

Preserving Rural Working Lands

Our rural working lands are actively used for the production of food and fiber. They include croplands, pasture lands, orchards, vineyards, plant nurseries, and woodlands.

An Economic Force

Our farmlands and forests produce goods that are sold worldwide, providing an economic livelihood to thousands of families and diversifying our regional economy. A few highlights:

- Over 6,400 working farms in the region cultivate about 1.5 million acres of farmland and directly employ 10,000 full-time workers.
- Farmers in the region sell over \$1 billion of farm products each year. Three counties in the region—Wyoming, Genesee, and Wayne—are among the top five agricultural counties in the state.
- An additional 19,000 workers in the region are employed by agribusinesses—food production, storage, distribution, sales, etc.—with total annual wages of over \$720 million.

Other Benefits

Many of the benefits of our working landscapes have a less direct, but certainly not less important, impact on family and corporate budgets:

- Productive uses of our land define our rural landscape, culture, and identity. These uses depict the various ways residents have interacted with the land for generations.
- Many working lands protect critical wildlife habitats and promote traditional activities such as hunting, fishing, and hiking.
- Working lands can be sources of fresh food for local residents.



Our working lands are invaluable assets to our economy, our environment, and our culture (photo courtesy of <http://freepages.genealogy.rootsweb.ancestry.com/~darmi/photos/photoindex.html>)

- Woodlands absorb carbon dioxide and play a crucial role in mitigating climate change.
- Working rural lands require fewer public services per acre than suburban and urban development.
- Farms and forests provide beautiful views, as well as recreational and educational opportunities.
- Our productive rural landscapes attract tourists and tourists' dollars.

Challenges

Our rural working lands are under threat from many directions: increased global competition, rising energy costs, and residential development pressures.

Local communities, state government, universities, not-for-profits, businesses, farmers, foresters, and others have been working to find ways to safeguard rural working landscapes by attracting and educating new farmers, introducing and sustaining value-added products, increasing profits, and balancing development and preservation to ensure that our working lands remain significant and viable for years to come.

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Land Use and Transportation Strategies

Municipal land use and transportation plans, policies, and regulations also play a key role in ensuring the viability of rural working lands. Strategies available to preserve our landscapes, strengthen communities, and attract economic opportunities include:

MUNICIPAL ZONING

Zoning laws designate the types of land uses, densities, and development standards that are appropriate for different areas, or districts. Zoning is perhaps the most powerful way to maintain working lands, while balancing community and landowner interests. Proper zoning can ensure appropriate land uses and densities and protect natural resources.

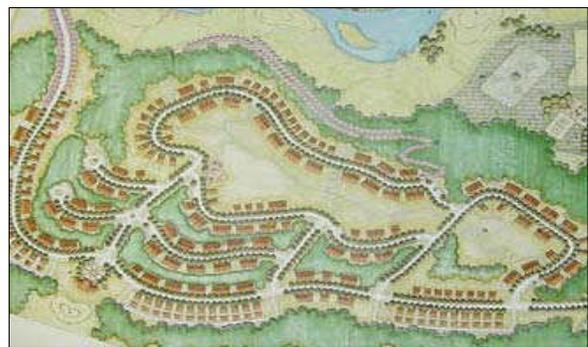
Overlay districts, special use permits, and cluster zoning are forms of zoning that can be particularly useful for preserving working landscapes.

Overlay Districts. Overlay districts are superimposed over “base” or underlying zoning districts. Land use and development in overlay districts must comply with additional standards beyond what is required by base zoning. Overlay districts can be used to protect farms and scenic viewsheds; to avoid negative impacts to environmentally sensitive areas such as wildlife corridors, steep slopes, flood plains, and riparian areas; and to ensure that land uses are compatible with the historic character of an area.

Special Use Permits. Many communities find that Special Use Permits, or SUPs, are a flexible regulatory tool. Certain uses of land or types of businesses may have the potential to negatively impact surrounding properties or the entire community, or may not be appropriate

for all the parcels in a particular zoning district. In such cases, a municipality has the option to issue a SUP after more extensive review of the proposal’s merit. New York State law grants municipalities broad authority to use the Special Use review and permitting process to address community concerns. As a result, SUPs are a powerful tool to protect farmland, woodland, and wildlife habitat; allow energy installations; impose basic design criteria; and, generally, apply standards selective to unique circumstances found within a district. Special Use Permits are often used with Overlay Districts.

Cluster Development. Cluster development is another important zoning mechanism for preserving working lands. It allows buildings on a particular site to be concentrated away from sensitive natural features. Cluster developments may include the same amount of building as would be allowed in conventional zoning for the same site, but clusters it on a smaller portion of the site. Municipalities sometimes offer cluster zoning as an incentive: a developer can build even more densely than usually allowed on a restricted portion of a site in exchange for environmental protection, open space preservation, or open space funds.



Wayne County’s Cluster Development Feasibility Study explores ways of balancing residential development and farmland preservation
(www.gtcmpo.org/Docs/PlansStudies_Date.htm)

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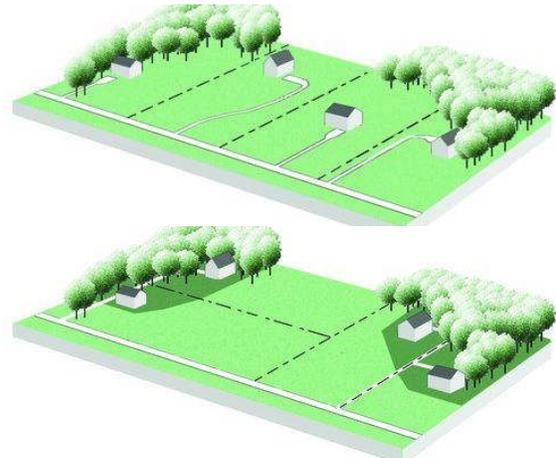
SUBDIVISION REGULATIONS

While zoning specifies the types of development that are allowed on different parcels of land—residential, commercial, mixed-use, etc.—subdivision regulations address how those parcels can be divided up, developed, and served by roads and other infrastructure. Site plans for development are reviewed according to subdivision regulations which establish standards for such things as the layout of streets, sidewalks, curbs, gutters, streetlights, water lines, hydrants, and sewer and stormwater facilities.

In New York State, subdivision regulations may address lot configurations; the location, intensity, and timing of development; the impact of development on municipal services and facilities; the impact of development on setting and landscape; and the protection of natural resources and sensitive areas. In other words, subdivision regulations can be a very effective means of protecting working lands, especially when used in conjunction with zoning laws.

SEQR

State Environmental Quality Review (SEQR) needs to be applied for every action taken by a municipal planning board. And every time it is applied, it becomes an opportunity to consider the preservation and protection of working lands. As part of their SEQR authority, municipalities can require more in-depth, yet locally appropriate, assessments to identify the sensitive habitats, wildlife, or cultural resources that might be lost or displaced by new uses of the land. To make these requirements legally defensible, however, a municipality should set standards or guidelines so the same information is collected for every project. These guidelines should be in place before a project goes before the planning board. Having consistent



Subdivision regulations can specify how a parcel can be subdivided into individual lots to protect views or sensitive lands

(photo courtesy of Clark Patterson Lee)

guidelines creates a fair process: all applicants are treated the same and know what to expect. Also, with guidelines, the planning board knows it has the information it needs to determine impacts, that the information was collected properly, and that the results are comparable to those of similar assessments. Guidelines that are used early in the approval process can minimize project review delays and expenses for both the municipality and the developer.

AGRICULTURAL DISTRICTS

New York State law allows counties to create agricultural districts to protect agriculture by means of property owner incentives and protections that discourage the conversion of farmland to non-agricultural uses.

Owners of land that is being farmed within an agricultural district may benefit from reduced property taxes, right-to-farm provisions that allow accepted agricultural practices, and protections from fees on farmland to finance public infrastructure such as water and sewer lines for non-farm development. Being in an agricultural district does not affect the use of

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land beyond existing zoning requirements, though any proposed non-agricultural uses may be subject to heightened SEQR review. The state reviews agricultural districts every 8, 10, or 12 years to verify that they are serving their intended purpose.

PURCHASE OF DEVELOPMENT RIGHTS

In Purchase of Development Rights (PDR) programs, a property owner voluntarily sells a conservation easement to a conservation organization or, more typically, a local government. An easement is placed with the property owner's deed and runs with the land for a specified period of time or forever, restricting use of the land to agriculture and protecting it from development. At all times, the property owner retains title to the land and may restrict public access.



The Town of Pittsford issued bonds to pay for its nationally-recognized PDR program to protect working agricultural lands
(Wikimedia Commons, PD USDA)

PDR programs benefit communities and property owners. Communities can protect their agricultural industry and traditional character. Property owners who are land rich but cash poor can receive an infusion of capital to use as they please, such as purchasing additional acreage, upgrading equipment, and investing for retirement.

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TRANSFER OF DEVELOPMENT RIGHTS

In TDR programs, property owners can transfer development potential from one parcel of land to another, either on the same site or another site where development would better serve

community goals. TDRs are used by local governments to protect working lands, such as farms and forests, as well as scenic areas and wetlands.

Communities must identify both areas to be protected and areas designated to receive development in order to establish a TDR program. After property owners agree to transfer development rights for a certain fee, a permanent conservation easement is used to protect environmentally sensitive lands, and the land where development is allowed generally receives a density bonus. In most cases, private property owners negotiate the fees for development rights, and the local government approves the transaction and monitors both the easement and new development.

Property owners benefit by being compensated for keeping their land productive. Communities benefit because private funds are used to secure development rights, farmland is protected, and development occurs in suitable areas.

Selected Resources

Planning for Agriculture in New York: A Toolkit for Towns & Counties, American Farmland Trust, 2011
www.farmland.org/documents/PlanningforAgriculturePDF.pdf

Is Your Town Planning a Future for Agriculture? A Checklist for Supporting Agriculture at the Town Level in New York, American Farmland Trust
www.farmlandinfo.org/documents/30856/
[Is your town planning a future for ag questionaire.pdf](#)

Conserving Natural Areas and Wildlife in Your Community, NYSDEC, 2008
www.dec.ny.gov/lands/50083.html

New York Farmland Information Center, AFT
www.farmlandinfo.org/new-york/

Genesee Transportation Council - December 2012