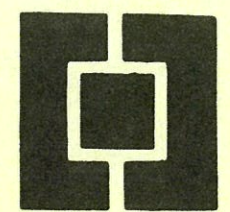


JOHN LANG ✓

FARM LAND USE POLICY



MONROE COUNTY COMPREHENSIVE PLAN

BIBLIOGRAPHIC DATA SHEET		1. Report No.	2.	3. Recipient's Accession No.
4. Title and Subtitle		Farm Land Use Policy Monroe County Comprehensive Plan Phase III		5. Report Date June, 1973
7. Author's				6.
9. Performing Organization Name and Address		Monroe County Department of Planning 301 County Office Building Rochester, New York 14614		8. Performing Organization Rept. No. NY/MCPD 73-1
12. Sponsoring Organization Name and Address		U.S. Department of Housing and Urban Development Washington, D.C. 20410		10. Project/Task/Work Unit No.
15. Supplementary Notes				11. Contract/Grant No. CPA-NY-02-06-1001
16. Abstracts		This report presents the design for public policy to deal with the problem of farm land use in Monroe County. Particular attention is given to areas such as location of farm land, zoning, transportation, sewer and water servicing, taxation, etc., to control the rapid decline in farm areas in the county.		13. Type of Report & Period Covered
17. Key Words and Document Analysis. 17a. Descriptors				14.
17b. Identifiers Open-Ended Terms		Agriculture (farming, land use, policies)		
18. Availability Statement		Monroe County Department of Planning, 301 County Office Building, Rochester, New York 14614		19. Security Class (This Report) UNCLASSIFIED
				20. Security Class (This Page) UNCLASSIFIED
				21. No. of Pages 31
				22. Price

County of Monroe

NEW YORK



DEPARTMENT OF PLANNING
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WILLIAM E. UPTEGROVE, DIRECTOR

March 26, 1974

Mr. Richard Wiebe, Director
Office of Planning Services
488 Broadway
Albany, New York 12207

Dear Mr. Wiebe:

We are transmitting herewith the final report Farm Land Use Policy as evidence of completion of contract work under the Comprehensive Planning Assistance Program.

The report provides a description of the nature of the farm land use problem in Monroe County and sets forth basic policy for dealing with this problem and for maintaining land in farming. We feel that the report provides a sound basis for the adoption of public policy which will assure a future for farming within our rapidly urbanizing county.

We appreciate the cooperation of the State Office of Planning Services throughout our comprehensive planning program.

Sincerely,

William E. Uptegrove
Director of Planning

WEU:RMD:dab
Enclosure

FARM LAND USE POLICY

**Monroe County Comprehensive Plan
Phase III**

December, 1973

**Monroe County Department of Planning
301 County Office Building
39 West Main Street
Rochester, New York 14614**

The preparation of this report was financially aided through a grant from the United States Department of Housing and Urban Development under the Comprehensive Planning Assistance Program authorized by Section 701 of the Housing and Urban Development Act of 1954 as amended. This report was prepared under the Comprehensive Planning Assistance Program for the New York State Office of Planning Services. It was financed in part by the State of New York.

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ENVIRONMENTAL ASSESSMENT STATEMENT

Point 1:

This report examines the farm land use problem in Monroe County and proposes a set of public policies for redressing the problem. The problem may be summarized as follows:

Farming in Monroe County has undergone a significant decline, and if recent trends continue, almost all of our remaining farmland will go out of production during the next few decades.

A major cause of the decline in local farming has been urban expansion. While urban expansion has actually displaced relatively little farmland, it has resulted in the premature retirement of large expanses of farmland. Urban expansion has had this effect by increasing farm production costs and by giving rise to an interest among farmers and others in land speculation and land use conversion.

There are significant public benefits to be derived by maintaining productive farming in Monroe County. These benefits, however, will not be realized unless effective public policies are brought into effect to reverse current trends. The policies recommended in this report are as follows:

Locational policy. Areas of Monroe County are delineated wherein farming may be maintained during the next few decades. These areas currently contain viable farmland, and urban development needs may be accommodated outside these areas.

Agricultural districting policy. Policies are set forth concerning the application of the New York State Agricultural Districts Law in Monroe County. These policies relate to the size and location of districts, the land uses to be included in districts and the application of preferential assessment provisions of the law.

Zoning policy. A model agricultural zoning district is proposed for adoption by local government. The district is more restrictive toward incompatible nonfarm land uses than the agricultural zoning districts currently in effect in Monroe County, which fail to achieve the objective of encouraging land to stay in farming.

Transportation policy. It is recommended that transportation facilities be located so as to keep the level of accessibility in the areas which may be maintained in farming relatively low, encouraging a corridor pattern of development. The recommendations place considerable emphasis on public transportation facilities.

Highway frontage policy. Policies are recommended for discouraging the parceling of frontage along state and county highways. Such parceling has resulted in a dispersed "string" pattern of development which has been highly disruptive to farming areas.

Sewer and water servicing policy. It is recommended that the areas which may be maintained in farming be kept free generally of new public sewer and water services, excepting those areas where the current need for these services is sufficient to require their provision.

Taxation policy. It is recommended that farm value assessments be placed on farmland within the areas which may be maintained in farming and that other policies proposed in the report be brought into effect to provide a clear legal basis for such assessments.

Educational policy. It is recommended that current educational efforts related to the concerns of this report be expanded and that additional information concerning the workings of the land market be compiled and interpreted for farmers and other segments of the population.

Point 2:

The proposed policies will have no adverse environmental effects and a considerable number of positive beneficial effects. This is an effort to delimit the pressures of urban growth in order to maintain agriculture as a viable operation in Monroe County. Various policies developed within this plan will act to protect the environment by attempting to promote existing agricultural activity until such time as the land used for this purpose is needed for urban development. Preservation of land cultivation will allow soil rejuvenation that would not normally take place if the land were allowed to grow to weeds and brush. In addition, agricultural activity near urban development can inherently reduce the amount of pollutants from such development until such time that sufficient facilities can be built to control and limit pollution. Limits upon urban growth by means of adopting positive agricultural policies such as presented in this report, will also reduce air pollution in areas where it would otherwise be prevalent should development occur in a scattered, disorganized way.

Point 3:

Reserving land for continued agricultural use is more efficient and allows development to occur over controlled time periods. The land is productive until such

time as development for other purposes is required. These objectives are accomplished through means of establishing agricultural districts. In such districts urban penetration is discouraged through several ways, including 1) preferential tax assessments; 2) restrictions on the taxation of farmland for utilities extended into the district; 3) limitation on the use of eminent domain for nonfarm development within the district; and 4) prohibitions against the adoption of ordinances restricting farming within the district unless ordinances are necessary for public health and safety.

Point 4:

The principal alternative to the policies presented in this document is the continuation of existing trends in the realm of agriculture. Pressures of urban development lead to an increase in land value which ultimately lead to an increase in the tax burden farmers must bear, making farming an increasingly unprofitable business. Restrictions are generally placed upon farming activity adjacent to new development. Increases in land value leads to land speculation by farmers seeking to retire from agriculture, even in areas where urban development pressures are minimal.

Point 5:

Such discouragement of agriculture can only lead to an ultimate curtailment of food production which, on a long term basis, will be crucial to the world's population.

Point 6:

The agricultural district policy remains flexible in implementation and allows for amendments permitting higher densities when such a need can be clearly demonstrated. To this extent the establishment of such a district can be considered a timing device for future development and does not represent any irreversible commitment to future changes in conditions and appropriate land use.

Point 7:

The agricultural district concept has its origin under the New York State Agricultural Districts Law of September, 1971. This law enables districts to be formed with provisions outlined above. Such districts can be established as of September, 1974 by the State Commissioner of Environmental Conservation. Local zoning ordinances adopted by the towns of New York State under the provisions of this law allow the establishment of these districts with non-farm uses within at very low densities. For example, residential densities permitted could conceivably only be permitted on 10 or 20 acre lots. This would discourage more the traditional type of urban growth pressure and can be implemented by local authorities.

SUMMARY

This report examines the farm land use problem in Monroe County and proposes a set of public policies for redressing the problem. The problem may be summarized as follows:

Farming in Monroe County has undergone a significant decline, and if recent trends continue, almost all of our remaining farmland will go out of production during the next few decades.

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Chapter I

INTRODUCTION

Monroe County has reached a time for public decision concerning the future use of its farmland. If current trends continue, almost all of the remaining farmland will revert to weeds and brush during the next few decades. On the other hand, the farm economy is still viable enough to be sustained, but only if a significant body of public policy is brought into effect to reverse current trends.

This report begins by examining the nature of the farming problem in Monroe County. The problem is observed to be closely linked with the process of urbanization, which has forced farmland prematurely into retirement. As there has been a decline in farming, so too has there been a loss in public benefits, for the advantages of productive farming extend well beyond the farmer to the public at large.

Based on this interpretation of the problem, this report proposes policies to reinforce our farm economy and sustain it well into the future. Because the problem is associated in complex ways with the process of urbanization, so too are the policies. They are intended to give clear direction to the course of urban expansion and have significant implications for transportation planning, the extension of utilities, zoning policy, property taxation and other matters.

Thus the report provides guidelines to a future which finds a place for farming as well as urban development. Such a future, however, will require a much greater public commitment to maintaining our farmland than we have observed in the past. It is hoped that the report will stimulate this commitment and will lead to the adoption of effective policies for keeping land in farming.

Chapter 2

THE FARM LAND USE PROBLEM

The farm land use problem in Monroe County arises from a variety of pressures which have been brought on farming by urban expansion. Although such pressures have been experienced by farming in all urbanizing areas, they are particularly severe in Monroe County, where the rate of urban growth has been exceptionally high. The result has been a rapid decline in our local farm economy.

The following factors relate to the farm land use problem:

There are large public benefits to be derived from keeping good land in farming until it is ready for urban development.

Despite the high quality of its farmland, Monroe County has experienced a significant decline in farming, indeed a much greater decline than is necessary to provide land for urban uses.

A major cause of the decline has been the variety of pressures and operational problems which urban expansion has brought on farmers.

If the large public benefits are to be realized from keeping farmland in production, then significant changes in public policy must be brought into effect.

For an empirical analysis of these features of the farm land use problem the reader is referred to a report entitled *Farming in Monroe County: Problems and Prospects*, published by the Monroe County Planning Council in November, 1972. This chapter will briefly outline the problem, as it is developed in that report, in order to provide a setting for the ensuing discussion of farm land use policy.

BENEFITS FROM MAINTAINING FARMLAND

If there were no benefits from keeping land in farming, then a decline in farming would not give cause for public concern. The potential benefits, however, are very large. They include the following:

Because agriculture is still an important industry in Monroe County, a rapid decline in farming would have adverse effects on employment and incomes. If farming were to discontinue today, it would leave unemployed not only the

1,400 residents of the county who work on farms, but also many of the 4,600 residents who work in food processing plants and still more residents who work in supplying farmers with materials and equipment and distributing farm output.¹ Further, much of the capital investment in Monroe County farms, which have a total value of \$155,000,000 in land, buildings, machinery and equipment,² would have to be written off.

Agriculture in Monroe County provides an important source of local food supply, particularly of perishable foods with high transportation costs, such as fluid milk and fresh fruits and vegetables. A decline in the local production of these foods would result in increased prices to Monroe County consumers.

Farming provides attractive and well-maintained open space which is enjoyed by those living in the city as well as those living in the countryside. This open space is offered at far less cost to the taxpayer than parkland and other kinds of public open space.

Farming represents an efficient use of land which is being held for future urban development. By maintaining land in farming until it is needed for urban use, excessive land speculation is curbed and more productive use is made of the land.

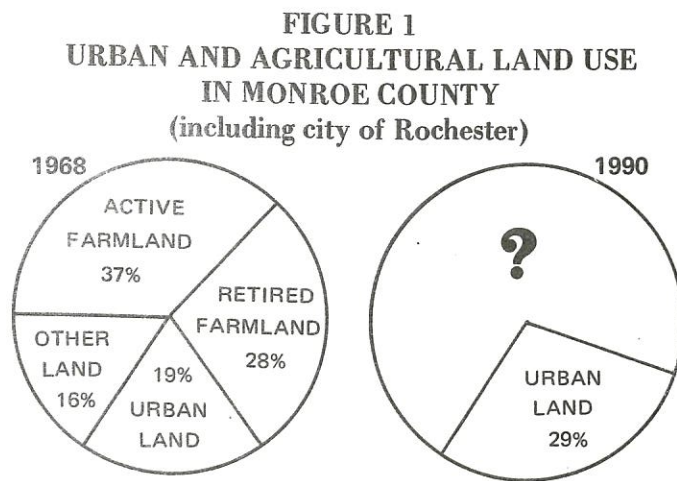
Maintaining land in farming represents a method of guiding urban development into efficient patterns which result in large public savings in the cost of providing roads, sewers and water lines and other public facilities and services.

Although the combined extent of these benefits is not known, it is without question significant. Farming has long been recognized as essential to our well-being, and it is still valued as a way of life. But the benefits, particularly in urbanizing areas, go far beyond this. It simply makes good sense to keep our viable farmland in production until it is needed for other uses.

DECLINE IN FARMING

Despite the benefits from keeping good farmland in production, farming in Monroe County has declined significantly in recent years, and its future is in question. The decline is evidenced principally by the retirement of land from farm production.

Figure 1 suggests the extent of farmland retirement³ in 1968 (the most recent year for which such information is available) almost one-third (28 %) of the county land



had been retired from farming and had yet to be developed into urban uses. This area far exceeds that developed into urban uses (19 %) and is almost as large as the area actively farmed (37 %). "Other land," which takes up 16 % of the county area, consists mainly of forest land and wetlands.

One-half of the retired farmland went out of production quite recently, within about 10 years of 1968, and most of this land is well suited for farming. During the same period relatively little land was developed into urban use. Indeed, the rate of farmland retirement during this period was almost three times the rate of urban expansion.

The charts show that the future of farming is in question. If the past rate of farmland retirement were to continue, then by 1990 almost all of the remaining farmland will have gone out of production. Yet during the same period only 10 % (43,000 acres) of our land is projected to go into urban use, bringing the total to 29%.⁴

Not only has land gone rapidly out of farming in Monroe County, but the farms which remain active have lost much of their competitive advantages to farms in more rural areas. This is indicated by comparing the performance of farming in Monroe County with that in four nearby rural counties: Cayuga, Genesee, Ontario and Wayne Counties. The following comparisons may be drawn:

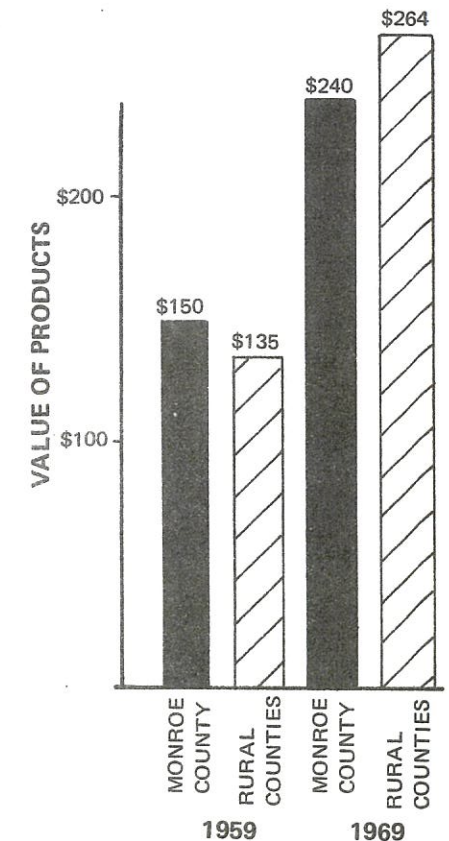
The productivity of farming, as measured by the value of farm products sold per acre of cropland harvested, increased from 1959 to 1969 by only 60% in Monroe County, while it increased by 96% in the four rural counties. (See Figure 2.)

The average profit per acre of cropland harvested in Monroe County in 1969 was only \$50, approximately one-half that in the four rural counties.

The average profit per estimated dollar value of land and buildings in Monroe County in 1969 was \$.03 (a 3% return on investments), only one-sixth that in the four rural counties.⁵

Thus the future of our farming is in question. The premature retirement of farmland has left almost one-third of the county to grow to weeds, used neither for farming nor for urban development. The loss in competitive advantage suggests that the excessive rate of farmland retirement will continue, for land will be held in farming only so long as it is profitable.

**FIGURE 2
VALUE OF FARM PRODUCTS PER
ACRE OF CROPLAND HARVESTED**



CAUSE OF THE DECLINE IN FARMING

The decline in farming in Monroe County has been caused largely by the increasing pressures of urban expansion. It must be emphasized that the decline has occurred even though Monroe County contains highly productive farmland and lies at the hub of the most viable farming area of the northeastern United States, the Central Plain and Lake Plain regions of New York State.

This is not to suggest that urban expansion has been the only cause of the decline in local farming. Much of the decline in farm acreage, for example, has been due to new technology and improved farm management practices, which have greatly increased farm productivity and reduced the amount of land required to meet our food supply needs. As a result, marginal farmland has been going out of production in Monroe County and elsewhere in the nation. Increasingly, however, the land going out of farming today in Monroe County is of high quality and well adapted to new technology and competitive demands. There is simply very little poor land which has not already been retired from production in Monroe County.

The decline in local farming may also be attributed partly to national economic forces. Federal controls over the production of corn, wheat, and other feed grains, for example, have been associated with some of the decline in acreage in these crops. Now that these controls have been lifted, we may expect to see some of the retired land brought back into production. Some of the decline in local farming may also have resulted from the changing distribution of national markets and the relatively high farm production costs in the northeast. Such changes would affect in particular farm commodities produced for national or regional markets, such as processed fruits and vegetables.

The major economic forces which may underlie some of the decline in local farming are beyond the scope of this discussion. The discussion focuses instead on the effects of urban expansion on farming. It is believed that urban expansion has been the principal cause of the decline in local farming. Further, while major economic forces are beyond the control of county comprehensive plans, urban expansion may be greatly influenced by these plans. It is important, therefore, to examine the effects of urban expansion on farming to provide a basis for the development of a comprehensive plan which will help sustain the local farm economy.

Urban expansion brings two kinds of pressures to a farm community which result in a decline in farming. First it increases farm production costs, creating a competitive disadvantage to farming in the urbanizing area. Second, it gives rise to an interest among both farmers and nonfarmers in land speculation and in converting farmland to urban uses.

Farm Production Costs

Farm production costs generally rise in urban areas as a result of increasing costs of land, labor and material supplies. Production costs may also rise because of the adoption of municipal ordinances which restrict farming, such as by prohibiting the spreading of manure within certain distances of property lines.

By far the most important component of increasing farm production costs in Monroe County has been the rising cost of land. These costs have affected farmers in

their efforts to enlarge their farms to keep pace with competitive demands. They have also been experienced by those who wish to acquire an entire farm unit to begin production in Monroe County. Finally, they have been felt by every farmer in the county through increases in his property taxes.

The problem of expanding the acreage of existing farm units has been largely overcome through the rental land market. Although most of the land in the county is priced far beyond the reach of the farmer, many land owners are willing to rent their land to neighboring farmers at a reasonable price, as this helps maintain the land and reduce its holding cost. This situation has led to a significant increase in the proportion of commercial farmland in the county that is rented. In 1970 this proportion reached 40%, increasing from 31% in 1960.⁶

While the rental land market has helped overcome some problems in the expansion of farm units, it has created other problems for the farm operator. Farmers, if they are to make the large investments in barns, silos, fruit trees and other "capital facilities" which are necessary to remain competitive, must have available a dependable supply of land. Yet most landowners are willing to engage in only short-term leases with farmers.

A more serious problem has been that of assuring the continuation of farming through the transfer of farms to a new generation of farmers. This problem has arisen from the increasing opportunities for land use conversion, which have brought the price of farmland far above its value in farming throughout most of Monroe County. Because of the rising price of farmland, the transfer of farms to new operators must rely increasingly on inheritance. Where the children of today's farmers are not interested in farming, the farms will likely be sold to speculators or developers.

The most pressing production problem, as viewed by current farmers, is that of property taxes⁷ which have risen more sharply in Monroe County than in neighboring rural counties and have placed our farmers at a considerable competitive disadvantage. Property taxes may rise through an increase in assessed valuation or an increase in the tax rate. Generally it has been the latter kind of increase that has been associated with the rising property taxes paid by farmers in Monroe County.

During the past decade the assessed value of farmland has actually changed very little. In 1970 the average full-value assessment on commercial farmland in Monroe County was about \$200 per acre, which is reasonably related to the value of this land in farming but far below its actual market value, as influenced by the prospect of urbanization.⁸ Thus, most of the farmland in Monroe County is assessed at its present use value rather than its market value.

This is not to suggest that farmland assessments are not a problem. Although they are slow to rise with the increasing market price on land, they do undergo a gradual adjustment. Moreover, many communities in the county today are undergoing reassessments which are threatening the preferential tax status of farming.

While assessments on farmland have generally been slow to change, the tax rate has risen dramatically in response to the increasing demand for urban services. The result has been a significant increase in the taxes which farmers actually pay on their land. Between 1960 and 1970 county, town and school taxes paid per acre of commercial farmland in Monroe County more than doubled, increasing by 156%.⁹

Taxes for sewer and water facilities and other special districts also increased significantly for many farmers in Monroe County, placing on them an additional burden which is not generally experienced by farmers in more rural areas.

In summary, urban expansion has brought pressures on farming in Monroe County through its effects on farm production costs, particularly on the costs of land. It has created problems in the expansion of farm units and the sale of these units to a new generation of farmers. Most importantly, urban expansion has resulted in major increases in farm property taxes, partly through its effects on assessments but principally through its effects on the tax rate.

Alternative Land Use Demands

Not only does urban expansion raise farm production costs but it also creates an interest in land speculation and the conversion of farmland to urban uses. Such an interest has increased greatly among farmers in Monroe County and has largely accounted for the decline in farming.

An interest in land speculation and the conversion of farmland to urban uses results in a decline in farming through its effects on farm investments. To remain competitive and keep pace with technological changes, the farmer must make large investments in capital facilities. Because such investments take a long time to amortize and do not increase the value of the land for urban use, the farmer often will defer or avoid these investments in an urbanizing environment, where he anticipates large capital gains from the eventual sale of his land for urban use. Without such investments, the farmer's productivity declines until he is eventually forced to discontinue production and derive income from other sources, such as off-farm employment, social security or the sale of his land to speculators or developers. Frequently the farmer derives income through lot-by-lot sales which result in piecemeal land transfer and strip frontage development. The farm itself, once inactive, will probably not be returned to production because the land is priced above its value in farming and because large capital investments are needed to make the farm competitive.

There is no question that the farmers in Monroe County are operating under perceptions of a rapidly increasing demand for their land by urban uses. This is indicated by their estimates of the current market price of their land and by their plans concerning the use of their land once they discontinue farming.

Good cropland (other than muckland, vineyards and orchards) in rural areas of New York State seldom sells for more than \$300 per acre, and the ceiling value of such land in farming is about \$500 per acre. Yet only 13% of the commercial farmers in Monroe County estimate the current market price of their land at under \$500 per acre, and one-half of these farmers estimate it at over \$1,000 per acre.¹⁰ Such high appraisals clearly reflect the farmer's view of the market for his land: it is not for farmers but for speculators or developers.

Perceptions of development opportunities are more directly conveyed by the plans of farmers on the future use of their land. One-half of the commercial farmers in Monroe County, operating about 20% of the total land area of the county, expect to sell their land to speculators or developers once they discontinue farming. Forty percent expect to keep their land in production by transferring it to a member of their family, while only 10% expect to achieve this through bona-fide farm sales.¹¹

The opportunities which farmers perceive for selling their land to speculators or developers appear to exceed the real opportunities. In actuality there is far more active farmland which is currently being held in anticipation of development than the total land area projected to go into urban uses by 1990 (see Figure 1). Furthermore, since these uses are projected to take up only 12% of the current inventory of undeveloped land, it is extremely unlikely that they will occur entirely (or even principally) on the active farmland which is being held in anticipation of development. Because such a large area of land is available for urban use and so little of this land projected to go into such use, one must seriously question whether there will even be a viable speculative market for much of this land.

Given such unrealistic expectations by farmers concerning the prospects for development, one would anticipate an excessive decline in capital investments in farming. This has indeed occurred, forcing farmland into retirement long before it is needed for urban uses. And the future appears to hold a continuation of past trends. Only 13% of the commercial farmers in Monroe County anticipate investing more than \$10,000 in capital facilities for farming,¹² a level far below that needed to maintain the competitive position of farming in Monroe County.

BASIC POLICY DIRECTIONS

If we are to realize the benefits from maintaining viable farming, then public policy must be designed and brought into effect explicitly to serve this objective. Without such policy all the evidence points to continued decline in local farming and a substantial loss in public benefits.

At the heart of the farm land use problem lies the process of urbanization. Because the process is essentially incompatible with the needs of farming, it must be changed significantly if farming is to prosper in Monroe County.

Two basic changes are required: (1) the process must be modified so that it does not raise farm production costs in Monroe County significantly above those in rural areas, and (2) it must be modified so as to prevent undue speculation on farmland, excessive increases in farmland prices, and unreasonable expectations among farmers on the prospects of converting their land to urban uses.

The policy implications of these changes are similar. If farming is to endure in Monroe County, then urban development must be given much clearer direction in the future than it has been given in the past. Further it must generally be accommodated in locations relatively remote from areas which still contain viable farmland, and it must assume a pattern which can be efficiently serviced so as not to place unnecessary pressures on farm production costs. The specific policies for achieving this are set forth next.

Chapter 3

FARM LAND USE POLICY

This chapter presents a set of policies for maintaining land in farming. The basic objective of the policies is to keep land in productive farming until it is actually needed for nonfarm uses.

The policies presented are not intended to keep land forever in farming, although someday the public may recognize a need for such policy. Rather they are intended simply to prevent the premature retirement of land from farming, such that farmland will stay in production until it is needed for nonfarm uses.

To realize this objective most of our active farmland must remain in production during the next fifteen to twenty years, the time frame of the county comprehensive plan. There is far more than enough land already retired from farming to accommodate the population of one million projected to be reached within the county during this period, and only a small portion of our active farmland has sufficient locational advantages for urban uses such that it should go into these uses.

The result, therefore, will be to reserve large areas in farming during the next few decades, even though the intention is not to deny land to urban development nor to keep land forever in farming. However, if the objective is achieved, the option of preserving highly productive farmland on a long-term basis will remain available. Given the current course of events, we would lose this option throughout most of Monroe County during the next few decades.

An additional intention behind the proposed policies is that they take maximum advantage of our existing powers to influence land use development. The mechanisms to be proposed are not new. What is new is the actual application of these mechanisms to the objective of keeping land in farming. In practice governmental powers to influence land use development have generally been applied in direct conflict with this objective.

Finally, the proposed policies should be considered for adoption as a package rather than independently of one another. Although certain of the proposals may be discarded without subverting the basic objective of keeping land in farming, they generally reinforce each other in keeping with this objective. It is most important that one mechanism not be applied in direct conflict with another. It serves no purpose, for example, to adopt rigorous agricultural zoning for an area only to service this area with the kinds of public facilities which will encourage its development.

Where may farming be maintained in Monroe County during the next twenty years, the time frame of the county comprehensive plan? There are two parts to the answer to this question: (1) farming may be maintained in those areas where it is

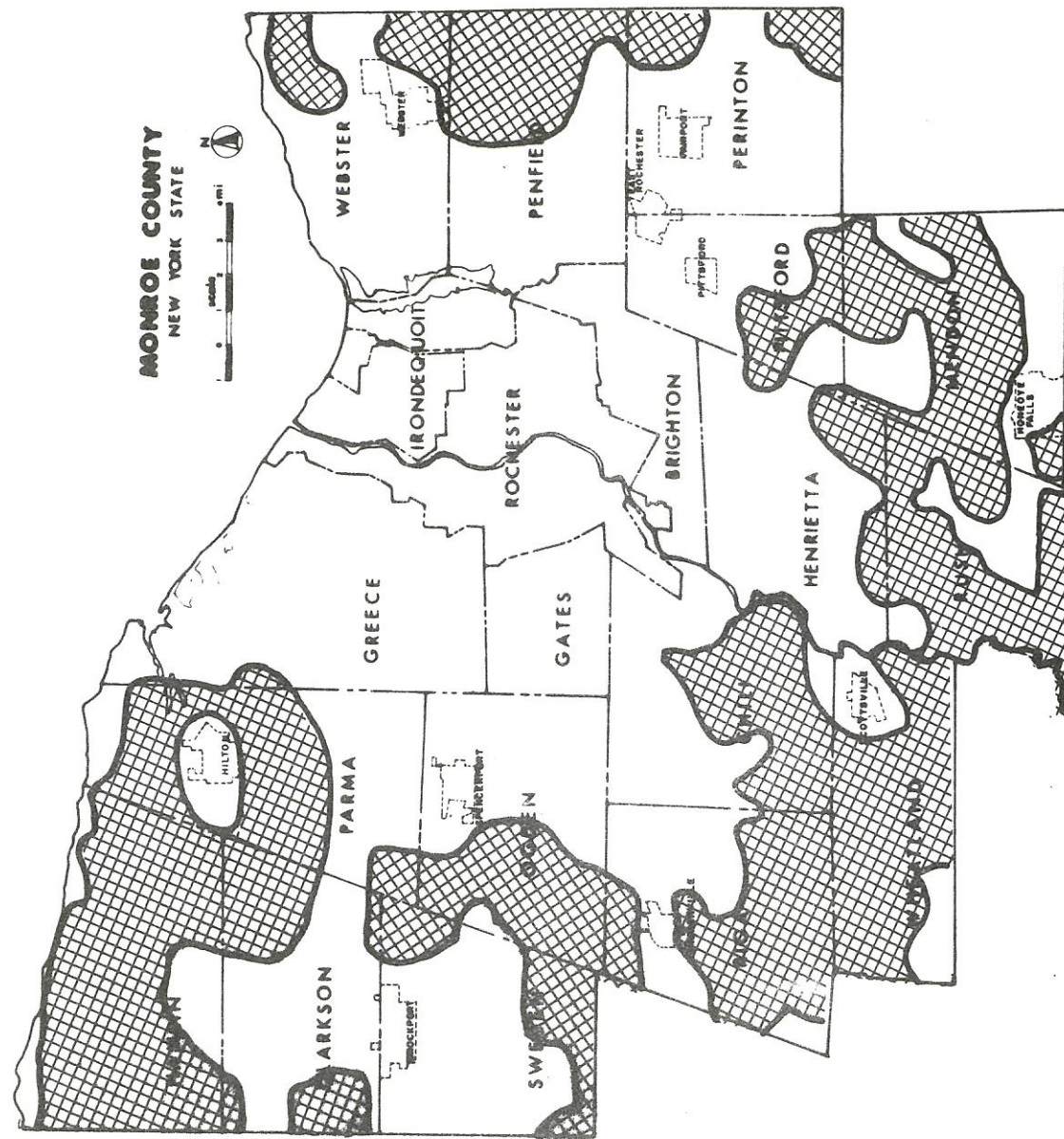


FIGURE 3
AREAS PROPOSED FOR FARMING
AND LOW-DENSITY NONFARM USES

still viable, and (2) farming may be maintained in those areas where land is not needed for urban expansion.

Figure 3 delimits the areas of Monroe County which generally meet both criteria. The areas shown, according to a survey of the viability of farming by Professor Howard E. Conklin of Cornell University,¹ are capable of sustaining highly productive farming throughout the foreseeable future, given that the adverse effects of urbanization in these areas are controlled. Further, urban development needs during the time frame of the county comprehensive plan may generally be accommodated without further urban encroachment in these areas.

This is not to suggest that farming is the only existing land use within these areas nor that one will not find highly viable farms outside these areas. Within the areas shown one finds retired farmland and scattered urban uses as well as active farming. The predominant use of land within the areas, however, is productive farming. On the other hand, most of the land outside these areas has been retired from farming or is in urban use, although one still finds part-time farming and occasional commercial farms.

It should be stressed that the areas shown in Figure 3 are proposed not only for agricultural uses but also for low-density urban uses. The urban uses should be of sufficiently low density so as not to create undue pressures on farming and so as not to generate a demand for the extension of public sewer and water services where these services do not currently exist.

In certain of the areas shown there may be little interest among farm property owners to continue in production. In these areas development should still be maintained at a low density to maintain the open character of the areas and to keep down the demand for extending costly public facilities. In such areas rural residential densities of one dwelling unit for every three to five acres would be appropriate.

Where there is serious interest on the part of farm property owners to continue farming, still lower densities should be required. In this way, one may assure that new development will not generate adverse pressures on farming.

It is recommended that the mechanisms to be discussed for maintaining land in farming be applied principally to the areas shown in Figure 3. Measures should not be adopted for keeping land in farming outside the areas shown unless it is clearly demonstrated that these measures will not tend to discourage farming within these areas. Such precaution is required because the preservation of farming outside the areas shown will tend to expand development pressures and discourage farming within these areas.

AGRICULTURAL DISTRICTING POLICY

In September, 1971 the New York State Agricultural Districts Law came into effect. As the provisions of the law are outlined in some detail in Appendix A, attention here will be directed only to its major features.

Under the law the ultimate responsibility for the formation of an agricultural district rests with the Monroe County Legislature. District proposals, however, must be initiated by land owners, and they must be reviewed by the County Department of Planning, the County Agricultural Advisory Committee and various state agencies.

Once a district is established several provisions come into effect to discourage urban penetration and give a production incentive to farmers within the district. These include: (1) preferential tax assessments, (2) restrictions on the taxation of farmland for utilities extended into the district, (3) limitations on the use of eminent domain for nonfarm development within the district, and (4) prohibitions against the adoption of ordinances restricting farming within the district unless the ordinances are necessary for public health and safety.

The law also enables preferential tax assessments on farmland outside districts, provided the owners of this land sign a contract for keeping their land in farming for eight years. To maintain the assessment in these cases, the owners must renew the contract each year, such that it continues to apply for an eight-year period.

Finally the law enables the State Commissioner of Environmental Conservation to establish districts as of September, 1974. In such cases the district must contain agricultural land which is considered unique and irreplaceable.

The Agricultural Districts Law offers unique opportunities for keeping land in farming. If the law is not applied correctly, however, it will fail to serve its objective and may indeed discourage farming in certain areas where it should continue. To assure that the law will serve its objective, the following basic policies are recommended:

The Department of Planning should play an advocacy role in the establishment of agricultural districts as well as perform the review function mandated by the law. This is because the configuration of districts will more likely be in keeping with the locational objectives stated in the previous section if the Department of Planning is involved not only in the review of district proposals but also in their inception.

Priority should be given to encouraging the establishment of districts rather than to encouraging the use of preferential assessment contracts outside districts. This is because the districts will better serve to encourage the continuation of farming, as they offer not only preferential assessments on farmland but also provisions which influence the course of urban expansion. Preferential assessment contracts outside districts, therefore, should not be encouraged unless it is considered highly desirable to keep the land in farming and there appears to be little chance of establishing a district.

In applying the law, priority should be given to the areas displayed in Figure 3, and most of the land in these areas should ultimately be included in agricultural districts. If the districting or preferential assessment provisions of the law are applied widely outside these areas, then urban development pressures within these areas will increase, and the law will not have served its purpose.

Every effort should be made to encourage large districts under the law. Small districts will not serve to guide urban expansion, and the pressures of urbanization cannot be effectively controlled within small areas.

Although viable farmland should predominate within the districts, in many instances substantial areas of existing nonfarm uses should be included.

Farming throughout Monroe County is frequently interrupted by idle land and scattered urban uses. In addition, clusters of urban development will occasionally be found within viable farming areas. Thus efforts to exclude all nonfarm uses from agricultural districts will result in small, fragmented districts which will fail to guide urban development and maintain the integrity of farming areas.

ZONING POLICY

The Agricultural Districts Law is designed to discourage but not prevent the conversion of farmland to nonfarm uses. Farmers within districts remain free to sell their land for whatever nonfarm uses the market will support. The effectiveness of the law, therefore, will be increased if it is supplemented by consistent local zoning policy.

Agricultural zoning has failed in the past throughout New York State because it has been too permissive toward nonfarm land uses. Such zoning has commonly permitted a variety of nonfarm uses, including residential development at relatively high densities. The most restrictive residential lot size requirement in agricultural zones in Monroe County is 30,000 square feet (about three-fourths of an acre). Much larger minimum lot sizes are required if agricultural zoning is to discourage urbanization within farming areas.

To be effective, agricultural zoning need not be designed to hold land forever in farming. Such zoning should permit the conversion of farmland to those kinds of nonfarm uses which are compatible with farming. Where it fails to do this, agricultural zoning is subject to legal challenge, as it denies property rights without compensation. Furthermore, there are numerous nonfarm uses of the land which are compatible with farming and do not raise appreciably development pressures on neighboring farmland. Such uses include many institutional uses, open recreational uses, and low-density residential development.

In addition, agricultural zoning should be subject to revisions permitting higher density development when there is clearly a need for such development. In this respect agricultural zoning may be viewed as a mechanism for timing development. While the demand for development in a farming area is rising, the agricultural zone will discourage urban scatteration and strip frontage development within the area and encourage the continuation of productive farming. When the demand for development becomes intensive within the area and there is a need for accommodating this demand, then the zoning for the area may be changed to allow rapid development at relatively high density. Because the area had been left intact during the period of restrictive zoning, it may be developed in large well-planned units after the zoning is changed.

The use of agricultural zoning to time development brings many benefits to farmers as well as to the community at large. While the zone is in effect the farmer may devote full attention to his operation, free of the variety of pressures and rising production costs which encroaching urban development brings on farmers. When the zone is changed to accommodate the needs for developing the land, the land will

develop rapidly and the farmer will realize large capital gains from the sale of his land. The capital gains will be much larger than those typically realized by farmers who sell their land to speculators or parcel their frontage under relatively low development pressures. Agricultural zoning, appropriately designed to time development, will assure the rapid and complete development of farm parcels, not just piecemeal frontage development.

A model agricultural zoning district is set forth in Appendix B. Towns in Monroe County are urged to review the district carefully and to give serious consideration to its adoption within the areas displayed in Figure 3.

TRANSPORTATION POLICY

Transportation policies and plans proposed by the Department of Planning are discussed in detail in a report entitled *County Circulation System: An Alternative Approach*. This section will briefly discuss the major proposals of that report as they relate to the objective of keeping land in farming.

Two basic factors must be recognized in planning for the location of transportation facilities such that they do not disrupt viable farming areas: (1) such facilities, by improving the accessibility of areas, have very significant effects on the course of urban development, and (2) farming is highly sensitive to urban development pressures. Thus, if farming is to be maintained in the areas shown in Figure 3, then the level of accessibility of these areas must be kept relatively low compared with that of other areas. Essentially this will require that new or improved transportation facilities be concentrated outside the areas which may be maintained in farming. Necessary road improvements, of course, would not be denied to these areas but would be controlled so as not to significantly expand development pressures.

To accomplish this a corridor pattern of development is proposed. The corridors are to be serviced by high-capacity transportation facilities, linking outlying development to the city of Rochester and facilitating the commutation of suburban residents to jobs within the city as well as the reverse commutation of city residents to outlying jobs. The principle behind the proposal is to concentrate new development within relatively high-density corridors (which would include new towns such as Riverton and Gananda) rather than to yield to a continuation of past trends of urban scatteration.

In order to channel growth into such corridors, the proposal places increased reliance on high-speed public rail transit. In addition to its greater efficiency, lower energy requirements and numerous other advantages, public rail transit serves better to channel urban development than highways and is generally more in keeping with the needs of maintaining land in farming. It should be pointed out that new and improved highways still play a significant role in the proposal, even though much emphasis is placed on rail transit.

The configuration of the development corridors is apparent in Figure 3. The corridors are generally defined by the residual areas not proposed to be maintained in farming. Because such areas include much more land than is necessary to accommodate urban development during the time frame of the county comprehensive plan, not all of these areas are proposed for intensive development

during this period. Development, however, is proposed to be concentrated in these areas, such that very little new development need go into the areas to be maintained in farming.

The major development corridors are as follows:

Brockport Corridor. The development corridor from Rochester to Brockport is currently served by two principal arterials, Routes 31 and 104. Consideration should be given to upgrading these arterials to increase their capacity and to serving this corridor also with rail transit. It is proposed that the viable farmland within the portion of this corridor near Brockport be kept in farming, providing a kind of "green belt" which keeps Brockport a physically distinct community. Highway interchanges and transit stations should be limited within this farming section of the corridor.

Churchville Corridor. The corridor from Rochester to Churchville is served principally by Interstate 490 (the Western Expressway). This route may also be used for bus transportation to the city.

Riverton Corridor. The corridor from Rochester to the new town of Riverton, located in Henrietta south of the New York State Thruway and adjacent to the Genesee River, will be served by the Genesee Expressway and rail transit, principally on the Erie Lackwanna line.

Southeastern Corridor. This corridor would have two major development areas: (1) from Rochester to Gananda, a new town proposed in Wayne County near the Monroe County line, and (2) from Rochester to the village of Pittsford. The first area may be served in part by rail transit along the Penn Central mainline and potentially some new rights-of-way. Adequate service, however, will also require upgrading existing arterials or providing new highway facilities. In order that the viable farming area in eastern Perinton and Penfield be maintained, transit stations and highway interchanges should be limited in this area. The second development area, from Rochester to the village of Pittsford, is served by Interstate 490 (the Eastern Expressway). It also has potential for being served by rail transit along the Auburn branch of the Penn Central line.

Webster Corridor. The corridor from the city to the village of Webster is served principally by Route 104. Route 104 will require improvements to increase its capacity. There is also potential for serving the corridor with rail transit along the Route 104 right-of-way.

In summary, the transportation proposals are designed to give positive direction to the course of urban development rather than to encourage urban scatteration, as has been too often the case in the past. The proposals will result in relatively high accessibility in areas not needed for farming, such that urban development pressures will not expand significantly within viable farming areas but will be confined to relatively high-density corridors. Because farming is so sensitive to the pressures of

urbanization, it is essential that the basic concept of the transportation plan be brought into effect if farming is to remain a significant land use in Monroe County.

HIGHWAY FRONTAGE POLICY

Driving from the suburban to the rural areas of Monroe County, one observes significant changes in the character of development. In the suburbs, subdivisions prevail. These soon become scattered, yielding to a predominant pattern of "strip development" of residential and commercial uses along the frontage of highways. In the more accessible areas the strip development takes up all of the existing highway frontage. Farther from the city the houses and commercial uses become more scattered, but the strip development pattern is still apparent. Even in remote areas of Monroe County one finds occasional new homes built along the highway, serving notice of the pattern of tomorrow.

To provide a basis for controlling strip development the Planning Department published a report entitled *Proposed Highway Frontage Policy* in April, 1972. This report sets forth basic policies to limit the development along the frontage of state and county highways. The major purpose of the recommendations in the report is to uphold the public interest in maintaining the traffic-carrying capacity of our highways.

Although it is not of concern in the report, the viability of farming in Monroe County has been as much threatened by frontage development as has the capacity of our highways. **Frontage development has caused urban uses to scatter widely throughout Monroe County, bringing urban pressures on its farmland.**

The policies proposed in the highway frontage report, therefore, will encourage land to remain in farming by controlling frontage development. **The principal proposals, as they relate to the objective of keeping land in farming, are as follows:**

Direct access of new development to county and state roads should be carefully restricted. New homes, for example, should not be permitted to have access directly to the state or county highways but should be required to have access to a frontage road paralleling the highway or alternatively to have "reverse frontage," whereby backyards abut the highway and access is provided to a subdivision road paralleling the highway. New commercial development should not be permitted to string along the highway but should be concentrated in well-designed nodes or shopping centers with carefully controlled access to the highway. Well-designed planned unit developments and cluster developments which carefully control access should be encouraged.

The Monroe County Legislature should adopt clearly stated policy concerning highway frontage development. This would provide guidelines for county agencies and local government in regulating such development.

The County Planning Department, the County Health Department, and the County Department of Public Works should review and revise their regulatory procedures such that they serve a comprehensive policy discouraging direct access of development to county and state highways. For the Health



FIGURE 4
FRONTAGE DEVELOPMENT

Frontage development along state and county roads has not only allowed urban uses to scatter widely through farming areas but has also reduced the traffic-carrying capacity of these roads and has raised the costs of providing sewer, water and other public facilities and services.

Department this will require additional considerations in its review of subdivisions under Article III of the Monroe County Sanitary Code. For the Department of Public Works it will require more rigorous standards for the approval of applications for new construction along county and state roads. For the Planning Department it will require continuous attention to the need for limiting development along highways in its review of zoning variances and special exceptions under Section 239-m of the General Municipal Law and in its other review functions.

Towns and villages should control highway frontage development through zoning and subdivision regulations. Although zoning probably cannot be used to prohibit development with direct access to highways, it can be used to discourage such development through various incentives. Zoning provisions, for example, may permit smaller lots and higher densities where access is provided to a subdivision road or a highway frontage road than where it is provided directly to a highway. Through subdivision regulations municipalities have the power to prohibit development with direct access to highways.

The above policies would serve to encourage farming in the areas displayed in Figure 3 by achieving a more compact pattern of development. Landowners and developers would generally not assume the risks of investing in new access roads for development except in areas of relatively high accessibility where there is a considerable demand for development. Furthermore, they would generally not undertake these investments unless public sewer and water facilities were readily available, so that relatively high densities could be achieved to support the investments. Finally, because most of the roads in the areas which may be maintained in farming are state and county highways, urban scatteration in these areas would be reduced greatly by the restrictions against development with direct access to these highways.

SEWER AND WATER SERVICING POLICY

The extension of public sewer and water facilities into farming areas has adverse effects on farming for two reasons. First, even though farmers themselves do not need such facilities, they frequently must bear a large share of their costs. Second, such facilities, like transportation facilities, increase significantly the pressures of urban development on farmland.

Public sewer and water facilities are financed largely on the basis of the assessed valuation of property, its acreage, its road frontage or some combination of these. Because farm properties encompass considerable areas of land with extensive frontage along roads, they often sustain a disproportionate share of the costs of such facilities in relation to the services which the farmers actually receive from them. Within urbanizing areas, where farm property taxes are already relatively high, farmers cannot sustain the additional burden of taxation for public sewer and water facilities.

Nor can farmers continue to operate under the increased pressures of urban development engendered by such facilities. Without these facilities, public health

regulations and local land use controls will generally restrict new development to relatively large lots. The introduction of public sewer and water facilities into an area frees that area from low-density development requirements administered by the County Health Department and encourages the adoption of higher-density zoning for the area. The result is to greatly increase development pressures within the area.

These considerations point to the need for adopting policies on the location of public sewer and water facilities similar to those for the location of transportation facilities. Such facilities should be concentrated in areas where urban development is desired and carefully restricted in areas to be maintained in farming. Thus the facilities should be largely restricted to the development corridors set forth in the previous section.

This policy will have benefits beyond encouraging the continuation of farming in the areas displayed in Figure 3. By concentrating public sewer and water services, rather than widely distributing these services, a considerable savings in costs will accrue to the public. This is because concentrated facilities will lead to concentrated development, enabling more people to be served by fewer facilities.

To control the distribution of sewer and water facilities, development must be carefully restricted in areas proposed to be kept free from these services. Too often urban uses have been permitted to scatter widely through areas without public sewer and water services. Eventually these uses generate sufficient demand for such services that they must be provided, ordinarily at considerable public expense because the development is widely dispersed over large areas. Thus, if public sewer and water facilities are to be restricted largely to the development corridors proposed previously, then the measures suggested elsewhere in this report for controlling urban expansion outside the development corridors should be brought into effect.

We realize that the basic concept of concentrating public sewer and water services is easily stated but much more difficult to bring into effect. Many areas which are still relatively sparsely settled are confronting problems in their private water supply and septic tank systems and are beginning to demand the extension of public facilities. Many areas also have highly impermeable soils, requiring very low density development to safeguard the public health if there are no public sewer and water services. Certain villages are facing problems of obsolescence in their independent systems and are looking to joining the county systems, even though this would require the distribution of major transmission facilities through large areas of open countryside.

The advantages of denying public sewer and water facilities within some of the areas proposed for farming are obvious, despite incipient pressures for extending facilities to these areas. Within other areas the needs for public facilities may be significant enough that the concept of concentrated facilities must be compromised. Detailed planning, therefore, must be undertaken to refine the concept such that a workable public sewer and water distribution system is developed. The Monroe County Department of Planning looks forward to cooperating with the Monroe County Water Authority and the Pure Waters Agency in developing such a system.

TAXATION POLICY

The most serious problem faced by the Monroe County farmer is his property taxes, which have risen rapidly and placed him at a considerable competitive disadvantage. If farming is to continue in the areas displayed in Figure 3, the rate of increase in farm property taxes in Monroe County must be reduced below that in more rural counties, so as to eliminate gradually the competitive disadvantage under which Monroe County farmers are now operating.

A shift to the income tax to support schools or other functions of local government would reduce the current tax burden on farmers and deserves consideration for this and other reasons. In relation to their incomes and the municipal services which they receive, farmers pay a disproportionately large share of local property taxes. This is generally true even where preferential agricultural assessments prevail because the farmer's real property holdings are substantial.

If the property tax is to remain in effect as the principal means of support for local governmental functions, it should be used as a mechanism for encouraging land in appropriate locations to remain in farming as well as for raising revenues. This will require that farm property in the areas proposed displayed in Figure 3 be generally assessed at its agricultural value rather than its market value, as influenced by its potential for urban development. Although agricultural value assessments currently prevail in these areas, we are observing increased pressures for reassessing the farm properties in these areas at their potential use value.

It should be pointed out that the legal status of agricultural value assessments, other than those obtained under the Agricultural Districts Law, is uncertain. State law requires property, including farmland, to be assessed according to its market value rather than its present use value. Despite this requirement, present use assessments prevail on much of the farmland within urbanizing areas in New York State. This has occurred despite legal requirements because of the unreasonable burden which market value assessments would place on farmers and because it is virtually impossible to determine the market value of most farmland within urbanizing areas.

To provide a clear basis for maintaining present value assessments under current law, therefore, the Agricultural Districts Law should be widely applied within the areas shown in Figure 3. Beyond this, the policies proposed elsewhere in this report should be brought into effect. The cumulative effect of these policies will be to bring the market value of farmland closer to its present use value, providing a firmer legal basis for maintaining favorable assessments on farmland.

It was pointed out in the previous chapter that much of the land currently in farming is not owned by farmers but is rented from nonfarm owners, in many cases land speculators. Such land now constitutes 40% of the current inventory of commercial farmland in Monroe County, and it is probable that this percentage will increase significantly in the future. Farmers, as they expand their operations, will continue to depend on a readily available supply of land for rental.

Local assessors are urged to recognize this situation and to encourage the rental of land to farmers at reasonable rates through their assessment procedures. Specifically, assessors should give favorable assessments to land which is rented to farmers under long-term leases, as such leases bring the current market value of the

land more in line with its agricultural value. By encouraging such leases, assessors will help overcome the production problems which an uncertain supply of land creates for farmers.

Even under favorable assessments farm property taxes have risen sharply in Monroe County in response to increases in the tax rate. This problem will be more difficult to overcome than that of assessments, as its solution will require the efficient provision of governmental services. It is believed that the policies recommended throughout this report will help overcome part of the problem. By discouraging further development within the areas which may be maintained in farming, the policies will reduce the need for new public facilities and services within these areas, which has been a major factor behind the increasing tax rate on farmland. Further, the policies will lead to more concentrated development which may be more efficiently serviced with public sewer and water facilities, roads, transit lines and other public services.

EDUCATIONAL POLICY

It was observed in the previous chapter that farmers appear to overestimate the potential for converting their land to nonfarm uses. Many farmers feel that their land will be favored by the developer, even though only a small portion of currently undeveloped land in Monroe County will actually go into urban use during their lifetimes. Such expectations are associated with a decline in farm investments and the premature retirement of farmland.

A basic problem to farmers, therefore, lies in the uncertainty of the land market. Where will development occur? When? What is the real demand for a parcel of farmland within the area of urban influence? Farmers and many other participants in the land market do not know the answers to these questions except in the areas where the prospects for land use conversion are immediate. Yet the answers need to be known if excessive land speculation is to be curbed and if farmers are to optimize their investments in farming.

The policies proposed in this report, if adopted, should eliminate much of the current uncertainty in the land market. In combination they will give clear direction to the future course of urban expansion, and participants in the land market will take note of this and invest accordingly.

Beyond these policies there should be continuing efforts of public education, such that participants in the land market, farmers and others, have more complete knowledge of the workings of the market. Even in the absence of other policies recommended in this report, an effective program of public education should give some encouragement to the continuation of farming. This is because all the evidence suggests that unreasonable land use expectations are a significant factor behind the decline in farming.

An effective educational program has two requirements: (1) that the appropriate information be collected and interpreted and (2) that this information be disseminated to the appropriate people. Although both requirements are now being met in part, educational efforts should be expanded.

Perhaps the most significant limitation in current educational efforts lies in the lack of adequate information concerning the land market. The Department of Planning collects certain information related to the land market, most notably

information on population, housing starts, land use and zoning and other land use controls. Information more directly related to the land market, however, is not readily available to the public. The frequency of land sales, the size of the parcels involved, their location, their market prices--these and other items of information are essential to the efficient operation of the land market. While some of this information is collected by tax assessors and the County Assessment Office, there is no systematic procedure for collecting, compiling and disseminating such information. It is to be hoped that property tax assessment procedures will eventually be revised to overcome these limitations, providing readily accessible, up-to-date files of property transactions. Although the procedures may best be established at the state level, the potential for improving procedures within Monroe County should be explored.

The information, once collected, must be disseminated. Here the Department of Planning and the Monroe County Cooperative Extension Association must play a major role. The Extension Association has become increasingly involved in its educational programs with land use concerns and the problems which urbanization creates for local farmers. It is recommended that the Extension Association expand its educational programs on these matters. The Department of Planning looks forward to developing a cooperative educational effort with the Extension Association on the issues presented in this report.

CONCLUDING COMMENTS

The preceding policies, if adopted, will eliminate much of the inefficiency in the current land development process. This process, which has been extremely wasteful of agricultural land resources, is certainly not beyond the potential control of public policy.

There is a price to be paid, however, for improving the efficiency of the development process, and this report would be remiss in ignoring this. Certain land owners in the areas proposed for farming would probably not realize as large gains from the sale of their land under the proposed policies as they would if current trends were to continue.

Such losses, if indeed they occur, must be weighed against the public benefits from the increased efficiency in land use. These benefits were observed to be significant, and it is believed that they far exceed the potential losses.

Furthermore, it is believed that the losses will not be as significant as many might think. First of all, the policies will result in increased farm incomes and more certain land market conditions in which to optimize farm investment decisions. Second, a basic contention of this report has been that many current owners of rural land will not realize their expectations concerning future land use conversions, even if present trends continue, because the real demand for their land by urban uses is so thin.

Each of us has a stake in the future use of farmland in Monroe County. The reader is urged to consider his interests, as well as those of others, in weighing the policies proposed above. Such a process of review, if it does not lead to the adoption of the proposed policies, will at least increase public awareness of the consequences of a future in which farming is no longer a significant land use. The future is too important to forfeit without public awareness or concern.

APPENDIX

Appendix A

THE AGRICULTURAL DISTRICTS LAW

In September, 1971 the New York State Agricultural Districts Law came into effect, providing an initial basis for maintaining farmland in urbanizing areas. The following is a summary of the major provisions of the law. The text of the law may be found in Agriculture and Markets Law, Article 25-AA, as amended by Chapter 712 of Laws of 1972.

The Agricultural Districts Law enables counties to designate areas in which to encourage farming. The major intention of the law is to discourage urban penetration in these areas and to offer farmers an incentive to remain in production.

The major steps in the creation of an agricultural district are as follows:

1. Landowners prepare a district proposal and submit it to the Monroe County Legislature. The district proposal may be prepared by an individual or a group of landowners. In either case the applicant(s) must own at least 500 acres of land (which need not be farmland) or 10% of all the land proposed to be included in the district, whichever is greater.
2. The legislature refers the proposal to the County Department of Planning and the County Agricultural Advisory Committee for their review and recommendations. The Agricultural Advisory Committee, which is appointed by the Monroe County Legislature, consists of four farmers, four agribusinessmen and one legislator.
3. After receiving the recommendations of the Department of Planning and the Agricultural Advisory Committee, the legislature holds a public hearing on the proposed district. The legislature may subsequently adopt the proposed district as a plan.
4. If the legislature adopts the proposed district as a plan, it must submit the proposal to the State Commissioner of Environmental Conservation, who in turn submits it to the State Office of Planning Services and the State Agricultural Resources Commission for their review and recommendations.
5. The Commissioner, upon receiving the recommendations of the state agencies, may modify the district proposal prior to certification or may certify it as it was originally submitted.

6. Upon receiving the proposal as certified by the Commissioner, the Monroe County Legislature may disapprove of the district. If the certified proposal was modified at the state level, the legislature must hold a public hearing prior to approving or disapproving of the district. If the legislature does not disapprove of the district, it comes into effect.

The county legislature is required to review each agricultural district every eight years after its establishment. The recommendations of the Department of Planning and the Agricultural Advisory Committee must be considered in the review, and a public hearing must be held. The legislature may then terminate the district, allow the district to continue without modification, or modify the district. If the legislature chooses to modify the district, the same procedures must be followed as in the establishment of the original district.

Once an agricultural district is in effect, five major provisions will apply within the district:

1. Land owners may apply for an agricultural assessment of their land. To be eligible for such an assessment, the applicant must own at least 10 acres and his land must have produced an annual average of at least \$10,000 of farm commodities during the two years preceding the application. A ceiling for agricultural assessments is to be established by the State Board of Equalization and Assessment. If land which has obtained an agricultural assessment is converted to nonfarm use, the owner must pay back-taxes for the previous five years. These back-taxes would equal the difference between the taxes which were actually paid under the agricultural assessment and those which would have been paid if the land had not been preferentially assessed.
2. Local governments are prohibited from adopting ordinances which unreasonably restrict farm structures and farming activities within districts, unless these ordinances are necessary to protect the public health and safety.
3. State agencies must adopt the policy of maintaining viable farming in agricultural districts, so long as such policies are in keeping with public health and safety, and must revise their administrative regulations and procedures accordingly.
4. Certain procedures must be followed by public agencies in the advancement of funds for utilities or nonfarm development in agricultural districts and in the acquisition of land within these districts where more than 100 acres are to be acquired from an entire district or if the acquisition from any actively operated farm within the district would be in excess of 10 acres. In these instances, the public agency must file notice of its intentions at least 30 days prior to such action with the State Commissioner of Environmental Conservation, who may hold a public hearing on the matter and may delay action for as long as 60 days to start at the end of the 30 day period.

5. Within agricultural districts restrictions are placed on the taxing of farmland for sewer, water, drainage and lighting services. Unless such taxes are in effect prior to the formation of the district, they cannot be imposed on farmland on the basis of frontage, acreage or value, except for small areas surrounding dwellings and nonfarm structures on this land.

In September, 1974 the Agricultural Districts Law permits the State Commissioner of Environmental Conservation to create agricultural districts. The districts, in this instance, must encompass a land area of at least 2000 acres and must contain agricultural land which is determined to be unique and irreplaceable. Prior to creating such a district, the commissioner must consult with various state and local agencies, community leaders and interested individuals, and he must hold a public hearing. Districts created by the commissioner must be reviewed every eight years. The above five provisions apply to districts created by the commissioner as well as those created by the county legislature. In addition, where districts are created by the commissioner the state would be required to reimburse each taxing jurisdiction part of the loss in revenue resulting from agricultural assessments.

Finally, the Agricultural Districts Law provides for an agricultural assessment of farmland outside agricultural districts. To be eligible for an agricultural assessment, landowners outside districts must own at least 10 acres which must have produced an annual average of at least \$10,000 of farm commodities during the two years preceding the application. In addition, the owner outside a district must sign an agreement to keep his land in farming for an eight-year period, and to retain the agricultural assessment the owner must renew the commitment annually, such that it continues to pertain to an eight-year period. If any land under the commitment is converted to nonfarm use during the eight-year period, the owner must pay a penalty tax equal to two times the taxes determined in the year following the breach of commitment for all land previously under commitment.

Appendix B

MODEL AGRICULTURAL ZONING DISTRICT

This appendix presents a model district to guide municipalities in preparing provisions for agricultural districts within their zoning ordinances. If adopted by the municipality as part of its zoning ordinance, the model district will help assure that farming will remain an important land use and will not succumb to excessive pressures from competing uses of the land.

Municipalities are urged to review carefully the provisions of the model district and to modify them to suit their needs. In areas shown in Figure 3 where there is a genuine interest in continuing farming, however, the municipality should take care not to modify the district to allow those kinds of development which may subvert its principal purpose: to assure the continuation of productive farming. The minimum residential lot size suggested in the model is twenty acres, which would help assure the continuation of farming by making it competitive with residential uses. This acreage may have to be reduced to gain public acceptance, but it must be recognized that any major reduction may defeat the purpose of the district.

Smaller residential lot sizes may be permitted in those areas displayed in Figure 3 where there is little interest in the continuation of farming. In such areas minimum lot sizes of five acres are recommended, although these may be reduced to three acres if this is necessary to gain public acceptance. Lot sizes below three acres are not recommended as these may destroy the "rural" character of these areas, may place undue pressures on farmers who wish to continue production, any may generate a demand for costly public facilities.

The model district includes only those kinds of provisions which are ordinarily given in the "Use Districts" section of a zoning ordinance. Thus supplementary regulations which commonly apply to all districts are not given. The most significant of these, insofar as the agricultural district is concerned, are administrative procedures for conditional use permits. Also significant are sign regulations and off-street parking requirements, as these will relate to roadside stands for the sale of farm produce. Municipalities, in designing these supplemental regulations, should consider the needs of the agricultural district as well as other districts.

Model Agricultural Zoning District

1. **Purpose.** The purpose of the agricultural district is to maintain or expand farming in those areas suited for such use. In relation to this purpose the agricultural district is intended to: (1) protect farming areas from the encroachment of any incompatible uses which might directly or indirectly

discourage the continuation of farming; (2) prevent increasing pressures on farming from land speculation; (3) provide a basis for assessing farmland at a sufficiently low rate such that farmers within the agricultural district may compete effectively with farmers operating similar land resources elsewhere; (4) prevent those kinds of uses that will require or encourage the provision of sewer, water or drainage facilities which result in an increase in taxation on farmland within the district; (5) provide an area where farming may be conducted without restrictions, excepting those essential to the public health or safety, on operating hours, methods of operation, on-premise sale of produce or other activities necessary for the profitable conduct of farming; and (6) provide an area for only those nonfarm land uses which are compatible with the purpose and intent of the agricultural district.

2. **Permitted Uses.** The following uses and their accessory uses are permitted outright:

- (a) Crop farming, including but not limited to the growing and raising of trees, vines, shrubs, berries, vegetables, nursery stock, hay, grains and similar crops.
- (b) Livestock farming, including but not limited to the breeding and raising of beef and dairy stock, sheep, horses, goats, pigs, rabbits and poultry.
- (c) Kennels.
- (d) Sale of agricultural products grown, raised or produced on the premises.
- (e) One single-family dwelling per legal parcel.

3. **Conditional Uses.** The following uses and their accessory uses are permitted upon the granting of a conditional use permit by the Town Board. Prior to granting such a permit, the Town Board shall determine that the conditional use is in keeping with the purpose and intent of the agricultural district, as set forth in Section 1.

- (a) Farm labor housing.
- (b) Churches and similar religious institutions.
- (c) Rest, nursing and convalescent homes.
- (d) Public and private schools, including nursery schools, day care centers and primary and secondary schools of general education, but not including a business, dancing, trade, technical or similar school.

- (e) Public utility buildings, structures and uses.
- (f) Open recreation uses such as parks, playgrounds and golf courses, but not including such intensive commercial recreation uses as driving ranges, race tracks or amusement parks.
- (g) Wildlife, scenic, historic and scientific preserves.
- (h) Community centers owned and operated by a government agency or a nonprofit organization.
- (i) Riding instruction and academies.
- (j) Summer camps.
- (k) Cemeteries.
4. **Dimensional Requirements for Nonfarm Uses** : (specified in Sections 2(e) and 3(b) through 3(k).
- (a) The minimum parcel area shall be twenty (20) acres.
- (b) The minimum lot frontage shall be eight hundred (800) feet.
- (c) The minimum front setback shall be one hundred (100) feet, measured from the road right-of-way line.
- (d) The minimum side and rear setback shall be fifty (50) feet from the parcel line, except where the parcel line abuts a street the minimum setback shall be one hundred (100) feet measured from the road right-of-way line.

Minors
facilities

FOOTNOTES

Chapter 2. The Farm Land Use Problem

1. U.S. Bureau of the Census, *Census of Population, 1970, General Social and Economic Characteristics, Final Report PC(1)-C34*, New York (Washington, D.C.: U.S. Government Printing Office, 1972).
2. U.S. Bureau of the Census, *U.S. Census of Agriculture, 1969, County Data, Monroe County* (Washington, D.C.: U.S. Government Printing Office, 1971).
3. The data for Figure 1 are taken from the "LUNAR" survey, undertaken by Cornell University under contract with the New York State Office of Planning Services. The "LUNAR" survey was based on aerial photographs taken in the spring of 1968. See Roger A. Swanson, *The Land Use and Natural Resource Inventory of New York State* (Albany: New York State Office of Planning Services, June 1969). The table is based on computer output made available by the Genesee/Finger Lakes Regional Planning Board.
4. Monroe County Planning Department, *Farming in Monroe County: Problems and Prospects* (Rochester, N.Y.: November, 1972), p. 53.
5. *Ibid.*, Table 1.
6. *Ibid.*, p. 24.
7. *Ibid.*, pp 24-25.
8. *Ibid.*, p. 26
9. *Ibid.*, pp. 26-27.
10. *Ibid.*, p. 29 and Tables F5 and F6.
11. *Ibid.*, p. 29 and Tables F7 and F8.
12. *Ibid.*, p. 30 and Table F13.

Chapter 3. Farm Land Use Policy

1. The survey has yet to be published by Professor Conklin. However, a description of the conceptual and empirical basis of the survey may be found in: Howard E. Conklin and Robert E. Linton, *The Nature and Distribution of Farming in New York State* (Albany: New York State Office of Planning Services, 1969).

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