

## Memo

To: Katherine Goldberg and the members of the Town of Caroline Agriculture Committee  
From: Jean McPheeters, Chair of the Zoning Commission  
Date: May 23, 2022

Thank you, Katherine, and the members of the Agriculture Committee. The members of the Zoning Commission and our consultant, Nan Stolzenburg, read the report and the articles with great interest.

Nan wrote that she doesn't "consider the zoning currently drafted for Caroline as an agricultural zoning law. It does not include the components usually seen in such kinds of zoning laws such as wide buffers required between non-ag and ag properties, very low density (such as 10- or 20-acre density), agricultural overlays (those are where uses are limited to ag-related uses), etc. Some communities that orient their zoning specifically to protect agriculture have very, very low density – some even restrict housing development only to those that are needed to support the farm. Or a community like Pine Plains in Dutchess County that has an ag overlay district that sets different densities and uses and development standards within that area solely to address agriculture. Those are the kind of regulatory provisions Joel Russel was discussing..." She further replied that "Since none of these kinds of provisions are included in the draft zoning, I would consider your draft zoning ag-friendly, but certainly not an ag zoning law. That is why the district is called ag/rural – it is designed to promote rural character, low density development similar to what you have now, and continuing opportunities for agriculture. It is very ag friendly in that it allows a diversity of farm-related businesses, all sorts of farming operations, consistency with NYS Ag and Markets Law for NYS Ag Districts, and a density of development that hopefully will be able to be consistent with continuing agriculture. But it does not include any of the typical 'ag zoning' restrictions. Indeed, as Joel says, many farmers don't want to see such restrictions. But that is not what is being proposed in Caroline."

And, Nan says: "So, in my opinion, I don't really think the points discussed in Joel Russell's article are particularly relevant in Caroline. I wouldn't want the community to get confused because these articles convey that 'agricultural zoning doesn't work' – which also implies that the Caroline zoning won't work. In my opinion, agricultural zoning is really not at all what we have been proposing. I hope that this doesn't grow more uncertainty about the usefulness of the zoning law, but I think it is very important to make a distinction between zoning oriented to meet rural goals vs. zoning that is much more oriented just to agriculture."

And finally, Nan also says: "The other thing I wanted to mention is that the techniques included in the Caroline law are not unknowns, or untested. Most are consistent with long standing best management practices promoted by the American Planning Association, and other planning efforts such as the one promoted by the Hudson River Valley Greenway. Throughout the Hudson Valley, communities have adopted the "Greenway Guidelines". Some counties, like Dutchess County, have created their own set of greenway guidelines (<https://www.dutchessny.gov/Departments/Planning/Greenway-Guides.htm>) that address many of the same methods included in the draft Caroline zoning, especially the site plan law. In my view, Tompkins County is well out front of many counties in its planning too (your county has MANY more resources for local towns and villages than most counties), and I think that the Town's draft zoning also is consistent with their recommendations and best management practices."

Also, Barb Knuth did some on-line research and read and shared a large number of articles. Barbara also noted that the Zoning Commission is not really doing agricultural zoning, but I think this is good background for all of us to have. Also, several of the articles suggest other actions that a government might take to help preserve agriculture.

Barbara wrote:

"The article Katherine shared is one of many available on the question of how effective zoning is (or can be) with regard to preserving agricultural lands. (Keep in mind that Caroline's draft zoning law has multiple purposes, not just preserving agricultural lands ... for example, guiding future development in the Town so that uses are located in certain appropriate areas related to their characteristics/impacts).

"With regard to the general question of whether zoning works to preserve agriculture, here's a brief summary based on a fairly quick perusal of the literature.

"There are, of course, no specific studies that are based on analysis of communities exactly like Caroline. That would not be realistic to expect. As we know, there are many details in zoning and thus many approaches in the variety of communities that have adopted zoning. "Zoning" is not one generic thing; ideally, it is developed for the specific community (as we are attempting to develop for Caroline through the draft law language).

"There are a number of studies that have examined effectiveness (variously defined) of agricultural zoning (variously implemented in different communities). Some of the variations in these studies relate to the context in which zoning is being applied (e.g., what types & sizes of agricultural land are present; what is the strength and types of various development pressures in the area? Importantly, what other types of land preservation mechanisms are being implemented with zoning, if any?); or how 'effectiveness' is being evaluated (e.g., number of acres of Prime Farmland retained or developed? Number of farms remaining in business? Acres of open space not developed? Etc.).

"I found a number of articles related to these questions, suggesting that zoning has had some level of positive contribution (depending on how zoning is implemented and how success is measured) to farmland preservation in some contexts ... but also suggesting that zoning is only one tool available to help meet the goal of preserving agricultural land (and success toward that goal will be increased if multiple tools are used, not relying only on zoning). A few that I found, with some annotations/excerpts that may be of interest (a few of these I just read the abstract for -- I could not access the entire article):

<https://conservationtools.org/guides/67-agricultural-protection-zoning>

<https://www.sciencedirect.com/science/article/pii/S0169204688900035>

Agricultural zoning in a metropolitan county: An evaluation of the Black Hawk County, Iowa, program "To evaluate the program, we analyzed re-zoning decisions in farm zones, changes in the number of farms and land in farms and the number of land transfers for each 256-ha section of the county between 1975 and 1985.

Results indicate that the administration of the program has improved over time. Relatively little farmland has been re-zoned for non-farm uses, and several proposals for non-farm uses have been denied. The local farm economy appears stable, given the slight decline both in the number of farms and the amount of farmland. The large majority of non-farmland transfers have occurred near urban boundaries. About one-quarter of farmland transfers have also occurred near cities. These figures suggest that urban sprawl is being fairly well contained. Few farmland

transfers involved land with a Corn Suitability Rating of 85 or more. This result implies that the best farmland is in quite stable ownership, and is not likely to be developed."

[https://www.researchgate.net/publication/335567644\\_Assessing\\_the\\_Performance\\_of\\_Farmland\\_Preservation\\_in\\_America's\\_Farmland\\_Preservation\\_Heartland\\_A\\_Policy\\_Review](https://www.researchgate.net/publication/335567644_Assessing_the_Performance_of_Farmland_Preservation_in_America's_Farmland_Preservation_Heartland_A_Policy_Review)

"Farmland protection techniques complement farmland preservation efforts. By limiting development opportunities, farmland protection techniques such as agricultural zoning and growth boundaries can help to limit the fragmentation of the farmland base and hold down the cost of buying conservation easements. Eight of the ten counties employ restrictive agricultural zoning to discourage the conversion of farmland to nonfarm development."

"Farmland preservation does offer a powerful growth management tool. Lancaster County and Baltimore County have used a package of farmland protection techniques—primarily agricultural zoning and growth boundaries—to complement their preservation efforts. Other leading counties in farmland preservation also use this approach.

Counties with strong agricultural industries—Berks, Lancaster, and Sonoma—appear to benefit from farmland preservation, not only in retaining land in farming but also in the solid increases in the value of farm output. By comparison Harford County, MD which has no growth boundaries and only rural residential zoning, lost nearly one quarter of its farmland between 1992 and 2017 with little increase in the value of farm output"

<https://scholarworks.umt.edu/cgi/viewcontent.cgi?article=12267&context=etd>

<https://digitalcommons.uri.edu/cgi/viewcontent.cgi?article=1492&context=theses>

How Well Has Agricultural Protection Zoning Worked? (This is the article Katherine shared, and as Nan points out above, focuses on "agricultural protection zoning" which is NOT what the draft Caroline zoning law emphasizes.)

<https://www.joelrussell.com/articles/Prac%20Plan%20Ag%20zoning.pdf>

"While agricultural preservation zoning is a useful tool, it is only one of many tools needed to save agriculture.

In order for a community to succeed, it needs a strong agrarian culture. Such a culture is sustained by weaving together shared values, good communication, mutual respect..."

-- from Hudson Valley

Formulating and Evaluating Agricultural Zoning Programs Robert E. Coughlin Pages 183-192 | Published online: 26 Nov

2007 <https://www.tandfonline.com/doi/abs/10.1080/01944369108975486>

[https://www.tandfonline.com/doi/pdf/10.1080/01944369708975730?casa\\_token=BNhev6R8\\_rMAAAAA:i\\_Fst6lCrt\\_S4JRivrQHiPx3hxazjqgfqqaAjxq2rIAg3mz1qXSWJ2se5O4zNGk15VO11Nixkf4](https://www.tandfonline.com/doi/pdf/10.1080/01944369708975730?casa_token=BNhev6R8_rMAAAAA:i_Fst6lCrt_S4JRivrQHiPx3hxazjqgfqqaAjxq2rIAg3mz1qXSWJ2se5O4zNGk15VO11Nixkf4)

"But in any successful farmland protection program, such as in Oregon; Lancaster County, Pennsylvania; Marin County, California; and Carroll County, Maryland, sound agricultural zoning provides the foundation ..."

[https://repository.upenn.edu/cgi/viewcontent.cgi?article=1051&context=cplan\\_papers](https://repository.upenn.edu/cgi/viewcontent.cgi?article=1051&context=cplan_papers)

"Without restrictive agricultural zoning, a scattered pattern of land preservation can act like magnets for nonfarm residential development."

"The Lancaster County experience

demonstrates that three techniques—effective agricultural zoning, growth boundaries, and the acquisition of conservation easements—can work together in a farmland preservation package

of approaches. Agricultural zoning discourages most nonfarm development and holds down the cost of purchasing conservation easements; growth boundaries limit the extension of sewer and water lines and urban development into the countryside; and the purchase of conservation easements on tens of thousands of acres gives greater certainty for continued farming over time."

<https://reader.elsevier.com/reader/sd/pii/S016920468690006X?token=94206AA1E2BF0688AB20A6540AC47F01F9054ABC0AD65117067616BBABF2DDC3BCD3B688B7EB37D01DAD214DA822E4E1&originRegion=us-east-1&originCreation=20220407204357> -- poor implementation of zoning led to lack of success in agricultural land protection"

I hope you will find this information of interest. Please let us know your thoughts.

Thanks again, we are very grateful to the Agriculture Committee members for taking the time to discuss this and send us their thoughts and some materials to read.

Best regards to all.