

Regulations of Connecticut State Agencies

TITLE 22. Agriculture. Domestic Animals

Agency

Department of Agriculture

Subject

Agricultural Lands Preservation

Inclusive Sections

§§ 22-26gg-1—22-26gg-36

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Sec. 22-26gg-1. Repealed

Repealed August 21, 1991.

Sec. 22-26gg-1a. Definitions (Repealed)

Repealed December 13, 2023.

(Effective August 21, 1991; Repealed December 13, 2023)

Sec. 22-26gg-2. Application (Repealed)

Repealed December 13, 2023.

(Effective September 21, 1979; Repealed December 13, 2023)

Sec. 22-26gg-3. Probability of sale for non-agricultural use (Repealed)

Repealed December 13, 2023.

(Effective September 21, 1979; Repealed December 13, 2023)

Sec. 22-26gg-4. Repealed

Repealed December 5, 1980.

Sec. 22-26gg-4a. Repealed

Repealed March 26, 1984.

Sec. 22-26gg-4b. Repealed

Repealed August 21, 1991.

Sec. 22-26gg-4c. Scoring values (Repealed)

Repealed December 13, 2023.

(Effective August 21, 1991; Repealed December 13, 2023)

Sec. 22-26gg-5. Acquisition cost (Repealed)

Repealed December 13, 2023.

(Effective September 21, 1979; Repealed December 13, 2023)

Sec. 22-26gg-6. Notification (Repealed)

Repealed December 13, 2023.

(Effective September 21, 1979; Repealed December 13, 2023)

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Sec. 22-26gg-7. Filing of acceptance (Repealed)

Repealed December 13, 2023.

(Effective September 21, 1979; Repealed December 13, 2023)

Sec. 22-26gg-8. Application for building (Repealed)

Repealed December 13, 2023.

(Effective September 21, 1979; Repealed December 13, 2023)

Sec. 22-26gg-9. Basic requirements for joint acquisition of development rights to agricultural lands (Repealed)

Repealed December 13, 2023.

(Effective August 21, 1991; Repealed December 13, 2023)

Sec. 22-26gg-10. Application procedure for applying to the department of agriculture for approval of joint acquisition of development rights (Repealed)

Repealed December 13, 2023.

(Effective August 21, 1991; Repealed December 13, 2023)

Sec. 22-26gg-11. Evaluations of applications by the commissioner (Repealed)

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Sec. 22-26gg-12. Schedule of contributions (Repealed)

Repealed December 13, 2023.

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Sec. 22-26gg-13. Appraisals (Repealed)

Repealed December 13, 2023.

(Effective August 21, 1991; Repealed December 13, 2023)

Sec. 22-26gg-14. Agreement for joint purchase (Repealed)

Repealed December 13, 2023.

(Effective August 21, 1991; Repealed December 13, 2023)

Sec. 22-26gg-15. Negotiations with the applicant (Repealed)

Repealed December 13, 2023.

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Sec. 22-26gg-16. Conveyance of development rights (Repealed)

Repealed December 13, 2023.

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Sec. 22-26gg-17. Enforcement of restrictions (Repealed)

Repealed December 13, 2023.

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Sec. 22-26gg-18. Determination of acreage amounts of arable land including prime and important farmland present at the time of purchase of development rights and adjustments due to construction of residences and farm buildings made after the sale of development rights to the state (Repealed)

Repealed December 13, 2023.

(Effective August 21, 1991; Repealed December 13, 2023)

Sec. 22-26gg-19. Owner's responsibility to notify the commissioner of activities affecting restricted land (Repealed)

Repealed December 13, 2023.

(Effective August 21, 1991; Repealed December 13, 2023)

Sec. 22-26gg-20. Definitions.

Any words, terms or phrases used in this section and sections 22-26gg-21 to 22-26gg-35, inclusive, of the Regulations of Connecticut State Agencies have the meanings assigned to them in this section and Chapter 422a of the Connecticut General Statutes.

(1) "Applicant" means the fee simple owner of agricultural land, or a person or entity lawfully empowered to exercise the rights of the fee simple owner that chooses to voluntarily offer to sell the development rights of such agricultural land;

(2) "Community farms preservation program" means the program established pursuant to section 22-26nn of the Connecticut General Statutes for the preservation of farmland;

(3) "Farmland preservation program" means the program established pursuant to section 22-26cc of the Connecticut General Statutes for the acquisition of development rights to agricultural land;

(4) "Farm roads" means unpaved lanes used for access to interior portions of restricted agricultural lands by farm machinery for agricultural planting, maintenance, and harvesting operations;

(5) "Locally important farmland soils" means soils defined and classified by the USDA NRCS as being of local importance for the production of food, feed, fiber, and forage crops;

(6) "NRCS" means the Natural Resources Conservation Service of the USDA;

(7) "Project" means an application by an applicant who voluntarily offers the development rights to certain agricultural land for purchase by the Commissioner of

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Agriculture and project partners, if any, through the farmland preservation program or the community farms preservation program;

(8) “Project partner” means a municipality jointly purchasing development rights to agricultural land, in accordance with section 22-26cc(e) or 22-26nn(f) of the Connecticut General Statutes, or a nonprofit organization jointly acquiring development rights to agricultural land, in accordance with section 22-26cc(g) or 22-26nn(h) of the Connecticut General Statutes;

(9) “Residential driveway” means unpaved or paved access from a public road to a residence located on restricted agricultural lands;

(10) “Statewide important farmland soils” means soils defined and classified by the USDA NRCS as being of statewide importance for the production of food, feed, fiber, and forage crops; and

(11) “USDA” means the United States Department of Agriculture.

(Effective December 13, 2023)

Sec. 22-26gg-21. Application.

Any applicant who wishes to apply under the farmland preservation program, or apply under the community farms preservation program upon determination of ineligibility under the farmland preservation program, to enter into an agreement with the Commissioner and project partners, if applicable, for the purchase of the development rights of the applicant’s agricultural land, shall do so on a form provided by the Department.

(Effective December 13, 2023)

Sec. 22-26gg-22. Procedure for Applicants to Voluntarily Apply to Convey the Development Rights of their Agricultural Land to the Department through the Farmland Preservation Program.

(a) An applicant shall apply to the farmland preservation program on a form provided by the Department, and provide the following information:

- (1) the full legal name(s) of the applicant(s);
 - (2) any property title deed references in municipal land records;
 - (3) copies of municipal tax assessor maps and field cards of the property;
 - (4) the location, the total acreage, and acreage in active cropland of the property;
 - (5) any prime farmland, statewide and locally important farmland soils map of the property;
 - (6) a description of agricultural infrastructure, including buildings, other structures, water and other utilities;
 - (7) any marketing information for selling agricultural products produced on the property;
 - (8) a copy of any conservation plan, current farm business plan, leases, and recent grant awards from the Department, the USDA or other source; and
 - (9) such other information as may be requested by the Commissioner.
- (b) Upon receipt by the Department of a complete, signed application, the Commissioner

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shall initiate an evaluation of whether to purchase the development rights, and whether to do so with one or more eligible project partners, if applicable.

(Effective December 13, 2023)

Sec. 22-26gg-23. Procedure for Applicants to Voluntarily Apply to Convey the Development Rights of their Agricultural Land to the Department through the Community Farms Preservation Program.

(a) An applicant shall apply to the community farms preservation program on a form provided by the Department, and provide the following information:

- (1) the full legal name(s) of the applicant(s);
- (2) any property title deed references in municipal land records;
- (3) copies of municipal tax assessor maps and field cards of the property;
- (4) the location, the total acreage, and acreage in active cropland of the property;
- (5) the amount of cropland of the property available for food or fiber production;
- (6) any prime farmland, statewide and locally important farmland soils map of the property;
- (7) a description of agricultural infrastructure, including buildings, other structures, water and other utilities;
- (8) a copy of any conservation plan, current farm business plan, leases, and recent grant awards; and
- (9) such other information as may be requested by the Commissioner.

(b) Upon receipt by the Department of a complete, signed application, the Commissioner shall initiate an evaluation of whether to purchase the development rights, and whether to do so with one or more eligible project partners, if applicable.

(Effective December 13, 2023)

Sec. 22-26gg-24. Scoring Values for Farmland Preservation Program Projects.

The Commissioner shall use the following scoring values when considering applications for inclusion in the farmland preservation program. A minimum total score of 65 points from subsections (a) to (j), inclusive, of this section is required for any further consideration by the Commissioner.

PROBABILITY OF LAND BEING SOLD FOR NON-AGRICULTURAL PURPOSES (The combined point totals of subsections (a), (b), (c) and (d) of this section shall not exceed 20 points.)

(a) Municipal population change occurring over the previous ten years (maximum of 5 points allowed in this subsection):

none or decrease	0 points
0.01 – 0.99% increase	1 point
1.00 – 1.99% increase	2 points
2.00 – 2.99% increase	3 points

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3.00 – 4.99% increase	4 points
5.00% or greater	5 points

(b) Amount of farmland or open space converted to non-agricultural uses within the municipality over the previous five years (per property sales and changes to land designation under sections 12-107a to 12-107f, inclusive, of the Connecticut General Statutes, from a municipal tax assessor) (maximum of 5 points allowed in this subsection):

none	0 points
0.01 – 49.99 acres	1 point
50 – 99.99 acres	2 points
100 – 149.99 acres	3 points
150 – 199.99 acres	4 points
200 acres or more	5 points

(c) Amount of cumulative road frontage, according to municipal tax assessment, or municipal or regional council of government assessment of potential interior road frontage, based on current zoning (maximum of 5 points allowed in this subsection):

0 – 149.99 feet	0 points
150 – 299.99 feet	1 point
300 – 449.99 feet	2 points
450 – 599.99 feet	3 points
600 – 749.99 feet	4 points
750 feet or more	5 points

(d) Estate planning, farm business planning, existing leases (Only one selection possible. Maximum of 10 points allowed in this subsection):

(1) Offered farmland is being farmed by the owner with an existing farm business plan (10 points)

(2) Existing estate planning or settlement directing assets to the next generation of farmers (10 points)

(3) Owner actively seeking a farmer as a buyer through Connecticut Farmlink, or will be selling to current farm lessee (10 points)

(4) Offered farmland is subject to a written lease held by an agricultural producer for at least five years (7 points)

(5) Offered farmland is subject to a written lease held by an agricultural producer for a duration of one year to four years eleven months (4 points)

CURRENT PRODUCTIVITY AND LIKELIHOOD OF CONTINUED PRODUCTIVITY FOR AGRICULTURE, MITIGATION OF FLOOD HAZARDS
(Maximum of 20 combined points allowed in subsections (e) and (f) of this section.)

(e) Method of marketing the agricultural products produced on the farmland (maximum of 10 points allowed in this subsection):

(1) Regular agricultural cooperative, farm-to-school, or farm-to-institution contract (10

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points)

(2) Offered farmland acreage part of community-supported-agriculture (CSA) operation (10 points)

(3) On-farm store or farm stand sales (10 points)

(4) Consumer “pick-your-own” operation on the offered farmland (10 points)

(5) Agricultural producers sell agricultural products at off-site farmers market(s) (8 points)

(6) Delivery or distribution of agricultural products produced on the offered farmland (8 points)

(f) Active farmland within a five-mile radius and the existence of flood hazard mitigation (maximum of 10 points allowed in this subsection):

Less than 200 acres	0 points
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200 - 299.99 acres	2 points
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300 – 499.99 acres	4 points
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500 – 799.99 acres	6 points
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800 – 999.99 acres	8 points
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1000 acres or more	10 points
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the land consists of floodplain with significant flood storage capacity	5 points
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CONTRIBUTION TO STATE’S AGRICULTURAL PRESERVATION POTENTIAL, AND SOIL CLASSIFICATION (subsections (g) to (i), inclusive, of this section)

(g) Total cropland offered (maximum of 20 points allowed in this subsection):

0 – 4.99 acres	0 points
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5 – 9.99 acres	4 points
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10 – 19.99 acres	8 points
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20 – 29.99 acres	12 points
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30 – 39.99 acres	16 points
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40 acres or more	20 points
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(h) Quantity of farmland offered that is classified as prime farmland or statewide important or locally important farmland soils (maximum of 20 points allowed in this subsection):

less than 10 acres	0 points
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10 – 19.99 acres	4 points
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20 – 29.99 acres	8 points
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30 – 39.99 acres	12 points
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40 – 49.99 acres	16 points
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50 acres or more	20 points
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(i) Percentage of cropland in application that contains prime farmland or statewide important or locally important farmland soils (maximum of 10 points allowed in this subsection):

Less than 20%	0 points
20 – 34.99%	2 points
35 – 49.99%	4 points
50 – 64.99%	6 points
65 – 79.99%	8 points
80% or more	10 points

COST OF ACQUIRING SUCH RIGHTS (subsection (j) of this section)

(j) Cost-share contributions towards the purchase of development rights (maximum of 15 points allowed in this subsection):

(1) The offered farmland meets the criteria for the USDA farmland preservation funding program, or other equivalent federal cost-share program (10 points)

(2) The offered farmland has a project partner providing a cost-share contribution to the project (5 points)

(Effective December 13, 2023)

Sec. 22-26gg-25. Scoring Values for Community Farms Preservation Program Projects.

The Commissioner shall use the following scoring values when considering applications for inclusion in the community farms preservation program established pursuant to section 22-26nn of the Connecticut General Statutes. A minimum total score of 70 points from subsections (a) to (j), inclusive, of this section, is required for further consideration by the Commissioner.

SUITABILITY OF THE LAND FOR AGRICULTURAL USE (Combined point totals of subsections (a) and (b) of this section shall not exceed 25 points)

(a) One point for each acre of land offered that is classified as having prime farmland, or statewide or locally important farmland soils (maximum of 15 points allowed in this subsection).

(b) The offered farmland meets the criteria for USDA farmland preservation funding program, or other equivalent federal cost-share program (10 points).

PROBABILITY THAT THE LAND WILL BE SOLD FOR NON-AGRICULTURAL PURPOSES (Combined point totals of subsections (c), (d), and (e) of this section, shall not exceed 25 points):

(c) Municipal population change occurring over the previous ten years (maximum of 5 points allowed in this subsection):

none or decrease	0 points
0.01 – 0.99% increase	1 point
1.00 – 1.99% increase	2 points

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2.00 – 2.99% increase	3 points
3.00 – 4.99% increase	4 points
5% or greater	5 points

(d) Amount of farmland, forest land, or open space converted to non-agricultural uses within the municipality over the previous five years (per property sales and changes to land designation under sections 12-107a to 12-107f, inclusive, of the Connecticut General Statutes, from a municipal tax assessor) (maximum of 10 points allowed in this subsection):

none	0 points
0.01 – 49.99 acres	2 points
50 – 99.99 acres	4 points
100 – 149.99 acres	6 points
150 – 199.99 acres	8 points
200 acres or more	10 points

(e) Estate planning, farm business planning, existing leases (Only one selection possible. Maximum of 10 points allowed in this subsection):

(1) Offered farmland is being farmed by the owner with an existing farm business plan (10 points)

(2) Existing estate planning or settlement directing assets to the next generation of farmers (10 points)

(3) Owner actively seeking a farmer as a buyer through Connecticut Farmlink, or will be selling to current farm lessee (10 points)

(4) Offered farmland is subject to a written lease held by an agricultural producer for at least five years (7 points)

(5) Offered farmland is subject to a written lease held by an agricultural producer for a duration of one year to four years eleven months (4 points)

THE CURRENT PRODUCTIVITY AND THE LIKELIHOOD OF CONTINUED PRODUCTIVITY OF THE FARMLAND (Combined point totals of subsections (f), (g) and (h) of this section shall not exceed 25 points)

(f) Existing farm infrastructure (Only one selection possible. Maximum of 7 points allowed in this subsection):

(1) Agricultural buildings and structures are functional and need only minor renovations (2 points)

(2) Agricultural buildings and structures are functional and do not need renovations (3 points)

(3) Offered farmland currently supports a core farm which is owned by the applicant and the core farm contains a functional farmhouse, agricultural building and structure (5 points)

(4) Offered farmland currently supports a core farm that is owned by the applicant, the core farm contains functional agricultural buildings and structures, and the core farm is preserved agricultural land with an existing conservation restriction (7 points)

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(g) Amount of cropland in food or fiber production, whether by owner or lessee, as a percentage of the total farmland being preserved (maximum of 8 points allowed in this subsection):

less than 20%	0 points
20 - 39.99%	2 points
40 - 59.99%	4 points
60 - 79.99%	6 points
80 - 100%	8 points

(h) Likelihood of continued productivity of the farmland (maximum of 10 points allowed in this subsection):

(1) Owner abides by a current NRCS soil conservation plan or restoration plan (3 points)
(2) Offered farmland has been in, or is currently part of, the farmland restoration program operated by the Department (4 points)

(3) Offered farmland has been in active agricultural production for at least the prior five years (5 points)

(4) Irrigation water is or will be available on the offered farmland by the time the offered farmland is preserved (5 points)

(i) DEMONSTRATED LEVEL OF COMMUNITY SUPPORT (maximum of 25 points allowed in this subsection):

(1) At least one municipality, land conservation organization or community nonprofit organization agrees to become a project partner and assists with the due diligence process or with acquiring farmland preservation funding contribution toward the acquisition of development rights (16 points)

(2) Regular farm-to-school contract (2 points)

(3) Offered farmland acreage part of community supported agriculture (CSA) operation (4 points)

(4) On-farm store or farm stand sales (2 points)

(5) Consumer “pick-your-own” operation on the offered farmland (2 points)

(6) Sale of agricultural products at Connecticut farmers market(s) (2 points)

(Effective December 13, 2023)

Sec. 22-26gg-26. Evaluations of Applications by the Commissioner. Notification of Project Status. Configuration Agreement.

(a) The Commissioner shall evaluate an application in accordance with the requirements of section 22-26cc(a) of the Connecticut General Statutes, and section 22-26gg-24 of the Regulations of Connecticut State Agencies for the farmland preservation program.

(b) If the Commissioner rejects an application under the farmland preservation program, the Department shall notify the applicant in writing. Such notification shall include the reason for rejection. The Commissioner shall notify any applicable project partner of any project which has been rejected.

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(c) If applicable, and requested by the applicant, the Commissioner shall evaluate an application in accordance with the requirements of section 22-26nn(b) of the Connecticut General Statutes, and section 22-26gg-25 of the Regulations of Connecticut State Agencies for the community farms preservation program.

(d) If the Commissioner rejects an application under the community farms preservation program, the Department shall notify the applicant in writing. Such notification shall include the reason for rejection. The Commissioner shall notify any applicable project partner of any project which has been rejected.

(e) Based on the application, the applicable scoring value evaluation provided for by either section 22-26gg-24 or 22-26gg-25 of the Regulations of Connecticut State Agencies, and in accordance with sections 22-26cc and 22-26nn of the Connecticut General Statutes, the amount of agricultural land designated for further consideration as a project acquisition for the farmland preservation program or the community farms preservation program, shall be negotiated and mutually agreed upon between the Commissioner or the Commissioner's designee, and the applicant through a signed configuration agreement.

(Effective December 13, 2023)

Sec. 22-26gg-27. Evaluations of Projects by the Commissioner.

(a) Once a project has a signed configuration agreement, the Commissioner may request the Office of the Attorney General to assign an outside attorney to prepare and provide to the Commissioner a title report including chain of title, preliminary certificate of title, and list of any existing easements or encumbrances.

(b) Upon receipt and review of a preliminary title report, the Commissioner may acquire one or more appraisals to assess the value of the development rights, or reject the project based on title encumbrances, defects, or other legal or financial considerations.

(Effective December 13, 2023)

Sec. 22-26gg-28. Appraisals of Value of Development Rights. Qualified Appraisers. Determination by Commissioner. Notification.

(a) The value of development rights for project acreage shall be determined by one or more appraisers, which appraisers shall be licensed by the Department of Consumer Protection and selected by the Commissioner. No appraisal shall be performed at the Commissioner's expense unless the appraisal has been previously approved in writing by the Commissioner.

(b) Project partners, at their own expense, may have projects appraised by one or more appraisers. Such appraisals may be submitted to the Commissioner for review and consideration, provided the appraisals are performed consistent with the requirements of subsection (a) of this section.

(c) Applicants, at their own expense, may have their project appraised by one or more appraisers. Such appraisals shall be considered by the Commissioner, provided that the appraisals are performed consistent with the requirements of subsection (a) of this section.

(d) Final determination of the value of development rights for project acreage shall be determined by the Commissioner in accordance with section 22-26cc or 22-26nn of the Connecticut General Statutes, as applicable.

(Effective December 13, 2023)

Sec. 22-26gg-29. Share of State of Connecticut Contributions for Joint Purchase with a Project Partner of Development Rights.

(a) The state may require a contribution for any project with any project partner project. The contribution may include any federal funding, municipally sourced funding, and private contributions.

(b) The Commissioner shall set aside available funds as projects are approved after the value of development rights for such projects have been determined by appraisals acceptable to the Commissioner.

(c) The combined total of all cost-share contributions to a purchase of development rights cannot exceed the value of development rights, as determined by the property appraisal reviewed by the Commissioner.

(d) In no event shall the state pay more per acre of land subject to deeded development rights restrictions than permitted by section 22-26gg of the Connecticut General Statutes.

(Effective December 13, 2023)

Sec. 22-26gg-30. Agreement for the Joint Acquisition of Development Rights with Project Partner.

(a) After the Commissioner's determination of the value of development rights for the project acreage, but prior to offering to purchase the development rights from an applicant, the Commissioner and each project partner, if any, shall enter into a written agreement. Such agreement shall specifically include, at a minimum, the following:

(1) Available USDA or other federal funding contribution for the project, if applicable;
(2) Maximum contribution for joint purchase of development rights to be provided by the state;

(3) Minimum contribution for joint purchase of development rights to be provided by each project partner through municipally sourced funding, and private contributions, as applicable;

(4) The proposed development rights ownership interest of each project partner, as applicable;

(5) The representative of each project partner authorized to negotiate with the Department and the applicant for purchase of development rights;

(6) A procedure for the adjustment of price based on an A-2 survey acreage adjustment; and

(7) The monitoring of the development rights deed restrictions by the Department and each project partner, as applicable.

(b) The agreement shall be signed by the Commissioner and each project partner's

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authorized signatory.

(Effective December 13, 2023)

Sec. 22-26gg-31. Agreement for the Purchase of Development Rights with the Applicant.

(a) If the Commissioner decides to acquire the development rights to certain agricultural lands, the Commissioner and the applicant shall enter into a Purchase of Development Rights Agreement. The Commissioner shall be the chief negotiator for the purchase of development rights for the project.

(b) Only one project partner designated negotiator may be involved in negotiations with the applicant and the Commissioner.

(c) The Purchase of Development Rights Agreement shall be on a form provided by the Commissioner. Such agreement shall include at a minimum:

- (1) identification of all parties;
- (2) a description of the agricultural land acreage for which the development rights will be sold;
- (3) any requirements that shall be met before conveyance of development rights takes place;
- (4) the development rights purchase price per acre, with the final sum to be determined upon completion of a class A-2 survey;
- (5) a condition that the Commissioner may unilaterally reduce the acreage of the agricultural land that is subject to the development rights to exclude any areas of encroachment or contested title;
- (6) a condition that the conveyance of a development rights deed contain provisions as the Commissioner deems necessary to fulfill the purposes of Chapter 422a of the Connecticut General Statutes;
- (7) a condition that the conveyance of a development rights deed contain provisions as the Commissioner deems necessary to fulfill the purposes of the USDA, or any successor federal funding program for farmland preservation, in accordance with sections 22-26cc(j) and 22-26nn(k) of the Connecticut General Statutes; and
- (8) a condition that the conveyance of a development rights deed is subject to any applicable statutory approvals by the State Properties Review Board, and the Office of the Attorney General.

(d) The Purchase of Development Rights Agreement may be withdrawn by the Commissioner any time prior to acceptance by the applicant for any reason without cause.

(e) Notice of the purchase of development rights shall be filed by the Department in the municipal land records where the agricultural land is situated in accordance with sections 22-26cc and 22-26nn of the Connecticut General Statutes.

(Effective December 13, 2023)

Sec. 22-26gg-32. Conveyance of Development Rights.

(a) The Commissioner shall determine the acreage of arable lands and prime farmland, and statewide and locally important farmland soils present at the time of purchase of development rights by the state. Aerial photographs, property surveys, soil surveys, and on-site inspections may be used to determine acreage.

(b) At the time of the conveyance, the applicant shall deliver on a form provided by the state, a warranty deed conveying marketable title in and to the development rights of the property, naming the state, and if applicable, any project partner, as grantees.

(c) Deeds of the purchased development rights on affected land shall be filed by the Department in the land records of each municipality where the land is located and with the Office of the Secretary of the State.

(Effective December 13, 2023)

Sec. 22-26gg-33. Enforcement of Restrictions.

(a) The Commissioner and each project partner shall cooperate in the monitoring of the development rights deed restrictions placed on a project. Development rights restrictions shall be enforced by the Commissioner.

(b) Inspections of development rights deed restrictions placed on a project property for compliance of restrictions shall be performed by the Commissioner in accordance with the associated deed and with sections 22-26ii and 22-26nn(k) of the Connecticut General Statutes. The designated agent of an applicable project partner shall be notified prior to onsite inspections and may accompany the Commissioner during such inspection.

(Effective December 13, 2023)

Sec. 22-26gg-34. Owner's Responsibility to Obtain Permission from the Commissioner for Activities Affecting Restricted Land.

(a) An owner of land subject to development rights acquired by the state pursuant to Chapter 422a of the Connecticut General Statutes shall notify the Commissioner in writing, on a form provided by the Commissioner, with a complete set of site plans and specifications, not less than ninety days prior to the proposed commencement of any of the following activities:

- (1) Special events or re-occurring events;
- (2) Construction of a building, addition to an existing building, structure, road, or other improvement to the land, including a non-commercial on-site energy generation and use system;
- (3) Construction of a residence, residential driveway, or addition to an existing residence for any person directly incidental to the farm operation;
- (4) Land clearing and any other land disturbance, and the temporary stockpiling of prime farmland, or statewide or locally important farmland soils;
- (5) Gravel excavation; or
- (6) Lease of the entirety or any portion of the land subject to development rights. The

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owner shall provide the Commissioner with the terms and duration of the lease, and the contact information of the lessee.

(b) The Commissioner or the commissioner's designee shall evaluate any proposed activity for conformance with any restriction in the deed of conveyance of the development rights, and notify the owner, in writing, if the proposed activity is approved, denied, or if further information is required, no later than forty-five days from receipt of a complete application.

(Effective December 13, 2023)

Sec. 22-26gg-35. Sale of Land Subject to Development Rights. Notification by Owner.

If land subject to development rights acquired by the state pursuant to Chapter 422a of the Connecticut General Statutes is to be sold, the owner shall notify the Commissioner in writing of such impending sale not more than ninety days before transfer of title to the land and shall include the name and address of the prospective buyer.

(Effective December 13, 2023)

Sec. 22-26gg-36. — 22-26gg-40. Reserved.

(Effective December 13, 2023)