

Agriculture and Farmland



GOALS:

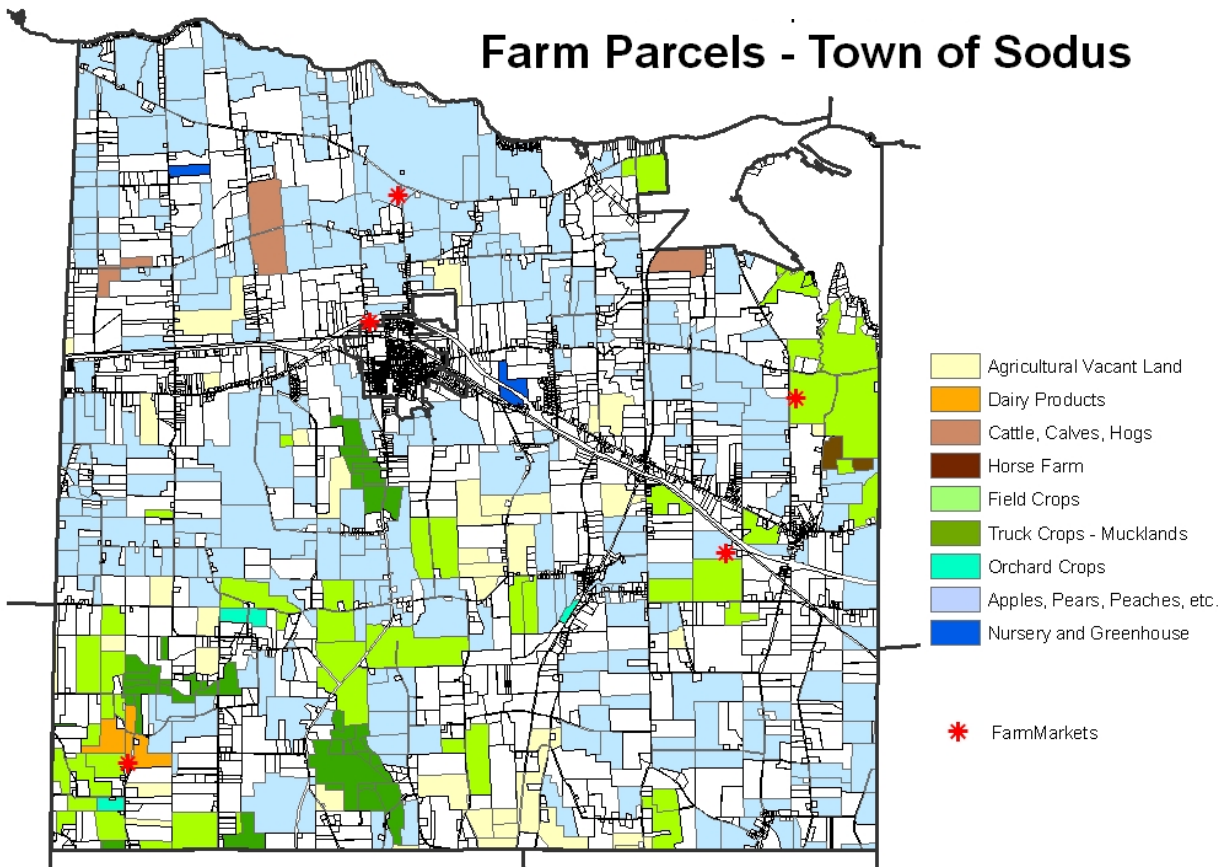
- A. Promote the continued economic viability of agriculture.**
- B. Ensure that large, contiguous areas of high quality farmland remain available for agricultural production.**

Background Information

Apples and other fruit orchards are the predominant type of agriculture in the Town of Sodus. The southern Lake Ontario shoreline is well-suited for apples and other fruit crops. Other crops grown in the Town include potatoes, grains and vegetables. Map 13: Agriculture by Type of Farm depicts the parcels that are used for agriculture by types of farms.

Map 13: Agriculture by Type of Farm

Farm Parcels - Town of Sodus



SOURCE: 2004 Real Property Tax parcel data provided by the Wayne County Planning Department

Agriculture is a significant industry in Wayne County as well as in the Town of Sodus. In 2002, the total market value of agricultural products sold in Wayne County was reported as \$119,673,000.

Most of the farmland in Sodus is devoted to fruit orchards, including apples and cherries. Fruit farming generated more than \$40,000,000 in sales in Wayne County in 2002.

The 2002 Census of Agriculture provides statistics by zip code, but not by municipality. Zip codes that cover a significant portion of the Town of Sodus are Sodus (14551) and Williamson (14589). A total of 170 farms were counted in the 2002 Census within the Sodus and Williamson zip codes. Nearly half (81) of these farms generated more than \$50,000 in sales, including 34 farms that generated \$250,000 or more in sales. For comparison, 30% of all of the farms in Wayne County generated \$50,000 or more in sales in 2002.

Few of the farms in the Town of Sodus are part-time or “hobby” farms. A total of 75% (129 farms) in the Sodus and Williamson zip codes reported that farming is the primary occupation of the principal farm operator.

Of the 170 farms in the Sodus and Williamson zip codes, a total of 109 farms had fruit orchards. A total of 19 farms raised vegetables or melons. A total of 33 raised horses or ponies, and 11 sold cattle or calves. Map 14: Active Agricultural Land depicts land actively being farmed in the Town of Sodus. Map 15: Lands in Agricultural Districts depicts the land currently within Wayne County Agricultural Districts.



Residents Survey Highlights

Respondents to the Residents Survey clearly indicated support for agriculture in the community.

- When asked, "What do you like about residing in the Town or Village of Sodus?", 57% responded, "The rural agricultural character of the community."
- 72% of respondents agreed with the statement: "The Town should preserve and protect farms and farmland from development."
- 74% expressed concern about large country lots and farms in their area being subdivided into small lots and developed for residential purposes.
- 41% indicated that farms and agriculture are important to the quality of life in their neighborhood; 60% indicated "open space/ green space."

Issues and Opportunities

Support for agriculture as an industry

Agriculture, particularly fruit farming, is a significant industry in the Town of Sodus and Wayne County, generating millions of dollars in sales each year. The industry requires well-maintained roads to facilitate transport of goods, as most of the fruit grown in Sodus is transported out-of-state for processing. As imported labor is essential to the industry, community acceptance of workers from Mexico and other central American countries and their families helps to ensure that high quality labor continues to be available.

Residential Development Patterns

Farm-neighbor conflicts become more frequent when new residential development is constructed adjacent to active farmland. In addition, efficiency of farming is affected when the subdivision of farmland reduces the amount of contiguous land available for farmer.

Neighbor Conflicts

Despite the notification required by the Agricultural District law, people who buy property in agricultural districts are frequently unaware of the potential impacts of agriculture. These include spraying of pesticides, late night use of farm equipment, slow moving equipment on roads, truck traffic and odors. Although complaints are not frequent, they can be disruptive to farmers.

All-terrain-vehicles (ATVs) have trespassed on farmers fields, damaging crops. Although the ATV users are trespassing, it is difficult to identify and prosecute individual riders.

Additional information about resolving farm-neighbor conflicts is presented in a publication produced by Cornell University. It is available on the internet at: http://www.cdtoolbox.org/agriculture_economic_development/fcandc.pdf.

Support for agricultural tourism

Farm markets and other small-scale farm businesses can attract tourists and visitors to Sodus. Such businesses may network with other businesses and attractions to increase tourism.

Highlights of Focus Group Discussions

The Agriculture Focus Group addressed the following issues on January 31, 2005:

- As expenses rise, many farmers seek to diversify their businesses with ventures in storage, transportation, or retail sales.
- The lack of local processing facilities results in apples being shipped to Michigan and Pennsylvania for processing
- New residents may not be tolerant of necessary farm practices such as spraying and late night equipment operations.
- Imported farm labor, primarily Mexicans and central Americans, is essential to the agricultural industry. Many of these laborers live in the area year-round and have become part of the community. Community acceptance of laborers is important to the support of local agricultural operations.
- The business needs of local farm stands/ agri-tourism are and large-scale commercial farming are very different. Both are suitable for Sodus.
- Farmers are concerned about trespassing during the summer by ATVs.
- Subdivision of farmland creates new neighbors, which can make it difficult for farmers.
- Purchase of development rights to farmland would help farmers continue to operate, provide fair compensation, and prevent land from being developed for residential uses.
- Subdivisions of 5-acre lots take excessive land from farms. Existing procedures make it easier to develop larger lots than smaller



Relevant Plans and Programs

Wayne County Agricultural and Farmland Protection Plan (1997)

The Wayne County Agricultural and Farmland Protection Plan, completed in 1997, recommends projects to sustain the economic viability of agriculture as well as projects to retain high quality agricultural land for continued production. Key accomplishments resulting from this Plan are:

- Wayne County received State and Federal funds to purchase development rights to farmland in Macedon.
- Wayne County established an “agricultural specialist” position within the Wayne County Planning Department (currently held by Ora Rothfuss)

Other recommendations included:

- Develop a Wayne County Farm Marketing Logo
- Promote agri-tourism in coordination with the Seaway Trail and the Canal Corporation
- Dialog with local police to assure that local farm laborers are treated fairly, assist farmers with the development of migrant worker housing, and develop and ombudsman program to assist migrant workers.
- Assist local towns to revise zoning to permit secondary businesses on farms and establish appropriate regulation for agricultural support businesses.

Tools and Techniques

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

Local “Right to Farm” Law

Several municipalities in New York State have passed local “Right to Farm” laws. Such laws typically establish a town policy in support of farming, define “generally accepted agricultural practices,” and affirm a farmers right to employ such practices. The laws also include a requirement that purchasers of property within the town be notified of the town’s policy of encouraging farming, and that farm practices may include odors, noise and other activities.

A “grievance” procedure is established to resolve complaints between farmers and non-farm neighbors. A local committee may be formed to hear and resolve complaints. Such a committee includes local farmers and may include non-farm representatives. Municipalities may appoint an existing committee, such as the Conservation Advisory Council or Planning Board, to act as the Grievance Committee. In some counties, the Agricultural and Farmland Protection Board may take on the responsibility of handling grievances.

Land conservation through conservation easements

Private, voluntary conservation easements

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

The Genesee Land Trust, based in Rochester, is an example of a private, non-profit land trust that accepts donations of property or development rights. The Land Trust also works with individual landowners and community leaders to protect land resources.

Public purchase of development rights

Purchase of Development Rights (also referred to as “Purchase of Agricultural Conservation Easements”) is a public program which compensates farmland owners for agreeing to keep land from being developed. Such a program may be operated by a public entity or a not-for-profit organization. The value of development rights is calcu-

lated as the difference between the value of the land for agricultural purposes and its value for development. A temporary or permanent easement restricts development on the parcel. Ownership of the parcel does not change. The easement holder is responsible for ensuring that the property is not developed. The owner may continue to farm the parcel, and/or sell it.

Zoning Techniques

Agricultural Protection Zoning

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

Regulations for this district typically limit non-agricultural development. They may incorporate density averaging or sliding scale provisions to limit the number of dwellings permitted. The regulations may also specify maximum (as well as minimum) lot sizes for non-farm development. Such a district may allow farm-related businesses and home-based businesses.

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

Density averaging (clustering)

Density averaging or clustering allows residences to be built on smaller lot sizes than typically permitted by zoning, provided that the average density of the original parcel is not increased. For example, if zoning requires a maximum density of 1 dwelling per 10 acres, a farm of 100 acres would be entitled to develop up to 10 dwelling units. If the 10 dwellings were built on a total of 20 acres of the parcel (with an average lot size of 2 acres), 80 acres would remain open (see diagram on the right, below.) The smaller lots should be sited in locations that are least suitable for farming, and that offer the most appealing views of open space and natural resources. Design of the subdivision should include buffers between the new residential development and the remaining farmland. A conservation easement would be placed on the remaining 80 acres to prevent future development.

Incentive zoning

Incentive zoning may be used to encourage the private acquisition of agricultural conservation easements (development rights) or to collect money toward a public fund to purchase such easements. Municipalities must designate an area or areas in which higher densities

Relevant Plans and Programs (cont'd)

Wayne County Agribusiness Micro-Enterprise Program

- Cornell Cooperative Extension of Wayne County offers business planning workshops for qualified farms and agribusiness owners and provides technical support in various agricultural interest areas, i.e., apple growing.
- Consultants from NY FarmNet and Farm Credit of Western New York will help farm and agribusiness owners and entrepreneurs help with business plans.
- The Agribusiness Development Center has a library, computer and software to assist with business planning and development.
- The Wayne County Industrial Development Agency offers loans with below-market interest rates to businesses that employ five or fewer workers, including the owner. Applicants must have a business plan. Loans may be used for start-up costs, equipment, building improvements, real estate, or working capital.

Contact Ora Rothfuss, Agriculture Development Specialist, Wayne County Planning Department: 315-046-5919 or e-mail orothfuss@co.wayne.ny.us.

Other County Programs

- Wayne County established a Purchase of Development Rights program that has been funded by \$4 million in State and Federal grants.
- The Finger Lakes Culinary Bounty program encourages Wayne County restaurants to purchase local produce.

Agriculture and Farmland

Agricultural District Program

Nearly all of the Town of Sodus outside the Villages is within a County Agricultural District. In Wayne County, Agricultural Districts are reviewed, and may be renewed, in 8-year cycles. Inclusion in an Agricultural District denotes a commitment on the part of the County and the landowner to retain the use of such land for agriculture.

The Agricultural District Program includes the following provisions to protect farmers:

- **Agricultural use value assessments:** Land is assessed at its value for agricultural production, rather than at its full market value. If land that received the agricultural exemption is sold for non-farm purposes, the landowner must repay the amount of property taxes saved over the life of the District, up to 8 years.
- **Protection from local regulations** that would restrict farm practices
- **Protection from public acquisition of farmland through “eminent domain.”** Before a local or county government may undertake a project that affects land within an Agricultural District, it must submit a "Notice of Intent" to the County Agricultural and Farmland Protection Board and the NYS Department of Agriculture and Markets for consideration of the impacts on agriculture.
- **Protection from nuisance suits (right-to-farm provisions)**

A person who buys property within an Agricultural District must be notified about the possible presence of noise or odors associated with farm practices and acknowledge receipt of this notice in writing.

or more intensive uses may be permitted, provided that the applicant offer certain amenities that would meet specified community needs. Acceptable amenities may include conservation easements on farmland or cash to be used in a purchase of development rights program.

Recommended Actions

1. Enact a local “Right to Farm” law that incorporates grievance/ mediation procedures
2. Revise zoning regulations to permit ancillary business as part of agricultural operations.
3. Work with County and State economic development officials to attract a large processing facility to the region.
4. Work with Wayne County to obtain funding to purchase the development rights to large, contiguous areas of farmland.
5. In reviewing development proposals, encourage designs that locate residential building lots on the less desirable farmland and incorporate buffers to separate farming and residential uses.
6. Encourage subdivisions that utilize “density averaging” to keep large portions of the farm in agricultural use.
7. Amend subdivision regulations to require Planning Board review for subdivisions of land into lots smaller than 20 acres.