

Town of Goshen, Connecticut
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Title 45 - Establishment of an Agricultural Land Preservation Fund

TITLE 45

AN ORDINANCE CONCERNING THE ESTABLISHMENT OF AN AGRICULTURAL
LAND PRESERVATION FUND.

Section 1. Establishment of Fund.

There is hereby established the Goshen Agricultural Land Preservation Fund.

Section 2. Definitions.

The following words shall have the following meaning for purposes of this ordinance:

- (a) "Agricultural Land" means any land in the Town suitable by reference to soil types, existing and past use of such land for agricultural purposes and other relevant factors for the cultivation of plants for production of human food and fiber or production of other useful and valuable plant products and for production of animals, livestock and poultry useful to man and the environment, and land capable of providing economically profitable farm units, and may include adjacent pastures, wooded land, natural drainage areas and other adjacent open areas.
- (b) "Development rights" mean the rights of the fee simple owner of agricultural land to develop, construct on, sell, lease or otherwise improve the agricultural land for uses that result in rendering such land no longer agricultural land, but shall not be construed to include: (1) the uses defined in subsection (q) of Section 1-1 of the Connecticut General Statutes, as amended by Section 1 of the Public Act 83-587, (2) the rights of the fee owner of agricultural land to develop, construct on, sell the property in its entirety, lease or otherwise improve the agricultural land to preserve, maintain, operate or continue such land as agricultural land, including but not limited to, construction thereon of residences for persons directly incidental to farm operation and buildings for animals, roadside stands and farm markets for sale to the consumer of food products and ornamental plants, facilities for the storing of equipment and products or processing thereof or such other improvements, activities and uses thereon as may be directly or incidentally related to the operation of the agricultural enterprise, as long as the acreage and productivity of arable land for crops is not materially decreased and due consideration is given to the impact of any decrease in acreage or productivity of such arable land upon the total farm operation, except that new construction or modification of an existing farm building necessary to the operation of a farm on prime farmland, as defined by the United States Department of Agriculture, of which the Town has purchased development rights shall be limited to not more than five percent of the total of such prime farmland, (3) the rights of the fee owner to provide for the extraction of gravel or like natural elements for purposes directly or incidentally related to the operation of the agricultural enterprise or (4) the existing water and mineral rights, exclusive of gravel, of the fee owner.
- (c) "Conservation Commission" means the Conservation Commission of the Town of Goshen.
- (d) "Fund" means the fund established pursuant to this ordinance.
- (e) "Town" means the Town of Goshen.

Section 3. Source of the Fund.

There shall be deposited in and become part of the fund all monies received by the Town from whatever sources and by whatever means (a) as gifts for agricultural land preservation purposes, (b) as grants or loans for agricultural land preservation purposes, and (c) as appropriations by the Town.

Section 4. Use of the Fund.

Upon recommendation by the Conservation Commission and approved by the Board of Finance, such amounts in the Fund as may be recommended by the Conservation Commission and approved by the Board of Finance may be used for the acquisition in

the name of the Town of Goshen development rights of agricultural land and for any expenditure incurred in the preservation of agricultural land, provided that (1) the development rights have been voluntarily offered for sale to the Town of Goshen by the owner and (2) the land has been designated for preservation purposes as shown on the Farm Land Priority Map of the Goshen Open Space Plan.

Section 5. Joint Acquisition Procedures.

The Conservation Commission shall follow procedures for Joint Acquisition of the Development Rights to Agricultural land by the Town and the State of Connecticut in accordance with the regulations adopted by the Commissioner of Agriculture.

Section 6. Custody and Investment of the Funds.

The Fund shall be in the custody of the Town Treasurer or other officer in charge of funds for the Town. All or part of the Fund may from time to time be invested in any securities in which public funds may be lawfully invested. All income derived from such investments shall be paid into the Fund and become a part thereof. All monies so invested shall at times be subject to withdrawal from such investment for use as provided in Section 4.

Section 7. Annual Reports.

Annually, the Town Treasurer or other officer having custody of the Fund shall submit to the Town Meeting a complete and detailed report of the condition of the Fund, which report shall be made a part of the Annual Town Report.

This ordinance shall take effect fifteen (15) days after its publication in a newspaper having a circulation in the Town.

Adopted: 11-17-1986
Publish: 11-28-1986
Effective: 12-13-1986