

A Citizen's Guide to the Farm, Forest, and Open Space Act



RHODE ISLAND

DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

235 Promenade Street, Providence, RI 02908-5767

401-222-3434

TDD 401-831-5508

Revised January 2003

Introduction

Rhode Island's farms, forest, and other open space provide many benefits to its citizens. Local farms ensure a readily available source of food close to metropolitan areas, while forestland and open space are key natural resources that provide recreational areas and contribute to the welfare and happiness of the state's inhabitants. Because of the economic pressures to convert these lands to development or another more profitable land use, Rhode Island's farms, forests, and open spaces are rapidly disappearing. The Farm, Forest, and Open Space Act helps citizens conserve these lands for themselves and for future generations.

Rhode Island law (44-27) allows property enrolled in the Farm, Forest and Open Space Program to be assessed at its current use, not its value for development. The purpose of the law is not to reduce property taxes, but to conserve Rhode Island's productive agricultural and forest land by reducing the chance it will have to be sold for development.

Land Classifications for Property Enrolled in the Farm, Forest and Open Space Program.

Farmland

- Ornamental Crops
- Vegetable and orchards
- Dairy and livestock
(including forage crops)

Forestland & Wetland

Open Space

- Slight soil limitations
- Moderate soil limitations
- Severe soil limitations

The recommended current use assessment categories (see Table on left) is established by a Farm, Forest and Open Space Land Value Subcommittee formed by the Governor in 1999. The value assigned each class is based on the land's potential to produce a crop or soil limitations and is periodically updated to reflect changes in economic conditions.

The law establishes three categories of land eligible for enrollment in the Program and authorizes DEM to establish regulations governing farm and forestland enrolled in the Program. The open space classification is administered by the community where the property is located.

This publication summarizes the rules and regulations and is intended to serve as a guide for property owners interested in enrolling their property in the Program.

Farmland Classification

For the purposes of this Program, farmland means a parcel of land, exclusive of the house site, that meets any of the following conditions and has a current USDA Conservation Plan (less than ten years old) or has applied for one.

Farmland includes:

- Land which constitutes a "farm unit," meaning land owned by a farmer, including woodland and wetlands, at least five (5) acres of which are actively devoted agricultural and horticultural use and which have produced a gross income from the sale of its farm products of at least \$2500.00 in one of the last two years.

- Land that is actively devoted to agricultural use by a "subsistence farmer" who derives his or her primary means of sustenance from the consumption of agricultural products grown on their land. Non-farm related income must be low enough to make them eligible for assistance under Title 20 Programs.

- Land that meets the requirements and qualifications for a Government set aside or land that has a combination of income, crop, and acreage which (in the Director's opinion) qualifies it for inclusion.

Land used for commercial removal of soil, gravel, stone, or other minerals or land used for farm stands, parking lots, and display areas is not eligible for inclusion in the Program.



Land classified as farmland must be actively devoted to agricultural or horticultural use, using normally acceptable practices, in the production of plants and animals useful to man including but not limited to: forages and sod; fruits of all kinds including nuts, berries, grapes and vegetables; floral, ornamental and greenhouse products; poultry and poultry products; sheep and sheep products; livestock including beef cattle, swine, horses and mules, the stabling of horses; the commercial breeding or grazing of any or all such animals for the production of meat, milk, fiber in saleable livestock; and the production of fish, shellfish, plant material and fish products through aquacultural practices.

Farm Land Classification

How to Enroll

File completed application form (signed by tax assessor and conservation district official), with a check for \$10.00, to DEM/Division of Agriculture. The application (available on the last page) must include:

Elements of a Conservation Plan

Landowner's objectives -- The landowner's specific conservation and environmental objectives.

Property overview -- Description of existing operations on the property.

Management unit information -- A description of the natural resources on the property, including soil types, rangeland types and conditions, proximity to water bodies, wildlife habitat, and other relevant characteristics.

The natural resource problems and opportunities as well as related economic and social considerations.

Management Recommendations -- The conservation management system(s) and the practices to be implemented to achieve the owners objectives.

Activity timetable -- The schedule for implementing the conservation practices, including timing and sequence.

- A map of the property (to scale) depicting the external boundaries, internal boundaries, and acreage of different land categories.

- The property must have either have (or have applied for) a written conservation plan outlining best management practices recommended by USDA and approved by the District and the Director.

- To verify gross annual income, the applicant must submit either a certified copy of federal tax return for one of the preceding two years or show that it is capable of producing, and is being readied for producing, a crop that will yield a gross annual income of \$2500.00 or more.

Maintaining Classification

For continued eligibility, the property owner must submit a certificate to the Tax Assessor each year confirming the land is still in agricultural use. The property may be reinspected by the director every five years or at the request of the Tax Assessor.

More Information

Sustainable Farming Connection
<http://www.ibiblio.org/farming-connection/>

RI Center for Commercial Agriculture.
www.rifarmer.org

RI Department of Environmental Management
Division of Agriculture at 222-2781.

Forestland Classification

To be eligible for forestland classification the parcel must be ten acres or more bearing a dense growth of trees, including young regenerating forest, which has been established either through natural regeneration or planting.

The forest must be actively managed in accordance with the provisions of a written forest stewardship plan for the purpose of enhancing forest resources. The plan must be prepared by a qualified forester in consultation with the landowner. The plan must address minimum criteria and be reviewed and approved by DEM.

How to Enroll

File a completed application form, which has been signed by the tax assessor, with a check for \$10.00, to DEM/Office of Management Services. The application (available on last page) must include:

- two (2) copies of a forest stewardship plan.
- a copy of the tax assessors plat map.

DEM reviews the application and (if approved) issues a certificate to the landowner.

For more information (including a list of foresters qualified to prepare forest stewardship plans) contact the Division of Forest Environment at 647-3367.

Maintaining Classification

For continued eligibility, the property owner must submit a certificate to the Tax Assessor each year confirming the property is still maintained as forestland.

The property is subject to inspection every five years or at the request of the Tax Assessor. The landowner must also submit a revised forest stewardship plan at the end of each ten year period at which time a new certificate is issued.

Forest Stewardship Plans

MINIMUM REQUIREMENTS FOR ENROLLMENT IN THE FARM, FOREST, AND OPEN SPACE PROGRAM

- Title and Signature page
- Landowners Objectives
- Property Overview
- Management Unit Information
- Management Recommendations
- Maps
- Summary of Recommendations and Activity Timetable

More information about forest management

USDA, Forest Service, Forest Landowners Guide to Internet Resources,
www.na.fs.fed.us/pubs/misc/ir/index.htm

USDA, Forest Service, Forest Stewardship website
www.foreststeward.org

American Tree Farm System www.treefarmssystem.org

National Woodland Owners Association, www.national-forestry.net/nwoa/nwoa.asp

Woodscaping: www.uri.edu/ce/wq/has/html/has_woodscaping.html

Introduction to New England Forests:
www.lincolneducationonline.org/

Open Space Classification

Designation of land as open space is administered by the community where the property is located.

Open Space is defined as undeveloped land (including farm or forestland) in tracts of ten (10) acres or larger (excluding the house site) where undeveloped land serves to enhance agricultural values, or land in its natural state that conserves forests, enhances wildlife habitat, or protects ecosystem health.

This includes:

- Tracts of any size that are designated as open space land on the comprehensive community plan.
- Tracts of any size that have conservation restrictions or easements in full force.

Requirements

Pursuant to R.I.G.L. 44-27-5, an application for classification as open space land is made to the tax assessor on a form they provide, which requires a description of the land and a general description of its use.

Continued Eligibility

To maintain classification, each year the landowner must submit to the tax assessor a certificate confirming the land is still open space.



Assessment of land enrolled as open space is based upon the soil classification on the property as determined by the State's soil survey prepared by USDA. Copies of the appropriate soil survey as well as other information about the property can be obtained from the Conservation District in the area where the property is located.

Frequently Asked Questions

What is the purpose of the law?

It is in the interest of the public to conserve the remaining farm, forest and open space in Rhode Island. Taxing this land at its value for development makes it difficult for landowners to retain it in its natural state. Rhode Island law (RIGL Chapter 44-27 and 44-5-12) creates the Farm, Forest and Open Space program to assess these properties at their current use so that owners can afford to keep their land in its natural state.

Who determines the assessment?

A Farm, Forest and Open Space Valuation subcommittee was established by state law (RIGL 44-27-B) in 1999 under the State Conservation Committee to determine the value of undeveloped land to be enrolled in the Program. The Committee developed the methodology and values for assessment of land for property taxation on the basis of its current use for farm, forest and open space lands. The methodology used and results are published in: *Proposed Farm, Forest and Open Space Values. What will be Our Legacy.* Rhode Island State Conservation Committee. May 2000. These values are updated periodically and new values published by the Farm, Forest, and Open Space subcommittee.

How do I determine which classification to enroll my property under?

There are three classifications established by RIGL 44-27: farm and forest, which is certified by DEM, and open space, which is certified by the community. Property must meet specific criteria to be eligible for enrollment in the program,

- Forestland must be a parcel of at least ten acres, excluding the house site, that is actively managed under a written forest stewardship plan.

- Farmland must be a parcel of at least five acres, excluding the house site, managed according to a conservation plan. Farmland must also meet income qualifications to qualify.

- Open space must be a parcel of ten acres or more or be designated as open space in the Comprehensive Community Plan. No written plan or management is required for land to be enrolled as open space.

How large a house site must be excluded from the Program?

The definitions 44-27-2 specifies the house site means the zoned lot size or one acre, whichever is smaller, and land surrounding dwellings or devoted to developed facilities. If there is no house on the property, no site is excluded.

Can the tax assessor refuse to classify land even if it has been designated by DEM?

Yes, but only if the Tax Assessor has shown a preponderance of evidence that the designation was in error. As provided for in 44-27-4, the landowner has the right to file an appeal with the City or Town's Board of Assessment within 90 days of receiving written notice. The Board of Assessment review shall render a decision within 45 days of the date the appealed was filed. If the City or Town does not have a board of assessment, the City or Town Council hears the appeal. These decisions are appealable to superior court.

What if a property enrolled under the farm or forestry classification fails to follow their Conservation or Forest Stewardship Plan?

If a landowner is unable to complete the activities outlined in their plan they may submit a written request to amend the plan to the Director of DEM. If, through willful neglect, a landowner fails to complete the activities in the management plan, DEM will cancel designation of the land and the property will be assessed at fair market value. Loss of classification as farm, forest, or open space makes the land subject to the land use change tax as provided for in RIGL 44-5-39.

What happens if a property is sold?

Upon change of title, the tax assessor will notify the new owner the property is enrolled in the Program and give them the option to continue the classification or withdraw. Property withdrawn is then subject to the land use change tax as specified in 44-5-39. Change of title, except by inheritance or inter-family transfer, starts a new computation period for the land use change tax.

What is the land use change tax?

In accordance with Section 44-5-39 of RIGL, when property classified as Farm, Forest, or Open Space land is withdrawn from the program it is subject to additional taxes. This tax is 10% of the fair market value during the first six years of classification and decrease one percent per year until the 16th year when no land use change tax is due.

Land classified as farmland, where the land has been farmed for five years previous to classification, are liable for a land use change tax of 10 percent of the fair market value if the use is changed or classification withdrawn during the first year of classification and decreasing one percent per year until the tenth year. No land use change tax is imposed after the tenth year of classification.

Other Sources of Information

Rhode Island DEM, Division of Forest Environment

1037 Hartford Pike
North Scituate, RI 02857
(401) 647-3367
<http://www.state.ri.us/dem/org/forest.htm>

Rhode Island DEM, Division of Agriculture

235 promenade Street
Providence, RI 02908
(401)222-2781
<http://www.state.ri.us/dem/org/agric.htm>

Rhode Island Forest Conservators Organization (RIFCO)

PO Box 53
North Scituate, RI 02857
(401) 568-3421
www.rifco.org

Rhode Island Farm Bureau

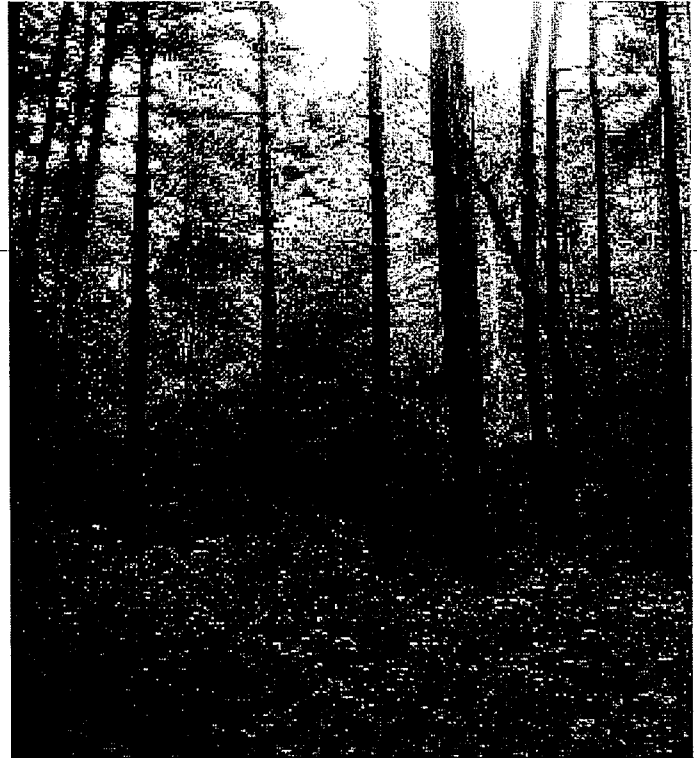
2227 Plainfield Pike
Johnston, RI 02919
(401) 647 3570
www.fb.com/rifb/

Northern Rhode Island Conservation District

17 Smith Avenue
Greenville, RI 02828
949-1480

Southern Rhode Island Conservation District

60 Quaker Lane, Suite 46
Warwick, RI 02886
(401)822-8832
http://ri.nacdnet.org/sricd_web/



Southern New England Forest Consortium

PO Box 760
Chepachet, RI 02814
568-1610
www.snefci.org

USDA, Natural Resources Conservation Service

60 Quaker Lane, Suite 46
Warwick, RI 02886
(401) 828-1300
<http://www.nrcs.usda.gov/>

Eastern Rhode Island Conservation District

2490 Main Road
Tiverton, RI 02878
(401) 624-7490



State of Rhode Island
Department of Environmental Management
235 Promenade Street
Providence, RI 02908

Application For Designation of Farmland and Forestland

Name: _____ Date: _____
Mailing Address: _____ Telephone: _____
Location of Property: _____ Email: _____
Town(s): _____ Plat(s): _____ Lot(s): _____

Farmland Designation		Forestland Designation	
Crops	Acres	Forest	Acres
Ornamental			
Vegetables & Orchard			
Dairy & Livestock			
Other			
Total			

Submissions

Farm Income	<input type="checkbox"/>	Forest Management Plan	<input type="checkbox"/>
Map	<input type="checkbox"/>	Map	<input type="checkbox"/>
Evidence of Subsistence Farm	<input type="checkbox"/>		
Evidence that non-contiguous land is historically associated with the farm	<input type="checkbox"/>		
Check for \$10.00 payable to RIDEM	<input type="checkbox"/>	Check for \$10.00 payable to RIDEM	<input type="checkbox"/>

Signatures

I hereby certify that the acreage listed above is in agreement with City or Town Tax Assessment Records.

Assessing Official: _____ Date: _____

Conservation District Official: _____ Date: _____
(For Farmland only)

I hereby Certify that all information in this application is to the best of my knowledge true and correct.

Landowner: _____ Date: _____