

# Virginia Whole Farm Planning: An Educational Program for Farm Startup and Development

## Land Acquisition and Tenure



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## An Educational Program for Farm Startup and Development



## Preface

Welcome to the Beginning Farmer and Rancher Coalition Program's Whole Farm Planning curriculum!

## How to Use This Workbook

This material is organized into five modules that may be used as stand-alone resources to address specific areas of whole farm planning. However, we suggest that the modules may be most beneficial to beginning farmers and ranchers if they are used as a series of educational sessions designed to encourage reflection, goal setting, and steps to organize a new farming enterprise.

## Advice for Beginning Farmers

We encourage you to begin by exploring the Introduction to Whole Farm Planning module. This resource will offer you the opportunity to examine your personal and business goals and priorities. Once you have completed this introductory module, you are welcome to explore the other resources in a sequence that best addresses your questions and ideas for your farming enterprise.

## Advice for Service Providers

Thank you for choosing to use our curriculum in your whole farm planning educational program. As an experienced education service provider, you are encouraged to adapt these resources to best serve the needs of people you work with. The materials are intended to be used as stand-alone pieces or in various combinations of instructional formats, as needed by your program participants.

## Modules

Each module is organized at the introductory to intermediate stage of farming knowledge and experience. At the end of each module, additional resources and Virginia service provider contact information are available to help continue the farm planning process.

- **Module I. Introduction to Whole Farm Planning** – The purpose of the first module is to help beginning farmers and ranchers in Virginia make informed farm planning decisions by introducing them to the whole farm planning process.
- **Module II. Marketing** – The marketing module is designed to help beginning farmers and ranchers develop and implement their goals for market analysis, product establishment, and development of viable marketing channels.
- **Module III. Whole Farm Business Management and Planning** – In this module, you will develop and implement early financial and resource management goals as part of the whole farm plan.
- **Module IV. Land Acquisition and Tenure** – This module will help beginning farmers and ranchers develop and implement farm tenure and transfer goals as part of the whole farm plan. Established farmers who are planning for the transfer of their farm may also find this module useful.
- **Module V. Sustainable Farming Practices** – The last module is designed to help beginning farmers and ranchers develop and hone their skills and knowledge in the fundamental production practices associated with establishing and growing a wide range of plants and animals.

## Why This Curriculum?

### The Beginning Farmer Situation

Emerging trends in U.S. agriculture suggest that in order to enhance our agricultural resource base, we need to establish, sustain, and preserve our farms, farmers, and farmland. A growing number of nongovernmental groups, cooperative extension services, and U.S. Department of Agriculture agencies are working to improve the viability of new farms and the economic, social, and environmental fabric in which they are entrenched (Niewolny and Lillard 2010). These initiatives are responding to the overwhelming concern about the steady decline in the number of individuals entering agricultural careers, coupled with an increase in the number of exiting farmers and ranchers (Ruhf 2001).

The current population of beginning farmers and ranchers is diverse and varies by location across the nation (Ahearn and Newton 2009). On average, beginning farmers operate smaller farms — in size and gross dollars — compared to established farmers (Ahearn, Yee, and Korb 2005). While beginning farmers tend to be younger than established farmers, about a third of beginning farmers are at least 55 years of age or older (Ahearn and Newton 2009). Beginning farmers, along with limited-resource and socially disadvantaged farmers, make up at least 40 percent of all U.S. farms (Nickerson and Hand 2009).

The Bureau of Labor Statistics (U.S. Department of Labor 2009) recently reported a large job decline for farmers and ranchers and projects an 8 percent decrease in the number of farmers and ranchers between 2008 and 2018. The age distribution of today's farmers and ranchers is also a critical issue. According to the "2007 Census of Agriculture" (USDA-NASS 2009a), the average age of a principal farmer is 57 years old. More than 63 percent of all established farms in 2007 were headed by a principal farmer age 55 or older; only 5 percent of all principal farmers were 35 or younger (Ahearn and Newton 2009). The aging population of U.S. farmers and ranchers is expected to increase in the next census while the number of young farmers is likely to decline.

The 2007 Virginia census also illustrates a significant need to establish and retain beginning farmers and ranchers based on the economic structuring of the industry. Agriculture provides \$55 billion in income per year and about 357,000 jobs, making it an important industry for the commonwealth. Of the 47,383 farms in Virginia, 92 percent reported less than \$100,000 in sales, while 8 percent of the total farms accounted for 85 percent of total farm sales (USDA-NASS 2009b).

Virginia is also among the most expensive states for farmland, making it difficult for aspiring agriculturists to purchase suitable acreage. The average farm comprises 171 acres, while 77 percent of the total farms in Virginia operate on fewer than 180 acres (USDA-NASS 2009b).

Little is known about the 13,206 principal farmers in Virginia who have been on their current farms or ranches for nine or fewer years. The majority of all farmers in Virginia are white males, though the number of minority farmers such as women and African Americans is on the rise (USDA-NASS 2009b). Production crops and practices differ regionally and culturally, especially between rural and urban centers. Consumer demand for local and regional food, however, is growing throughout Virginia.

## Background on the USDA Beginning Farmer and Rancher Development Program

Beginning farmer education for adult and young audiences in the United States can be generally traced back to the advent of the 1862 and 1890 Morrill Land Grant acts. But for the first time, the Food, Conservation, and Energy Act of 2008 (the 2008 Farm Bill), appropriated \$75 million for fiscal years 2009 to 2012 to develop and offer education, training, outreach, and mentoring programs to enhance the sustainability of the next generation of farmers.

The reasons for the renewed interest in beginning farmer and rancher programs are:

- The rising average age of U.S. farmers.
- The 8 percent projected decrease in the number of farmers and ranchers between 2008 and 2018.
- The growing recognition that new programs are needed to address the needs of the next generation of beginning farmers and ranchers.

According to the 2008 Farm Bill, a beginning farm is considered one that is operated by one or more operators who have 10 or fewer years of experience operating a farm or ranch. In 2007, approximately 21 percent of family farms met that definition.

Since its inception, BFRDP has funded many projects to train, educate, and provide outreach and technical assistance to beginning farmers on one or more of the following topics:

- Production and management strategies to enhance land stewardship.
- Business management and decision support strategies that enhance financial viability.
- Marketing strategies that enhance competitiveness.
- Legal strategies that assist with farm or land acquisition and transfer.
- Other priority topics to enhance competitiveness and sustainability of beginning farmers and ranchers for the next generation.

## Background on the Virginia Beginning Farmer and Rancher Coalition Program

The Virginia Beginning Farmer and Rancher Coalition Program aims to improve opportunities for beginning farmers and ranchers to establish and sustain viable agricultural operations in Virginia through the development and enhancement of whole farm planning programs, online resources, and farmer mentoring networks.

### Beginning Farmer Audience

This curriculum is aimed at addressing the needs of the spectrum of beginning farmers and ranchers in Virginia. We recognize a diversity of farming experiences, backgrounds, and aims held by Virginia's beginning farmers and ranchers. Many groups find it useful to look at the stages of commitment, decision-making, and skills that farmers pass through as they begin a career in farming. Drawing on the work of Sheils (2004), the following categories provide a helpful guide to understanding this pathway.

**Prospective or explorer farmers** – Individuals interested in starting a farm or ranch. This includes next-generation farm family members as well as those who do not come from a farming background.

**Startup farmers** – Individuals who are in the early stages of their agricultural operation, often within the first one to three years of farming or ranching.

**Re-strategizing farmers** – Farmers who are making changes to their operations after farming for approximately four to seven years. These individuals usually have increased decision-making responsibility and commitment to farming.

**Establishing farmers** – Farmers who are expanding, diversifying, and stabilizing within years eight to 10 of the beginning farmer period.

**Transitioning farmers** – Individuals who are family farm members who have decision-making roles on the farm without having primary farm operator status.

These categories of farmers are a modification of those referred to by the New England Small Farm Institute. For the full reference, see "What Does the Term 'Farmer' Mean?" (Sheils 2004).

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## Module IV. Land Acquisition and Tenure

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## Module IV. Land Acquisition and Tenure

The Land Acquisition and Tenure module is designed to help beginning farmers and ranchers develop and implement farm tenure and transfer goals as part of the whole farm plan. Established farmers who are planning for the transfer of their farm may also find this module useful.

The module includes key concepts and worksheets to help you assess land resources, land-acquisition needs, and land transfer preferences.

Four other modules make up the Virginia Whole Farm Planning curriculum. Together, these modules are designed to assist you in developing your whole farm plan:

- **Module I.** Introduction to Whole Farm Planning
- **Module II.** Marketing
- **Module III.** Whole Farm Business Management and Planning
- **Module IV.** Land Acquisition and Tenure
- **Module V.** Sustainable Farming Practices

Each module is organized at the introductory to intermediate stage of farming knowledge and experience. At the end of each module, additional resources and Virginia service provider contact information are available to help continue the farm-planning process.

### VIRGINIA Beginning Farmer & Rancher COALITION PROGRAM

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[www.vabeginningfarmer.org](http://www.vabeginningfarmer.org)



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## Teaching and Learning Tools

# Module IV. Land Acquisition and Tenure

## Introduction

The Land Acquisitions and Tenure module is designed to help beginning farmers and ranchers develop and implement their farmland tenure and transfer goals as part of the whole farm plan. Established farmers who are planning for the transfer of their farm may also find this module useful.

The module includes concepts, worksheets, and examples to help you assess your resources and preferences for successful start-up planning.

## Participants who complete this module will understand:

- The meaning of land tenure.
- Different options for farmland ownership.
- Alternative options to land ownership.
- The basics of the farmland transfer and succession process.
- Resources available to them for continued whole farm planning.

## Additional Resources

This module is supported by two publically available resources that bring together and strengthen opportunities for Virginia farmers to gain access to land and to stay on it for the long-term. Full references of these resources are listed at the end of the module.

- “Agricultural Land Tenure: A Curriculum for Beginning Farmers and Farm Seekers” (Kohanowich et al. 2011). Curriculum focuses on farmland tenure, succession, and stewardship. This curriculum was developed as part of the FarmLASTS (Farm Land Access, Succession, Tenure, and Stewardship) Project housed at the University of Vermont. The FarmLASTS Project (2007-10) is a national research, education, and extension project funded by the U.S. Department of Agriculture (USDA) National Research Initiative. For more information and resources, visit [www.uvm.edu/farmlasts](http://www.uvm.edu/farmlasts).
- “Planning the Future of Your Farm: A Workbook Supporting Farm Transfer Decisions,” Virginia Edition (Branan 2012). Created and developed by Robert Andrew Branan, an attorney in Hillsborough, N.C., this workbook is set up in four sections, each with narratives supported by worksheets. The workbook is designed to assist new and established farmers with planning for the transfer of their land and business to the next generation of owners and operators. You can find it by visiting Virginia Cooperative Extension at: [http://pubs.ext.vt.edu/446/446-610/446-610\\_pdf.pdf](http://pubs.ext.vt.edu/446/446-610/446-610_pdf.pdf).

We have also listed additional resources you may consider using in the module as supportive material. They are not required to complete the module, but they are helpful if you require further reading and assessment. These resources are referenced where appropriate and fully listed in the References section.

## Portfolio Pieces Developed in This Module

- Farmland acquisition goals.
- Action plan for acquisition.
- Farmland transfer goals (if applicable).
- Action plan for farmland transfer (if applicable).

## Land Acquisition and Tenure: An Introduction

### Whole Farm Plan Revisited: Assess Where You Are Now

Consider this question in relation to both the scale at which you plan to operate initially and to your long-term plans:

#### **Are your current farmland resources adequate for your planned farm enterprise(s)?**

As you clarify where you are and begin to develop a vision for your farm's future, it is never too early to begin thinking about farm transfer planning. This process involves planning for a strategy to transition farm assets and farm business management control from the owner (you) to others in a way that seeks to minimize family conflict, uncertainty, and negative financial implications.

Reflecting on your responses, does your previous assessment of your land resources, land-acquisition needs, and land-transfer preferences still accurately represent your whole farm plan?

### Assess Where You Want to Be

If you anticipate needing additional land, how much are you looking for and how do you envision acquiring it? Think about where you want to be to facilitate decision-making. You do not have to know the complete answer. No one can accurately predict the future. However, gathering information about what you may want and what your family wants for your farm and your lives is important at this stage of the process.

## Teaching and Learning Tools

## Teaching and Learning Tools

**Note:** Participants may have completed one or more of the other modules. Previous discussions and planning may result in changes to their original whole farm planning goals and action plans.

### 1.1 Defining Farmland Tenure

#### **Resource**

**Read:** “Agricultural Land Tenure: A Curriculum for Beginning Farmers and Farm Seekers,” pages 1-3, The FarmLASTS Project (Kohanowich et al. 2011).

## What Do You Need to Get There?

There are many issues surrounding land tenure or access and the transfer of a farm to the next generation. This module is designed to help you take those first steps toward developing and implementing your farm tenure and transfer goals as part of your whole farm plan.

Questions this module will help you answer include:

- How do you acquire good farmland? What are your options?
- If transferring farmland is a goal, how will you be able to accomplish it?
- Are there federal, state, or local taxes or other expenses related to land acquisition, ownership, and transfer that should concern you?
- What kinds of professionals should you consider to help you purchase, lease, and transfer farmland (and the farm business)?

## Unit 1. Farmland Tenure and Acquisition: Know the Facts!

### 1.1 Defining Farmland Tenure

There are many reasons why you will want to develop a land-tenure vision and goal for your new farm. Essentially, it is important to plan for land-tenure options so you can effectively and affordably acquire and keep land in production. This first unit is designed to help you better understand the challenges and opportunities of farmland tenure from the perspective of land ownership and transfer. We will expand on that in the following units by exploring issues of farmland ownership, tenure, and transitioning.

Land tenure is an important idea for any farmer to understand. Our first step is to define the meaning of land tenure. As a starting point, we suggest referring to the definition provided in the Agricultural Land Tenure resource produced by the FarmLASTS Project (Kohanowich et al. 2011, 2): “In simple terms, land tenure systems determine who can use what resources for how long, and under what conditions. Land tenure relationships may be well-defined and enforceable in a formal court of law or through customary structures in a community.” In other words, tenure emphasizes the means to gain legal control of and decision-making for the land and its resources. We discuss ownership and alternatives to ownership (e.g., leases) as two ways to acquire land tenure in Virginia.

There are other definitions to use, some of which go in more depth and detail. The FarmLASTS resource refers to other sources. For example, the Food and Agriculture Organization of the United Nations (FAO) provides a detailed explanation. You can access that information through the FarmLASTS resource.

## 1.2 Making Sense of Farmland Tenure

Now that you have a basic understanding of land tenure, it is important to be familiar with the context in which land tenure and farmland policy functions. The history of farmland tenure helps us put the challenges and opportunities of acquiring farmland in the U.S. into better perspective. That helps you more easily navigate through the process of gaining access to farmland.

- Refer to “Agricultural Land Tenure” (Kohanowich et al. 2011), produced by the FarmLASTS Project, for a brief but detailed explanation of some key history lessons and current trends impacting farmers. The discussion of existing farmland prices across the U.S. is a must read!
- Refer to the section History of U.S. Agricultural Land Tenure.
- Refer to the section Current Trends.

## 1.3 Case Studies

The best way to learn about farmland tenure is to hear the stories of beginning farmers who have found, purchased, and even leased farmland to start their new farm enterprise. You will find several land-tenure-based case studies available in the FarmLASTS curriculum. These stories come from farming situations across the country. We encourage you to review these examples to become familiar with nuances of gaining access to and the succession of farmland.

Additionally, as stated in Introduction to Whole Farm Planning (Module I), several beginning farmers and ranchers in Virginia have shared their stories so that you can learn from their experiences. These examples cover a range of themes that are relevant to the whole farm planning process, including gaining access to and transferring farmland. You can read a copy of the Virginia Beginning Farmer Profiles from the Virginia Beginning Farmer and Rancher Coalition Program, or you may visit the Virginia Beginning Farmer and Rancher Coalition YouTube Channel for video access. See Module I for more information.

## 1.4 How to Locate and Finance Farmland

There are several options to locate and finance suitable farmland. Remember: It has been said that no one has ever farmed alone. Knowing your resources and gaining community support are vital to your success. Below are specific resource agencies that can assist you with locating and financing farmland in Virginia.

**Virginia Farm Link Program, Office of Farmland Preservation, Virginia Department of Agriculture and Consumer Services (Virginia Department of Agricultural and Consumer Services)**

## Teaching and Learning Tools

### 1.3 Case Studies

#### *Resource*

**Read:** “Agricultural Land Tenure,” pages 73-86, The FarmLASTS Project (Kohanowich et al. 2011).

**Read:** Virginia Beginning Farmer Profiles from the Virginia Beginning Farmer and Rancher Coalition Program; see Module I.

**View:** Virginia Beginning Farmer & Rancher Coalition YouTube channel – [www.youtube.com/user/VABeginningFarmers](http://www.youtube.com/user/VABeginningFarmers).

### 1.4 How to Locate and Finance Farmland

#### *Internet Resources*

**View:** Farm Link Program and Office of Farmland Preservation through VDACS – [www.vdacs.virginia.gov/preservation/index.shtml](http://www.vdacs.virginia.gov/preservation/index.shtml).

## Teaching and Learning Tools

**View:** Farm Credit of the Virginias – [www.farmcreditofvirginias.com/about-us.html](http://www.farmcreditofvirginias.com/about-us.html).

**View:** Colonial Farm Credit – [www.colonialfarmcredit.com/ybs-farmers.html](http://www.colonialfarmcredit.com/ybs-farmers.html).

**View:** Farm Service Agency, Virginia – [www.fsa.usda.gov/FSA/stateoffapp?mystate=va&area=home&subject=landing&topic=landing](http://www.fsa.usda.gov/FSA/stateoffapp?mystate=va&area=home&subject=landing&topic=landing).

**View:** First Bank & Trust Company – [www.firstbank.com/#/first-bank-agcredit](http://www.firstbank.com/#/first-bank-agcredit).

## Additional Resources

**Read:** “Your Guide to FSA Farm Loans,” USDA Farm Service Agency (USDA 2012) – [www.fsa.usda.gov/Internet/FSA\\_File/fsa\\_br\\_01\\_web\\_booklet.pdf](http://www.fsa.usda.gov/Internet/FSA_File/fsa_br_01_web_booklet.pdf).

**Read:** “Strategies for Financing Beginning Farmers,” Center for Rural Affairs (2009) – [www.cfra.org/files/BeginningFarmer\\_%20Financing\\_Strategies\\_0.pdf](http://www.cfra.org/files/BeginningFarmer_%20Financing_Strategies_0.pdf).

The Virginia Farm Link program is designed to help:

- Farmers and landowners who are facing retirement and want to see their businesses continue and their land stay in production.
- Beginning and aspiring farmers who are in search of business arrangements through which they can acquire land, equipment, experience, and access to the knowledge of seasoned producers.

## Farm Credit of the Virginias and Colonial Farm Credit

Farm Credit of the Virginias and Colonial Farm Credit are part of the nationwide Farm Credit System, a financial cooperative owned by its member-borrowers since the early 1900s. Together, these Farm Credit System lenders service more than 100 counties in Virginia, West Virginia, and Maryland. Their primary function is to provide loans, including:

- Long-term farm and country home loans; intermediate-term loans for buildings, machinery, and other equipment; intermediate-term loans for land, construction, livestock, and improvements; short-term production loans for both full-time and part-time farmers; loans for ag-related businesses; wood industry loans for operating capital, timberland acquisition, standing timber.

## Farm Service Agency – Virginia (USDA)

The Farm Service Agency is a federal government agency that provides supervised credit to farmers (USDA 2012). To qualify, farmers are required to be creditworthy, demonstrate repayment ability for the proposed loan, and be unable to qualify for commercial credit. FSA serves farmers, ranchers, and agricultural partners through the delivery of effective, efficient agricultural programs, including:

- Farm loan programs.
- Conservation programs.
- Financial management information.

## Regional Lending Institutions With Agricultural Services

For example, the First Bank & Trust Company is a commercial lender that operates in Virginia, North Carolina, and Tennessee. Since 1979, it has served the agricultural industry in this region through its First Bank AgCredit Services. These services include farm loans for a variety of agricultural enterprises. First Bank is an “other financing institution” (OFI) through the Farm Credit System.

### Local Sources of Financing and Credit

There are local banks that make timber, farm real estate, and operating loans that beginning farmers should look into. These might be considered “traditional” credit options that reside in local, rural communities. In plain terms, beginning farmers should not rule out these options as possibilities for financing and credit.



### Teaching and Learning Tools

## Teaching and Learning Tools

### 2.1. Building Blocks of Farmland Ownership

#### *Resource*

**Read:** “Agricultural Land Tenure,” pages 13-20, the FarmLASTS Project (Kohanowich et al. 2011).

## Unit 2. Why Buy Land? Path to Farmland Ownership

For many farmers, land ownership is a core value and goal. Others feel differently about property ownership and prefer not to own land at first or ever. As you learned in the first unit, tenure is based on an articulation of rights and responsibilities (i.e., legal control of land and land resources). For a landowner, land-use laws, such as zoning, largely determine rights and responsibilities. For a tenant, these rights and responsibilities are spelled out in lease agreements. According to the FarmLASTS Project (Kohanowich et al. 2011), these lease agreements can be informal, annual, and verbal in nature. They can also be formal, written documents that are active for many years with rights to build personal equity, pass on the lease to heirs, and mortgage.

For beginning farmers, we stress the importance of using a formal, written lease process to ensure a successful business relationship between you and the landowner. Lease agreements are a viable option to acquire land tenure, which we discuss in the next unit.

Next, the unit discusses how you can gain access to land through legal ownership. To complete this unit, you will need to follow readings and worksheets from the FarmLASTS Project curriculum.

### 2.1 Building Blocks of Farmland Ownership

This and the following section include key points you need to understand about obtaining farmland through ownership options. Drawing from the FarmLASTS Project (Kohanowich et al. 2011), we first emphasize the building blocks for moving toward “classic” ownership. These points help clarify the stark realities of land ownership by focusing your attention on capital, credit, financing options, and department management. You will read about these land-tenure basics and their supportive resources in pages 13-20.

#### Rights and Responsibilities of Tenure Through Ownership

- Access
- Affordability
- Security
- Use

### 2.2 Classic Acquisition (Ownership) Options

Starting on page 14 in “Agricultural Land Tenure” (Kohanowich et al. 2011), you will find specific ideas and resources that you should be familiar with when considering purchasing and owning farmland. On page 16, you will see a short discussion on non-ownership options, such as tenant or leasing models. This is important to put into context with the ownership

discussion. However, alternatives to ownership will be discussed in more depth in the next unit.

Ownership components you will become familiar with include:

- Fee title purchase with conventional financing.
- Fee title purchase with government financing.
- Farm credit.
- Aggie Bond Programs.
- Land contract or installment sale.
- Purchase money mortgage.
- Inheritance.
- Gift.
- Work-in scenario.
- Purchase of land with an agricultural conservation restriction.
- Fee title purchase and sale of conservation restriction (easement).

## Teaching and Learning Tools

### 2.2

#### Classic Acquisition (Ownership) Options

#### Resource

**Read:** “Agricultural Land Tenure, pages 13-20, Classic Tenure: Ownership and Tenancy Options, the FarmLASTS Project (Kohanowich et al. 2011).

**Optional:** Discussion questions and activities (pages 13-20).



## Teaching and Learning Tools

### Unit 3 Alternatives to Land Ownership

#### Resource

**Read:** "Agricultural Land Tenure," pages 21-28, the FarmLASTS Project (Kohanowich et al. 2011).

### 3.1 Farmers and Landowners Coming Together Using Alternative Models

#### Resources

**Read:** "Agricultural Land Tenure," pages 21-28, Non-traditional Tenure Approaches and Partners, the FarmLASTS Project (Kohanowich et al. 2011).

**Optional:** Discussion questions and activities (pages 21-28).

## Unit 3. Alternatives to Land Ownership

Again referring to the FarmLASTS curriculum (Kohanowich et al. 2011), this unit provides you with more decision-making tools for considering alternatives to land ownership. Land ownership offers secure access and freedom of choice in land use, but it may not be affordable or effective for everyone. Leasing farmland is an alternative that involves a legally binding business agreement between the landlord and tenant. The benefits are that it provides the basis for combining the two parties' land, labor, capital, and management skills resources in the farming enterprise.

Questions to consider include:

- What alternatives are there to farmland ownership?
- Who is involved in these arrangements?
- What kinds of leasing arrangements or models exist?
- Are landlord-tenant relationships feasible for you?

### 3.1 Farmers and Landowners Coming Together Using Alternative Models

Referring to "Agricultural Land Tenure," the FarmLASTS Project curriculum (Kohanowich et al. 2011), we will cover several topics in this unit that help clarify what options are possible if you are not interested or able to own your own farmland. Worksheets and discussion questions are embedded. Important topics you will cover include:

- Reasons for alternative models to ownership.
- New landlords and new partners.
- Alternative farmland acquisition models include:
  - Lease from public entity.
  - A community land trust.
  - Shared equity arrangements.
  - "No-cost" lease or barter agreements.
  - Incubator farms.
  - Transfer of farming rights.
  - Other private organizations.
  - Sharemilking.

## 3.2 Finding the Best Arrangement for You

As you consider your plan for farmland tenure, the next piece of the module focuses on strategies for assessment that will help you reach your goals. At the end of this module, you should have a clear statement of your goals and values to make the best farm-tenure decisions. Drawing from the FarmLASTS Project resource (Kohanowich et al. 2011), here are a few suggestions to think about as you consider certain arrangements and agreements:

- Ask questions.
- Be flexible on your role.
- Stay informed of market conditions.
- Schedule annual meetings with the landowner.
- Weigh new offers rationally.

As a beginning farmer, you should ask a lot of questions about your arrangement options because the end goal for you is to have a combination of flexibility, affordability, and stability. Clear, written agreements are essential. In addition, you may want to have a close relationship with individuals you are working with so there will not be misunderstandings regarding the property. Use the worksheet on page 62 in “Agricultural Land Tenure,” the FarmLASTS Project resource (Kohanowich et al. 2011) to assist you in your decisions now and in the future as your enterprise grows.

If you require additional support or simply have more questions, we recommended the following resource: “Planning the Future of Your Farm: A Workbook Supporting Farm Transfer Decisions” (Branan 2012). Here you will find a more in-depth discussion of tenure arrangements and issues that are applicable to both farmland seekers and beginning farmers in Virginia. While the information concentrates on the farmland transfer process (which will be discussed in the next unit), the following sections of the workbook are also useful to begin your tenure planning as part of your whole farm plan

- Basic estate planning documents: wills, trusts, and gifting.
- About the federal estate tax: a 2012 (and 2013) update.
- Entity choice for agricultural, forestry, and horticultural ventures.
- What is a buy-sell agreement?
- Developing a lease for the farm.
- About conservation easements.

## Teaching and Learning Tools

### 3.2 Finding the Best Arrangement for You

#### Resource

**Complete:** Tenure Options: A ‘Decision Tree’ for Farmers, page 62 in “Agricultural Land Tenure,” the FarmLASTS Project (Kohanowich et al. 2011).

#### Additional Resource

**Read:** “Planning the Future of Your Farm: A Workbook Supporting Farm Transfer Decisions,” pages 51-81 (Branan 2011).

## Teaching and Learning Tools

### Unit 4 Farmland Transfer and Succession

#### *Additional Resource*

“Planning the Future of Your Farm” (Branan 2012).

#### 4.1 Farm-Transfer and Tenure Arrangements

##### *Resource*

**Read:** Developing Your Vision for the Future, pages 7-13, in “Planning the Future of Your Farm” (Branan 2012).

## Unit 4: Farmland Transfer and Succession

Unit 4 comes from the resource, “Planning the Future of Your Farm” (Branan 2012). With support from Virginia Cooperative Extension, this resource was created and developed by Robert Andrew Branan, an attorney in Hillsborough, N.C., who focuses his law practice on agriculture and farming. The workbook is designed to assist farm and farm business owners with planning for the transfer of their enterprise (both the business and the land) to the next generation of owners and operators.

This unit provides you — as beginners — with the background information to plan for your arrangements and transitions and to communicate effectively with other parties in a farmland transfer or succession situation. Branan (2012, 9) defines farm transfer planning as “a process of decision-making that protects your land’s agricultural and forest production while also preserving relationships and enhancing community development.” We all know that most things in life require us to work through a learning process, gather information, and make sound decisions. Good farmland transfer planning is no different. You and your family can make the best choices now if you plan for the future. You should consider the following questions as you begin this process:

- Who will own the farm business and the land when it is time to retire? Who will make this decision?
- Will the farm business be continued?
- Who will make management decisions and when?
- If you own family land as farm or forest, does your family wish to keep it? Will they be able to?
- Will your spouse be able to live comfortably on what you leave behind?
- Will estate taxes consume your family’s wealth?
- Are there other federal, state, or local taxes or other expenses that should concern you?

### 4.1 Farm Transfer and Tenure Arrangements: Starting Point

When starting farm transfer and tenure arrangements, you should consider your whole farm planning goals. Your transfer goals should include concern for your business relationships, family ties, and community needs. This will make your transfer process and related financial agreements a success. Refer to “Planning the Future of Your Farm” (Branan 2012) for an overview of farm transfer and tenure arrangements such as:

- The transfer process.
- Transferring management.
- Transferring ownership.

## 4.2 Assessing Farm Transfer Challenges and Opportunities

Branan (2012) stresses the importance of understanding how unexpected events create both challenges and opportunities in the farm transfer planning process. Such circumstances impact the ability to achieve successful land transfer goals. Some effort now to foresee potential challenges and opportunities can contribute to the long-term success of your farm transfer plan.

Learning how to manage risk is our starting point for addressing challenges and capitalizing on moments of productivity. Legal agreements are tools to address risk. Professional advisers can help you identify those risks. It is important to develop a risk management plan as part of the tenure and farm transfer planning process. According to Branan (2012), evaluating risks associated with the conduct of the farm business is the first step in developing a plan to address and/or reduce those risks. The Quick Risk Assessment worksheet (Worksheet 1.1; Branan 2012) is a good way to identify some challenges your proposed farm and farmland arrangement could face.

There are many other barriers you might run across as you plan for the next-generation land- and business-ownership agreement, communication, and interpersonal relationships — to name just a few. There are also tools and strategies to help you develop successful goals and overcome possible roadblocks. As an additional, more in-depth resource, we recommend section 1 in the “Planning the Future of Your Farm” (Branan 2012) workbook. It covers the following topics:

- Improving farm family communication.
- When family business transition makes no sense.
- Developing goals and meeting objectives.

## 4.3 Assessing Your Resources for Succession Planning

In this section, we refer to the transfer or succession process from a broader perspective to help you make action plans and first-step arrangements between related or unrelated parties. While there are differences between intergenerational farm transfers and transfers made between unrelated parties, a good understanding of your resources will help you meet the needs of the farming enterprise you seek to launch.

This next step for beginners is simply designed to help you understand your resources and needs related to the transfer planning process. This lays the foundation for creating a successful whole farm plan by including a practical tenure and transfer component. Keep in mind that the following

### Teaching and Learning Tools

#### 4.2

#### Assessing Farm Transfer Challenges and Opportunities

##### Resources

**Read:** Quick Risk Assessment: The 5 D’s, pages 14-17, in “Planning the Future of Your Farm” (Branan 2012).

**Complete:** Worksheet 1.1, page 17, in “Planning the Future of Your Farm” (Branan 2012).

##### Additional Resources

**Read:** Developing Your Vision for the Future, pages 18-31, in “Planning the Future of Your Farm” (Branan 2012).

**Complete:** Worksheets 1.2 through 1.9, pages 22-31, in “Planning the Future of Your Farm” (Branan 2012).

#### 4.3

#### Assessing Your Resources for Succession Planning

##### Resources

**Read:** Evaluating Your Farm Resources, pages 33-50, in “Planning the Future of Your Farm” (Branan 2012).

**Complete:** Worksheet 2.1, pages 37-50, in “Planning the Future of Your Farm” (Branan 2012).

## Teaching and Learning Tools

### 4.4 Professional Advisors

#### Resource

**Read:** Meeting with Professional Advisers, pages 88-96, in “Planning the Future of Your Farm” (Branan 2012).

#### Additional Resources

**View:** Office of Farmland Preservation website, Virginia Department of Agriculture and Consumer Services – [www.vdacs.virginia.gov/preservation/resources.shtml](http://www.vdacs.virginia.gov/preservation/resources.shtml).

**View:** Ag Risk & Farm Management Library website – [www.agrisk.umn.edu/Library/Topics.aspx?LIB=AR&ID=47000](http://www.agrisk.umn.edu/Library/Topics.aspx?LIB=AR&ID=47000).

**View:** Ag Transitions website, Center for Farm Financial Management – [www.cffm.umn.edu/products/AgTransitions.aspx](http://www.cffm.umn.edu/products/AgTransitions.aspx).

topics may be more or less useful to you based on your current situation; however, we suggest completing as much as you can, knowing that you may revisit this in years to come.

- Evaluating Your Farm and Community Resources
- How Do You Own Your Property?

### 4.4 Professional Advisors

This last section is perhaps the most important component you will need in order to take the next step. Gaining access to farmland or transferring it to the next generation, is a complex process. The first few units gave you a look at the issues, challenges, and steps to making plans. These plans, which are often legal arrangements, require a team of professionals to help you be successful. Branan (2012, 89) says it best: “Though your family will accomplish a lot of work on your own, ultimately you will need professionals to advise you on financial matters and legal issues related to the future you want, not to mention drafting documents to get you there.”

Being organized and making rational decisions is necessary. The professional team you put together will help you maintain that organization and balanced judgment you need. The “Planning the Future of Your Farm” workbook (Branan 2012) discusses in depth several types of professionals you should consider as part of your team:

- Attorneys.
- Life insurance agents.
- Accountants or tax advisers.
- Trust officers.
- Financial planners.
- Forestry professionals.
- Mediators.

There are other professional resources available to you that can be accessed through the Internet. The Office of Farmland Preservation through the Virginia Department of Agriculture and Consumer Services provides several resources. Another resource is the Ag Risk and Farm Management Library, housed in the Center for Farm Financial Management (CFFM) at the University of Minnesota. This library includes thousands of materials to help farmers and service providers quickly find information on risk management, marketing, financial management, agricultural transitions, and more. For example, the CFFM “AgTransitions” resource is specifically available to help farmers and ranchers plan to

transition their ag-based business to the next generation. See the sidebar and the Resources section for these and more resources.

### **Taking Action: Next Step(s) in Your Planning Process**

Now it is time to pull together your responses and worksheets to continue developing your goals and action plans with as much detail as you can.

Questions you may need to ask include:

- What technical skills or resources do I need to acquire?
- How will I obtain suitable farmland to start or expand my enterprise?
- How can I acquire the necessary financial resources?
- Who are my service providers and how can they assist me?

As part of your whole farm plan, you should now be able to draft your own:

- Farmland acquisition goals.
- Action plan for acquisition.
- Farmland transfer goals (if applicable).
- Action plan for farmland transfer (if applicable).

After you draft these statements, you have taken yet another step toward assembling the whole farm plan. These statements can be simply drafted in a Word document and inserted into the whole farm plan. Or you can use the worksheets from this module as your statement where it makes the most sense. Regardless of how you draft it, it is important that you and your farming partners or management team decide together on the goals and actions needed to reach those goals.

### **Teaching and Learning Tools**

## Teaching and Learning Tools

### Next Steps: Whole Farm Planning Modules

The remainder of the modules will guide you in further exploration through farm start-up content that is oriented toward beginning farmers in Virginia. The whole farm planning curriculum is organized into five modules. You just completed the Land Acquisition and Tenure module. This module was intended to set the stage for you as a beginning farmer who is ready to take the next steps through the planning process as you specifically consider farmland decisions.

Four other modules are included in this curriculum, which will guide you in developing the whole farm plan by focusing on the following themes:

- Module I. Introduction to Whole Farm Planning
- Module II. Marketing
- Module III. Whole Farm Business Management and Planning
- Module V. Sustainable Farming Practices

These modules are designed with the beginning farmer as the primary learner. Topics and activities within each of the modules are purposefully organized at the introductory to intermediate stage of farming knowledge and experience. At the end of each module, you will find additional resources and Virginia service provider contact information so you can continue improving on your planning process.



## Worksheets

### Unit 3

The worksheet can be found in “Agricultural Land Tenure: A Curriculum for Beginning Farmers and Farm Seekers” (Kohanowich et al. 2011).

- Tenure Options: A ‘Decision Tree’ for Farmers (page 62)

### Unit 4

The worksheets can be found in “Planning the Future of Your Farm” (Branan 2012).

- Worksheet 1.1 Quick Risk Assessment: The 5 D's
- Worksheet 1.2 Planning the Family Meeting
- Worksheet 1.3 Rating Family Values
- Worksheet 1.4 Rating Your Comfort Level
- Worksheet 1.5 Sketching Your Lifestyle Plan
- Worksheet 1.6 Estimating Income and Expenses
- Worksheet 1.7 Setting Goals and Objectives
- Worksheet 1.8 Reconciling Priorities
- Worksheet 1.9 Goals, Objectives, Action
- Worksheet 2.1 Evaluating Farm Resources

## Glossary\*

**Acquisition** – Acquiring ownership rights to a piece of land or equipment or a business.

**Agricultural conservation easement** – A voluntary agreement that restricts land to agricultural uses.

**Agricultural enterprises** – Economic activities including traditional cropping and livestock raising to generate income and employ labor.

**Asset** – Something of value that is owned, such as property, money, or goodwill.

**Capital** – One of the three factors of production along with land and labor; the net worth of a business or household; fund or sum of money that one is willing to or already has actually invested.

**Easement** – An implied or expressed agreement (written or oral) creating a right, privilege, or interest by one party in another party's parcel of land.

**Estate** – The whole of one's possessions, especially all the property and debts.

**Farmland Protection Program** – A program that uses public monies or public authority to prevent the development of farmland for nonagricultural purposes.

**Landowner** – An owner of land and its appurtenances.

**Lawyer** – A person licensed to practice law in a particular state.

**Lease** – A contract, written or oral, for the possession of property in return for payment of consideration, such as money.

**Lessee** – The person who leases property from the owner of the property.

**Liability** – An obligation owed by an individual firm or organization to pay an amount of money for a good or service received.

**Market value** – The highest price a willing buyer would pay, and the lowest price a willing seller would accept.

**Mediation** – A process whereby a third party assists two contending parties in voluntarily settling their dispute(s).

**Property** – The right or interest an individual has in lands and belongings to the exclusion of others, such as land and the improvements on it.

**Proprietorship** – Ownership of a business.

**Tax credit** – A dollar-for-dollar reduction in the income tax payment required of a person.

**Tenure** – Commonly based on an articulation of rights and responsibilities (i.e., legal control of land and land resources). Land-tenure relationships may be defined and enforceable in a formal court of law or through customary structures in a community.

**Trusts** – Funds designated for a specific purpose and not to be used for any other purpose.

**Venture** – Undertaking of a business enterprise.

\* Definitions were adapted or directly pulled from "Planning the Future of Your Farm: A Workbook on Farm Transfer Decisions" (Branan 2012).

## Resources

### Resource Contacts

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## Additional Resources

### **Farm Tenure, Transfers, and Succession**

*Farmland Transfer and Protection in New England: A Guide for Entering and Exiting Farmers*, by K. Ruhf, 1999. New England Small Farm Institute. NESFI bookstore: [www.smallfarm.org/main/bookstore/publications/](http://www.smallfarm.org/main/bookstore/publications/).

*Farm Transfers in Wisconsin: A Guide for Farmers*, 5th ed., 2003. Division of Agricultural Development. Wisconsin Department of Agriculture, Trade and Consumer Protection. [http://datcp.wi.gov/uploads/Farms/pdf/transfer\\_guide.pdf](http://datcp.wi.gov/uploads/Farms/pdf/transfer_guide.pdf).

*Holding Ground: A Guide to Northeast Farmland Tenure and Stewardship*, by K. Ruhf, A. Higby, and A. Woloschuk, 2004. New England Small Farm Institute. [www.smallfarm.org/main/bookstore/publications/](http://www.smallfarm.org/main/bookstore/publications/).

*Land Tenure and Rural Development*, 2002. FAO (Food and Agriculture Organization of the United Nations) Land Tenure Service, FAO Corporate Document Repository. ISBN 92-5-104846-0. <ftp://ftp.fao.org/docrep/fao/005/y4307e/y4307e00.pdf>.

*Planning the Future of Your Farm: A Workbook Supporting Farm Transfer Decisions*, 2nd ed., 2009. North Carolina Farm Transition Network Inc. [www.vdacs.virginia.gov/preservation/pdf/ncworkbook.pdf](http://www.vdacs.virginia.gov/preservation/pdf/ncworkbook.pdf).

*Planning Today for Tomorrow's Farms: A Workbook for Tennessee Farm Families*, by M. Wilcox, J. H. Starnes, L. Howard, A. Rhea, C. Clark, A. Galloway, D. Wise, and C. Sneed, 2009. University of Tennessee Institute of Agriculture, University of Tennessee Extension PB1791. <https://utextension.tennessee.edu/publications/Documents/PB1791.pdf>.

## Communication, Finances, Family, and Farmland Transfer

Many useful tools and educational publications are listed. For example, individuals receiving funds from the USDA's Extension Risk Management Education program must provide their educational materials and output to this site as a grant requirement.

"Ag Risk & Farm Management Library" website. Center for Farm Financial Management, University of Minnesota. "Search by" topic: Asset Management and Control. [www.agrisk.umn.edu/Library/Topics.aspx?LIB=AR&ID=47000](http://www.agrisk.umn.edu/Library/Topics.aspx?LIB=AR&ID=47000).

"Ag Transitions" website. Center for Farm Financial Management, University of Minnesota. [www.cffm.umn.edu/products/AgTransitions.aspx](http://www.cffm.umn.edu/products/AgTransitions.aspx).

"Resources for Farm Transfer/Succession" website. Pennsylvania Farm Link. Includes a series of questionnaires, quizzes, surveys, literature, sample documents, and steps for family members to use in preparing to transfer the farm. This website should be used as a tool to facilitate family planning, discussions, and agreement. [www.pafarmlink.org/succession-transition.html](http://www.pafarmlink.org/succession-transition.html)

"Who Will Get Grandpa's Farm? Communicating About Farm Transfer," online interactive video and information series. Purdue University School of Consumer and Family Services. Follows a farming family as a case study to increase understanding of communication strategies and to apply communication strategies to farm transfer. [www.ces.purdue.edu/farmtransfer/index.htm](http://www.ces.purdue.edu/farmtransfer/index.htm)

## Finding the Service Providers to Help With Land Purchase or Transfer

*Building Your Financial Team: Financial Planners*, by Alex White, 2009. "Managing Prosperity: Estate and Retirement Planning for All Ages" series. Virginia Cooperative Extension publication 448-063. [http://pubs.ext.vt.edu/448/448-063/448-063\\_pdf.pdf](http://pubs.ext.vt.edu/448/448-063/448-063_pdf.pdf).

*Meeting with Professionals*. Pennsylvania FarmLink. A checklist of the documents and information you should take with you (and/or mention) when meeting with professionals. [www.pafarmlink.org/LiteratureRetrieve.aspx?ID=127375](http://www.pafarmlink.org/LiteratureRetrieve.aspx?ID=127375).

*Selecting an Attorney*. Pennsylvania FarmLink. A checklist on how to choose an attorney, what to take to your first meeting, and how to keep the consultation costs low. [www.pafarmlink.org/\\_literature\\_127353/Attorney\\_Checklist](http://www.pafarmlink.org/_literature_127353/Attorney_Checklist).

For additional resources, visit the website of the Office of Farmland Preservation, Virginia Department of Agriculture and Consumer Services at [www.vdacs.virginia.gov/preservation/resources.shtml](http://www.vdacs.virginia.gov/preservation/resources.shtml).

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