



FARM RENTAL ASSESSMENT CHECKLIST

Just as in a farm purchase, your approach to leasing a farm or farmland should involve careful examination of the site conditions and variables that may affect the viability of your farm operation.

This checklist is meant to be used as a guide as you examine prospective farm properties for lease. BEFORE visiting farm properties for lease, carefully review each consideration. Identify any particular aspects vital to your operation. NEXT, as you visit a particular property, check the boxes on the left to confirm that you have considered each item. Note comments on the right to help remember unique observations, next steps and/or questions. You may want to bring an extra sheet of paper to help keep your notes organized. By carefully scrutinizing all of the items listed, you may be able to better evaluate the suitability of each property for your farm operation and identify any “deal breakers.”

Information on developing working landlord-tenant relationships and crafting lease agreements can be found in the Resources section on page 4.

CONSIDERATION

COMMENTS OR SITE VISIT NOTES

- Access**
- Ag Support Services**
- Cell Phone Reception**
- Current Tenant Relations**
- Easements**
- Equipment Storage**
- Equipment Usage**
- Housing / Residence**
- Infrastructure Usage, Improvements & Maintenance**
 - Barns
 - Equipment sheds
 - Farm office
 - Farm stands
 - Feed storage facilities
 - Fencing
 - Food processing facilities
 - Greenhouses
 - Irrigation, well, watering systems
 - Mobile livestock units
 - Product storage facilities, coolers, freezers
- Land Orientation**
- Livestock**
- Microclimates**
- Neighbor Relations**
- Power Supply**
- Property Borders**
- Roads**
- Records**
- Restrictions/Restricted Areas**
- Soils**
- Topography**
- Vegetation**
- Water Resources**
- Other Considerations**

CONSIDERATION DETAILS

ACCESS — How will you access the property? Check to see that roads leading to the property are traversable or adequately maintained, plowed, etc. for when you will need to make regular visits or transport goods to market. Does the site have adequate entry and exit for all equipment in every season and time of day during which you will be farming? See that the site has adequate access and turnaround space for large trucks delivering bulk supplies (or that a suitable alternate spot exists nearby). Each field or area on the property should have adequate entry and exit ways for regular equipment traffic. If individual fields, paddocks or areas have not previously seen the regular entry or exit of heavy equipment, farm vehicles, livestock or customers, consider the impact of such traffic on access ways and discuss with the landlord potential improvements to stabilize access ways, such as laying gravel.

AG SUPPORT SERVICES — Take note of how far hardware stores, feed suppliers, mechanics, custom hire equipment operators, or other support businesses or services are from the proposed site. Consider how much time you will spend traveling back and forth from each of these, or what other travel/shipping costs might be incurred.

CELL PHONE RECEPTION — Check to see that your phone service carrier provides cell phone reception at the site (or in a nearby location) for making and receiving calls.

CURRENT TENANT RELATIONS — Inform yourself about any current or previous tenants. Ask the landlord if the current tenant is aware that the landlord is looking for a new tenant and see if it is possible to speak to the tenant. Conversations with previous tenants can be invaluable, as they can reveal strengths, challenges or special features about a property that might otherwise be unknown, even to the landowner! Current or previous tenants might also share records that can be valuable sources of information (see “RECORDS,” below) or be willing to work alongside you in the fall or spring to help you get to know the new parcel. Note any particular expectations and/or desires the landlord currently has with regard to the property (in terms of aesthetics, farming approaches, etc.). Be sensitive that current or previous tenants are not required to meet with you and might be going out of their way to provide you information.

EASEMENTS — Become aware of restrictions placed on the property, including conservation easements, rights of way, and to what extent these restrictions could impact farm operations or limit expansion. For example, find out the width of a right-of-way zone that the power company owns for power, also what rights these entities have for access, management, etc. (i.e. spraying herbicides under powerlines...) or the distance from the state highway into the property that the state owns.

EQUIPMENT STORAGE — Identify and inspect locations for storing your equipment. Ask questions. Discuss terms.

EQUIPMENT USAGE — Some landowners may be willing to include some equipment in the lease for your use. If so, identify and inspect the equipment, discuss terms, including fees, maintenance schedules, time restrictions and the rights of any other users. Alternatively, landowners may be interested in being hired by you to perform custom work with their equipment (i.e. plowing, hay harvest, etc.) Consider all options.

HOUSING — Identify all buildings that could be used as residences, or consider all areas that could be used for building sites or for siting mobile housing. If an existing residence is to be included in the lease or a separate residential lease is to be crafted, both parties should be aware of the basic rights and responsibilities afforded to landlords and residential tenants by Vermont State and Federal laws (see “Resources,” page 4).

INFRASTRUCTURE USAGE, IMPROVEMENTS & MAINTENANCE — Identify and inspect any infrastructure on site that could be available to the farm operation, from barns to irrigation lines to coolers. You and the landowner should determine which improvements will be necessary in order for the farm operation to thrive and which improvements you will have the right to make. If you will be investing in improvements, a discussion as to if or how you will be compensated should be initiated. Routine maintenance schedules for all infrastructure to be included in the lease should be discussed. Any anticipated major overhauls or repairs should be identified and distinguished from routine maintenance. Typically you are responsible for all routine maintenance that prevents abnormal deterioration, while the landowner is responsible for all major overhauls, replacements or repairs to structures or other infrastructure. Be sure to consult with builders, irrigation specialists and other experts to get appraisals, quotes and advice on any infrastructure improvements you anticipate needing.

LAND ORIENTATION — Consider the direction and/or quantity of sun available in all areas of the land that will be used. Orientation with regard to wind direction or the existence of windbreaks is also important when considering which crops or livestock will thrive in a given location. If you have concerns, visit the site during different times of day to more carefully evaluate sun and wind exposure. If you have adequate time, a visit during snow cover, following a rain, etc. is desirable.

LIVESTOCK — Any livestock that the landowner owns that is to be housed on site or managed by you should be inspected and the terms of livestock care discussed. If you have questions about animal health, contact a livestock veterinarian or specialist. Consider biosecurity and isolation requirements, as well as the potential for herd or flock contamination. Inspect fencing, and discuss the installation and maintenance of animal fencing and water systems.

MICROCLIMATES — Identify any frost pockets without air drainage, wet areas, high spots exposed to excessive winds, erosion, dry areas, etc. This information can be used in conjunction with macroclimate data or “hardiness zone maps” (see “Resources,” page 4) to assess varieties of crops that could be grown in various locations.

NEIGHBOR RELATIONS — Understand the usage, ownership and perimeters of bordering properties. Ask the landlord if it is possible to have a conversation with bordering landowners or tenants and if they are aware of your intentions to farm. Consider engaging them as you develop your plan, as they may have significant concerns about noise, pollution or aesthetics that may be more easily addressed up front. You do not need the landlord’s approval to talk to neighbors.

POWER SUPPLY — Identify electric service, if needed. Contact the local power company to establish price rates for power or to investigate the feasibility of bringing power to other areas of the site where needed. If it is determined that you will use a generator, identify and discuss proper storage facilities for the generator and its fuel source.

PROPERTY BORDERS — Identify all borders to confirm size of workable lands. Walk borders to determine where sensitive areas exist. For example, agricultural activity would be restricted in proximity to a stream or wetland that acts as a border or intersects a border. If the landowner is not familiar with exact border locations, you can access tax maps that delineate parcels at the local town office.

RECORDS — You should examine any records related to past land use. These include: soil test results, pesticide application records, well or other irrigation water quality testing results, organic certification records, building blueprints, wastewater system design plans and permits, Current Use Program forest and field management plans and any other record that might reveal information pertinent to managing the land for agricultural use. If the landlord has a current tenant, ask to speak to him or her in order to obtain appropriate records. Be sensitive that current or previous tenants are not required to divulge these records and might be going out of their way to provide you information.

RESTRICTIONS/RESTRICTED AREAS — Identify any areas of the property where you will not be permitted to operate. Determine any sensitive areas that require special attention or will be restricted to certain farming practices and discuss those specific restricted practices. Discuss any farming practices or infrastructure modifications that you suspect might raise concern, such as constructing a tool shed or immovable chicken coop or establishing a composting or odor-prone livestock operation in proximity to residences, and propose sites for their implementation. Ask the landlord about hunting grounds, postings and VAST (Vermont Association of Snow Travelers) or ATV trails that exist and are used on the property.

SOILS — A top priority for tenants should be having good soils. Oftentimes, if soils are degraded, even if it is a beautiful spot otherwise, it’s not worth the business expense to sink a lot of money into soil improvement. This is particularly true for a short-term lease situation. Identify soil types (see “Resources,” page 4) and confirm them with site evaluation in each distinct area of the property. Identify problem soils, such as excessively wet or sloped areas. Have the soil fertility evaluated. Discuss cover cropping, soil testing and soil amending responsibilities and schedules with the landlord. If considering farming organically, contact Vermont Organic Farmers, LLC or another appropriate certifying body for information.

TOPOGRAPHY — The land should be flat enough to be tilled or for equipment to be safely operated. This is not so important if grazing livestock. Identify strategies for productively managing non-tillable and excessively sloped areas and discuss whose responsibility it will be to manage those areas.

VEGETATION — Identify strategies for overcoming limitations related to existing tree cover, brush, grasses or weeds, including any existing invasive or vigorous weeds. Identify and point out to the landowner areas where tree removal is necessary. Discuss with the landlord how this work will get done.

WATER RESOURCES — All potential sources of water for farm operations should be identified, including those currently used or those that could be developed (for example, a hillside seep that could be developed into a spring, a river or stream, a well or a hookup to a public utility). Information should be obtained about seasonal fluctuations in water availability and shared or alternative uses of existing or potential water resources. Consult with an irrigation specialist to get a quote on installation is a new water system will need to be purchased.

OTHER CONSIDERATIONS — There are many other considerations not included in this field checklist that need to be made before entering into a lease agreement, such as your landlord’s expectations about insurance, access, lease term, long term ownership and land stewardship. ***Please consult “Resources” (page 4) for additional guidance in crafting a full lease agreement.***

RESOURCES

For Learning More About a Specific Property

SOIL SURVEYS — Soil surveys are a wealth of information. The USDA Natural Resource Conservation Service publishes maps and tables with soils information for every county in Vermont. The maps are detailed enough to differentiate soils within a given property. The surveys indicate suitability of soils for a range of land uses, including all types of farming, forestry, recreation or building. Hard copies of soil surveys are often available at public or college libraries and at Conservation District and Natural Resource Conservation Service offices. The Web Soil Survey is an online version of the soil survey; this interactive service allows you to target a specific location and learn about its soil features. Online at <http://websoilsurvey.nrcs.usda.gov/app/HomePage.htm>. You can submit soil samples to the UVM soil testing lab for analysis. Online at http://www.uvm.edu/pss/ag_testing/.

ENVIRONMENTAL INTEREST LOCATOR — The VT Agency of Natural Resources offers an interactive online mapping tool that allows you to survey a specific property's features of environmental importance. Aerial imagery of the site, Act 250 permits issued nearby, hazardous waste sites, hydrography, storm water permit sites, threatened and endangered species, water supply source protection areas and wetlands are included. The website also links to other geographical information and items of interest, such as the Vermont Geological Survey. Online at <http://www.anr.state.vt.us/site/html/maps.htm>.

TOWN TAX MAPS — Town offices maintain tax maps that are public information. These maps are a good way to figure out who owns bordering property. The tax maps include the number of acres, the name of the property owner and the borders of all of the properties in the vicinity. Town offices also keep records that list all formal documents of significance associated with a piece of property; these may include information about easements, previous owners and landmarks delineate the boundaries of a property, such as roads, streams or outcroppings.

HARDINESS ZONE MAPS — Hardiness zones define where extreme low temperatures occur in a particular region. Perennials are generally classified according to the hardiness zones in which they can grow.

An excellent explanation of plant hardiness can be found online at <http://www.uvm.edu/pss/ppp/pubs/oh54.htm>.

Interactive hardiness zone maps can be found online at <http://www.plantmaps.com/interactive-vermont-usda-plant-zone-hardiness-map.php>.

For Developing Landowner-Tenant Relationships and Crafting Lease Agreements

Managing Landlord-Tenant Relationships: A Strategic Perspective

This 3-page fact sheet from Ohio State University gives guidelines for effective communication between farmer tenants and landowners for both the period prior to entering into an agreement and after the lease term starts. The information provided can be useful for maintaining positive relations between farmers and landowners in any state of the U.S.

Online at <http://ohioline.osu.edu/fr-fact/pdf/0004.pdf>.

Farmland Tenure and Leasing (Chapter III of the Legal Guide to the Business of Farming in Vermont)

This chapter details the essential terms of an agricultural lease and provides an excellent synopsis of legal issues surrounding farmland tenure in Vermont. A full hard copy can be ordered from UVM Center for Sustainable Agriculture by phone, (802) 656-5459. Individual chapters of the Guide can be downloaded for free.

Online at <http://www.uvm.edu/~farmtran/LegalGuideIII.pdf>

Lease Agreements Guide for Land Owners and Farmers

This fact sheet covers the basics of what should be included in effective farmland lease agreements.

Online at <http://www.uvm.edu/sustainableagriculture/Documents/leaseagreementguide.pdf>.

ONLINE TUTORIAL ON FARMLAND LEASING — Land For Good, a non-profit based in Keene, New Hampshire, provides an excellent online tutorial on farmland leasing. This tutorial introduces you to the benefits and challenges of leasing and explains types of farm leases and when to use them. Online at <http://www.landforgood.org/leasing/tutorial1.php>.

For Housing

Renting in Vermont: Information Handbook for Tenants and Landlords

Online at <http://www.cvoeo.org/downloads/housing/RENTINGinVERMONT.pdf>.

UVM Extension helps individuals and communities put research based knowledge to work. Issued in furtherance of Cooperative Extension work, Acts of May 8 and June 30, 1914, in cooperation with the United States Department of Agriculture. University of Vermont Extension, Burlington, Vermont. The University of Vermont Extension and USDA, cooperating, offer education and employment to everyone without regard to race, color, national origin, gender, religion, age, disability, political beliefs, sexual orientation, and marital or familial status.

Support for this publication was provided by the Northeast Sustainable Agriculture Research and Education (SARE) program via the UVM Extension Focusing on Beginning Farmers Project. Produced by Mandy Davis, the Intervale Center, and Ben Waterman, UVM Center for Sustainable Agriculture, October 2010.