

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

AGRICULTURAL LANDS PRESERVATION COMMISSION

C/O Department of Environmental Management
235 Promenade Street
Providence, RI 02908

**RULE 9: CRITERIA FOR EVALUATION OF FARMLAND
FOR THE PURCHASE OF DEVELOPMENT RIGHTS**

June 1983
Amended May 1988
Amended March 1989
Amended September 2007

Authority: These regulations are authorized pursuant to Chapter 42-82 of the Rhode Island General Laws of 1956, as amended, and have been promulgated pursuant to the procedures set forth in the Administrative Procedures Act, Chapter 42-35 of the Rhode Island General Laws.

RULE 9. SCORING CRITERIA

9.1 PARCEL SIZE

The minimum parcel size for consideration by the Commission is set by the Act at five (5) contiguous acres. The Commission defines this to mean five acres dedicated to or available for agricultural production. Commissioners shall consider the overall acreage in determining the extent to which the land furthers the goals of the Act.

9.2 SOIL QUALITY

The soil quality on applicant farms shall be scored by using an approved soil evaluation system developed by the United States Department of Agriculture. Under this system, all land on a farm shall be assigned a “Relative Agricultural Value.” The Relative Agricultural Value of each soil type shall be calculated based on the USDA Soils Survey as amended.

The total acres of soil in each relative value category to be protected on the farm shall form the basis of the soil quality score. The Commission may adjust the Relative Agricultural Values on an applicant's property based on the proximity of soil types to one another, the specific type of agricultural operation (e.g. dairy or livestock), or the cultivation of certain crops such as apples, grapes, cranberries, etc., that require special consideration. Soils best suited for these crops can differ markedly from the ideal soils for row crops. Each Commissioner shall then assign points based on overall soil quality of the land by tabulating the acreage of each soil type and its Relative Agricultural Value.

9.3 AGRICULTURAL OPERATION AND VIABILITY

The Commission shall consider the actual and potential contribution of the applicant farm to the state's agricultural community and agricultural sector of the state's economy. Priority shall be given to farms that are or have potential based on individual operational and site characteristics, and/or farms which are important to the viability of agriculture in general in Rhode Island. In determining agricultural viability, the Commission shall consider the farm's overall management including, agricultural infrastructure, diversified production, soil management, conservation plans, economic significance, future business plans, proximity to other agricultural operations, and geographical location.

9.4 PROTECTION OF WATER SUPPLIES AND QUALITY

Applicant farms will be evaluated in terms of its location in relation to surface water, ground water, and wetland areas. Priority shall be given to land located in watersheds of an existing or planned source of public drinking water. Highest priority will be given to land that directly buffers water sources currently used by public water systems or is located directly over a groundwater aquifer.

9.5 OPEN SPACE, CULTURAL, AND SCENIC FEATURES

The purchase of Development Rights to farmland may also provide opportunities for the preservation of important open spaces, the conservation of cultural features, and the preservation of scenic landscapes. These attributes of a parcel or area may support its selection for inclusion in the program and Commissioners shall award points to applicant farms supporting these values. Applicant farms will be evaluated in terms of physical characteristics, cultural characteristics, and environmental characteristics. These characteristics may include, but are not limited to:

- a) Historical or archaeological districts, buildings, or sites, and associated lands
- b) Scenic views, location on a designated Scenic Roadway, and particularly well kept grounds and structures
- c) Important wildlife and marine life habitat, especially for rare or endangered species
- d) Forest lands
- e) Vegetation type and diversity
- f) Notable geological features

Large areas of permanently protected open space are valuable state resources. Therefore, opportunities to both protect agricultural land and to enhance protected open space areas shall be considered. Commissioners shall assign points for parcels adjoining or nearby to recreation, conservation, or management lands owned by a public or private agency and dedicated to these purposes.

9.6 FLOOD PROTECTION

The Commission recognizes the value of protecting farmland in floodplains and flood prone areas in order to prevent development and thus protect against loss of structural improvements and threats to residents who could otherwise occupy these areas. Therefore, Commissioners shall assign points if the applicant's land is located in an area prone to flooding.

9.7 RELATIVE DEVELOPMENT PRESSURE

In ranking land that is most endangered by development, the Commission shall consider the characteristics of the surrounding community, the characteristics of the land, and the characteristics of the farm owner and farm operation.

9.8 STATE AND LOCAL PLANS

Commissioners shall consider how acquisition of Development Rights to an applicant farm is consistent with, or may further the goals of, the State Guide Plan and the local Community Comprehensive Plan, consistent with the purpose and intent of the Farmland Preservation Act.