

Agriculture and Farmland



GOAL:

**Encourage the continuation of agriculture in the
Town.**

Background Information

Agriculture in Owasco consists primarily of the production of corn, hay and other row crops to support dairy operations. A significant greenhouse contributes to the agricultural production of the region.

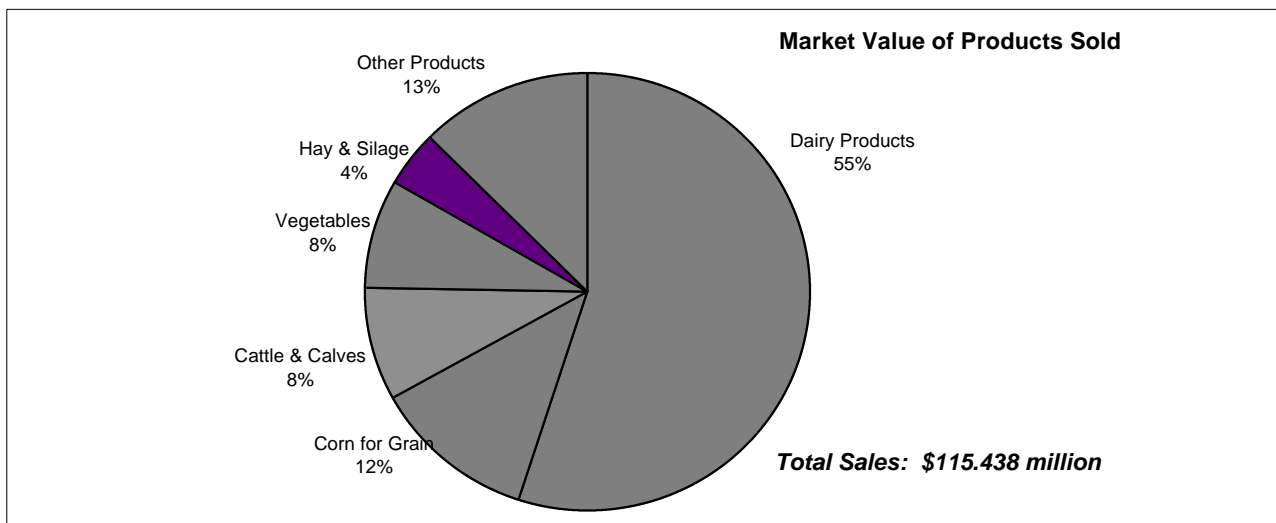
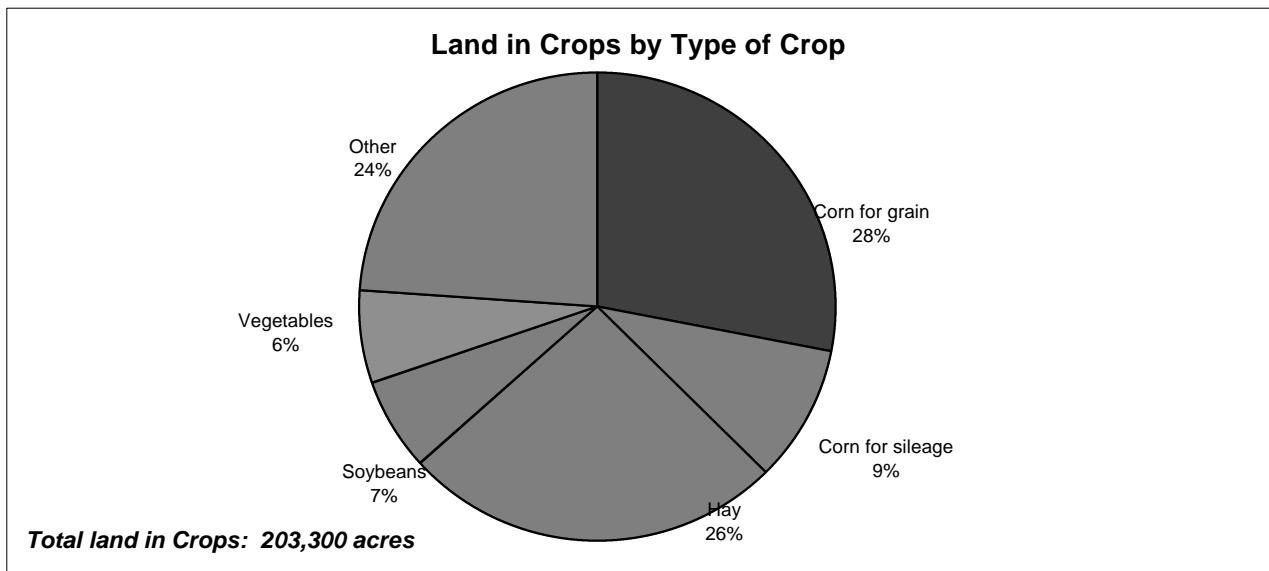
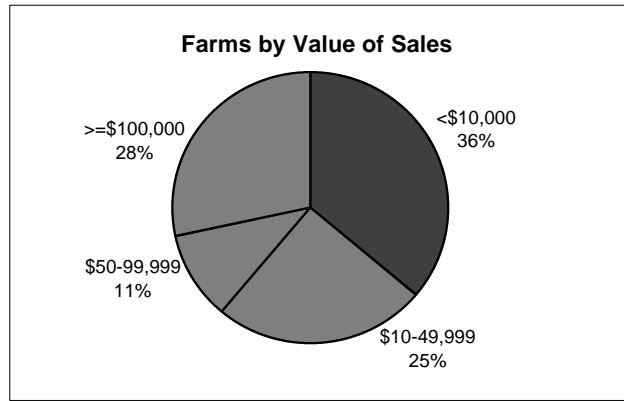
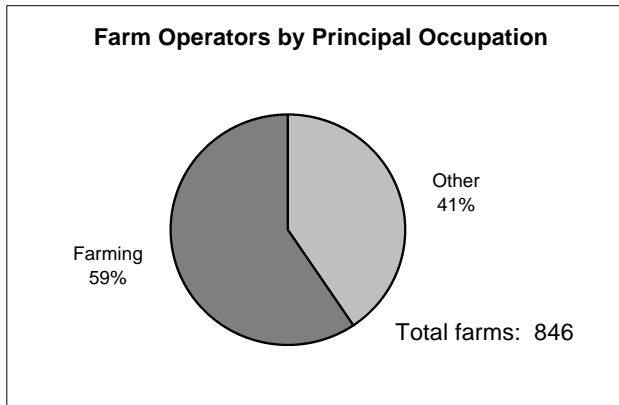
A total of 113 parcels and 8,148 acres in the Town are characterized as “agricultural” in the assessment rolls. Many parcels classified as “vacant” or “residential” are also used in farming, and many other parcels of all types are included within the Agricultural District.

The highest quality agricultural soils are located in the eastern portion of the Town.

Farming in the Town of Owasco contributes to a strong agricultural industry in Cayuga County. Figure 5 summarizes the characteristics of agriculture in Cayuga County.

Figure 5

Agricultural Statistics — Cayuga County, New York, 1997





**Residents
Survey
Highlights**

Agriculture and large areas of farmland are important to the rural character of the Town.

These are “very important;” to 52% and “somewhat important” to 36% of respondents .

The Town should take action to preserve and protect farms and farmland (according to 76% of respondents).

Residents are concerned about the potential impact of large, intensive farm operations on the environment.

82% of respondents perceive that agricultural leachate and runoff pose a “very serious threat” to the water quality of Owasco Lake.

Residents generally do not see conflicts between farms and adjoining residences as a serious problem.

Only 17% indicated it was a “very serious” concern. A total of 38% percent perceive it to be a “moderate concern, and 31% characterize it as “not a concern.”

Relevant Plans and Programs

The Agricultural and Farmlands Protection Plan for Cayuga County was adopted by the Agricultural and Farmland Protection Board and approved by the County Planning Board and County Legislature in 1996. The Plan recommends that local governments take the following actions to retain farmland for agricultural purposes.

1. Consider zoning, subdivision and site plan regulations that are sensitive to agriculture and protect viable farmland from inappropriate development.
2. Discourage public investment in infrastructure intended to serve non-agricultural uses in areas where viable agriculture is the predominate land use.
3. Become more familiar with the provisions of the NYS Agricultural Districts Law that protect individual farms and/or important agricultural areas from inappropriate development.
4. Encourage farmers to prepare “whole farm Plans” as a method to respond to environmental concerns and regulatory pressure.
5. Consider sharing the costs incurred by farmers for on-farm improvements that help to protect the quality of public water supplies.
6. Encourage the development of alternatives to property based funding sources for the support of public services.
7. Encourage activities designed to identify and/or develop alternative revenue sources for marginal farms.
8. Develop a methodology to monitor and inform responsible agencies concerning the location and rate of property “splits,” new lot formation, in Agricultural Districts.
9. Encourage the redevelopment of traditional urban centers as an alternative to the introduction of traditionally urban activity into rural areas.
10. Identify and develop working relationships with nonfarm constituencies who share agriculture’s agenda and respect the needs and concerns of farming.

The New York State Agricultural District Program was created by State legislation in 1971. The program encourages owners of productive agricultural land to form districts within the County. Districts should consist of predominantly "viable farmland." The Districts in Cayuga County are reviewed, and may be renewed, in 8-year cycles. Inclusion in the Agricultural District denotes a commitment on the part of the County and the landowner to retain the use of such land for agriculture.

The Agricultural District Program provides the following benefits to landowners to encourage land to remain in farming:

- Agricultural use assessments: Land is assessed at its value for agricultural production, rather than at its full market value.
- Protection from local regulations that would restrict farm practices
- Protection from public acquisition
- Protection from nuisance suits (right-to-farm provisions)

In exchange for these benefits, land owners must agree to keep land undeveloped for a period of 8 years. If the land is converted to non-agricultural use within the 8-year period, the landowner must repay up to five (5) years' worth of property tax savings resulting from the agricultural use value assessment.

In addition, farmland within Agricultural Districts are protected from governmental actions that may seek to acquire farmland through "eminent domain." Local governments are prohibited from passing laws or regulations that would unnecessarily restrict normal farming operations within Agricultural Districts. Before a local or county government may undertake a project that affects land within an Agricultural District, it must submit a "Notice of Intent" to the County Agricultural and Farmland Protection Board and the State Department of Agriculture and Markets for consideration of the impacts on agriculture. A person who buys property within an Agricultural District must be notified about the possible presence of noise or odors associated with farm practices.

Approximately 23,000 acres of land are in Cayuga County Agricultural District #6 in the Town of Owasco, representing 73% of the Town's land area. As shown in Map 9, land within the Agricultural District includes land that is actively farmed as well as a considerable amount of other land in the Town.

Highlights of Roundtable Discussion with Farmers

- *At least one local farmer is interested in selling the development rights to agricultural land*
- *Although conflicts between farming and residential neighbors are not currently a problem, new residential development in the countryside may lead to neighbor's complaints about farm practices.*
- *As lots on road frontage are sold for housing (such as on the former Hewitt property), drainage ditches are removed and land to the rear of these houses becomes less valuable for farming. Consider requiring drainage easements and/or address drainage patterns during subdivision review.*
- *As agriculture allows for more filtration of runoff than developed land, it helps to protect water quality.*
- *Farms with a concentration of animals will be regulated by the State DEC. These farms are required and cash crop farms are encouraged to prepare "nutrient management plans."*
- *Encourage homeowners and businesses such as golf courses to carefully plan fertilizer applications to prevent runoff. Homeowners should be aware of the danger of over-applying fertilizers and chemicals to lawns.*

Tools and Techniques

Several tools and techniques are available to local governments, individual landowners and private organizations to help meet the goal of retaining farmland and encouraging the continued viability of agriculture.

Conservation Easement Programs

Voluntary conservation easements initiated by landowners and held by non-profit organizations

Landowners may place farmland under a permanent conservation easement to be held and monitored by a private land trust or other non-profit organization. The donation of easements may be helpful to some families in estate planning, as the value of the easement can be claimed as a tax deduction.

Public purchase of development rights

Purchase of Development Rights (also referred to as "Purchase of Agricultural Conservation Easements") is a public program which compensates farmland owners for agreeing to keep land from being developed. Such a program may be operated by a public entity or a not-for-profit organization. The value of development rights is calculated as the difference between the value of the land for agricultural purposes and its value for development. An easement restricts development on the parcel. An easement may be permanent or for a specified period of time. The easement holder is responsible for ensuring that the property is not developed. The owner may continue to farm the parcel, and/or sell it. The easement is transferred with the property and recorded with the deed.

Advantages:

- Protects agricultural land on a permanent basis (or for a specified period of time).
- Participation among landowners is voluntary

Disadvantages

- Cost
- Time involved in purchasing easements
- Requires on-going monitoring by the easement holder
- Protects farmland on a piecemeal basis, and may not be effective in protecting a "critical mass" of farmland

Zoning Techniques

Agricultural Protection Zoning

Agricultural Protection Zoning involves the creation of a zoning district that designates farming as the primary, preferred land use. Such a district targets the most productive soils and large contiguous areas of active farms. The minimum lot size is based on the size of the smallest viable farm unit -- such as 25 to 40 acres.

The regulations for this district would limit non-agricultural development. They may incorporate density averaging or sliding scale provisions to limit the number of dwellings permitted. The regulations may also specify maximum (as well as minimum) lot sizes for non-farm development. A conservation easement or other type of permanent protection is typically required to protect farmland permanently from development.

Such a district may allow farm-related businesses and home-based businesses.

Agricultural protection zoning may be combined with purchase of development rights, transfer of development rights or incentive zoning that encourages private purchase of development rights.

Advantages:

- Effective in limiting non-farm development and reducing conflicts between agriculture and non-farm neighbors.
- Can protect large areas of farmland at no cost to the public

Disadvantages:

- May reduce the market value of land.
- Is not permanent. Zoning can be changed.
- Does not compensate landowners for reduction in market value of land

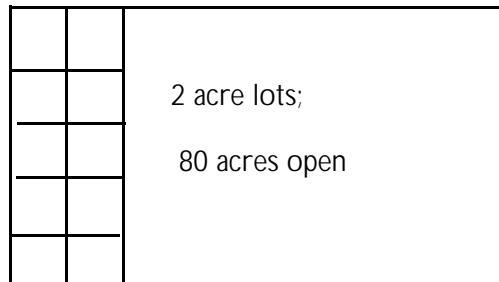
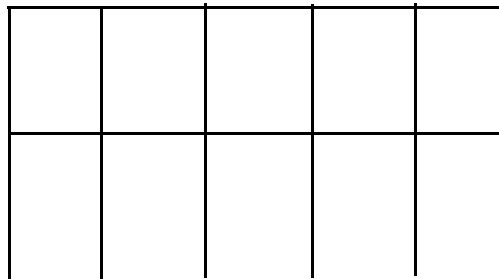
Density averaging (clustering)

Density averaging or clustering allows residences to be built on smaller lot sizes than typically permitted by zoning, provided that the average density of the original parcel is not increased. For example, if zoning required a maximum density of 1 dwelling per 10 acres, a farm of 100 acres would be entitled to develop up to 10 dwelling units. If the 10 dwellings were built on a total of 20

acres of the parcel (with an average lot size of 2 acres), 80 acres would remain open (see diagram on the right, below.) The smaller lots should be sited in locations that are least suitable for farming, and that offer the most appealing views of open space and natural resources. Design of the subdivision should include buffers between the new residential development and the remaining farmland. A conservation easement would be placed on the remaining 80 acres to prevent future development.

100 acres - 10 building lots

10 acre lots



Advantages:

- Permanent protection of agricultural land from development
- More efficient and affordable development, compared to large lot development
- Easy to administer through zoning and subdivision procedures.

Disadvantages:

- Works best in areas where the zoning requires low density
- Need to establish easement provisions and monitoring on agricultural land to ensure continuous protection.

Incentive zoning

Incentive zoning may be used to encourage the private acquisition of agricultural conservation easements (development rights) or to collect money toward a public fund to purchase such easements. Municipalities must designate an area or areas in which higher densities or more intensive uses may be permitted, provided that the applicant offer certain amenities that would meet specified community needs. Acceptable amenities may include conservation easements on farmland or cash to be used in a purchase of development rights program.

Advantages

- Flexibility in administration
- Can result in permanent protection of farmland if agricultural easements are provided as an amenity in exchange for higher densities
- Allows conservation easements to be purchased privately

Disadvantages

- Requires designation of an area within which higher densities can be sustained.

Transfer of development rights

Transfer of development rights involves the private purchase of development rights to farmland in a “sending” zone, or farmland within a community that meets certain criteria, and the transfer of these rights to increase the density of development in a designated “receiving” area. Such a program typically operates in the private market.

Advantages:

- Operates within the private sector.
- Sale of development rights by agricultural landowners is voluntary
- Permanently preserves agricultural land through conservation easements

Disadvantages:

- Complicated to administer
- Requires a market for development rights within the “receiving area”

Recommended Actions

- 1. Provide information to farmland owners about private land protection techniques. Work with land trusts and other organizations to promote the protection of high quality agricultural land.**
- 2. Continue to maintain zoning requirements for low density residential development in agricultural areas.**
- 3. Whenever new residential development is proposed in proximity to farmland, utilize subdivision regulations to ensure that buffers are incorporated into the layout of the development to limit potential conflict.**
- 4. Encourage “density averaging” in subdivision designs to minimize the impacts of new residential development on farmland.**
- 5. Work with the Cayuga County Soil and Water Conservation District to disseminate information to farmland owners and residents about Agricultural Environmental Management practices. Encourage continued financing from State and Federal sources to assist landowners in implementing these practices.**
- 6. Encourage and work with Cayuga County to establish a Purchase of Development Rights program for high quality farmland.**