

Supporting Sustainable Rural Food Production

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Nearly 60 percent of all land in the Genesee-Finger Lakes region is devoted to agriculture, ranging from 32 percent in Monroe County to 80 percent in Wayne County. State-certified agricultural districts in our region encompass 1.75 million rural acres and are the backbone of sustainable food production on a large scale.

Our agricultural districts are supplemented by land use regulations. These regulations contribute to the strength of our agriculture and food production system as a durable and sustainable force in the lives of our rural communities.

Considerations for Local Communities

Rural Agricultural Zoning

Agricultural zoning can stabilize the agricultural land base and protect ground water supplies and rural landscapes. Many national experts suggest densities of around one dwelling unit per 20 acres, although some maintain that agricultural zoning should permit not more than one unit per 80 acres in order to have parcels large enough to farm. Practices in our region generally range from 10 to 25 acres. Regulations should consider exceptions for agriculture-related on-site businesses such as craft workshops and small retail outlets. The effectiveness of agricultural zoning may be enhanced when combined with Purchase of Development Rights and Transfer of Development Rights programs or with cluster zoning and incentive zoning that encourage development in appropriate areas.

The Purchase of Development Rights may be expensive upfront, but can secure large “base” acres of farmland to serve as an anchor for smaller areas of TDR, cluster, or incentive zoning.

The challenge for communities is to balance the equity impacts of local laws on farm owners. The Town of Seneca in Ontario County provides a good example of a municipal code that establishes farming as the preferred use in its



Appropriate densities, allowed through incentive zoning or by right, can safeguard valuable agricultural land and farmers' equity in that land.

Agricultural Zoning District and protects agriculture from development and other land use conflicts.

Agricultural Incentive Zoning

Incentive zoning is a provision in a municipal code that allows developers to do something that's otherwise not permitted by right, such as building more residential units on smaller lots or changing a use. In exchange, developers must provide an amenity deemed to be in the public interest, such as a monetary contribution or constructing sidewalks and drainage facilities in excess of what is required or building in a designated area or protecting open agricultural land. The Town of Pittsford's incentive zoning, for example, relaxes a number of area, use, and financial requirements in order to meet community objectives, including protecting active farm land. Incentive zoning must be structured so that it is effective and balanced. Incentives are no use until a developer takes advantage of them; at the same time, they must have community support.

Right-to-Farm Laws

Under right-to-farm provisions, farmers who employ responsible operational practices are protected from nuisance complaints such as

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odor, noise, and the transport of farm implements on public roads. Farmers have some protection from lawsuits, but do not have unlimited freedom in New York State. Despite the large amount of land in our region dedicated to agriculture, right-to-farm regulations are the exception rather than the rule. Wayne County is a leader. Wayne County's right-to-farm law, adopted in 1997 and updated in 2009, protects farmers from nuisance complaints and requires sellers of residential property to notify buyers that farming occurs in the county.



Right-to-Farm laws protect farmers' investments in their agricultural operations.

Farm Worker Housing Regulations

New York is the only state in the nation with a sanitary code for migrant and seasonal housing that is stricter than federal regulations. Housing must have proper inspections and permits, including, for example, local building permits and certificates of occupancy. Municipalities, therefore, can support the farm labor crucial to larger-scale operations by enacting zoning that ensures safe and fair housing conditions for farm workers. The Town of Hamlin's Farm Labor Camp zoning regulations specify the minimum requirements for the application, review, and development of farm labor housing, as well as the district in which it is permitted by right. Considerations include location, housing tenure, water needs, sewage disposal, and drainage controls. Ulster County's Farmworker Housing Rehabilitation Program provides grants to improve housing for farmworkers, including migrant workers, to help keep farming viable and as an incentive to come to the county to work.

On-Farm Marketing Ordinances

Local governments can create on-farm direct marketing ordinances to give farmers the opportunity to sell more of their products, as well as to increase residents' awareness of and access to locally-grown, healthy food. Such ordinances allow and regulate on-site farm stands, markets, and small-scale processing facilities, with respect to setbacks, signage, accessory uses, and so on.

Selected Resources

Making Planning and Zoning Work For Agriculture, Ontario County Department of Planning, 2008

www.farmland.org/programs/states/ny/GrowingNewYork_MMtmp3b5f0a2a/Farm-FriendlyZoning-2-Rudzinski.pdf

Modernizing Rural Development Codes: "Quick Fixes" for Highest Priority Challenges, US Environmental Protection Agency, 2009
<http://mediaserv.law.du.edu/flashvideo/rmlui/2010conference/powerpointpdf/EPA%20Rural%20Quick%20Fixes%20Duerksen.pdf>

Model agriculture-related ordinances in New York State

www.farmlandinfo.org/farmland_preservation_laws/index.cfm?function=laws&articleID=0&sortOrder=rating&articleTypeID=246&publishedStatusID=2&questionStatusID=&stateID=NY&topicID=&categoryID=&go.x=43&go.y=16&go=submit

Burlington County, NJ On-Farm Direct Marketing Model Ordinance

www.farmlandinfo.org/documents/38007/On_Farm_Direct_Marketing_FinalCADB1.7.10.pdf

Genesee Transportation Council - January 2013