



# Land Use Planning

## NEW HAMPSHIRE FOOD AND AGRICULTURE STRATEGIC PLAN

**Lead Author:** *Noah Hodgetts*, Principal Planner, NH Department of Business and Economic Affairs, Office of Planning and Development

*Theresa Walker*, Durham Agricultural Commission, Rockingham Planning Commission, Owner - Liberty Hall Farm

**Contributing Authors:**

*Todd Horner*, Executive Director, Southwest Regional Planning Commission

*Stephen Buckley*, Legal Services Counsel, New Hampshire Municipal Association

**Purpose:** To describe the laws, policies, planning and zoning related to the utilization of working lands and natural (agricultural) resources in conjunction with housing and other development.

## What's at Stake?

Increasing local food production will build resilience in New Hampshire. The regulation of local land use is a critical tool to increase our food production. New Hampshire continues to see farmland permanently lost to development, at a record rate, due to the difficulty farmers have in remaining profitable and the development pressures driving up land values, especially in southern New Hampshire. While our state law provides some protections for agricultural land use, additional tools and land use controls must be adopted at the local level to encourage land preservation for food production, animal husbandry, and agriculture, slowing the loss of farmland throughout New Hampshire.

## Current Conditions

State law impacts the agricultural activities that can take place in different communities. Several laws<sup>1</sup> provide protections for existing agricultural uses, as well as related accessory uses, such as agritourism, used by many farms to reach or maintain profitability. While some municipalities have adopted the state's definition of agriculture,<sup>2</sup> some have chosen more narrow definitions, and others haven't defined agriculture at all in their zoning ordinance.

Local land use planning decisions are made by a variety of actors in New Hampshire, many of whom are volunteers, with varying degrees of structure, guidance, and support. The NH Municipal Association (NHMA), the Office of Planning and Development at the NH Department of Business and Economic Affairs (BEA), and the NH Association of Conservation Commissions

(NHACC) provide training to support these individuals, but, regardless, the flow of information is slow and the rate of adoption of agriculture-friendly regulation is even slower.

In recent years, significant attention and resources have been devoted to communities becoming more housing-friendly and less attention and resources have been paid to communities becoming agriculture-friendly. It is essential to find ways for housing land use and agricultural land use to coexist.





## Challenges and Opportunities

### CHALLENGES

- Many communities lack the technical expertise, capacity, or funding to update their land use regulations and become more agriculture-friendly.
- There is minimal support or guidance for communities interested in creating and operating a local agricultural commission.<sup>3,4</sup> Funding for regional planning commissions also varies widely across the state and the focus of each differs depending on the federal funding they are awarded.
- New Hampshire's housing shortage and the significant increase in housing costs has emphasized the need for new housing, resulting in housing developments frequently being situated in areas with high-value agricultural soils.

### OPPORTUNITIES

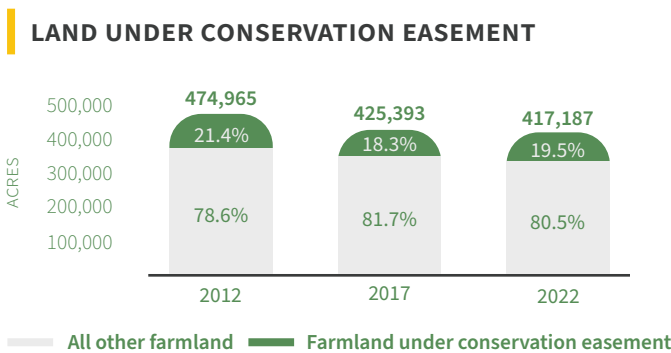
- There is no shortage of tools available to New Hampshire municipalities for creating farm-friendly, regulatory environments, including establishing local agricultural commissions<sup>5</sup> and agriculture-friendly land use regulations, such as agricultural preservation ordinances.<sup>6</sup> There is overwhelming room for growth in the adoption of these tools.

For example, while 179 municipalities allow conservation subdivisions, only five have adopted an Agricultural Preservation Ordinance.<sup>7</sup> Only 27 municipalities have an agricultural commission,<sup>8</sup> and even fewer have adopted an [agricultural resources section](#)<sup>9</sup> in their master plan.

- Some of the state's regional planning commissions already provide circuit rider planning services to their member communities, which could be expanded to include technical assistance with agriculture-friendly planning.

## Indicators

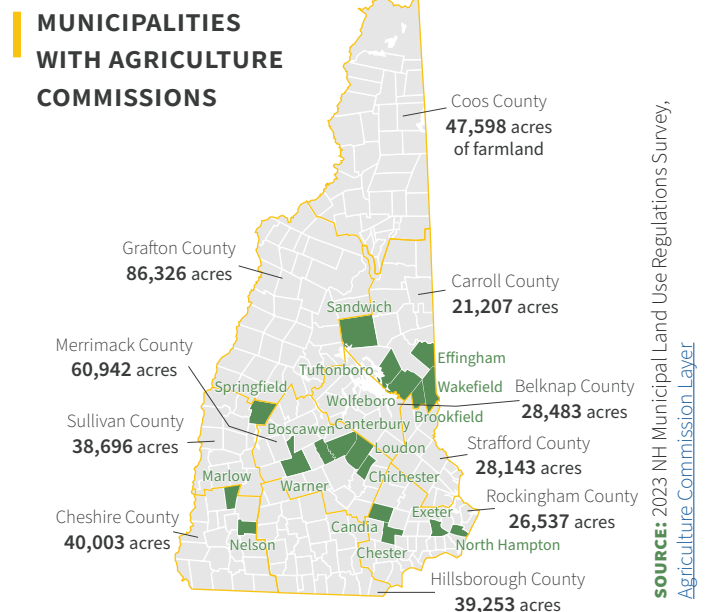
### CONSERVED LAND



In 2022, New Hampshire actually had the highest percentage of farmland under conservation easements (19.5%, 81,398 acres) of all New England states by a considerable margin. The next closest state was Vermont, at 12.2%.

**SOURCE:** USDA 2022 Census of Agriculture, [Table 47: Land Use Practices](#)

### LOCAL AGRICULTURE PLANNING





## Recommendations

- **Create a central website with tools and local land use regulations that communities can adopt to become agriculture-friendly.** The site could be organized similarly to the [NH Housing Toolbox](#)<sup>10</sup> and include case studies of innovative methods and models, as well as newly-developed, agriculture-friendly zoning ordinances models, nuanced by zoning district type. This would support farming enterprises with access to markets, including the ability to establish farmers' markets and flexibility to permit farm stands and agritourism activities.
- **Launch a circuit rider program** with funding for the New Hampshire regional planning commissions to support communities with the adoption of farm-friendly land use regulations and the establishment of local agricultural commissions throughout the state. Circuit riders will meet with planning boards, conservation commissions, and the Zoning Board of Adjustment to increase the capacity of local land use boards and assist towns with agricultural planning.
- **Create a map viewer identifying high-value agriculture soils and prime farmland in support of farmland protection and smart decision-making at the local level.** This will overlay the Soil Survey Geographic (SSURGO) database for the New Hampshire GIS layer<sup>11</sup> and could be accessible through NH GRANIT's Geodata Portal.
- **Incorporate Agricultural Preservation into the Master Planning Process** by adding "Agriculture & Food Production" as a section on the list of optional sections in the master plan statute (RSA 674:2), and encourage Master Plans at the local level to include an "Agriculture & Food Production" section to ensure agricultural issues are raised during the Master Planning process.
- **Host conversations throughout the state between housing advocates and agricultural advocates** to foster dialogue, find alignment in common interests, and encourage smart development to preserve agricultural land.

## NOTES

- 1 [Existing Agricultural Uses and Activities](#), Local Land Use Planning and Regulatory Powers, Agricultural Uses of Land (2019). RSA 674:32-b, Note: Chapter (ch.) 674; section (§) 32. [Other General Provisions](#), Local Land Use Planning and Regulatory Powers, Agricultural Uses of Land (2019). RSA 674:32-c, Note: Chapter (ch.) 674; section (§) 32. [Agritourism Permitted](#), Local Land Use Planning and Regulatory Powers, Agricultural Uses of Land (2016). RSA 674:32-d, Note: Chapter (ch.) 674; section (§) 32.
- 2 [Farm, Agriculture, Farming](#), The State and Its Government, Statutory Construction (2019). RSA 21:34-a, Note: Chapter (ch.) 21; section (§) 34.
- 3 Merrill, Lorraine, S. [Creating an Agricultural Commission in Your Hometown](#). NH Coalition for Sustaining Agriculture. UNH Extension. February, 2007. Accessed September 25, 2024.
- 4 Haddad, Nada. [Preserving Rural Character Through Agriculture: A Resource Kit for Planners](#). UNH Extension. Published December 1, 2000. Accessed September 25, 2024.
- 5 [Agricultural Commission](#), Local Land Use Planning and Regulatory Powers, Agricultural Commission (2007). RSA 674:44-e, Note: Chapter (ch.) 674; section (§) 44.
- 6 Rockingham Planning Commission et al. [Resilient Land Use Guide For New Hampshire: Adapting to Climate Change & Coastal Hazards](#). Rockingham Planning Commission. Published June 2022. NH Coalition for Sustaining Agriculture. [The Local Regulation of Agriculture Toolkit](#). NH Department of Agriculture, Markets, and Food. December 2017. New Hampshire Department of Environmental Services et al. [Innovative Land Use Planning Techniques: A Handbook for Sustainable Development](#). New Hampshire Department of Business and Economic Affairs. 2008.
- 7 NH Department of Business and Economic Affairs. [2023 Municipal Land Use Regulation Annual Survey](#). NH Department of Business and Economic Affairs. Published September 1, 2024. Accessed September 23, 2024.
- 8 Agricultural Commission, Local Land Use Planning and Regulatory Powers, Agricultural Commission (2007). RSA 674:44-e, Note: Chapter (ch.) 674; section (§) 44.; advocates to protect agricultural lands, preserve rural character, provide a voice for farmers, and encourage agriculture-based businesses at the municipal level.
- 9 Durham Planning Board. [Agricultural Resources](#). Town of Durham Master Plan. Adopted November 18, 2015. Accessed September 25, 2024.
- 10 NH Department of Business and Economic Affairs and NH Association of Regional Planning Commissions. [New Hampshire Housing Toolbox](#). Published June 2023. Accessed September 26, 2024.
- 11 New Hampshire GRANIT. [Soil Survey Geographic \(SSURGO\) database for New Hampshire](#). Earth Systems Research Center, Institute for the Study of Earth, Oceans and Space, University of New Hampshire. Published May 2022. Accessed September 24, 2024.