

5-9-2016

Voluntary Municipal Farm Support Program Ordinance

Winslow (Me.). Municipal Officers

Follow this and additional works at: <https://digitalcommons.library.umaine.edu/towndocs>



Part of the [Public Affairs, Public Policy and Public Administration Commons](#)

Repository Citation

Winslow (Me.). Municipal Officers, "Voluntary Municipal Farm Support Program Ordinance" (2016). *Maine Town Documents*. 6930.
<https://digitalcommons.library.umaine.edu/towndocs/6930>

This Plan is brought to you for free and open access by DigitalCommons@UMaine. It has been accepted for inclusion in Maine Town Documents by an authorized administrator of DigitalCommons@UMaine. For more information, please contact um.library.technical.services@maine.edu.

Voluntary Municipal Farm Support Program (VMFSP)

Town of Winslow, Maine

Pursuant to Winslow Ordinance No. 3-2016 adopted May 9, 2016

Establishment of the Voluntary Municipal Farm Support Program (VMFSP)

Because the Town of Winslow recognizes the critical and vital importance of farming and a viable farm community, the Agricultural Working Group (AWG) was formed. On February 11, 2013, the Winslow Town Council passed a resolution that authorized the Town Manager to sign an agreement with the Maine Farmland Trust to form the AWG. The first meeting of the AWG was held March 7, 2013. The AWG consisted of four citizen volunteers; the Winslow Town Manager, Michael Heavener, and Winslow Town Council member, Steve Russell. The AWG worked in partnership with the Maine Farmland Trust to identify the needs of Winslow farmers and their interest in preserving Farms and Farmland soils. The AWG developed a survey which was sent to all residents enrolled in the State's Farmland Program. In the fall of 2014 the AWG presented an evening program to interested parties to share the results of the survey and to engage in a conversation of the needs of local farmers. John Piotti of The Maine Farmland Trust was the guest speaker for the evening. The AWG put together a report for the Town Council entitled "Cultivating Winslow's Agricultural Future". This report outlined a set of strategies designed to address the needs and concerns of farmers in the town.

In May 2014, the Winslow Town Council appointed the members of the AWG to the Winslow Agricultural Commission (WAC), thus creating the first known Agricultural Commission in the State of Maine. The WAC, with the assistance of the Maine Department of Agriculture, Conservation and Forestry, developed a Voluntary Municipal Farm Support Program (VMFSP) for the Town of Winslow.

On March 28, 2016, the Agricultural Commission presented a workshop for the Winslow Town Council, Planning Board and Zoning Board of Appeals. The purpose of the workshop was three-fold:

- To educate the members about the importance of Agricultural Soils to the viability of local Farms and Agricultural Enterprises
- To acknowledge that local Farms and Agricultural Enterprises are integral and valuable community assets that are under significant Development Pressure as defined in the State of Maine Voluntary Municipal Farm Support Program (7.M.R.S., Chapter 2-C)
- To introduce the Winslow Council to the need for the Voluntary Municipal Farm Support Program as developed by the Winslow Agricultural Commission
- To present information on the possible impact of the VMFSP on the Town of Winslow's tax revenue

On May 9, 2016, the Winslow Town Council adopted the VMFSP through Ordinance No. 3-2016.

Brief Description of the Town of Winslow - Voluntary Municipal Farm Support Program (VMFSP)

The goal is to support local Agricultural infrastructure, Enterprise and Crop production and preserve agricultural lands, especially those soils classified by the USDA- Natural Resources Conservation Service as Prime Farmland, Unique Farmland, Farmland of Statewide Importance and Farmland of Local Importance. A secondary outcome is the protection of natural resources and biodiversity associated with the agricultural lands.

The VMFSP is designed to benefit the farmers and citizens of the Town of Winslow and surrounding area.

Voluntary Municipal Farm Support Program (VMFSP)

The VMFSP allows for the Town of Winslow to enter into a twenty (20) year Farm Support Arrangement with qualifying landowners. The Farm Support Arrangement eases the tax burden on Qualifying Farms.

The VMFSP will:

- Provide for a renewable and long-term source of Agricultural and Forest Products and services by protecting and preserving Agriculturally Important Soils and maintaining scenic agricultural land as important open space on the landscape
- Ease the property tax burden on local farms and Agricultural Enterprises that produce food and fiber which are under significant Development Pressure
- Provide for long-term management of Farmland and Forest Land in accordance with accepted best management practices that protect natural resources and biodiversity and prevent erosion, sedimentation or other degradation of soil and water resources
- Provide employment opportunities in the community by supporting Agricultural Operations, Enterprises and Agritourism
- Support trade with local businesses and community services that depend on the services of, or provide ancillary services to, the agricultural and silvicultural industries in the region

How the VMFSP Works

A landowner submits an application to the Assessor, along with a non-refundable fee of \$200 on or before October 1st.

The Assessor's Office date stamps and signs receipt of application.

The Assessor reviews the application and supporting documentation. If the application is incomplete, then the Assessor contacts the landowner by written notice no later than October 15th. The written notice will specify the area(s) of the application that are incomplete and allow the landowner until November 1st to remedy the application and resubmit.

If the Assessor deems the application as complete, the Assessor shall notify the Winslow Agricultural Commission (WAC) and schedule a date and time for the Assessor and a WAC member to visit the applicant's property.

Upon completion of the site review, the Assessor shall prepare a written summary describing the site visit, including written and verbal communications and a description of the Farmland and Farm Buildings. The written summary, along with the landowner's application, will be presented to the Winslow Agricultural Commission for review and recommendation.

On or before December 31st, the WAC must submit to the Town Council a written recommendation for a vote to accept, deny or amend to accept the landowner's application.

Upon acceptance by the Town Council, the landowner is then eligible for a Farm Support Arrangement with the Town of Winslow. Under the arrangement, the landowner grants an Agricultural Conservation Easement to the town, thus agreeing to continue the Farmland and Farm Buildings' agricultural use as prescribed for a period of 20 years.

In return, the Town of Winslow makes Farm Support Payments to the landowner equal to 100% of the property tax paid each year on the Qualified Farmland and Farm Building assets.

The Agricultural Conservation Easement must be recorded in the Kennebec County Registry of Deeds.

Voluntary Municipal Farm Support Program (VMFSP)

In order to continue eligibility with the Farm Support Arrangement, the landowner must submit to the Assessor each year, on or before May 1st, a Farm Income Report and every two years, be subject to an on-site inspection by the Assessor and/or a WAC member. As with the initial application's site review, a written summary will be prepared by the Assessor and delivered to the WAC for review of eligibility.

Each subsequent year, the Assessor must file a written report on or before June 1st, with the Winslow Agricultural Commission, as to the status of each Qualified Agricultural Conservation Easement.

At any time, the landowner and/or a WAC member may request a consultation with either party to review the status of eligibility based on one or more of the following:

Lack of Productivity and Income, Temporary or Permanent
Catastrophic Loss of Property
Infirmary
Management Change
Structural Change

Eligible Farmland and Farm Buildings

The Eligible Farm must comprise one (1) Tax Parcel of at least five (5) contiguous acres that produces Agricultural Crops and/or Agricultural Products. The Tax Parcel may produce the Agricultural Crops and Agricultural Products on some portion of the parcel that is less than five (5) acres. Agricultural Products must be comprised of 50% or more local agricultural ingredients. The Agricultural Crops and Agricultural Products grown or produced on the Farmland must generate a minimum annual gross income or fair market value of at least \$2,000. The fair market value of Agricultural Crops and/or Agricultural Products utilized and/or consumed by the farm household and documented by the landowner may be counted toward the \$2,000 annual income requirement.

The Winslow Agricultural Commission may occasionally elect to waive the income requirement due to a documented adverse Crop or Livestock production issue, except that the average three year income must be at least \$2,000.

Farmland – Farmland classified as Blueberry Land, Crop Land, Horticultural Land – Edible, Horticultural Land - Ornamental, Orchard Land, Pasture Land, Orchard Land, Woodland, or Wasteland.

Special consideration is given to Farmland comprised of soils classified by the USDA – Natural Resources Conservation Service as Prime Farmland, Unique Farmland, Farmland of Statewide Importance and Farmland of Local Importance.

Farm Buildings – Farm Buildings, structures and improvements used for the propagation, production, storage and/or processing of Agricultural Crops and/or Livestock, including but not limited to the breeding and housing of Livestock, the storage of seed stock, the storage of feed for Livestock, milk handling, animal manure and waste management, and equipment and chemical storage and maintenance.

Exceptions to Farmland and Farm Buildings and Improvements and Farm Residential Buildings – At the time of the initial VMFSP Application, if there are other lands and buildings that are associated with the Farms' Agricultural Management but not specifically with the production of Agricultural Crops and Enterprises, the Winslow Agricultural Commission will consider to include such land and buildings on a case-by-case basis.

The Winslow Agricultural Commission (WAC) will require the landowner to demonstrate that any other land and buildings that are not involved in the production of Agricultural Crops and Agricultural Products serve a principal function for the farm operation. Such buildings include, but are not limited to, shelters for

Voluntary Municipal Farm Support Program (VMFSP)

Livestock, equipment storage and maintenance structures and energy generation facilities and residential buildings. Such other land includes, but is not limited to, ponds for fresh water aquaculture, riding trails for Agritourism, and sand, clay and gravel mined for building and grading farm roads, woods roads and other such improvements made on the farm only.

Future Addition of Farm Buildings - If, after entering into the Farm Support Arrangement, and recording the Agricultural Conservation Easement, a landowner constructs or erects new Farm Buildings, structures or improvements within the perimeters of the Qualified Farm, they may request through written notice to the Assessor, an amendment to the original application to include the additional Farm Buildings.

Written notice will be due on or before October 1st in any given year and follow the same deadlines as the original application, for review by the Winslow Agricultural Commission and pending approval by the Winslow Town Council.

Future Acquisition of Farmland – Additional farmland acquisitions by the landowner will not be allowed to be added to the existing Farm Support Arrangement; however, a landowner may file a separate application for that farmland pursuant to the requirements of the VMFSP.

VMFSP Application

The landowner is responsible for initiating, preparing and submitting the VMFSP application. The landowner may request that the Winslow Town Assessor or a member of the Winslow Agricultural Commission (WAC) assist them with the preparation of their VMFSP Application. If the WAC believes that there is the potential for a conflict of interest, then that member of the WAC must recuse himself/herself. The landowner may request that another Winslow Agricultural Commission member assist them.

Application Requirements – The following requirements must be included with the VMFSP application:

- A statement, signed by all legal owners of the property, that declares the owners' desire to enter into the Farm Support Arrangement with the Town of Winslow through the granting of a Qualified Agricultural Conservation Easement for a term of at least 20 years on specific Qualified Farmland and/or Farm Buildings located in the Town of Winslow. This statement shall acknowledge whether the owners will retain professional legal services to review the Easement document on their behalf, or have elected to waive any legal representation. The statement shall also acknowledge that if the Town of Winslow approves a Farm Support Arrangement, the landowners agree to pay all of the Town of Winslow's cost for preparing and filing the Qualified Agricultural Conservation Easement in the Kennebec County Registry of Deeds
- A Photo ID of the applicants
- A list of the Farmland and Farm Buildings that would be subject to the Farm Support Arrangement
- An aerial image or Google Earth image of the Tax Parcel that clearly delineates the farmland soil types, Farm Buildings and Easement boundaries that would be subject to the proposed Agricultural Conservation Easement. If the VMFSP application is approved by the Town of Winslow, then the owner may choose, at the owner's expense, to survey the farmland subject to the Easement
- If the owners have a mortgage on the Farmland or Farm Buildings, a list of each mortgaged asset noting the loan amount, pay-off date and lender's contact information. The landowner must include a Letter of Intent from the Lienholder of the mortgage that they will sign the "Consent of Lienholder to Conservation Easement" should the VMFSP application be approved
- A Farm Income Report which lists each Agricultural or Horticultural Crop, the previous tax year's yield based upon the price or value per unit multiplied by the number of units produced; and
- Two Letters of Support from either individuals and/or businesses within the Town of Winslow that describe the importance of supporting and protecting the Landowner's specific Farmland soils and Farm Buildings through the VMFSP

Voluntary Municipal Farm Support Program (VMFSP)

Application Deadlines – the deadlines and timelines for the VMFSP is as follows:

- VMFSP Application must be received by the Town Assessor on or before October 1st in that year.
- The Winslow Agricultural Commission must review, decide and make recommendation to the Town Council, whether to accept or deny all or part of the Farmland and Farm Buildings by December 31st of that year
- Upon approval by the Town Council and the recording of the Qualified Agricultural Conservation Easement, the Landowner will be eligible for a refund of the Property Tax Payments made in the next tax year on the Qualified Farmland and Farm Buildings. Payment to the landowner will be made within thirty (30) days of the designated Property Tax due dates

Application Fee - Applicants must include a two hundred dollar (\$200), non-refundable, application fee when submitting their VMFSP Application. Checks and money orders must be made payable to “Town of Winslow”.

The application fee will cover costs related to:

- Town review and processing of the VMFSP Application, including but not limited to, staff time for technical review, photocopying, postage, office supplies, etc.
- Town legal review of the Qualified Agricultural Conservation Easement

The VMFSP Application fee does not cover:

- any of the landowner's costs related to the preparation of the VMFSP Application
- Legal review of the draft Qualified Agricultural Conservation Easement by the landowner's Independent Counsel. It is therefore recommended that the landowner retain Independent Counsel
- Recording fee for filing the Qualified Agricultural Conservation Easement with the Kennebec County Registry of Deeds
- Fee for filing and reporting to the State of Maine Conservation Easement Registry, pursuant to Title 33 M.R.S., ss 479-C For protection under Maine Law, Title 33, Chapter 20

Annual Fee

The applicant must pay an annual fee of \$50.00, due on May 1st of each year.

This fee covers:

- Town staff time and mileage associated with the annual monitoring and reporting

Payment Mechanism

Tax Payments Made by the Participant - Participants shall pay when due all property taxes. If such property taxes are not paid when due, the Town of Winslow may withhold and suspend all payments to the Participant under their agreement until such property taxes and all penalties, interest and other costs relating thereto are paid in full and 100% of such penalties, interest and other costs shall belong to the Town of Winslow without any obligation to share such penalties, interest and other costs with the Participant.

Payments to the Participant - The Town of Winslow shall refund 100% of Participants property tax payments on assets the Town designates as Qualified Farmland and Farm Buildings. The refund will be made within 30 days of each tax payment due date for no less than twenty (20) years, provided the Participant remains in compliance with the Qualified Agricultural Conservation Easement.

Voluntary Municipal Farm Support Program (VMFSP)

Property Tax Abatements - In addition, if a Participant institutes any property tax abatement proceeding with respect to any of their Qualified Farmland and Farm Buildings, the Town may withhold and suspend all payments to the Participant. Upon final action and completion of such abatement proceeding (whether by administrative or court action or by settlement), the adjusted amount (based on the results of the abatement proceedings) shall then be paid to the Participant.

The Town of Winslow and the Participant acknowledge that all laws of the State now in effect or hereafter enacted with respect to taxation of property shall be applicable and that the Town is not excusing any non-payment of taxes by a Participant. Without limiting the foregoing, the Town and the Participants shall always be entitled to exercise all rights and remedies regarding assessment, collection and payment of taxes assessed on the Participant's property.

Failure to Make Payment to the Participant - In the event the Town of Winslow should fail to, or be unable to, make any of the payments required under the foregoing provisions of this program, the item or installment so unpaid shall continue as a limited obligation of the Town, under the terms and conditions of the VMFSP, until the amount unpaid shall have been fully paid.

The payments provided for in this program shall be paid directly to the Participant at the address on file in the Assessor's Office related to the Qualified Farmland and Farm Buildings.

Limited Obligation - The obligation of the Town of Winslow to make such payments to the Participant shall be a limited obligation of the Town payable solely from that portion of taxes paid by the Participant and shall not constitute a general debt or obligation of the Town or a general obligation or charge against or pledge of the faith and credit. The agreement shall not directly or indirectly or contingently obligate the Town to levy or to pledge any form of taxation whatever therefor or to make any appropriation for their payment, excepting the Town's obligation to levy property taxes upon the Participant's property.

Monitoring Each Qualified Agricultural Conservation Easement

The Town Assessor shall monitor each accepted VMFSP Participant on an annual basis and provide a written report to the Winslow Agricultural Commission (WAC) on or before June 1st each year. Before providing the written report, the Assessor shall:

- Require each year the filing of a Farm Income Report from the Participant, which must be submitted to the Assessor on or before May 1st.
- Conduct a site visit every two years to review the Participant's Qualified Farmland and Farm Buildings

If, upon completion of the on-site visit, the Assessor deems the Participant's Tax Parcel is not in compliance, then the written report to the Winslow Agricultural Commission must state such. The WAC may request a meeting with the landowner to review the terms of the Easement and the Farm Support Arrangement and to mutually agree upon a plan for compliance and set a date for a follow-up site visit.

The Winslow Agricultural Commission shall then present the Tax Assessor's report and other relevant updates to the Town Council on or before the scheduled October Town Council Meeting each year.

Temporary Cessation of Use - If the Qualified Farmland and Farm Buildings that are protected under the Arrangement are inactive for 6 months, the WAC and the Tax Assessor will review the Participant's circumstances (catastrophic loss of farm income due to crop loss, health, change in management, etc.) and the requirements of the Participant's Farm Support Arrangement, and make a written recommendation to

Voluntary Municipal Farm Support Program (VMFSP)

the Winslow Town Council.

Withdrawal from the Farm Support Arrangement

Landowner's Request - If the landowner seeks to withdraw from the Farm Support Arrangement any or all Qualified Farmland and/or Farm Buildings, they must provide a written notification to the Winslow Agricultural Commission and pay a Withdrawal Penalty.

Noncompliance - If the Qualified Farmland and/or Farm Buildings ceases to meet the eligibility and qualification requirements and the Participant ceases to meet his/her obligations of the Farm Support Arrangement, then the Winslow Agricultural Commission and the Winslow Tax Assessor must deliver to the Winslow Town Council a written recommendation for the nullification of the Farm Support Arrangement and specific terms of the Withdrawal Penalty.

The Council must then vote to accept as recommended; amend and accept; or deny the nullification of all or part of the Farm Support Arrangement. A vote to nullify will result in the assessment of a Withdrawal Penalty on the Participant.

Withdrawal Penalty:

- Shall be no less than the 100% refund of all applicable taxes covered under the Arrangement;
- Shall include interest on the portion of the property taxes covered under the Arrangement for each year the Qualified Farmland and Farm Buildings have been in the program;
- Shall include all costs to 'extinguish' the Qualified Agricultural Conservation Easement at the Kennebec County Registry of Deeds.
- The penalty may be assessed and collected as a supplemental assessment in accordance with section 713-B.

Exception – A Withdrawal Penalty shall not be assessed if permanent cessation of use is caused by a transfer resulting from the exercise or threatened exercise of the power of eminent domain.

Voluntary Municipal Farm Support Program (VMFSP)

Definitions

Agricultural Crops - means all types of forage plants consumed by animals including grazed land, hay, ensilage, corn for ensilage and other crops grown for forage; field grown crops and associated rotation crops, including potatoes, grain corn, small grains and broccoli; wild low-bush blueberries, field-grown and greenhouse-grown intensive vegetable and fruit row crops, including strawberries, raspberries and high-bush blueberries; planted and cultivated Christmas trees, shrubs, sod, flowers, edible and ornamental herbs, trees bearing edible fruits and nuts, fruit trees, and general ornamental nursery crops grown on the farm to be consumed by the farm household, bartered and/or sold to generate income.

Agricultural Enterprises – means activities conducted by persons or businesses engaged in Agricultural Management and any further processing, storing, packaging or marketing of products derived from plants, animals, or plant or animal by-products generated primarily on a farm. “Agricultural Enterprise” may also include Commercial Forest Management, the processing and production of firewood and other forest products harvested on a farm, and the generation and storage of electrical energy and other energy sources primarily for consumption on the farm.

Agricultural Management – means farming activity which includes the establishment, re-establishment, maintenance and use of cultivated fields, hayfields, pastures, and orchards; the planting, growing, and harvesting of food, forage, seed and fiber, forest products and horticultural and ornamental products, harvesting and processing of maple sugar and other agricultural products; the pasturing, grazing and raising of poultry, animals and livestock of every nature and description for breeding, milking, and selling for fiber or slaughter; the repair, maintenance, operation and storage of farm equipment and machinery used primarily on the farm, including the operation of irrigation pumps; ground and aerial seeding; the composting of material produced by the farm or to be used primarily on the farm; the disposal of manure and other animal wastes generated primarily on the farm; the application of chemical fertilizers, soil amendments, conditioners or pesticides; and the construction and maintenance of water source, wastewater storage, water quality protection and nutrient management structures and improvements as necessary to support the farm.

Agricultural Products – “Agricultural Products” means those plants and animals and their products that are useful to humans and includes, but is not limited to, forages and sod crops, grains and feed crops, dairy and dairy products, poultry and poultry products, bees and bees’ products, livestock and livestock products, and fruits, berries, vegetable, flowers, seeds, grasses and other similar products, or any other plant, animal or plant or animal products that supply humans with food, feed, fiber or fur. “Agricultural Products” does not include trees grown and harvested for forest products.

Agricultural Soils - means prime, unique, statewide or locally important farmland soils identified and classified by the USDA Natural Resource Conservation Service as “Prime, Unique, Statewide or Locally Important Farmland Soils” and described and depicted in an NRCS Conservation Plan or other valid soil map(s).

Agritourism – means farm-related, recreational activities designed for the enjoyment or education of the public to promote agricultural products, services, or experiences on the farm. Such activities include, but are not limited to, conducting educational farm tours, offering hay and sleigh rides, planting crop mazes, offering the public the opportunity to pick and purchase agricultural, horticultural, Christmas trees or other forest products produced on a farm, cross-country skiing, and engaging in other traditional non-intensive outdoor recreational activities.

Blueberry Land – means land devoted to the production of wild low-bush blueberries as defined in the Farmland Tax Law (36 M.R.S.ss1101-1121).

Commercial Forest Management - means the planting, growing, cultivation, stocking, and cutting of trees and other forest products, including the following: timber cruising, resource evaluation, herbicide, pesticide and fertilizer application, timber stand improvement, pruning, mechanical and conventional timber harvesting and other forest harvesting, forest products transportation, natural and artificial

Voluntary Municipal Farm Support Program (VMFSP)

regeneration of forest stands, maple sugaring, other substantially similar and associated activities, the processing and production of firewood and forest products harvested primarily on the Qualified Farm, and the construction, creation, use and maintenance of woods roads, skid trails and winter haul roads, turnouts, timber landings and crossings of flowing waters for such purposes, all as consistent with the terms of this Qualified Agricultural Conservation Easement.

Crop Land – means land used for the production of all Agricultural Crops defined in Section 1.1. above, which includes all crops grown in rotation with potatoes and other commodity crops, such as grain corn, small grains, lupines, broccoli, rapeseed, etc. as defined in the Farmland Tax Law (36 M.R.S.ss1101-1121).

Development Pressure - means the potential of the farm operations to be curtailed due to increasing development of non-compatible land uses near the farm. This includes, but is not limited to, residential and industrial development, nuisance complaints, and loss of agricultural infrastructure in the vicinity of the farm or food business. These, and other non-compatible land uses, can create environmental, social, political, or operational constraints on the farm operation and result in negative financial impacts to the farm business.

Farm Income Report – means an accounting of the annual yield (in units – pounds, tons, bushels, etc.) and fair market value (price or value per unit) of all of the Agricultural Crops and/or Agricultural Products produced on the farm, generated from Agritourism activities and Commercial Forest Management on a Farm. The crops or products may be sold directly on the farm, or sold off the farm to wholesale and retail customers. If some of the crops or products are utilized on the farm and/or consumed by the farm household, then the fair market value attributable to those crops and/or products can be counted toward the annual gross income.

Farm Support Arrangement – is generated by the landowner's completed Farm Application, the Agricultural Commission's recommendation to the Town Council, the Town Council's vote to accept, or amend and accept, and the execution and recording of a Qualified Agricultural Conservation Easement in accordance with the Town of Winslow's Voluntary Municipal Farm Support Program.

Horticultural Land – Edible – means land used for the production of market garden vegetables and small fruit crops, including strawberries, raspberries and high-bush blueberries as defined in the Farmland Tax Law (36 M.R.S.ss1101-1121).

Horticultural Land – Ornamental – means land used for the production of planted and cultivated Christmas trees, flowers, sod, shrubs, trees and general nursery stock as defined in the Farmland Tax Law (36 M.R.S.ss1101-1121)..

Livestock - means animals and livestock of every nature and description bred, housed and/or raised on the farm for food or fiber; including but not limited to; alpaca and llama; farmed bison, elk and deer; beef and dairy cattle; horses, donkeys and mules; sheep and goats; pigs; rabbits; emus and ostriches; and poultry including ducks and turkeys.

Orchard Land – means land devoted to the growth and cultivation of trees bearing edible fruits planted at a stocking density of 60 trees per acre or greater as defined in the Farmland Tax Law (36 M.R.S.ss1101-1121)..

Pasture Land – means land that is primarily used for grazing livestock, and “pasture land” as it is defined in the Farmland Tax Law (Title 36, MRS sections 1101-1121) which includes land producing hay, ensilage crops, such as grass, corn and sorghum, and any other crops grown for Livestock forage as defined in the State's Farmland Tax Law (36 M.R.S.ss1101-1121).

Permanent Structures – means anything built for the support, shelter or enclosure of persons, animals, and products that are used by a farm, for the propagation, production, storage and/or processing of agricultural crops and /or Livestock, including but not limited to the breeding and housing of livestock, the storage of seed stock; the storage of feed for livestock; milk handling; animal manure and waste management; and equipment and chemical storage and maintenance; together with anything constructed

Voluntary Municipal Farm Support Program (VMFSP)

or erected with a fixed location on or in the ground, exclusive of fences and standing for more than 7 months.

Qualified Agricultural Conservation Easement – means a 20-year Agricultural Conservation Easement that is adopted by the Town of Winslow’s legislative body as part of the Farm Support Arrangement with the owner of Qualified Farmland and Farm Buildings, under the Town of Winslow’s Voluntary Municipal Farm Support Program.

Qualified Farmland and Farm Buildings – means the farmland and farm buildings, structures and improvements, that are accepted by the Winslow Town Council for a Farm Support Arrangement.

Tax Parcel - means a unit of real estate, even if it is divided by a road, right of way, railroad or pipeline, or by a municipal or county line.

Temporary Structures- means anything built for the support, shelter or enclosure of persons, animals, and products that are used by a farm, for the propagation, production, storage and/or processing of Agricultural Crops and /or Livestock, including but not limited to the breeding and housing of Livestock, the storage of seed stock; the storage of feed for Livestock; milk handling; animal manure and waste management; and equipment and chemical storage and maintenance together with anything constructed or erected with a fixed location on or in the ground, exclusive of fences and standing for less than 7 months in any period of 12 consecutive months.

Wasteland – means land that is part of a Tax Parcel devoted to Agricultural Management that is not suitable for Agricultural Management, as defined in the Farmland Tax Law (36 M.R.S.ss1101-1121). In this context, wetland is classified as Wasteland. Such wasteland/wetland must be contiguous to the land that is under Agricultural Management.

Woodland – means land that is part of a Tax Parcel devoted to Forest products, including logs, lumber, and firewood, that is part of the Agricultural Management of the farm and part of an Agricultural Enterprise as defined in the Farmland Tax Law (36 M.R.S.ss1101-1121).

TOWN OF WINSLOW

VOLUNTARY MUNICIPAL FARM SUPPORT PROGRAM

Application and Requirements

Pursuant to Title 7, Chapter 2-C, Section 4 Rules



Application and supporting documents must be submitted to the Winslow Assessor on or before October 1st to be considered for property tax relief in the following tax year.

Please contact the Winslow Assessor for assistance in filing this application.

**Town of Winslow
114 Benton Avenue
Winslow, Maine 04901**

**Assessor's Office
207-872-2776 Ext 5205
jmathiau@winslow-me.gov**

ON LINE: www.winslow-me.gov/departments/assessor

IMPORTANT INFORMATION

To be considered for the Voluntary Municipal Farm Support Arrangement, the application must include the following:

- ☐ Statement of Intent (Part A)
- ☐ Detailed list of farmland and farm buildings to be considered (Part B)
- ☐ Farm Income Report (Part C)
- ☐ Two (2) letters of support from either individuals or businesses within the town of Winslow
- ☐ Photo I.D. of all property owners
- ☐ Aerial photograph of the parcel(s) that clearly delineates the farmland and farm buildings that would be subject to the proposed easement
- ☐ Application fee of \$200 made payable to the town of Winslow

The Assessor shall review the application and supporting documentation for completeness.

If the application is incomplete, the Assessor shall provide the applicant(s) written notice and shall provide guidance as to whether the applicant can resubmit a complete application.

If the application is complete, the Assessor shall notify the Agricultural Commission and schedule a date and time for the Assessor and a Commission member to visit the property. Upon completion of the site review, the Assessor shall prepare a written summary detailing the visit, including any verbal and written communications and a description of the farmland and farm buildings.

On or before December 31st, the Agricultural Commission shall present the written summary and its recommendation to the Winslow Town Council who shall then vote to - accept as proposed; amend and accept; or deny.

Once approved by the Town Council, the landowner(s) become qualified to enter into a Farm Support Arrangement with the Town of Winslow. The town agrees to make farm support payments to the landowner(s) on those assets designated and the landowner(s) agree to continue to grow crops and/or produce agricultural products under the terms of the Agricultural Easement. The easement must be recorded in the Kennebec County Registry of Deeds.

As part of the Farm Support Arrangement, the landowner(s) must submit each year, on or before May 1st, the annual fee of \$50 made payable to the Town of Winslow and the Farm Income Report and every two (2) years, be subject to an on-site inspection by the Winslow Assessor, of the qualified Farmland and Farm Buildings. Each year, the Assessor shall submit a written report to the WAC on or before June 1st as to the status of the Qualified Agricultural Easement.

PART A - Landowner's Statement of Intent

Pursuant to M.R.S.A. Title 7, Chapter 2-C, Section 4 Rules: Farm Application Requirements

We, the undersigned, declare that:

We wish to enter into a **Farm Support Arrangement** with the Town of Winslow on _____ total acres of farmland. If our application is approved by the Town of Winslow, it is our intent to continue to farm this land to produce:

_____ *(list of crops and/or agricultural products)*

and/or to raise:

_____ *(list types of livestock)*

for a term of 20 (twenty) years.

In choosing to pursue this Farm Support Arrangement we *(please check one)*:

☐ Have retained legal counsel _____ *(name of attorney)*
to review the Agricultural Conservation Easement document on our behalf.

☐ Have elected to waive any legal representation.

We also declare that should our Farm Support Arrangement be approved by the Town of Winslow, we agree to pay all of the municipality's costs for preparing and filing the Agricultural Conservation Easement in the Kennebec County Registry of Deeds located at 1 Weston Court, Augusta, Maine.

Legal Owner(s) of the farmland property must sign this application to validate eligibility.

Signature: _____

Printed Name: _____

Signature: _____

Printed Name: _____

Signature: _____

Printed Name: _____

Signature: _____

Printed Name: _____

Dated _____ Contact Phone Number _____

Assessor's Use Only

Received By _____

Municipal Official

_____	_____
-------	-------

Date

Time

PART B - Land & Buildings Subject to Easement

Pursuant to M.R.S.A. Title 7, Chapter 2-C, Section 4 Rules: Farm Application Requirements

Use a separate page for each separately assessed parcel. See instructions.

PARCEL OF MAP NO LOT NO

Physical Location (No & Street)

List Deeds - Book/Page References

Is your land surveyed? ☐ NO ☐ YES **** see below

Number of Acres in this Parcel Proposed for the Easement

Farm Buildings on this Parcel Proposed for the Easement - list each building separately

	Description	Dimensions	Current Use
Bldg 1			
Bldg 2			
Bldg 3			
Bldg 4			
Bldg 5			
Bldg 6			
Bldg 7			
Bldg 8			

Use additional sheets if needed to list additional structures.

Mortgaged Assets - please list any current mortgage(s) associated with this parcel

Lender Name	Lender Address & Phone Number	Mortgage Number	Loan Amount	Pay-Off Date

Use additional sheets if needed to list additional mortgages.

**** **Please Note:** If you checked YES, please provide a copy of the survey with the application. If you checked NO and the Farmland Support Arrangement is approved, you may choose, at your own expense; to survey the land that will be subject to the easement. Otherwise, the aerial photograph that outlines and labels the farmland, farm buildings and easement boundaries will be considered sufficient documentation.

PART C - Farm Income Report

Pursuant to M.R.S.A. Title 7, Chapter 2-C, Section 4 Rules: Farm Application Requirements

1. Please provide detailed information regarding the income derived from crops and/or agricultural products during the previous calendar year.
2. If you filed an IRS Tax Form - Schedule F for income tax purposes, please attach a copy.
3. If you did not receive a monetary payment for crop and/or agricultural product on this parcel then you must state the fair market value of the product harvested.

The following income information represents the calendar year of

(Indicate Year)

Type of Crop or Agricultural Products or Livestock	Yield # of Units	Value Per Unit \$\$\$\$\$\$	Total Value (Yield x Value) \$\$\$\$\$	Source of Product (sold to local farmer, household consumption)

Application Instructions

Pursuant to M.R.S.A. Title 7, Chapter 2-C, Section 4 Rules: Farm Application Requirements

PART A. Statement of Intent. In the first field, indicate the total number of acres proposed for the Agricultural Conservation Easement. The list of crops and/or livestock must be specific to the majority use of the property. It is very important for the landowner to recognize the magnitude and significance of the proposed arrangement and to seek its own legal counsel for the best advice. All property owner(s) must sign in order to complete the statement.

PART B. Land and Buildings Subject to Easement. If the proposed easement includes more than one parcel, then an additional page (Part B) for each parcel must be included with the application.

Parcel. Indicate the parcel being described as 1 OF 1, or 1 OF 2, 2 OF 2, etc.

Tax Map-Lot Number. Enter the proper map and lot number as identified on the Assessor's tax maps located in the town office; that coincides with the parcel being described.

Physical Location. Enter the street name and street number if applicable.

List Deeds. Enter all recorded deeds for this parcel using the book and page numerical reference. This information is available in the town Assessor's office.

Land Survey. Indicate whether you have a certified survey of your land. If you answered yes, you are required to furnish a copy with this application.

Number of Acres. Enter only the number of acres specific to this parcel that you propose to include in the Agricultural Conservation Easement.

Farm Buildings. Enter each building you propose to include in the Agricultural Conservation Easement and which is specific to the parcel represented on this page. Provide detail as requested.

Mortgaged Assets. If a mortgage exists with this parcel, then you must provide lender's name, address, document number and loan amount as required.

Application Instructions Continued

Pursuant to M.R.S.A. Title 7, Chapter 2-C, Section 4 Rules: Farm Application Requirements

PART C. Farm Income Report. Provide detailed data that represents the whole farm and which includes the income derived from agricultural harvest during the previous calendar year. If you filed a Schedule F with your previous year's income tax return, please attach a copy to the application.

Each item must be listed and must include the previous year's yield of that product, the value per unit and the source of that product. If the product is not held for sale, but is consumed by the household, it must be documented by the landowner but may be included in the Farm Income Report to satisfy the \$2,000 annual income requirement.

ADDITIONAL REQUIREMENTS TO THE APPLICATION

The following documents must be included with the application at the time of submission

Letters of Support. You must provide two (2) letters of support from either individuals or businesses within the town of Winslow. The letters must describe the importance of supporting and protecting your specific farm, with detailed examples and/or references to that nature.

Photo I.D. Each individual owner listed as such on the Statement of Intent on page 3 must provide a copy of their drivers license or state identification and submit with the application.

Aerial Photo. Your application must include an aerial view of the whole farm with a clear boundary depicted for the easement area proposed for the farm's Agricultural Conservation Easement. The photo must delineate the farm's acreage and use type as well as the locations of any buildings to be included in the easement. Aerial maps are available in the Assessor's office.