *Easements* - The Maryland Agricultural Land Preservation Program (MALPP), funded by real estate transfer taxes and by taxes assessed on agricultural land converted to non-agricultural uses, funds the purchase of development easements on farmland. Priority is given to easements with the lowest value. MALPP protected almost 100,000 acres of farmland in its first 14 years.

  - *County Farmland Protection Programs* - State certification (and the retention of 75% of the agricultural transfer tax revenues generated in that county) is offered to any county that demonstrates it has an effective program to preserve farmland. By 1996, 11 of Maryland's 23 counties had been certified. In addition to purchasing easements, the counties use a variety of other techniques to protect farmland, including transfer of development rights and agricultural protection zoning. For example, Baltimore County zones its agricultural districts at one house per 50 acres.

  - *Rural Legacy Program Using Bonds* - Under the Maryland Rural Legacy Program approved in 1997, the state works with local governments and land trusts to purchase conservation easements on agricultural lands that also have important natural and cultural resource values. Bonds will support the program at the level of $71 to $90 million during the first five years, with perhaps between $243 - $455 million over 15 years. Contact: Program Open Space, (410) 260-8403.



Appendix G

Agricultural Reserve Master Plan Agricultural Options Proposal/ Palm Beach County Cooperative Extension Service

palm beach county

board of county commissioners

23 may 2000

Agricultural Reserve

Master Plan

agricultural options proposal

palm beach county
cooperative extension service

Palm Beach County
Cooperative Extension Service

agricultural options proposal

The following report presents agricultural options for the Agricultural Reserve based on their agronomic and financial feasibility. It examines the components that presently influence continued agricultural production and offers alternative options for the projected land purchases by Palm Beach County.

There are a number of independent factors adversely affecting the dynamics of agriculture within this area. Among these are continued increases in fresh vegetable imports, urban development pressure, labor shortages, substantial regulatory requirements, and the complete ban on methyl bromide by 2005. Some of these factors are quantitatively addressed.

Agricultural Options Proposal

Status

- Economic Impact of the Ag Reserve
- Infrastructure
- Methyl Bromide
- Soil & Crop Options
- NAFTA & Imports / Charts

Outlook 2000

- Vegetables
- Horticulture
- Citrus

Sustainable Agriculture Task Team Proposal

- "Toolbox" for Sustainable Agriculture in the Ag Reserve

Programs in Other Counties & States

- Maryland / Howard County
- Michigan / Peninsula Township
- Table of Agricultural Preservation Programs
  - Suffolk County, New York
  - Marin County, California
  - King County, Washington
  - State of New Jersey
- American Farmland Trust Chart of Tools

5.1 Lease Program

5.1.1.1 Lease Program
5.1.1.2 Lease Proceeds Proposal
5.1.1.3 Flexible Lease Program
5.1.1.4 Lease Contract Consideration

5.1.2 Rural Restaurants and Farm Markets
5.1.3 Packing House Conversion
5.1.4 Organic Farming
5.1.5 Niche or Specialty Crops
5.1.6 Agricultural Education Center
5.1.7 Equestrian Facilities
5.1.8 Community Supported Agriculture
5.1.9 Consumer Cooperatives
5.1.10 Sustainable Production of Small Ruminants
5.1.11 Acuaculture
5.1.12 Native Plant Production
5.1.13 Beginning Farmer Program
5.1.14 Farmer-to-Chef Program
5.1.15 Growers Cooperative
5.1.16 Internet Marketing
5.1.17 Marketing
5.1.18 Farm Labor Housing
5.1.19 Farm Link Program
5.1.20 Management of Agricultural Land Purchased
5.1.21 South Florida Water Management District Permits
5.1.22 Implementation of the Agricultural Recommendations
5.1.23 Final Observations

Economic Impact of the Ag Reserve

The Agricultural Reserve has had a long history of agricultural diversity. At one time or another over the last five decades, the farmers of the Ag Reserve have learned to cultivate over 80 varieties of vegetables and 12 types of fruit, not including citrus.

This effort has had a considerable economic impact to the county. The per-acre productive value of the Ag Reserve is considerably higher than any other agricultural acreage in the county. The Ag Reserve represents approximately 10% of the total agricultural economic impact to the county in less than 3% of the total acreage dedicated to agricultural production. Over the last few years, urban development pressure and fresh vegetable imports have both had the effect of increased speculative land values and lower profit margins in agriculture production. Tomatoes, peppers, and cucumbers, our major Ag Reserve crops, presently rank 1st, 3rd , and 5th respectively in fresh vegetable imports. From all indications this trend in fresh vegetable imports will continue. The USDA long-term projections for this category of imports has been estimated to increase at a rate of 10% per year. It is difficult to determine to what extent this projected growth in imports will result in meeting increased demand, diminishing prices, or both.

PALM BEACH COUNTY
Agricultural Reserve
Acreage and Estimated Total Agricultural Sales 1997/98

CROP	*ACRES*	*ESTIMATED TOTAL SALES*
Fresh Vegetables	8,102.78	$ 81,927,000.00
Horticulture	1,759.83	$46,500,000.00
Citrus	829.83	$ 866,000.00
Improved Pasture / Cattle	830.12	$ 1,183,805.00
Equestrian (Est)	473.03	$ 1,680,000.00
Non-Production AG	1,500.02	
Others	3.00	
TOTAL	**13,499.00**	**$ 131,751,000.00**

Infrastructure

No matter the future size or mix of the agricultural and horticultural industry within the Ag Reserve, the infrastructure is in place and more than adequate to meet those needs. There are 11 packing houses within the Ag Reserve and its proximity on individual vegetable farms. Nurseries pack and sell on site. The rationale for stating the ag infrastructure being adequate is due to the size and status of the agribusiness infrastructure in the Everglades Agricultural Area. Agricultural fertilizers, pesticides, and other needs are available. This is also true of packing houses, tractor dealerships, parts suppliers, and other agribusiness entities. It is approximately 35 miles from the Ag Reserve to the Belle Glade area and with modern transportation, communication, and delivery systems this poses no significant problems for those producers within the Ag Reserve.

Methyl Bromide

Methyl Bromide is a highly efficacious soil fumigant presently being used in over 100 crops, ornamental nurseries, as a postharvest method to exterminate arthropod pests in commodities, and finally as a chemical source to fumigate structures. The EPA has designated Methyl Bromide an ozone depletor and production and importation is earmarked to be reduced at a 25% yearly rate until a complete ban by January 1, 2005. This phase-out period will limit access to MB and price will inevitably increase. Local farming interests have extensively used MB to control insects, nematodes, weeds, and pathogens in the soil. In order to protect our agricultural industry from exotic pests, The United States Department of Agriculture requires other countries to treat a number of their agricultural products with MB as a condition of entry into this country. To that extent, a number of countries require that our agricultural products are also treated prior to their importation. Some of these commodities include apples and cherries to Japan, cotton and peaches to Mexico, and strawberries to Australia.

To what extent this ban will affect the productivity and profitability of the crops grown in this county is yet to be determined. Since it is unlikely that a single alternative will be found to substitute for methyl bromide, a combination of chemical, non-chemical, and biological control are presently being evaluated.

The USDA has issued the following statement regarding this ban:

"It is clear that unless viable alternatives to methyl bromide are found, there will be significant negative impacts to United States agriculture, including the important question of competition in world markets. Developing countries will be allowed to use methyl bromide to produce and market crops long after the cutoff date of 2005 in the United States. The goal of the Methyl Bromide Alternative National Program is to make available to the United States an agricultural community environmentally acceptable, practical, economically feasible, and sustainable alternatives to methyl bromide."

Soils & Crop Options

The 1974 Soil Survey of Palm Beach County indicates several soil types that are not appropriate for certain crops. Most of this acreage is represented by sand-type soils of different categories. That evaluation was based partly on the fact that certain crops had not been grown on these soils to that date. Since that time the soils, due to the need to have more land available for agricultural production, have been modified to make it possible to grow any crop presently grown in the county. This would also be true, in most cases, for crops that could be grown in the future. The following is a breakdown of the major soil types:

Soil Types

Boca Fine Sand
Myakka Sand
Oldsmar Sand
Riviera Fine Sand

Although low in natural fertility and susceptible to flooding without adequate water control system, most of this acreage has been under agricultural production for a considerable number of years. Modifications in water control and soil improvements have allowed an appreciable number of row crops to be produced in this area. The production capacity and profitability of this area has been determined by outside market forces rather than by the area's ability to produce an acceptable crop. Experience in farming these type of mineral soils has more than amended soil deficiencies and there is no reason to believe that agricultural production cannot be continued in the future.

NAFTA & Imports

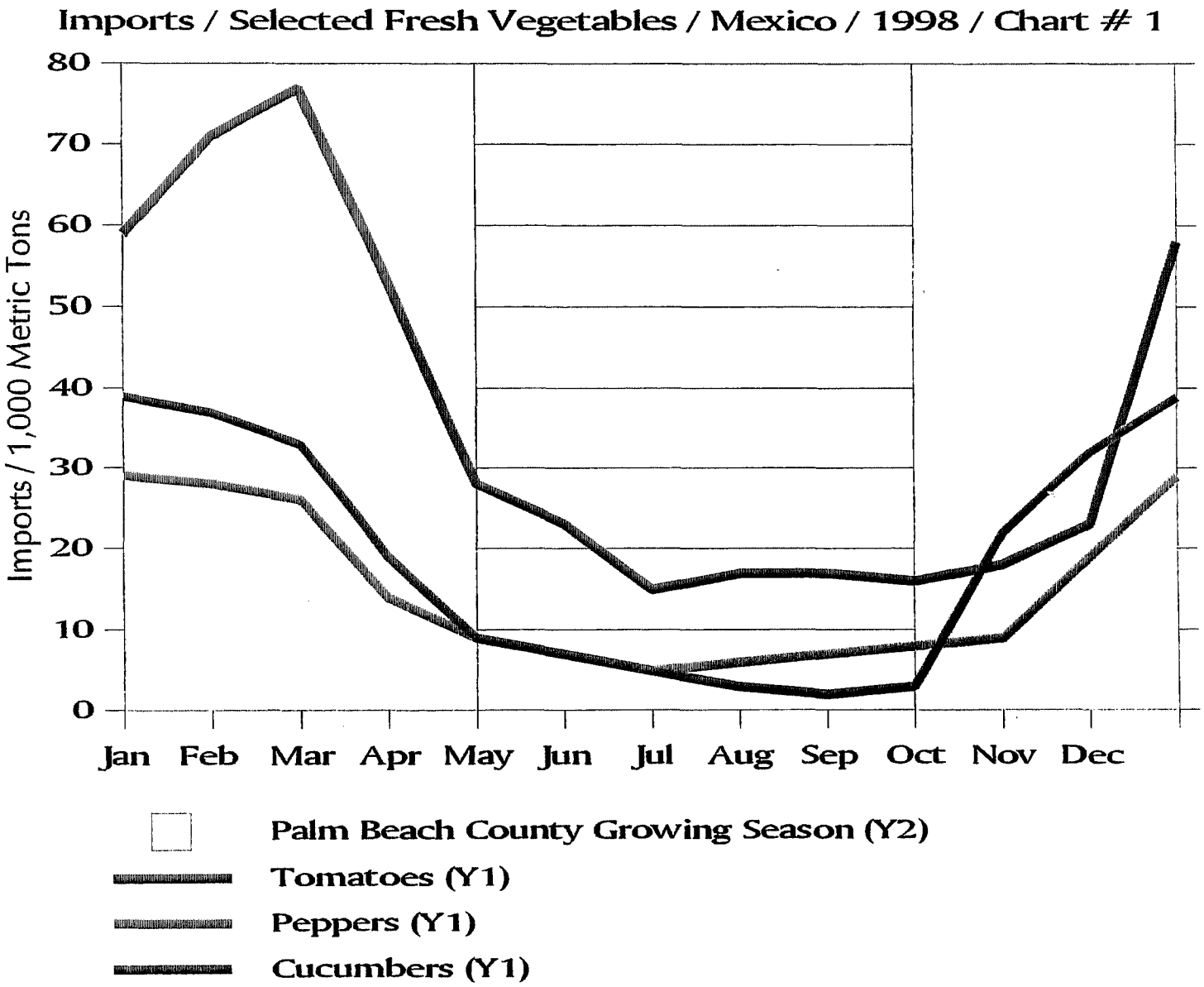
"North American trade in fruits and vegetables has generally flourished under NAFTA. However, developments in this trade are primarily due to factors other than NAFTA, including changing consumer preferences, strong consumer demand in the United States, adverse weather conditions, and the peso devaluation and subsequent Mexican recession in late 1994 and 1995"

- NAFTA: INTERNATIONAL AGRICULTURE AND TRADE – SUMMARY
Published by the Economic Research Service,
United States Department of Agriculture, Washington, D.C.
August, 1999.

Although according to the USDA, the direct impact of the North America Free Trade Agreement (NAFTA) has been nominal, it is expected to increase as agreements in sugar imports are lifted, Mexico's citrus production increases, and projections that fresh vegetables imports will expand at a 10% yearly rate. In terms of the effect of NAFTA to Palm Beach County and more appropriately to the Ag Reserve, imports of fresh vegetables from Mexico directly compete with most of our production output. The following charts will address this general situation:

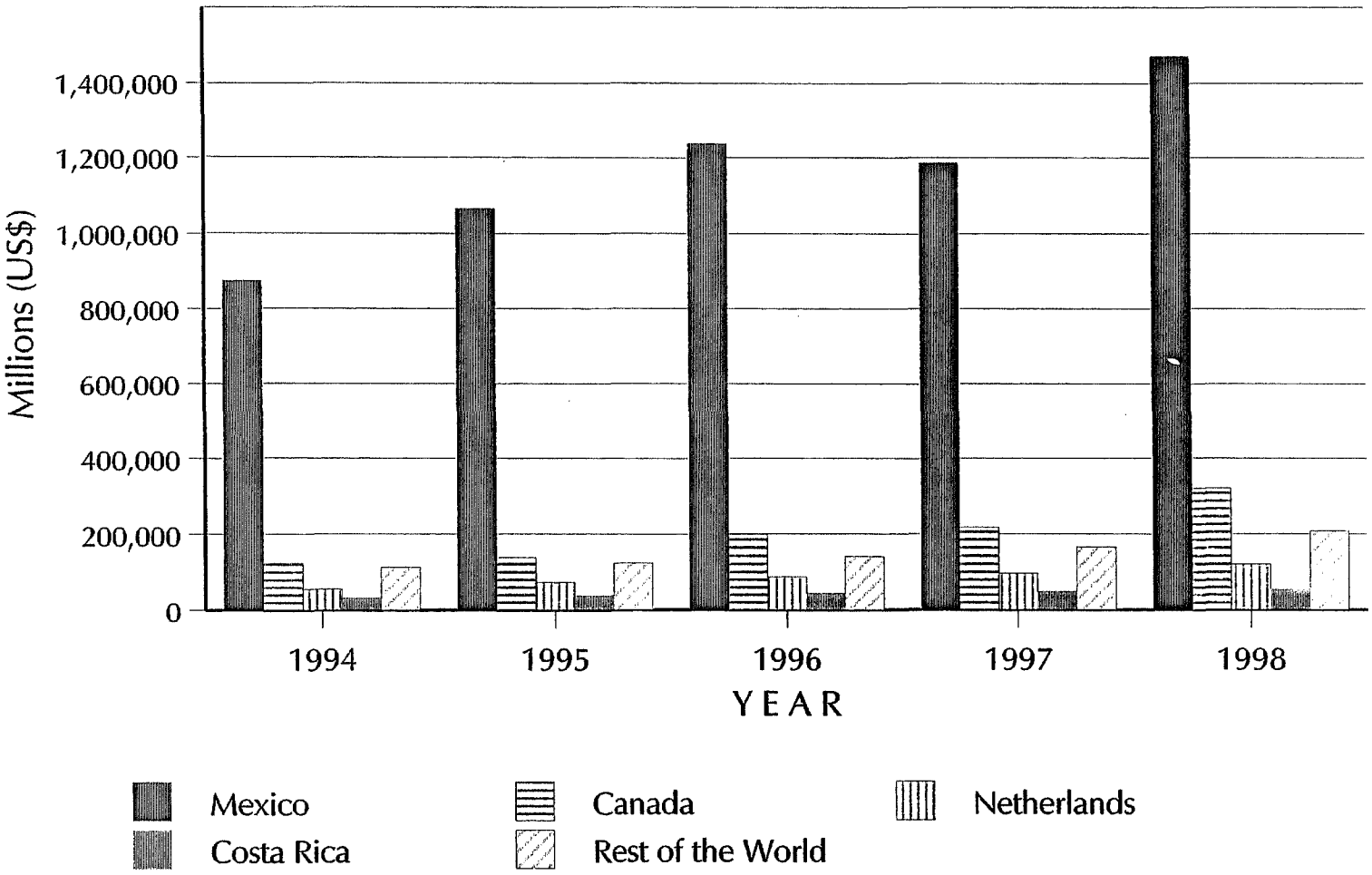
Chart # 1: Monthly Vegetable Imports / Mexico / 1998

Chart # 2: Vegetable Imports / Mexico


Imports / Selected Fresh Vegetables / Mexico / 1998 / Chart # 1
Imports / 1,000 Metric Tons
80
70
60
50
40
30
20
10
0
Jan
Feb
Mar
Apr
May
Jun
Jul
Aug
Sep
Oct
Nov
Dec
Palm Beach County Growing Season (Y2)
Tomatoes (Y1)
Peppers (Y1)
Cucumbers (Y1)

US Fresh Vegetable Imports / 1994-98

Chart # 1



Outlook 2000

On a yearly basis, The University of Florida's Food and Resources Economic Departments issues its short and long-term agricultural economic projections on individual and economically important crops grown in the state. The following is the latest *Outlook 2000* forecasts for crops cultivated in Palm Beach County.

Vegetables

John J. VanSickle, PhD
Professor, Agricultural Finance
Department of Food and Resources Economics
University of Florida

Growers in Florida suffered through yet another year of depressed returns in 1999 as production increases in both Florida and Mexico caused prices to decline in the winter and spring markets. The fall harvest of 1998 continued the recovery that growers had experienced following the signing of the suspension agreement with Mexico for fresh tomatoes. The winter and spring seasons experienced depressed returns because increases in acreage were accompanied with excellent growing conditions, leading to the excess supplies that depressed returns for most growers.

This season promises to be another year of uncertainty for Florida growers. The fall harvest was met with excess supplies as production again increased throughout the fall, even though acreage in Florida declined 5 percent from the previous year. Increased demand, in domestic markets, has not been enough to offset the increases in supply from both domestic and foreign suppliers. California producers brought lower returns into the fall season as their 1999 acreage increased by more than 5 percent during the previous year. Their fall tomato acreage increased more than 21 percent to cause even greater impacts on the fall tomato crop. Imports of several fresh vegetables also increased in the fall season to compound these marketing problems. Imports of fresh tomatoes increased nearly 12 percent in the fall season while imports of cucumbers increased 20 percent.

The bright spot for the Florida vegetable industry is continued growth in demand for the products produced by our growers. Increases in consumption of food away from home increase the demand for the products that Florida growers produce. Projections for 1999 indicate that consumers spent more money on food consumed away from home than on food consumed at home. Vegetable consumption continues to fare better away from home than at home. These trends will continue to favor Florida producers.

The short-term outlook for fresh vegetables is clouded by the excess supplies coming into the winter market. Weather and foreign trade will be the driving forces in this market.

Horticulture

Alan Hodges, PhD
Coordinator, Economic Analysis
Department of Food and Resources Economics
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The ornamental plant industry in the United States is expected to continue growing 2000. U.S. Retail expenditures--for ornamental plants products, including delivery, landscaping and related services--increased by 3 percent in 1998, reaching $54.8 billion, or $203 per capita. U.S. Grower sales of floriculture and environmental horticulture products increased 2 percent to $12.1 billion in 1998. The total value of imports of greenhouse and nursery products to the United States in 1998 rose 7.7 percent to $1.1 billion, while exports rose 8.8 percent to $284 million.

Florida remains the second leading state in ornamental plant production (behind California), with gross farm cash receipts of $1.28 billion in 1998, up 1.2 percent from the previous year. For floriculture crops, including cut flowers and greens, flowering potted plants, and bedding and garden plants, sales by Florida growers declined slightly for the second year in a row, to $654 million, while sales nationally increased by 1.0 percent from the previous years. Florida's leading floricultural commodity--tropical foliage plants--increased by 3.2 percent to $316 million; sales of potted flowering plants increased 1 percent to $146 million; sales of bedding plants decreased 10 percent to $101 million; and sales of cut cultivated greens increased 5 percent to $98 million.

Sales of environmental horticulture products–including landscape plants, nursery stock, bulbs, turfgrass and groundcovers--increased 3 percent to an estimated $625 million in Florida and increased nationally by 2.9 percent to $8.2 billion. During the 1992-97 period, sales of turfgrass sod grown in Florida more than doubled, reaching $128 million.

As an indicator of near-term demand for ornamental landscape plants, building permits issued in Florida in October 1999 were up by 0.4 percent over the same month a year earlier and were up by 4 percent for the year-to-date. Year over year changes in October building permit activity were as follows for Florida metropolitan areas: Miami/Ft. Lauderdale, +16 percent; West Palm Beach/Boca Raton, +28 percent; Ft. Myers/Cape Coral, +22 percent; Ft. Pierce/Port St. Lucie, +3 percent; Orlando, -9 percent; Tampa/St. Petersburg, +8 percent; Jacksonville, -1 percent; Gainesville, +40 percent; Tallahassee, -71 percent; and Pensacola, +3 percent.

Citrus / Oranges

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In October 1999, the USDA forecast Florida's 1999-00 round-orange crop at 211 million boxes. This is an increase of 25.3 million boxes, or 13.6 percent, from last season, which was the smallest crop since 1993-94. Early and mid-season production is expected to be 124 million boxes, including 5.4 million boxes of navels, while the Valencia crop is forecast at 87 million boxes.

The Florida Department of Citrus (FDOC) estimates that on-tree prices of processed oranges will average $4.03/box for early and mid-season varieties and $5.69/box for Valencias. The on-tree price for all fresh oranges is forecast at $5.78/box ($7.90 for navels). The on-tree value for Florida's 1999-00 orange crop is estimated at $1.002 billion, up 5.1 percent from the preliminary 1998-99 value of $953.5 million.

5.2.3 Citrus / Grapefruits

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In November, the USDA updated its October forecast to reflect the impact of Hurricane Irene. The forecast now stands at 46 million boxes, compared to last season's 47.1 million boxes. This figure includes 18.5 million boxes of white seedless and 27 million boxes of colored seedless.

The FDOC estimates that 17.4 million boxes will be sold in the fresh market, down 1.3 million boxes from last season. The FDOC estimates the 1999-00 average on-tree price for all grapefruit to be $3.16/box, up from the preliminary estimate of $2.26/box for 1998-99. Fresh white and colored seedless are estimated to average $8.17/box and $4.76/box on-tree, respectively. Returns for processed white and colored seedless are estimated to average $2.40/box and $2.11/box on-tree, respectively.

The FDOC estimates total on-tree revenue for Florida's 1999-00 grapefruit crop at $165 million, up 55.5 percent from an estimated 1998-99.

Sustainable Agriculture Task Team Proposal

In a continuing effort to find means to assist all of Florida's agricultural industry staying economically viable, but especially South Florida's, a Sustainable Agriculture Committee has worked to put together a "toolbox" (Figure 2) of options that can be used to help on this effort. No individual tool can do this job. No local government, state government, or groups of individual can do it alone. By selecting the best tools for a given situation changes can be brought about that will slow the reduction of farmland. Since 1992 Palm Beach County has lost 35,584 acres in agriculture production. According to the USDA 1997 Census of Agriculture for the State of Florida, that total is more than the farm acreage of twelve (12) individual counties in the State and more than all the agricultural zoned property in Broward County. The following option toolbox contains specific items that might not be applicable to the present context of the plan, but its being presented for general consideration.

Toolbox for Sustainable Agriculture in the Ag Reserve

Description	Option	Process
PLANNING	Buffer Planning	Set Standards to Accommodate Agriculture
	Bond Money	Use Bonds Funds to Prevent Fragmentation
	Ag and Development Option with Acceptable Overall Patterns	Preserve Agriculture Activity and Environmental Resources
	Cluster Development	"Open Space Design"
INCENTIVES	Compensate Farmers for Maintaining Open Spaces	Renewable Leases in Keeping Land in Ag Production
	Direct Payments to Ag that Provides Desired Public Benefits	Expenditures of Public Funds to Ag Producers who adopt practices that assure the Benefits of Open Spaces
	Compensate Farmers for the Benefits of Water Recharge	

INCENTIVES (cont...)	Compensate Farmers for the Benefits his Land Provide as a Water Recharge and Bellow Ground Water Storage Area.	Farmland can be a source of Providing this Benefit to the Public.
	Water User Fees	Funding Mechanism to Help keep Agriculture and Open Spaces
	Conservation Easements	Utilize Bond Funding to Maintain Wildlife Corridors, Greenway Connectors, Transportation Realignment, Water Storage, and Farmland.
	Agricultural Practices	Development of Environmentally Friendly Ag Practices in Government Purchased Lands
TAX INCENTIVES & ESTATE TAXES	Government (State & Local) Participation in Payment of Estate Taxes on Protected Lands	Public Interests in Preventing Development on Agricultural Lands
	Proposed Federal Estate Tax Credits	Recommend Florida Congressional Delegation to Support Federal Tax Use to Pay for Development Rights on Agricultural Land
	Property Taxes	Eliminate Property Taxes on Ag Land Under Development Pressure
	Charitable Land Contributions	Hold Workshops on Tax Benefits of Contributions

DEVELOPMENT RIGHTS	TDR's with Limits on Zoning Changes in Receiving Areas	Option that favorably regulates zoning and viable market for these Rights
	Tier TDR's Values	Designed to Protect Environmentally Sensitive Lands. PBC Ordinances establishes Ag Reserve as a Sending Area
METHODOLOGIES FOR VALUING LAND	Options of "Fee Simple" vs. Easements / Lease vs. Purchase of Development Rights	Bond Funds as Source
	PDR	Goal to Decrease Density
	Farmland Protection Program	In Conjunction with USDA, State, and Local to Acquire Conservation Easements.

Programs of Other States

Before any comparison is made to the present situation in Palm Beach County to other agricultural land preservation programs, it must be realized that the Ag Reserve is unique in a number of items. Land values are considerably higher than in other agricultural areas and import pressure is projected to increase in the future. This has resulted in farmers willing to cease farming, while in these areas where conservation programs are successful, most farmers want to continue farming. In reviewing the programs different counties have adopted in their farmland conservation effort, the one single common component is that they are based on the purchase of development rights under different innovative financing methods. Research for this report has shown that the value of these properties are in the range of $8,000 to $15,000 per acre with the development rights valued at approximately 60% of the appraised value of the land. Additional financing sources are generally available through comparable state programs.

Maryland / Howard County

With one of the oldest and most successful farm land preservation programs in the nation, Howard County has managed to contract over 17,000 acres under this plan. It is based on a 30-year installment financing arrangement that pays tax-exempt interest and allows for possible deferral of capital gains by paying the principal amount at the end of the term. This is allowed under the IRS's "Securitizable Tax-Exempt Installment Open Space Preservation Program" or Installment Purchase Agreement (IPA). Because of the special tax benefits offered by this plan, the farmers are sometimes willing to sell their easements for less than the appraised value. The specific value of the development right is set by a citizens board. The general advantages of the program are based on:

- Tax-exempt interest income
- Deferral of Capital Gains
- Estate planning advantages
- Reduction of property taxes
- Charitable tax deduction equal to the difference between the appraised value of the development right and the price the county pays for that right. IRS Code Section 170 (h).

Financing is done by Zero-coupon bonds financed by a 1% county tax on all real estate transactions plus 75% of a 5% state conservation tax on all real estate sales. No general funds are used.

Michigan, Peninsula Township

Similar to Howard County program, this project was enacted in 1994 and has been financed with a 1.25 mill property tax increase. A voluntary program based on the purchase and/or transfer of development rights, it has acquired the development rights to1,728 acres from 20 peninsula landowners. Additional conservation easements has been donated to qualified organizations for a total of 2,840 acres. Their average value per acre is $3,000 with development rights at 50% of the value or $1,500 per development right.

The following table presents different state and county programs based on the purchase of development rights and funding sources for these rights.

Description*	Suffolk County, New York	Marin County, California	King County, Washington	State of New Jersey
Year of Inception	1974	1980	1979	1984
Number of Easements	108	39	212	350
Acres Protected	6,470	25,904	12,846	53,000
Funds Spent to Date	$ 33,800,000	$ 17,091,000	$ 54,049,817	N / A
Funding Sources	County Bonds General Funding State Grants Farmland Protection Program	General Funding Foundation Grants State Bonds CA Coastal Conservancy	Municipal Bonds General Funding Farmland Protection Program	Up to 80 % State funding (FY 98 $150 M from three Bond sources) Counties contribute with individual bonds, general funding, or local Farmland Protection programs

*Average land value $8,000 to $15,000 per acre with development rights at approximately 40% to 60% of the land value

American Farmland Trust

The following table outlines all state farmland protection statues for all states by individual category.

Category		State
1. Agricultural Districts		Delaware, Illinois, Iowa, Kentucky, Maryland, Massachusetts, Minnesota, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Tennessee, Utah, Virginia
Subdivisions	Agricultural impact statement	Minnesota, New Jersey, New York, Ohio, Utah, Virginia
	Differential assessment of enrolled land	Delaware, Kentucky, Massachusetts, Minnesota, New York, Utah, Virginia
	Disclosure notices	New York
	Eligibility for purchase of agricultural conservation easement program	Delaware, Maryland, Pennsylvania
	Limits on annexation	Kentucky, Minnesota
	Limits on development by zoning or covenants	Delaware, Maryland, Minnesota, New Jersey, North Carolina, Virginia
	Limits on public investment for non-farm development	Minnesota, New Jersey, New York, Ohio, Utah, Virginia
	Limits on special assessments	Illinois, Iowa, Massachusetts, Minnesota, New York, Ohio, Virginia
	Limits on use of eminent domain	Minnesota, New Jersey, New York, Ohio, Pennsylvania, Utah, Virginia
	Protection against nuisance suits	Delaware, Iowa, New Jersey, New York, Ohio, Utah
	Protection against unreasonable local regulations	Delaware, Illinois, Minnesota, New York, Pennsylvania, Utah Virginia
2. Agricultural Protection Zoning		Arizona, California, Hawaii, Indiana, Iowa, Kentucky, Michigan, Minnesota, Nebraska, Oregon, Pennsylvania, Vermont, Virginia, Wisconsin
Subdivisions	Area-based allowance	
	Enabling law	Arizona, Hawaii, Indiana, Iowa, Kentucky, Michigan, Minnesota, Nebraska, Oregon, Pennsylvania, Vermont, Virginia
	Exclusive agricultural	Oregon, Wisconsin
	Large minimum lot size	
3. Comprehensive Growth Management		California, Florida, Georgia, Hawaii, Maine, New Jersey, Oregon, Rhode Island, Vermont, Washington

Category			State
4. Conservation Easement			Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, New York, North Carolina, Ohio, Oregon, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, Washington, Wisconsin
Sub-divisions	Differential assessment of land subject to a conservation easement		California, Colorado, Connecticut, Florida, Illinois, Indiana, Missouri, Montana, Nebraska, North Carolina, Oregon, South Carolina, Tennessee, Virginia
	Enabling Law		
5. Death Taxes			Connecticut, Delaware, Iowa, Kansas, Kentucky, Maryland, Mississippi, Montana, New Hampshire, New York, Tennessee
Sub-divisions	Differential assessment for estate tax purposes		Mississippi, New York
	Differential assessment for inheritance tax purposes		Connecticut, Delaware, Iowa, Kansas, Kentucky, Maryland, Montana, New Hampshire, Tennessee
6. Property Tax Relief			Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, Wyoming
Subdivisions	Differential assessment		Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Utah, Virginia, Washington, West Virginia, Wisconsin, Wyoming
	Sub-subdivisions	Constitutional authority	Alabama, Arkansas, Colorado, Florida, Georgia, Kentucky, Maine, Massachusetts, Missouri, Nebraska, Oklahoma, Pennsylvania, South Carolina, Texas, Utah, Wisconsin, West Virginia
		Deferred taxation	Alabama, Alaska, Connecticut, Delaware, Hawaii, Illinois, Kentucky, Maine, Maryland, Massachusetts, Minnesota, Montana, Nebraska, Nevada, New Hampshire, New Jersey, North Carolina, Ohio, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Utah, Vermont, Virginia, Washington
		Land subject to a conservation easement	Alaska, New York
		Preferential taxation	Arizona, Arkansas, Colorado, Florida, Idaho, Indiana, Iowa, Kansas, Louisiana, Mississippi, Missouri, New Mexico, Oklahoma, South Dakota, West Virginia, Wyoming
		Restrictive agreement	California, Georgia, Hawaii, New Hampshire, New York, Pennsylvania
	Exemptions for farm buildings and equipment		Arizona, Colorado, Iowa, New York, North Dakota, Pennsylvania

	Income tax credit	Michigan, New York, Wisconsin
	Land tax credit	Iowa, New York
7. Purchase of Agricultural Conservation Easements		Arizona, California, Connecticut, Delaware, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, Vermont, Washington, West Virginia
Subdivisions	Installment payments	Arizona, California, Connecticut, Delaware, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, Vermont, Washington, West Virginia
	Multi-purpose land conservation	California, Maine, Rhode Island, Vermont
	Purchase of land in fee	California, Connecticut, Maine, New Jersey, New York, Vermont, Washington, West Virginia
	Trust fund	California, Connecticut, Delaware, Kentucky, Maine, Maryland, Michigan, New Hampshire, New York, North Carolina, Pennsylvania, Rhode Island, Vermont, Washington
8. Right-to-Farm		Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, Wyoming
Subdivisions	Generally accepted agricultural and management practices (GAAMPS)	Arizona, California, Connecticut, Florida, Idaho, Iowa, Kansas, Louisiana, Maine, Massachusetts, Michigan, Minnesota, Nevada, New Jersey, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, Tennessee, Vermont, Virginia, Washington, Wyoming
	Notice of agricultural activities	California
	Protection against nuisance lawsuits	Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, Wyoming
	Protection against unreasonable local regulations	Alabama, Alaska, Arkansas, California, Colorado, Idaho, Kentucky, Louisiana, New Mexico, New York, North Carolina, North Dakota, Ohio, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Utah, Virginia, Wisconsin, Wyoming
	Recapture of legal costs	Kansas, Louisiana, Missouri, New Mexico, Oregon, South Dakota, Texas, Wisconsin

Category		State
9. State Policies		Kansas, Louisiana, Missouri, New Mexico, Oregon, South Dakota, Texas, Wisconsin
Subdivisions	Agricultural impact statement	Illinois, Kentucky, Massachusetts, Virginia, Wisconsin
	Executive order	Delaware, Georgia, Illinois, Massachusetts, Michigan, North Carolina, Ohio, Pennsylvania, Vermont
	Exemption from water and sewer assessments	
	Limits on annexation	Arkansas, Montana
	Limits on local governments' authority to regulate agricultural land	Arizona, Idaho, Illinois, Kansas, Massachusetts, Mississippi, North Carolina, Oklahoma, Texas, Vermont
	Limits on use of eminent domain	Massachusetts, Pennsylvania
10. Transfer of Development rights		Florida, Kentucky, New Jersey, New York, Tennessee, Vermont
Subdivisions	Enabling law	Florida, Kentucky, New Jersey, new York, Tennessee, Vermont
	TDR bank	New Jersey

Recommendations for the Agricultural Portion of the Palm Beach County Agricultural Reserve Master Plan

The goal of the Board of County Commissioners to stabilize, diversify and enhance agriculture in the Ag Reserve to the extent practical may not be entirely accomplished without providing incentives to bring about a different mix of agricultural enterprises than presently exist in the area. These incentives would not be provided to other agricultural enterprises within the county. The funds that would be returned to the County through the lease back and lease programs would help in funding the agricultural economic development efforts within the prescribed area. The taxes would be paid by the entity leasing the land from the County at the rate defined by the Palm Beach County Property Appraiser for the crop being grown. It would be necessary for the lessee to inform the Property Appraiser annually as to the type of crop being grown as is presently done by persons owning agricultural lands.

The extent to which this recommendations can be accomplished will depend on:
1) the amount of land purchased by the County, 2) the number of acres that will have a lease back provision as a condition of sale to the County thereby not allowing discretionary use (new uses not carried out by the previous agricultural producer), 3) the extent that the County would require a person leasing property to participate in some aspect of the agricultural economic development activity and 4) the extent to which the County is willing to assist in providing incentives to make the program succeed.

The means for accomplishing many of the recommendations is through the Cooperative Extension Service Department's Agricultural Economic Development Program established and funded by the Board of County Commissioners in 1994. Funding to implement the recommendations would come from the lease payments generated from the lease back, the lease programs, and annual funding for the Agricultural Economic Development Program.

5.1.1 Lease Back Program

(The Conservation Fund will write this item.)

5.1.1.1 Lease Program

It is proposed that this program should be based on the highest bid system for specific properties with the right of first refusal to the present owner or agricultural lease holder of the property. The Agricultural Reserve farmers have been able to successfully cultivate this area for a number of years. This continuity process is invaluable and should be a major consideration in deciding who is awarded land rental leases. It is also proposed that high priority be given to maintaining the acreage size of individual properties. This would eliminate the possible costs of making changes in the infrastructures of the properties.

The pattern of contiguity within this area should be a major consideration factor in the land acquisition program. The concept of "Critical Mass Area" refers to an area that requires a certain number of contiguous acres to justify the expected increases in infrastructure overhead and other costs. With eleven (11) packing-house facilities within the immediate area that depend on the agricultural output of the Ag Reserve, the expected decrease in produce availability will proportionally curtail the need for this number of facilities. The Cooperative Extension Service has advanced the concept of the 20-acre minimum requirement for acquisition; this does not preclude that smaller units be considered as

long as they border on larger tracts. From an agricultural management point of view, contiguous acreage is a crucial issue to be considered prior to any purchases. This concept has been advocated in terms of minimum acreage (+20 acres) but additional emphasis should be given for the following reasons:

1. Buffer Zones: It must be recognized that although the acreage in agricultural production is expected to diminish, this area will still continue in intensive commercial agriculture and thus not be fully complimentary to close urban activities. By localizing agricultural acreage, the need for set-aside buffer zone acreage would proportionally decline.

2. Water Control: Until specific properties for acquisition are identified, a plan that addresses permitting and water control management cannot be proposed. But the water control requirements of farmland are more stringent and do require considerably more flexibility and capacity than urban development.

3. Property Management: By localizing the agricultural production area where possible, property management would be considerably simplified.

Based on the present plan of purchasing acreage from willing sellers, the following is a schedule of recommended options that could be adopted in the lease process:

Lease Back
Purchase specific acreage and secure a lease back agreement with the willing seller. Credit the rental fee to the original purchase price. This would diminish the seller's capital gains liability and would increase the amount of bond funds available for further acquisitions. The lessee would still be responsible for property taxes on this acreage. It must be noted that under this proposal, additional funding for property management fees might need to be secured.

Lease

Option 1:
Purchase specific acreage and offer a first refusal lease option to the owner or current lessee on a per-acre fee that would be based on current rental rates. This differentiates from the Lease Back option in that the owner gets full cash value for the property on completion of sale . Lessee would be responsible for property taxes and land management fees would be secured from the lease payments.

Option 2:
Purchase specific acreage and extend priority to farmers presently operating on other properties in the Ag Reserve. This would be conducted on a highest bid process. Lessee would be responsible for property taxes and land management fees would be secured from the lease payments.

Option 3:
Purchase specific acreage and have an open bid process on the property. This plan would be exercised in the event the aforementioned options are not realized and could result in new crops being introduced into the area. Lessee would be responsible for property taxes and land management fees would be secured from the lease payments.

5.1.1.2 Lease Proceeds Proposal

While the land acquisition plan is being completed and the projected proceeds estimated, a detailed plan to manage this acreage should be drawn for the use of these proceeds. Priority use of the proceeds should be directed at covering the cost of managing these properties with any discretionary funds remaining being placed in a revenue line item in the Cooperative Extension Service budget to be used for the sole purpose of enhancing agricultural opportunities in the Ag Reserve with direction provided by the Agricultural Enhancement Council.

5.1.1.3 Flexible Lease Program

It is also proposed that lease rate payments should be flexible in view of the different long-term crops that can be produced in this area. It is recommended that a deferred payment program be implemented for crops such as lychee, longan, or other tropical fruit tree crops that require an initially significant capital outlay with long-term return projections.

5.1.1.4 Lease Contract Considerations

The distinct requirements in farming also require specific lease items that must addressed. The following is a list of items that must be taken into considerations in this process:

- Description of allowable land uses
- Physical changes and maintenance of existing infrastructure
- Buffer zone responsibilities and size
- Property access
- Return of property guidelines
- Lease renewal options
- Lease payment schedules
- Property sub-lease considerations
- Obligation for water permits
- Liability
- Crops in place upon completion of lease
- Penalties for non-compliance of lease
- Real estate tax liability
- Property security obligations

5.1.2 Rural Restaurants and Farm Markets

This will allow flexibility for farms to take advantage of their proximity to urban areas and still carry out farming activities.

5.1.3 Packing House Conversion

A multi-use farmers market/packing house/coolers/facility can expand the potential for wholesale and retail opportunities for farmers while giving the public the opportunity to purchase the freshest local products.

5.1.4 Organic Farming

Land that has not been in intensive agricultural use and would be brought into compliance for organic production the quickest should be made available for organic production. The amount of acreage and availability should be advertized through organic organizations locally and statewide. This land would be made available through the lease program. A minimum of 30 acres should initially be set aside to determine the need in the market place.

The USDA has just announced new proposals for the National Organic Standards. These are new and comprehensive standards which "details the method, practices, and substances that can be used in producing and handling organic crops and livestock, as well as processed products". The latest 1999 estimated value of organic foods was approximately $ 6 billion and increasing at a rate of 12% per year. It is also estimated that there are 12,000 organic farmers nationwide, most of them in small-scale operations.

5.1.5 Niche or Speciality Crops

The potential crops that can grow in the county are in Table Number 1. With the continued growth of a multi-cultural population in the county and south Florida region there is increasing local need for a supply of many of these crops. At the same time this is an increasing appreciation among gourmet chefs as to the use and potential for them. It is recommended that an assessment of the local market potential for these crops be done by the Agricultural Economic Development Program through local purveyors and restaurants and regional and national contacts. This information should then be conveyed to the farming community and assistance be provided to them by the Cooperative Extension Service to take advantage of the opportunities identified. There exists numerous varieties of crops with low-acreage demand and high-value yield possibilities. Be advised that consumer demand, production requirements and other unknowns may limit their practical production.

Table Number 1. Potential Niche and Speciality Crops for the Ag Reserve

Atemoya	Grown in various areas of Florida, this tropical fruit has a pale green and bumpy skin.
Babaco	Large papaya with a strawberry flavor. Imported from New Zealand with limited production in California
Baby Pineapple	Small Pineapple (5" tall). Once its picked it does not continue to ripen
Baby Corn	Produced in Mexico and California. Grown in white and yellow varieties. Generally used in salad and special dishes
Baby Tear-Drop Tomatoes	Presently grown on a limited basis in both the county and state. Both yellow and red varieties are grown.
Baby Zucchini	Mostly imported from Mexico and Guatemala
Boniato	Also known as Cuban potatoes, this a tropical sweet potato cultivated and heavily imported from the Caribbean and Central America. Limited production in south Miami-Dade County.
Calabaza	Hard shelled squash mostly produced in south Miami-Dade County. It is a staple for the Latin-American community
Cassava	Also called *Yuca*, this cooking vegetable is widely grown and consumed in South America and by Latin-Americans in this country

Malanga	Cuban and Hispanic staple grown primarily in Miami-Dade County or imported from various countries in South America.
Cucuzza Squash	Authentic Italian vegetable with a mildly sweet flavor. Its is mint color and presently only grown commercially in Louisiana
Appaloosa Beans	Delicate flavored beans that double in size when cooked
Australian Blue Squash	Cultivated in California, this squash has a blue-grey shell that reveals a thick, orange flesh that is soft and mild-flavored like a pumpkin
Baby Cauliflower	Miniature cauliflower (2" diameter) with full taste
Barbados Cherries	Limited cultivation in Florida and Hawaii. Sweet flavor for use fresh, in preserves, and desserts
Belgian Endive	Relative to the chicory. Mostly imported but grown hydroponically in some locations
Canistel	Another Florida winter-grown fruit, the canistel has a thin, glossy skin and is similar to a cooked sweet potato
Baby French Green Beans	Available from California from February to November, it has recently gained popularity throughout the US
Annatto	Tropical flower with red seeds that can be used as a natural dye. This red dye is tasteless and can be used for coloring foods such as cheese, rice, and noodles
Black Radishes	Resembling large black turnips with a white interior, this vegetable has a sharp, pungent flavor. Generally used in salads
Breadfruit	Often used as a vegetable, this imported fruit can be cooked or eaten raw. Imported mainly from the Caribbean
Passion Fruit	Edible fruit of the passion flower. Grown year-round in Florida. Used as a sauce, ice cream, custard, and tropical drinks.
Plantain	Imported from various countries in South American and the Caribbean basin, they are generally cooked at various stages of ripening
Rapini	Popular in Italian and Chinese cooking, rapini has dark green leaves and a slightly bitter flavor. Grown in California
Romanesco	Decorative cauliflower that cooks quickly and has a very mild taste
Tomatillos	Also called Mexican husk tomatoes, the tomatillo is imported from Mexico or produced in California. It has a slight acidic, lemon flavor
White Sapote	Also called Mexican custard, the white sapote are grown in both Florida and California. It has an edible green skin with a whitish sweet flesh that taste like papaya and banana
Yellow-eyed bean	Resemble backeyed peas with gold pigmentation, it has a mellow flavor that complements baked bean dishes and casseroles

Baby Soft Squash	Almost identical in taste to regular squash
Salad Savoy	Closely related to the kale and cabbage, the flavor of the savoy resemble cabbage, cauliflower, and broccoli.

5.1.6 Agricultural Education Center

The University of Florida College of Veterinary Medicine has expressed an interest in locating a large animal veterinary clinic in south Florida to serve the equestrian industry, including race tracks. The general concept for this project has been presented to Dr. Anthony Catanese at FAU and Dr. Joe DiPietro, Dean of Veterinary Medicine at the University of Florida for their consideration. This would complement the veterinary practitioners in the region. An assessment of the need for veterinary technicians should be made. If the need is great enough then the potential for training them at a special program with Palm Beach Community College, FAU and the University of Florida veterinary clinic should be investigated. It is not possible to determine the specifics or a time table at present. A minimum of 100 acres should be reserved for this potential. In the meantime, the land can be leased for other agricultural purposes, but not including such long term endeavors as fruit tree crops

There is the possibility of jointly involving Florida Atlantic University and Florida A&M University in other aspects of a combined effort.

5.1.7 Equestrian Facilities

Provide opportunities for maximizing the benefits of the equestrian industry in any development that occurs.

5.1.8. Community Supported Agriculture (CSA)

Land should be made available to conduct community supported agriculture (CSA) or subscription farming. This program is where the grower involves the consumer prior to the planting season by promising to deliver for a predetermined price a certain amount of produce per week or two weeks during the growing season. The consumer may pick the product up at the farm or it may be delivered to the consumer. While not adopted widely in Florida (4 are located in central and north Florida) it is successful elsewhere including Washington state. One farmer in Palm Beach County is presently making plans to do a trial effort this fall. Next to urban populations this seems to work best. A maximum of 40 acres should be made available specifically to encourage such an endeavor.

5.1.9 Consumer Cooperatives

These operate differently than subscription farming. In this situation the cooperative is established so that consumers buy directly from the farmer and bring it to a central location where they then provide fresh produce to the members of the cooperative. The members generally take turns donating time to the cooperative making it work. Tasks include signing up members to the cooperative, moving the produce from the farm to the cooperative facility, filling orders of the members and other related tasks.

A consumer cooperative should be encouraged by rewarding growers that would grow to meet the needs of such a cooperative. The incentive could be through the lease back or lease program. The incentive could be additional land being made available to the grower who would provide product for

the cooperative. The grower could be required to have a certain percentage of the crop designated for the cooperative as a part of the lease.

5.1.10 Sustainable Production of Small Ruminants

There is a continuing expansion of a multi-cultural population in south Florida that purchase and consume small ruminants such as sheep and goats. While the interest locally is limited there should be an opportunity given to enhance production if economically feasible. In combination with a fast growing plant such as kenaf for feed, browsers such as goats, might be more efficiently raised. A limited amount of acreage, 30 acres or less, should be reserved for this purpose to test the need in the market place.

5.1.11 Aquaculture

This enterprise, depending on the nature and type of product grown, has had limited but continuing success in other areas of Florida and some locally. The Ag Reserve meets some of the basic needs of the industry including warmer winter temperatures, available water supply and close proximity to an urban market. Up to 30 acres of land should be made available for this enterprise.

5.1.12 Native Plant Production

Based on the needs within the landscape industry in south Florida first preference for nurseries leasing County owned land should be given to producers willing to produce a percentage of their crops as native plants. Quality native plants continue to be needed in landscaping to meet the housing and business expansion in the county as well as south Florida.

5.1.13 Beginning Farmer Program

The large capital inputs needed for a person to start a new agricultural production operation can be prohibitive. This is particularly true if they must purchase land. The County can encourage beginning farmers by setting aside a percentage of land purchased, up to 200 acres, for leasing to persons desiring to start a first time agricultural production operation. It may not be necessary to do more than make the land available at the going market rate. It may be necessary to advertize for beginning farmers and to allow enough time to attract them into the program. As a requirement for getting into the program they would have to have a business plan and the ability to provided or borrow the necessary production capital to insure a cash flow. After five years the farmer would no longer be considered a beginning farmer and would need to meet the same requirements of other persons leasing County owned land.

An example as to what can occur is the Misita Farm Project in Fresno, California which will make it possible to transform minority and small farmers from farm laborers and tenants on small plots to commercially successful landowners. In this training program they will lease small plots and as they become successful will be able to move on to their own farm.

With County owned property in the Ag Reserve the training assistance can be provided through the Cooperative Extension Service until the beginning farmer gets stabilized.

Funding for individuals interested in this program is available through the Farm Service Agency's Loans for Beginning Farmers and Ranchers Program. and Farm Credit of South Florida, Inc. The Farm Services Program offers both direct loans for the purchase of farm and loans for operating expenses.

5.1.14 Farmer-to-Chef Program

Pro-active steps can be taken to assist farmers making connections with local high volume consumers of fresh product, such as restaurants and institutional users. It is recommended this program be established to design annual events where farmers and chefs meet and discuss what grows locally as well as the special needs of the chefs in the county. Promotional activities would be conducted to assist the chefs in helping the public connect with the "locally grown is fresher" goal. This would need to be an ongoing effort that would gain public acceptance and enhance growers share of the local market. The Palm Beach County Culinary Institute could be an initial contact for this project.

5.1.15 Growers Cooperative

The acreage of tropical fruit production in eastern Palm Beach County has continued to expand over the last several years. There is now over 300 acres of lychee, longan, jak fruit and mangos among others. Through additional land that may be made available as the County leases purchased land the acreage could see additional growth. Growers are anticipating the need for marketing assistance over the next several years as trees come into maximum fruiting.

This can be achieved by the formation of agricultural cooperatives. Depending on specific needs of the farming community, these enterprises can be organized as marketing, bargaining, services, farm supply, machinery or "new generation" cooperatives. It is recommended that assistance for the formation of the cooperative(s) be provided through the Agricultural Economic Development Program. This may or may not take County funds other that the assistance of bringing together the right group of people to make this happen. The University of Florida Food and Resource Economic Department and the Florida Department of Agriculture and Consumer Affairs' Marketing Division may be players. It is also recommended that tropical fruit growers be encouraged to participate in leasing County owned land for long term tree crops.

5.1.16 Internet Marketing

In general terms, agriculture has not been at the forefront in the use of the internet as a marketing tool. With high marketing and distribution costs, specialty and niche crops are generally at a disadvantage due to the limited number of distributors for such produce. It is recommended that a marketing web site be designed and developed that will assist local small and specialty growers to directly market to final consumers.

5.1.17 Marketing

In reviewing the practical options that would advance continued agricultural production in the Ag Reserve, it is improbable that the short-term agricultural production dynamics will change dramatically. The decline in agricultural acres due to development and conservation acquisitions will reduce output but will not eliminate commercial agriculture from this area. This "new" Ag Reserve could possibly evolve into a more agriculturally diversified sector and thus less threatened by imports.

To insure the most favorable conditions, one must address to what extent privately-owned acreage will continue to be farmed in the Ag Reserve. This will almost exclusively depend on the profitability factor and on the perception that all property rights options will be available in the future. Based on the assumption that considerable agricultural production will continue in the Ag Reserve; the question remains as to what can be done to assist in this effort. The following is recommended:

- In conjunction with the United States Department of Agriculture and the Florida Department of Agriculture & Consumer Services, pursue all marketing programs and assistance available that

can provide other outlets for locally produced fresh produce.

- Directly promote Palm Beach County produce both locally and to a lesser degree statewide.(Palm Beach County's GreenMarkets, "Get Fresh" promotional campaign)
- Assist increating direct internet marketing assistance for smaller and specialty crops

5.1.18 Farm Labor Housing

Presently a portion of the labor used in agricultural operations in the Ag Reserve is transported from locations outside of Palm Beach County. It is estimated that approximately 4,000 farm laborers are employed by the nearly 150 agricultural related businesses within the Ag Reserve. The long range viability of the agricultural industry in the Ag Reserve would be enhanced if there was housing provided there for that purpose. While there are no assurances that would occur it should be encouraged if at all possible. It is recommended that County owned land be made available for this purpose as an incentive to make it a reality. This might be done as a joint venture with a developer.

5.1.19 Farm Link Program

A number of states have initiated programs to assist farms making the transition from one generation to the next through a unique program. A farmer approaching retirement is linked with someone wanting to start farming. Though a coordinated effort and a logical process the two persons agree to try the program and are assisted in making it happen usually with a not-for-profit organization created for the program. Examples include California Farmlink, and Iowa State University's Beginning Farmer Center. It may not be appropriate for Palm Beach County to undertake such an initiative on its own. The County could take the lead to bring about such an effort with potential partners such as Florida Department of Community Affairs, Florida Department of Agriculture and Consumer Affairs and the University of Florida. There may not be an immediate impact due to significant economic factors in the eastern part of the county. Elsewhere in the county there could be future candidates. This recommendation would be to start the conversation about a farm link program and pursue it to a logical conclusion.

5.1.20 Management of Agricultural Lands Purchased

Due to the distinctive administrative and technical demands of agricultural leases it is recommended that the management program be carried out by the Palm Beach Soil and Water Conservation District on behalf of the county. This would be accomplished through an agreement with the County. The agreement would be arranged with a general comprehensive contract with addendum as planned individual properties are included. For this service a general per-acre fee is charged based on the size of each individual property. Their ongoing relationship with the farmers in the county and their understanding of agriculture will assist in assuring a successful management program.

The fee for the management program would be generated from the lease payments. The PBSWCD has a history of successfully conducting an ongoing land management program for properties owned by the South Florida Water Management District and leased for agricultural purposes.
Their Conservation Plan of Operations includes:

- Insuring that Best Management Practices(BMP's) are observed
- Crop rotation principles
- Nutrient Management
- Pest Management
- Irrigation water management

5.1.21 South Florida Water Management District Permits

An important element of any property purchased to be used for agricultural purposes is the water use permits associated with the present and future agricultural production enterprises to be conducted on the property.

There are three considerations regarding land use and the associated surface water management permit and consumptive use permit. They are:

- Existing permits on the property
- Present crops being grown
- Potential change of crops being grown

The best situation, although possibly not the most practical, would be to have any properties acquired by the County for agricultural purposes to remain in the crop(s) the water permits would presently allow. This would require no water permit change. If the land remains in the same crop the permit can be transferred from the owner to the County with no changes necessary. Example: The County purchases land from Mr. Jones and then leases the land back to Mr. Jones or someone else to continue to farm the same crop. The SFWMD will transfer the permit to the County with no problems.

If the County acquires property and then leases it out to someone that wants to grow a crop that is different from the one on the permit then permit changes would have to be initiated with the SFWMD. Example: The County purchases land from Mr. Smith who had used it for horse pasture. The County then decides to lease it to Mr. Jones for vegetable production. This would require a permit change through the SFWMD. It would also involve some rather significant costs to make such changes. A decision would have to be made as to who pays for the change, the County or the lessee, and if the lessee pays for it what consideration should that person get, such as a longer lease, or no consideration at all since it would be part of the farmer's normal business process. It is anticipated that the permit would be issued to the County as the land owner. A significant consideration in this case would be the approximate 5 - 15 percent land set aside for retention purposes if no previous set aside had been required.

The recommendation is that the County give first preference in leasing the property to farmers who will be growing the crop(s) which the water permits allow. If the property is leased to someone who wants to grow a crop different from that permitted then the lessee will assume the cost for the permit and the County will not share in the cost of the permit. In addition, the County will not share in the cost of any infrastructure changes associated with changing the water system to accommodate the new crop.

5.1.22 Implementation of the Agricultural Recommendations

Since 1994 when the Board of County Commissioners established the Agricultural Economic Development Program (AEDP) within the Cooperative Extension Service Department a number of projects similar to those suggested in many of the items above have been conducted. Based on this experience it would be the recommendation to implement most of the recommendations through the AEDP, with the exception of recommendations 5.1.7 Equestrian Facilities, 5.1.16 Labor Housing, 5.1.18 Management of Agricultural Lands Purchased, 5.1.19 South Florida Water Management District Permits

5.1.23 Final Observations

The recommendations provided in this report acknowledge that the Agricultural Reserve is in a significant transition period. Changes will be occurring that will provide the opportunity for additional agricultural activities not previously tried. Some of these opportunities have been outlined as recommendations in this plan.

While many of them may seem creative and appealing those that are different than "business as usual" may not happen unless County purchased land is made available for those purposes. There is the potential for lease back agreements (agricultural reservations allowing the seller to continue farming for some specified time) being made on properties at the time of sale to the County. Where those occur there may not be any changes on those properties from previous crops and activities for a number of years. There is nothing wrong in those cases, because they will be remaining in viable agricultural production. With that being a possible scenario significant changes may not be observable within the Ag Reserve for some time to come.

Recommendations in the master plan do provide options as land becomes available. The recommendations also provide some assistance through marketing efforts for present and future growers.

Based on the Board of County Commissioners' foresight a vehicle has been provided, through the Cooperative Extension Service Department's Agricultural Economic Development Program, for implementation of many of the recommendations being made.

As the population of the county grows another 400,000 over the next twenty years the Ag Reserve will change. The change may be one that provides a greater farm connection with county residents that there is presently. This potential may best be reached by more local products going directly to local outlets. This will allow a valuable agricultural resource to meet a growing need rather than a diminishing need.

public funding becomes available (holding period 5 years on transactions from $500,000 to $10 million.)

I will send you any grant announcements that I see which allow land acquisition.

P.S. Regarding grant funds for farm capital: There are no grants to individuals that I found, but there is the **Farm Loan Program** through the USDA Farm Service Agency. FSA offers direct and guaranteed farm ownership and operating loan programs to farmers who are unable to obtain private, commercial credit. Often, these are beginning farmers who can't qualify for conventional loans because they have insufficient financial resources.

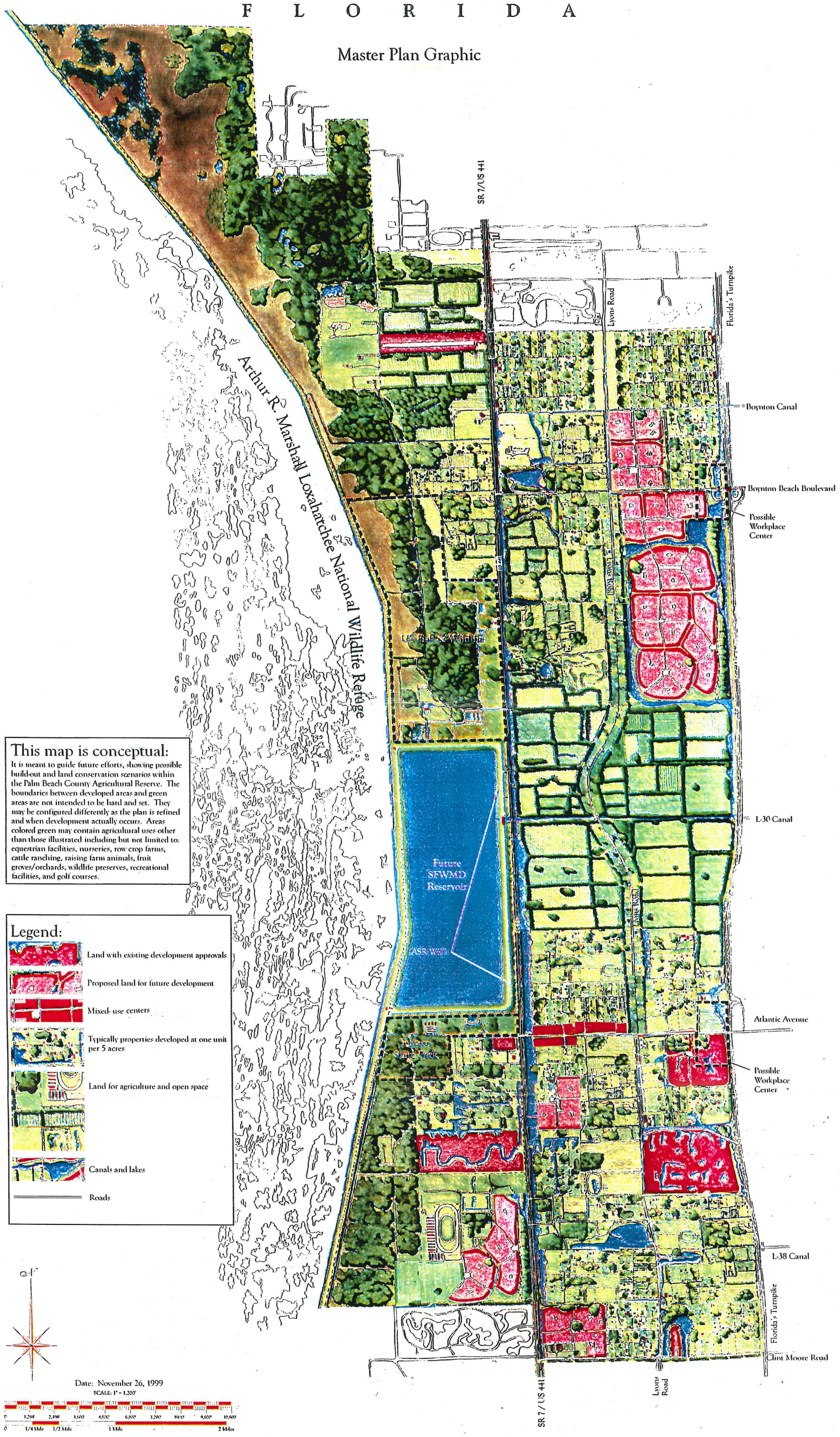
Appendix H

One Unit per Five Acres Subdivision Option Overlayed on Ag Reserve Master Plan Graphic

Palm Beach County Agricultural Reserve

F L O R I D A

Master Plan Graphic



This map is conceptual:

It is meant to guide future efforts, showing possible build-out and land conservation scenarios within the Palm Beach County Agricultural Reserve. The boundaries between developed areas and green areas are not intended to be hard and set. They may be configured differently as the plan is refined and when development actually occurs. Areas colored green may contain agricultural uses other than those illustrated including but not limited to: equestrian facilities, nurseries, row crop farms, cattle ranching, raising farm animals, fruit groves/orchards, wildlife preserves, recreational facilities, and golf courses.

Legend:

- Land with existing development approvals
- Proposed land for future development
- Mixed- use centers
- Typically properties developed at one unit per 5 acres
- Land for agriculture and open space
- Canals and lakes
- Roads

N

Date: November 26, 1999

SCALE: 1" = 1,200'

0 1,200' 2,400' 3,600' 4,800' 6,000' 7,200' 8400' 9,600' 10,800'

0 1/4 Mile 1/2 Mile 1 Mile 2 Miles