Town of Henrietta

Agricultural Development and Farmland Protection Plan

Adopted by Henrietta Town Board on July 11, 2018

Resolution #17-213/2018

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EXECUTIVE SUMMARY

The town applied for a grant from NYS Dept. of Agriculture & Markets to support the town's initiative to develop a municipal agriculture and farmland protection plan. The grant was awarded and the town appointed an advisory committee and engaged the services of the consulting team of Behan Planning and Design and CC Environment & Planning. This document provides a guide to activities, programs and strategies to help maintain a base of agricultural land use in the Town of Henrietta. With guidance from the town's project advisory committee and with input from farmland owners/operators and the community at large, the plan helps set a course of action so that farming can continue to be a way of life in town for the long-term future. A partnership concept is a foundation of the plan—that priority farmland resources can be protected by working together in a comprehensive way.

Land development activities continues to put pressure on the conversion of farmland placing the town at an important crossroads where decisions need to be made about making farmland protection a priority and taking appropriate action. Fortunately, the town still has almost four-and-half square miles (about 3,000 acres) of land in agricultural production being worked by local farmers who still see a positive future for farming in Henrietta.

As farmers look to their retirement age, they often must rely on selling some or all of their land to cover their living and medical expenses as they age—"The land is our 401k." Due to the high value of developable land in Henrietta they will typically not be able to sell their land to another farmer unless they are in a financial position to be able to sell the land at less than its full market value. When it becomes necessary to settle the estate on a farm, it is often not financially possible to pass the farm on to the next generation farmer. In areas of high development pressure like Henrietta, this almost always means the land is eventually sold for real estate development. It is not too late to take action working with willing farmland owners and other partners to protect core areas of the town's farmland base. Given the pressures facing farmland owners and operators in Henrietta and the importance of receiving feedback from the community, time is of the essence.

"Planning for Agriculture" was the theme of this workshop hosted by the town that helped inform the development of the plan recommendations.

The following points summarize the key action items for consideration in implementing the plan:

- **Update town zoning code** to address issues raised in the plan including consideration of a right-to-farm law.
- **Focus on agricultural development** and partner with local/regional agencies including Genesee Valley Regional Market Authority and identify a set of projects to enhance agriculture for Henrietta's producers to help:
  - Promote and market our area's agricultural products.
  - Increase production, processing, and profitability of local agricultural products including emerging technologies (e.g. drone for plotting precision agriculture).
  - Improve systems of production, storage, distribution, and marketing in reaching advantageous markets.
- **Identify and create a brand identity** for Henrietta's cluster of agricultural uses and compatible attractions—look to establish complementary uses. For example, clustering equine operations and interconnect horse trails around those parcels or U-Pick farms clustered together and connected to other agricultural-entertainment venues. Consolidate commodity production parcels for more efficient operations. Consider partnership in branding initiative with other south county towns—e.g., Pittsford, Mendon, Rush, Wheatland, Chili and Riga.
- **Expand collaboration opportunities** with institutions such as the Golisano Institute for Sustainability at RIT for research and development and the RIT commercial design school to assist with brand identity development for the town. Collaborate with local operators for potential demonstration projects to increase efficiency and environmental sustainability of agricultural operations.
- **Continue the conversation with landowners**—Support willing owners interested in submitting purchase of development rights (PDR) project grant applications. See if we can get a critical mass of interest from landowners. "PDR can open up opportunity for young farmers to purchase farmland and allow farmland owners to get full value of land," Greg Hartt, Stonecrop Farms. Help connect farmland owners with service providers who can assist with transition planning—passing the farm onto the next generation.
- **Educate town residents** about Henrietta's agriculture and the value of farmland including the environmental benefits of good farmland stewardship that protects surface and groundwater quality, provides wildlife habitat, the scenic value of the working landscape and how that adds to the character and assets of the town. It seems a large percentage of the population is not fully aware of the working agricultural areas of the southern part of the town. Support creating programs

for youth education at BOCES or similar institutions to expose the diverse career and life-enriching opportunities available in agriculture.

- **Conduct a feasibility study for a transfer of development rights (TDR) program**. Given the amount of real estate development activity in the town, the transfer of development rights would be a cost-effective option to protect farmland—but will require a careful analysis of appropriate areas to place the development transferred off the farm parcels. Include analysis of the costs and benefits of a local purchase of development rights program to supplement state and federal funding.
- **Create land use incentives** in zoning to protect farmland and farmland soils—e.g., incentive zoning, and develop incentives to reuse vacant and underutilized sites and buildings that are already developed with infrastructure already in place.
- **Partner with other organizations** (e.g., Cornell Cooperative Extension, Monroe Community College) to connect additional/young farmers with farm opportunities in Henrietta and educate, market, and promote Henrietta as a farming town.
- **Transition/form** an agricultural enhancement committee for the town and including an economic development representative (e.g., County of Monroe IDA/Planning/Genesee Valley Regional Market Authority) to guide the implementation of the plan in collaboration with the town board.

Agriculture in Henrietta has a diverse mix of farm operations and being home to almost 44,000 people presents a great opportunity to capitalize on direct marketing for farm products in addition to the production of commodities. While recognizing opportunities, the high cost of land will be a major hurdle to overcome as future farmers look to stay in Henrietta or come to farm in town. While certain farmland operations are eligible for some property tax relief, those abatements have proven inadequate to prevent farmland conversion over time. A multi-faceted approach is needed to maintain an agricultural base in the community—agricultural economic development, community awareness and support, and investment in farmland protection actions. Henrietta still has a large core of farmland, but it will take a collaborative effort among the farmers, other landowners, and the Town of Henrietta to ensure that Henrietta maintains its agricultural heritage for future generations.

1.0 INTRODUCTION

1.1 Background and Purpose

Henrietta is at a crossroads in terms of agricultural development and farmland protection—both literally and figuratively. Located at the crossroads of Interstates 390 and 90, these highways offer both growth opportunities and growth pressures on farmland and open space resources. The town's growth comes from both within the Rochester metropolitan area and from outside the region due to its advantageous location and economic development assets. Since the end of World War II the town's growth has greatly exceeded that of Monroe County and the state as a whole (U.S Census 1950 – 2010). According to the U.S. Census, in 1950 the town was home to only 3,385 residents. By 1970 the town population had grown almost one-thousand percent to 33,000 persons. Today, the town's population is almost 44,000 (2016 American Community Survey, 5-year estimates, U.S. Census). In 1950, the town's land area was almost entirely in agricultural use based on an analysis of existing land cover data [Interpretation of historic aerial photographs, Town of Henrietta, Behan Planning and Design]. As the town has grown, more than one-half of the town's high-quality farmland soils (12,406 acres) have been lost to development. Today only about 13 percent of the town's high-quality soils remain in agricultural production and the town continues to face development pressure. Residential and commercial growth continues to put pressure on the conversion of farmland placing the town at an important crossroads where decisions need to be made about making farmland protection a priority.

Fortunately, the town still has almost 3,000 acres of land in agricultural production being worked by local farmers who still see a positive future for farming in Henrietta. From an historical perspective, a mere 60-70 years ago, farms covered virtually the entire town. Commercially and residentially, the town has grown by leaps and bounds, fueled in large part by the construction of the New York State Thruway, Interstate 390, and the overall

expansion of the Rochester metropolitan area; including the construction of the Rochester Institute of Technology campus which began in 1964. Today, the remaining 3,000 acres of farmland in production are comprised primarily of prime farmland soils (Source: NYS GIS Clearinghouse, 2017 and Behan Planning and Design) and managed by a mix of farmland owner-operators and lands leased to farmers. Both small farms and large farms play important roles. Large farms maintain efficient production and small farms provide product diversity. Both can support landscape diversity in maintaining hedgerows, woodlots and wetlands. Farmland areas in town today help maintain the rural working landscape.

Farmland in Henrietta typically offers relief from the urban aspects of the more built up parts of town. The lack of street lights and other lighting provides a night time setting of dark skies where stars, planets, and shooting stars can be more easily seen. Farmlands support a wide range of wildlife habitat and the open fields, woodlands, streams and hedgerows visible from the local roads provide a scenic landscape setting away from the busy hectic pace associated with the commercial corridors. Farmland adds an important element to the town's character. Working with farmland owners interested in protecting farmlands from development is a very worthy and worthwhile goal.

Diverse habitats exist on Henrietta's farmland, providing values for the entire community in terms of protection of water resources, habitat for birds and other wildlife and scenic beauty.

This document provides a guide to activities, programs and strategies to help maintain a base of agricultural land use in the Town of Henrietta. Recognizing there are many people and organizations that have been working for a long, long time on advancing agriculture regionally and across the

state and nation, this project creates a focus on local action. With guidance from the town's project advisory committee and with input from farmland owners/operators and the community at large, the plan helps set a course so that farming can continue to be a way of life in town for the long-term future. A partnership concept is a foundation of the plan—that priority farmland resources can be protected by working together in a comprehensive way.

A key to the partnership is the participation of farmland owners and farm operators—to paraphrase the slogan of the American Farmland Trust 'no farmers, no farms, no food'. The town has stepped forward to initiate this planning process and is committed to seeing the plan implemented. Many other partners have demonstrated commitment over the years to farmland protection as well, including local, regional, state, and national agencies.

The remainder of Section 1 provides a summary of agriculture in the town and a vision statement for the future of agriculture.

Section 2 presents the town's agricultural profile including soils, development trends, fiscal impacts and the relevance of existing plans and policies.

Section 3 presents an overview of the planning project's public engagement activities.

Section 4 summarizes the results of the SWOT (Strengths, Weaknesses, Opportunities, Threats) analysis.

Section 5 presents a review of the town zoning regulations. The purpose of this review is to understand if existing zoning could unreasonably restrict farm operations and considers ways to utilize zoning and other regulatory tools and incentives to help protect farmland. It is expected that this plan will be adopted as an element of the town's comprehensive plan and that it will be implemented.

Section 6 presents potential priority areas for farmland protection which were identified during the planning process. This section also presents tools that can be used by the town in coordination with landowners who are interested in maintaining their land for continued agricultural use.

Section 7 presents an implementation strategy and a summary table of actions to implement the plan.

Section 8 presents some concluding thoughts and summarizes the path forward.

1.2 Project Overview

New York State has a constitutional priority to protect agricultural lands and therefore, has enacted the NYS Agriculture District Law and provides funding to municipalities to develop agriculture plans and purchase development rights. The town applied for a grant from NYS Dept. of Agriculture & Markets to support the town's initiative to develop a municipal Agriculture and Farmland Protection Plan. The grant was awarded and the town engaged the services of the consulting team of Behan Planning and Design and CC Environment & Planning. The town appointed an advisory committee comprised mainly of people involved in farming. The committee provided input to the consulting team, and reviewed the recommended actions to help strengthen agriculture in the town and to implement strategies to protect priority farmland for the future.

With a committed contingent of farmers, working good land in an area that is growing and economically vibrant, the future can be bright for farming in Henrietta—but, to achieve the goal of keeping a viable base of farmland and a solid foundation of farmers some expanded partnerships will be necessary—or the land and the farmers, will, unfortunately, not be able to continue.

Recommendations contained in the plan reflect input from this committee as well as farmers and rural landowners, town officials, stakeholders, and the community. The plan provides details on development and other pressures on farming, existing land use policies, farming resources and enterprises, along with recommendations to change land use laws (zoning) to ensure a viable future for farming in Henrietta. The vast majority of people involved directly in farming in town are looking positively toward the future for agriculture in Henrietta.

1.3 Historical Perspective and Current Setting

In advisory committee discussions, it was recognized that in addition to the current importance of agriculture as a business enterprise, agriculture is an important part of the town's history. There is local pride that the town's farming tradition continues. There are several old farmsteads in town and the land around them add to the town's cultural assets. In 1991 John and Carol Aldridge donated 68 acres of the Tinker Farm to the Town of Henrietta. This land was developed as the town's nature park and includes the Tinker Homestead and Farm Museum. The museum depicts the Tinker family life at the end of the 19th century. The land north of the homestead is farmed today by Mark Greene, our neighbor from Pittsford whose family farm was protected in partnership with the Town of Pittsford several years ago. Mr. Greene continues to work the land that has been in his family since right after the war of 1812.

Farming in 1812 was of course quite different than it is today. Like any business, agricultural practices cannot remain stagnant and farmers must continue to innovate to remain competitive. Interestingly, while agriculture has changed so that much of our food comes from hundreds, even thousands of miles away, there are growing positive indicators in the community that people want to purchase food from local producers—to know where their food is coming from and who farmed it.

It is recognized that farmland that once covered virtually all of the town is now down to a small fraction of the amount of acreage that it once covered a short 60-70 years ago—but the land remaining in production is good land with good soils and boasts a solid foundation of dedicated and experienced farmland owners/operators. Many of the farms have been held by family members for generations (at least one farm has been in the family since 1836), and there are a few new farmers in the town as well.

While the acreage of farmland in Henrietta has declined, the diversity of agricultural activities in the town has increased over recent years. A large portion of the acreage currently in production is in corn, soybean and similar commodity crops. There are

a number of other diverse operations and new farmers coming to town which is a positive indication of future agricultural viability. Agricultural uses in town include conventional corn and soybeans, equine, vegetables, certified organic meat and produce, poultry and eggs, hay, small vegetable and farm stand operations, fresh produce markets, U-Pick fruit, and greenhouse/hoop house operation nurseries, and a large popular farm market, among other activities.

A large percentage (65 percent) of farmland properties in Henrietta are between 50 and 200 acres in size. Approximately 15 percent of farmland properties are greater than 200 acres. Much of the farmland in Henrietta is rented to large operators from Henrietta or to operators based in adjacent towns. Land that is leased/rented to farmers is often on an annual or other short-term basis as the land owners typically want to have other options available for the use/disposition of the land. This is particularly true in areas like Henrietta that have high development pressure and increasing real estate values. This generally puts rented land at a potentially higher risk for conversion to development than land owned by the farmer-operator.

Farm wood lots and hedgerows provide habitat, add to biodiversity, and help stabilize soils to reduce erosion. Some of the farm areas in town are enrolled in a conservation reserve and enhancement program (CREP) offered by USDA Farm Service Agency which provides for a lease type of payment for planting and maintaining buffer strips of grasses and wetland areas that help filter and protect the headwaters of Red Creek in the Lake Ontario Watershed.

Henrietta's history is deeply rooted in agriculture and one cannot envision the town without farms and without farmers in the future. Maintaining a base of successful farmers and farm operations will help maintain visual and physical connections to the land for town residents. It is imperative for towns' people to be able to see where food is grown right in their home town and to be able to have "a little bit of country" in their lives, and to see and appreciate the evolving character of farming as the years go by. It is imperative to have an economically viable base of working farmland where open space, natural processes and diverse habitats can be part of the landscape of the town.

Community Survey Respondent. (More than 30-year resident of town.)
"When I was a kid, I loved being a member of 4-H. I think that every kid should have a chance to see a seed grow into a plant that is food (!) and also a chance to be around cows, goats, chickens, etc. that not everyone has a chance to grow up with."

1.4 Challenges

Farming in Henrietta has its own challenges in a growing town and there are pressures that farmers experience that can make farming additionally challenging (as if weather extremes, soft markets, labor uncertainty, rising expenses, etc. are not enough). Land that was rented by a farmer may be sold for development. Acquiring new farmland is very expensive and difficult to near impossible due to the high cost of real estate. Farming in an area with much surrounding development is challenging, as maneuvering slow and bulky farm equipment along heavily-trafficked roads can be a hair-raising experience for the equipment operator.

The challenges and pressures facing farmers are tremendous and are unique and complex in many ways as there are so many elements that affect farm viability that are beyond the control of the farmer. Farmland, being open and "undeveloped" is often a chosen path for new highway corridors and utility lines causing operational and farmland fragmentation issues. In Henrietta, prior state and federal highway projects have caused major disruptions to farm operations and have fragmented the town into quadrants and smaller divisions of working farmland. Major electric, gas and other utility transmission lines run through the town's farmland and there is ongoing pressure to expand the systems in and around these corridors as the need for service expands. The development of land near farms can make farm operations more difficult as the farmer now has neighbors that may not understand or appreciate the inherent nature of what is involved in normal agricultural practices.

The economics of agriculture are fraught with challenges as agricultural products' market prices rise and fall while expenses continue to rise for labor, equipment, fuel, seed, fertilizer, etc. Poor weather conditions can reduce, damage or even wipe out a farmer's crop creating financial hardship and sometimes financial disaster. As land costs rise it becomes increasingly difficult if not impossible to expand operations—in particular in areas like Henrietta where land prices increase faster than a farmers' ability to compete with real estate development entities. As a result, often the only way to get into agriculture as a business is to be born or come into a family that owns farmland.

As farmers look to their retirement age, they often must rely on selling some or all of their land to cover their living and medical expenses as they age—"The land is our 401k." They will typically not be able to sell their land to another farmer unless they are in a financial position to be able to sell the land at less than its full market value. When it becomes necessary to settle the estate on a farm, it is often not financially possible to pass the farm on to the next generation. This is due to the legal and fiduciary requirements that the administrator of the estate typically must divide the assets amongst a number of beneficiaries—many of whom may not be involved or able to maintain the farmland. Hence, farmland often has to be sold to settle an estate. In areas of high development pressure like Henrietta, this almost always means the land is eventually sold for real estate development.

Wildlife, while benefitting from the habitat provided by the farmland, can become more than just a nuisance for farmers. At times wildlife has damaged up to 30% of a farmer's crop, with the worst problems on fields closest to the larger parkland. As the town has grown, with increasing areas of roads, parking areas, roofs and other impervious surfaces, farmers have reported increases in runoff. Some of the fields are reportedly wetter with more frequent flooding due to the change in drainage patterns and conditions (noted by some land owners in the area of the Red Creek drainage basin).

One of the key challenges in keeping land in agriculture is that the underlying value of farmland in terms of agricultural income has not risen as fast as the underlying value of that same land for real estate development. (Source. https://ageconomists.com/2017/09/11/farm-real-estate-pricey-compared-income/). This is especially true for towns in Monroe County that have witnessed significant growth and related real estate values including Brighton, Henrietta, Pittsford, Perinton, Penfield, Webster and Greece. In growing areas like Henrietta undeveloped/unimproved land that is developable has a higher value than farmland that is limited to agricultural use. That gap is growing and is even greater when the market for more intensive development and uses is strong (e.g. for commercial property, multi-family development, parcels with/near water and

sewer etc.). As a result, without some intervention either through the purchase of development rights (PDR) or other such measures to bring down the cost of passing farmland onto the next generation of farmers, the existing farmland in town will eventually fall way to development. Should that occur the town will experience potential adverse impact due to the loss of prime farm soils, open space and natural habitats, and loss of community character.

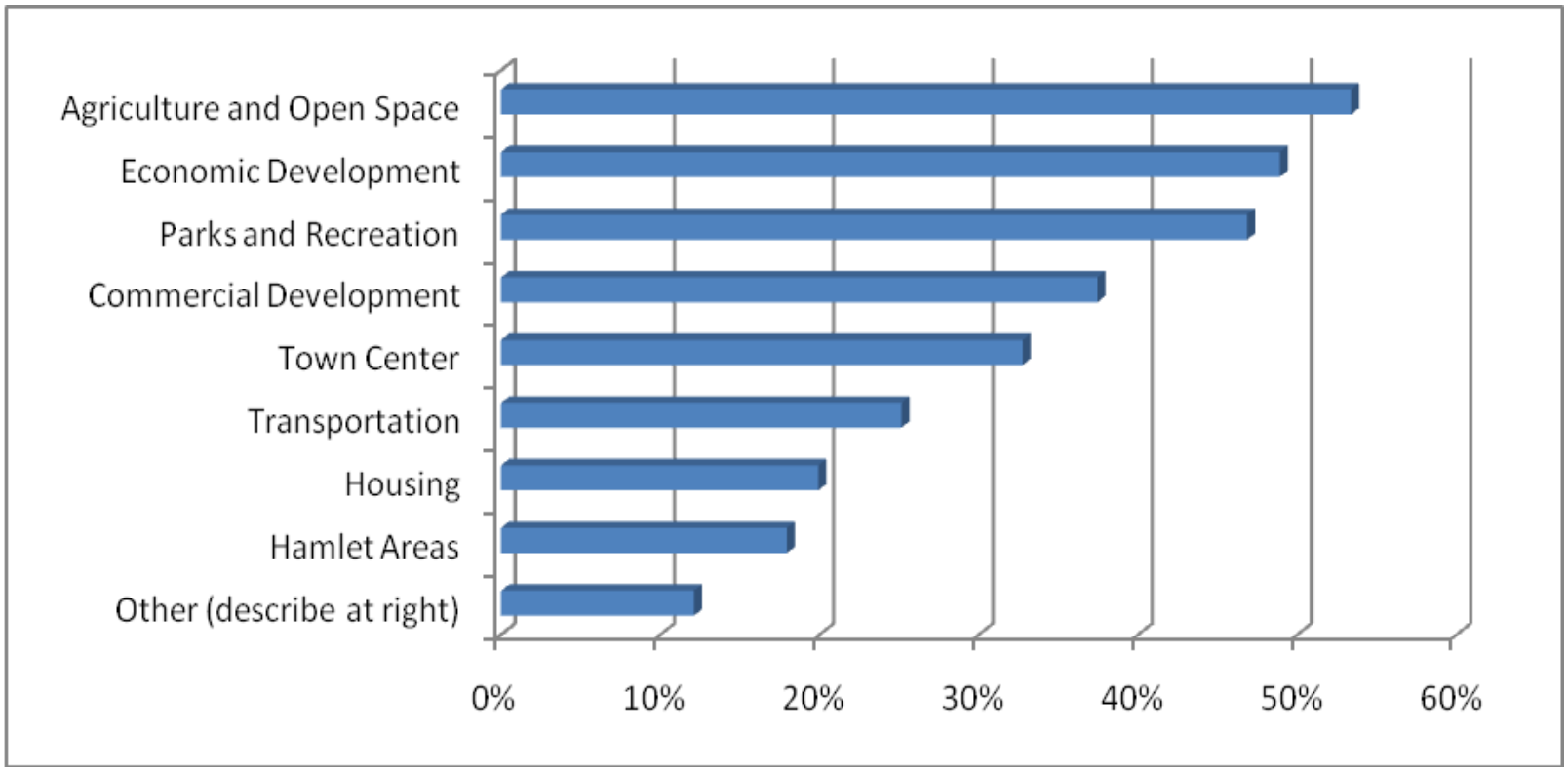
Whether the sales of agricultural products are local or national, it is recognized that for farmland to remain in production the operation must be able to be economically sustainable—to cover expenses and provide a profit. In approaching this plan, it is recognized that the face of agriculture will change—that agriculture can be considered in a broad sense as anything grown and harvested. Many producers are continually looking for ways to increase efficiency and reduce costs of production. On the revenue side, farmers look to add value to their products in many ways—through increasing yields, offering higher valued product and by processing their output into more value-added products. This plan guides the community toward a more promising future for farming.

Despite these and other challenges, the vast majority of farmland owners and operators intend to keep on farming if they can, according to the survey conducted as part of this plan. With a committed contingent of farmers, working good land in an area that is growing and economically vibrant, the future can be bright for farming in Henrietta. To achieve the goal of keeping a viable base of farmland and a solid foundation of farmers, some expanded partnerships will be necessary. This plan helps provide an organizational framework for those expanded partnerships to occur.

1.5 Vision for the Future of Agriculture

There is broad public support for agriculture and open space. In the town-wide community survey conducted with the town's 2011 Strategic Update to the Comprehensive Plan, one of the questions posed was: *In your opinion, which are the three (3) most important issues that should be addressed by the Town as it updates the Comprehensive Plan? Please select three (3).*

Over half of the 4,900 survey respondents selected Agriculture and Open Space as one of their top three priorities. As can be seen in the chart below, Economic Development and Parks and Recreation were a close second and third. The top three priority categories accounted for just over half of all responses received for this question.

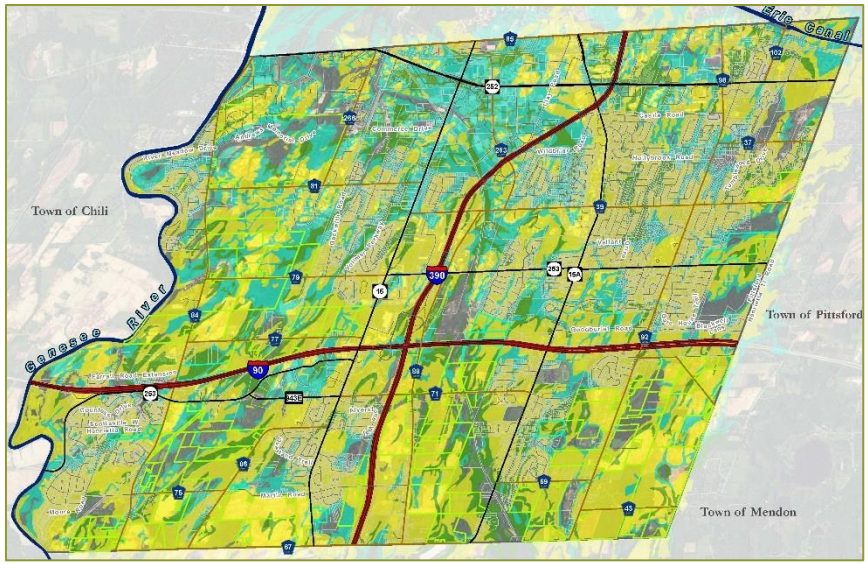


VISION FOR AGRICULTURE IN HENRIETTA:

Henrietta's history is deeply rooted in agriculture and will include farms and farmers as an important part of its future. The Town of Henrietta supports and facilitates a consolidated and economically viable base of working farmland where open space, natural processes and diverse habitats can be part of the landscape of the town.

2.0 Agricultural Profile

2.1 Agricultural Soils



Knowing and understanding the classification of the soils and their locations is important in defining and prioritizing lands within the town for farm use and protecting the lands from inappropriate development. The main soils of concern are those necessary for Prime Farmland, Prime Farmland If Drained, and Farmland of Statewide Importance. Nearly 90% of the Town of Henrietta is underlain by these priority farmland soils and their protection is key to maintaining high quality, productive farmland.

Lands that are categorized as Prime Farmlands are generally defined by the U.S. Department of Agriculture as having a combination of soil properties, favorable temperature and growing season, a moisture supply necessary to produce economically sustained high yields of crops when treated and managed according to acceptable farming methods, and are available for these farm uses. The key requirement for Prime Farmland is that the soils have the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, and oilseed crops. These soils should be well-drained and not excessively erodible or frequently flood. Approximately 56% of Henrietta is underlain with Prime Farmland soils.

Lands categorized as Prime Farmlands If Drained are lands that have soils that meet all the Prime Farmland soils criteria except for specific ones. In New York, somewhat poorly drained soils can be designated as Prime Farmland If Drained if they meet all criteria for Prime Farmland other than depth to water table. This category of soils makes up 22% of the soils in Henrietta.

Farmlands of Statewide Importance include areas of soils that meet much of the criteria for Prime Farmland or Prime Farmland If Drained but may have certain characteristics defined by the USDA that pose moderate limitations affecting plant choice. The

12,406 Acres of High quality soils have been lost to development in Henrietta Since the 1950s.

2,982 Acres of High quality soils remain in production.

USDA, NRCS Soils Mapping, and GIS Analysis Behan Planning and Design

limiting characteristics may be related to erosion, soil, climate, and/or water. Generally, Farmlands of Statewide Importance include soils that are nearly Prime Farmland and can economically produce fairly high yields of crops when treated and managed according to acceptable farming methods. The soils providing the basis for farmlands of statewide importance make up 12% of Henrietta.

Soil Type	Acreage	% of Total
Prime Farmland	12,687	56%
Prime Farmland if Drained	5,071	22%
Farmland of Statewide Importance	2,763	12%
Other Soils	2,206	10%
Total	22,727	100%

These areas of priority soils are important as they are necessary to meet our nation's long-term food supply needs and their overall supply is finite. According to the American Farmland Trust, Prime Farmland soil consistently produces the most food and fiber with the least fertilizer, labor, and energy requirements. Prime soils tend to be resistant to erosion and run off. They can support intensive cultivation with minimal adverse environmental impacts. The conversion of Prime Farmland to non-farm development reduces the quantity of this finite and non-renewable resource and increases pressure to farm less productive, ecologically fragile lands. These less than prime farmed lands tend to degrade rapidly, erode easily, and contribute excessively to water quality problems.

Farmland Soils		Prime Farmland Soil	Farmland Soil of Statewide Importance	Prime Farmland If Drained
Town-wide	Acres	12,687	2,763	5,071
Lost to Development	Acres	7,684	1,538	3,184
Soils on Ag Parcels	Acres	2,855	655	770
Soils in Production	*Acres*	*2,267*	*379*	*336*
Remaining Soils	Acres	2,148	570	1,117

Soils in Production is a subset of Soils on Ag Parcels. Remaining Soils refers to soils on vacant land, underdeveloped parcels and parks/conserved land.

Approximately 61% of the town's prime and 56% of the town's statewide importance agricultural soils have already been lost to development. The majority of the town's remaining undeveloped high-quality farmland soils are located within the southern portion of the town. Still, 18% of the Prime Farmland soil remains in production. Approximately 3,000 acres combined of Prime, Prime If Drained and Soils of Statewide Importance are in agricultural production at this time. This is approximately four-and-a-half square miles of land area.

2.2 Development Trends

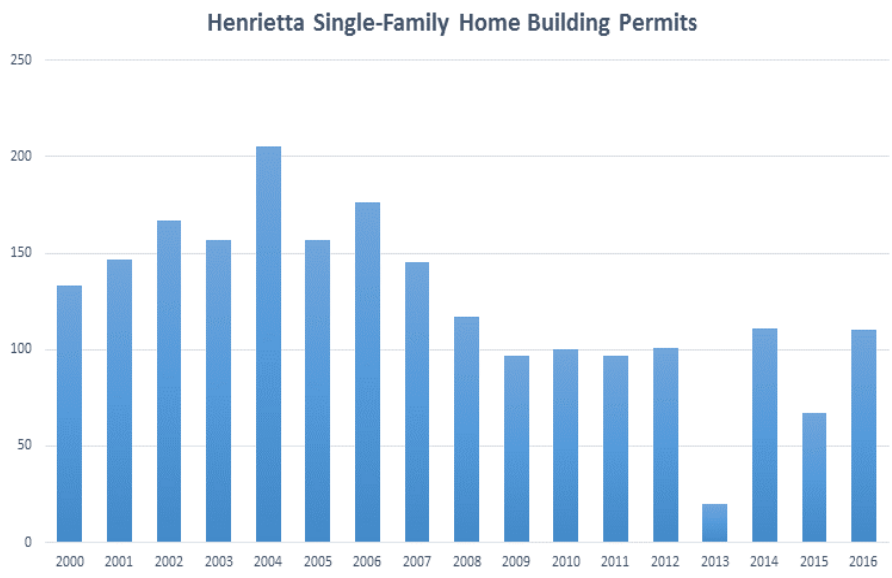
The south and western portion of the Town of Henrietta has a suburban development pattern characterized by several residential subdivisions and housing areas. Most of the older subdivisions are in the northeastern area of the town. The northern area of town, while not devoid of subdivisions, has more nonresidential development, with more recent nonresidential development occurring near the Route 90 and 390 corridors. The build-out analysis that was conducted for this plan determined that approximately 3,800 additional housing units (i.e., any dwelling unit including an apartment, a single-family home, etc.) could be built on the existing agricultural land in town (see Buildout Potential map in Appendix).

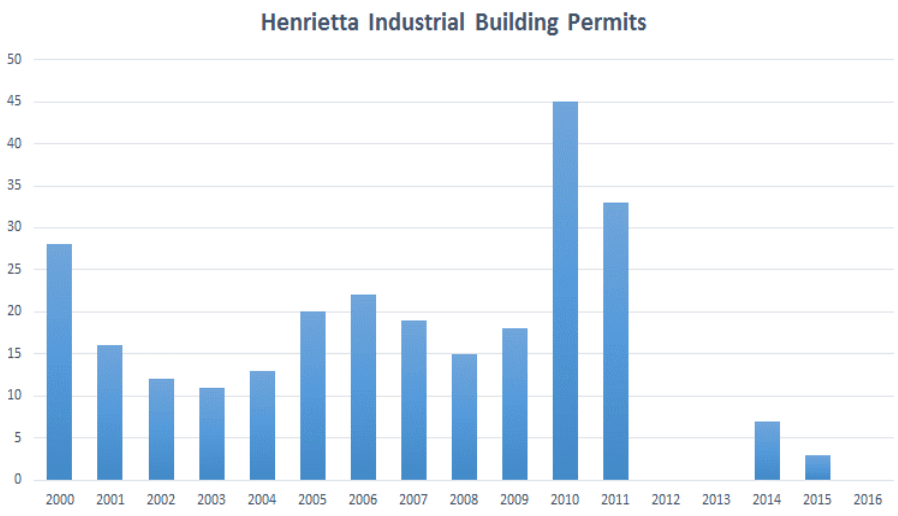
The town has seen a population increase of 11% over the last 16 years. The town's population is expected to maintain moderate growth. Unfortunately, much of the remaining growth could occur at the expense of open farmland, especially on the southern side of the town.

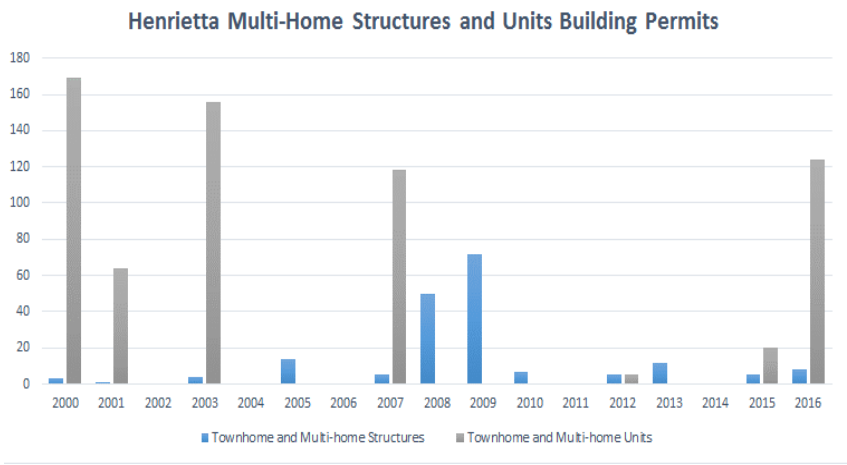
Aerial Image of land around the intersection of the NYS Thruway (I-90) and Interstate 390. Areas like this are under high development pressure.

Year	Population	Housing Units
2000	39,028	13,243
2010	42,581	14,046
2015 Est.	43,453	16,326

Like similar areas of Monroe County, much of the recent development occurring in Henrietta is in the form of subdivisions and housing. This development growth can often be on agricultural lands, as it tends to be the easiest to develop as it generally has good soil, is already cleared of trees, and has moderate slopes. While agricultural land can be conserved as part of a subdivision approval, creating a meaningful amount of contiguous preserved prime agricultural land for productive farm use as part of a development can be a difficult challenge. As the town looks to future growth, additional emphasis should be placed on reuse and redevelopment of areas that have already been developed and on maximizing the infill of development on existing developed sites.







2.3 Census of Agriculture Information

Farmland is important to the local economy in the Town of Henrietta. In addition to providing a livelihood for the farmers, farms help to provide a picturesque countryside character which many people enjoy when looking for a place to live. Farms also provide unique employment and income opportunities. Some residents in Henrietta rent their land to farmers, which not only provides supplemental income, but can allow for a reduction in property taxes though an agricultural assessment.

Agriculture is an important element of the regional economy and provides many benefits, but is in decline including loss of farmland, number of farms, and number of people whose full-time occupation is farming. The Census for Agriculture is reported every 5 years by the U.S. Department of Agriculture with the two most recent periods produced in 2007 and 2012. Drawing from that information, agriculture in Monroe County provided important full and part-time jobs to a significant number of people, including 792 operators and 1,501 workers. One important category that has shown an increase despite the decline in other farming parameters is the market value of products sold by farms. The market value of products sold by farms was almost $90.6 million in 2012 – a 25% increase from the $72.2 million in 2007. The economic activity and jobs created by Monroe County farms are also closely connected to other local businesses that provide goods and services to farms as well as food processors. In 2012, local farms had over $74.5 million in expenses. Much of these expenses were at hardware stores, feed and seed dealers, machinery repair facilities, banks and many other businesses contributing to the regional economy. Farms are often capital-intensive businesses which require significant on-going investments to remain profitable and competitive in the global marketplace. In 2012, Monroe County farms owned over $350 million in land and building assets and an additional $67.5 million in

FUTURE OF FARMING IN MONROE COUNTY

Will there be farming in Henrietta 15 years from now?

YES, it won't all get developed and there are a lot of people looking for ground in Monroe County. A lot of people want to come here because we are close to markets. Demand will ensure it is here.
-Bob King, Director, Agriculture and Life Sciences Institute, Monroe Community College

machinery and equipment. This combined $418 million is an indication of the commitment of the county's farmers to their businesses and the local economy.

According to the 2012 Census of Agriculture there were 475 farms in Monroe County, a decrease from the 585 reported in 2007. The quantity of land in farming in the county also decreased from 2007 to 2012, from 133,041 acres to 98,676 acres.

Of the 475 farms in Monroe County, 229 of these operations were less than 50 acres in size, and 28 were over 1,000 acres. The majority of these operations (75%) had less than $50,000 in annual sales.

Community Survey Respondent. (Resident of town for more than 30 years.)
"Farmland and natural spaces are extremely valuable to all residents. Once gone we can't get it back."

110 FARMS WERE LOST COUNTYWIDE FROM 2007 TO 2012 - 475 FARMS REMAIN IN MONROE COUNTY.

34, 365 ACRES OF FARMLAND TAKEN OUT OF PRODUCTION, A 25% DECLINE COUNTYWIDE.

$18.4 MILLION MORE IN THE MARKET VALUE OF PRODUCTS SOLD– A 25% INCREASE FROM 2007 SALES.

23 FARM MARKETS – DIRECT TO CONSUMER SALE – HIGHEST RATE IN ANY COUNTY IN NEW YORK STATE.

58 YEARS – AVERAGE AGE OF FARMER IN MONROE COUNTY.

86 % OF FARM OPERATORS IN HENRIETTA ARE 55 YEARS OLD AND OLDER.

USDA Census of Agriculture for Monroe County, NY 2012

2.4 Related Plans and Policies

While many related plans and priorities influenced development of the Henrietta Agriculture & Farmland Protection Plan, integration of the following plans is key to its development and successful implementation.

Monroe County Ag Plan

The Monroe County Agricultural and Farmland Protection Plan was completed in 1999. While the plan is approaching its 20-year anniversary, the importance of agriculture and declining trend in farmland described in the plan continues to be accurate, perhaps even more so today. The plan's intent was to protect and enhance local agriculture through development of a program manager position, protection with a focus within agricultural districts, economic development, education, and data management.

The plan outlined numerous recommendations. Those of particular relevance to the Town of Henrietta include:

- Encourage enrollment in agricultural districts.
- Target protection by ranking and prioritizing active agricultural lands based in part on important farmland soils.
- Promote zoning and subdivision regulations that consider farmland protection and that are consistent with State Ag District Law.
- Encourage use of PDR, conservation easement, cluster development and comprehensive plans promoting agriculture.
- Develop right to farm law to facilitate timely and inexpensive settlement of disputes with nonfarm neighbor nuisance complaints.
- Address significant cost of taxes.
- Broaden existing economic development programs, or establish new ones, to address the specific needs of agriculture.
- Assist in developing a "buy local" labeling program campaign.
- Evaluate agri-tourism programs.

- Work with agricultural community to increase the profit per acre and the overall economic viability of both the vegetable and fruit industry as well as the potential for niche markets.
- Promote classroom planning and education for youth.

Adjacent Municipal Ag Plans

Several adjacent municipalities in Monroe County have participated in farmland protection planning. These include The Towns of Parma, Ogden, Wheatland, Rush, and Chili. The Town of Chili is immediately adjacent to Henrietta, sharing similar features, challenges, and opportunities. Relevant goals and objectives from the Chili plan include:

- Retain sufficient land within the town to support a viable agricultural industry.
- Permanently protect high quality farmland for continued agricultural production.
- Discourage non-ag development of high quality farmland with the town's farmland protection area.
- Enhance the economic fiscal benefits of agriculture in the town.
- Support increased agri-tourism and sales of local farm products.
- Continue to administer applicable tax incentives.
- Consider allowing additional agricultural related business uses on farms, to supplement farm income.
- Minimize disruption to farm operations from non-agricultural development and infrastructure.
- Apply zoning and subdivision regulations to reduce impacts of development on farm operations.
- Avoid adverse impacts on farming from infrastructure and utility extension.
- Continue to support public understanding of farming.
- Distribute information to residents and landowners regarding farm operations, agricultural district right-to-farm provisions, and town support policy.

Finger Lakes Regional Economic Development Strategy

Agriculture and food production comprise a key regional economic cluster recognized in the Finger Lakes Regional Economic Development Council's Strategic Plan and a "Key Growth Pillar" of the 2015 Finger Lakes Forward: United for Success Upstate Revitalization Initiative (URI) Plan.

The URI plan identifies opportunities for growth in food production, distribution of locally-sourced products and beverages. Key strategies include coordinated investment, research and marketing through the FLX Foods consortium and applied research and development through the Sustainable Food Production Initiative based at the RIT Golisano Institute for Sustainability. The recent investment in the WNY Cheese facility in the Town of York demonstrates NYS commitment to agriculture and food production in the region.

Finger Lakes Regional Sustainability Plan

In 2013, the Finger Lakes Regional Sustainability Plan was developed under New York State Energy Research and Development Authority's Cleaner Greener Communities Program. The plan aims to integrate sustainability principles into infrastructure investment decisions. The importance of agriculture and its role in the environmental, community, and economic resilience of the region is clearly defined. Agriculture and forestry goals, strategies, projects, and metrics are identified to support preservation and protection of agriculture throughout the region. The plan's goal for agriculture is to "Increase the viability, accessibility, and ecological contribution of farms, while decreasing waste and dependence on external inputs." Priority strategies identified include:

- Support the continued development of an efficient and productive regional food system.
- Increase adoption of distributed bio-energy production technologies to increase production of renewable energy from farm and forest products and product waste.
- Reduce the conversion of quality farmland.
- Support farm-scale diversity of product types, both in-season and across seasons.
- Support the establishment and growth of a diversity of operations with regard to size, market, and operation type.

- Educate the non-farming community about the economic, environmental, and social impacts that the agricultural sector has on the region.

Town of Henrietta Strategic Update to the Comprehensive Plan

The Town of Henrietta Strategic Update to the Comprehensive Plan provides supporting guidance in terms of the town's land use and economic development goals and policies related to this agricultural and farmland protection project. Some of the more applicable goals include:

Land Use

- Direct and manage new development.
- Preserve important agricultural land uses and undeveloped rural lands.
- Minimize conflicts between competing land uses.
- Maintain an effective, efficient, and up-to-date planning and land use development process.

Economic Development

- Preserve and strengthen a diversified economy for the Town of Henrietta.
- Keep taxes low in the town.
- Preserve rural, undeveloped land that protects cultural, scenic, and natural features and helps to maintain the town's character.
- Develop linkages, where possible, among the town's recreational and open space resources, community facilities, residential neighborhoods, and recreational opportunities in adjoining municipalities.

Visual Character

- Maintain and enhance the rural visual character of the Town of Henrietta.

Environmental

- Preserve and enhance the water quality and habitat value of the Genesee River and its tributaries, feeder streams, trees and other vegetation.
- Promote the quality and integrity of natural ecosystems and areas of biological diversity.

The plan establishes three interrelated initiatives:

Social = Community Building

Environmental = Green Infrastructure Plan

Economic = Economic Development Strategy

<u>Initiative 1 - Community Building:</u> Enhancing the "sense of community" in Henrietta is an issue that has been on the minds of many in the Town for several years. Though it is a caring and generous community, supportive of numerous organizations and activities throughout the region, there is a sense that residents do not identify strongly with belonging to "Henrietta". It has been noted that many of the traditional downtown-oriented communities in the region seem to have a much stronger identity or sense of place. Historically, residents might have identified with East Henrietta or West Henrietta, but this has mostly disappeared. For town officials and active citizens, there is a belief that enhancing the sense of community in Henrietta would be a beneficial social outcome. A predominance of respondents to the community survey conducted with the current town's

farmland protection plan spoke of the importance of farmland to the character of Henrietta. Town projects and programs to support farming can be excellent opportunities to build connections among community members.

Initiative 2 - Green Infrastructure Plan: This agricultural and farmland protection project is an important piece of the town's goal to establish a green infrastructure plan. This farmland plan can provide an important foundation for a more comprehensive effort toward creating a green infrastructure plan for the Town of Henrietta.

Initiative 3 – Economic Development Strategy: A key part of the town's strategy focuses on commercial redevelopment of existing developed areas that are vacant, underutilized or potential sites for redevelopment. In many parts of the United States, communities like Henrietta have struggled to address issues associated with underutilized or vacant commercial spaces.

In the town-wide survey conducted as part of that 2011 plan, eighty-seven percent (87%) of respondents said that the town should try to "create policies that encourage the redevelopment of currently vacant or underutilized commercial sites as an alternative to commercial development in new locations." This was the strongest response to any question in the survey.

Town of Henrietta—Multiple Dwelling Zoning Study

A current and ongoing related initiative the town is leading is a land use and zoning analysis of multi-unit housing. This analysis is considering incentives and other tools to direct new growth toward previously-developed sites where infrastructure exists. That strategy complements the goals of this farmland protection plan in several ways by potentially taking some pressure off prime farmland for development. Further, the areas identified for additional development in that study could potentially become receiving areas if the town were to advance the idea of establishing a transfer of development rights program to protect farmland and other open spaces.

Town of Pittsford – Greenprint for the Future

Pittsford's Greenprint initiative beginning in 1994 included three innovative components, with most of the effort focused on protecting seven large family farms. Pittsford's program is instructive for Henrietta in that the town recognized that farmland would not protect itself without significant town effort and investment. When the historic Lusk family farm was sold for

development—a farm the towns' people thought would always be there, it became perfectly clear that a business as usual approach would not accomplish anything meaningful to protect the large remaining farms in town.

Henrietta's farmland owners and operators and the Town of Henrietta share some similar challenges as Pittsford in relation to development pressures, rising land values and farm succession. Pittsford's Greenprint focused on providing an alternative to the sale of the farm as a real estate development asset, and instead provided a source of local capital for transitioning the farmland to the next generation of farmer through the purchase of development rights. Similarly, for Henrietta to keep its farmland base intact as farmland owners look to move on in life with retirement, etc., it will be important for the town to identify ways to secure the financial resources needed so that farmland owners who want to remain open and in production may have a way to capture the underlying equity without having to sell the land for real estate development.

Pittsford's Greenprint initiative called for:

- Establishment of a target of 2,000 acres of land to be permanently protected.
- Utilization of the fiscal model of community revenues and expenses based upon land uses to determine costs and benefits of preservation and development.
- Development of a rating system to score the relative importance of the resources present on each undeveloped site.

Property Rights: A commitment was made by the town to respect the equity in the land and to compensate owners if the town were to acquire development rights beyond the town's cluster development or incentive zoning code provisions.

Purchase of Development Rights (PDR): The landowners were not interested in becoming tenant farmers of the town and were not interested in selling the land outright to the town and the town was not interest in owning and managing the farmland. By only purchasing the development rights, the cost to the town was less than the full value of the land—and in fact, each of the farmland owners donated some portion of the full value of the PDR as their contribution to the partnership between them and the townspeople. (The total donated value exceeded $3.0 million at the time). (There were provisions in the conservation easement that allowed the town to purchase the property under certain limited circumstances—e.g. if it was being sold outside

of the farm family and if it was no longer to be used for farming. In that case, the town would keep the land in some type of similar conservation used.)

Fiscal Model: The planning team used the model to analyze the amount and type of future development and preservation to test and refine the desired blend of commercial, residential, and protected land uses. The planning team made an interesting finding; protection of open space, including purchase of development rights (PDR), would cost taxpayers less per year to support community services than full build-out of the town.

This finding did not mean that there should be no further development. It meant that a fiscal balance can be achieved through a strategy that promotes a variety of housing types, recognizes the need for the development of economic land uses, and preserves open space. Using the fiscal model as a planning tool, the targets for land preservation and development were tested, modified, and refined.

Greenprint for the Future: The "Greenprint" is an expression originally coined in Pittsford for that project to describe a very specific action plan for resource protection and is now an expression that is used around the nation to describe similar large-scale land and resource conservation plans and programs. To date Pittsford's Greenprint program has successfully protected more than 2,000 acres by:

- Purchase of development rights (PDR) on 1,200 acres.
- Incentive zoning (transfer of development rights) on about 200 plus acres.
- Mandatory conservation subdivision (clustering) protecting about 600 plus acres.

In the long run the Greenprint will result in the preservation of almost 2,400 acres of land, which is nearly 67% of that which remained when the town completed the update to its comprehensive plan in 1994. Pittsford's Greenprint and PDR program was the community's investment in itself. The PDR program protected approximately 1,200 acres on seven farms. The average cost to a homeowner was about $50 per year and the town’s bond for the program has since been retired. $2.5 million in state and federal grants reduced the town’s cost of the PDR program. The property owners committed their land to this future and contributed to the community in a substantial way. The agreed-upon price for purchase of development rights between the

landowners and the town represented a considerable "bargain sale" donation value by the property owners to the community. Without this investment and partnership between the town and the farmland owners to protect those important agricultural and open space resources through the purchase of development rights, all of those farms would have ultimately be developed and key elements of the town's character would have been lost. One can now look retrospectively and note that the investment Pittsford made will continue to produce benefits to the townspeople for both current and future generations.

Since the Greenprint initiative was completed the town has also adopted a right-to-farm law.

3.0 Public Input

Public engagement is an important element in the development of this plan. Participation by farmers, landowners, residents, local and county government, and other community stakeholders contributed toward characterization of agricultural properties and activities, development of community vision and priorities, identification of issues and opportunities, and evaluation of approaches of agricultural and farmland protection. The public participation process included advisory committee meetings, workshops, round table discussions, a community survey, farm tours, and landowner interviews.

3.1 Committee Meetings, Workshops and SWOT

A 12-member advisory committee along with municipal representatives met several times throughout the planning process. The advisory committee included farmland owners, agricultural operators, and residents. The committee informed plan development and helped guide public engagement. The advisory committee kick-off meeting was held in January of 2017. A follow up meeting was conducted in February, 2017. The planning team and committee reviewed the planning process, discussed public engagement strategies, baseline data and existing conditions, community vision, and a general plan outline.

In March 2017, a workshop was held inviting panelists, advisory committee members, local farmers, and community residents to discuss various aspects of agriculture relevant to the Town of Henrietta. Panelists included Jarmila Haseler from Cornell Cooperative Extension, Bob King from the Agriculture and Life Sciences Institute at MCC, Lorna Wright with Genesee Land Trust, and Greg Hartt with Stonecrop Farms. Following panelist presentations and a question/answer session, a round table workshop was held to conduct a SWOT (Strengths, Weaknesses, Opportunities, and Threats) analysis and to identify key issues regarding agriculture and farmland in the Town. The suggestions and strategies from this meeting were considered for inclusion in the plan recommendations.

All committee meetings and workshops were well attended and were open to the public. Several members of the general public were in attendance at each committee meeting.

3.2 Landowner and Farm Operator Interviews

With guidance from the advisory committee and municipal staff, twenty-three landowners and farmland operators were contacted to request interviews to gain a deeper insight into the agricultural activities and farmland properties in the Town of Henrietta. Eighteen responded and site visits and interviews were conducted with these respondents during the course of the planning process. The purpose of these interviews was to share information about the planning process with farmland owners and agricultural operators as well as to gather information about farmland in the Town of Henrietta, discuss agricultural operations, and get a sense of the opportunities, issues, and concerns facing owners and operators. A summary of these

interviews is presented here. The results of the interviews were reviewed and considered in the development of Plan recommendations.

Most farmland is used for production of conventional cash crops (corn and soybeans). Other uses include hay, equine, greenhouse, and certified organic livestock and produce. The majority of landowners and operators are over age 55 with a significant percent over age 70. Many of those interviewed accounted the significant changes they have observed in land use within the town over the past few decades. They described changes associated with development, farming techniques and equipment, and a perceived decrease in community appreciation and awareness of the value of agriculture and farmland in the Town of Henrietta.

The vast majority of respondents felt it was important that their land remain in agriculture and more than half hope that they, or their family, will continue to farm their land for 20 or more years.

Approximately 67% of landowners and operators indicated that they plan to maintain the size of their operations in the future. Only a few suggested they could grow their operation. Many of these cited the difficulty in acquiring more land considering conversion, competition among other operators, and development pressure. The high cost of land, taxes, population and traffic issues, development pressure and associated land use conflicts, drainage, and wildlife issues were identified as challenges to farmland ownership and operation. However, despite such challenges, more than 60% of landowners and operators identified a succession plan; mainly transferring land and operations to family members. A summary of other interview responses is provided in the table below. Interview data and discussion about opportunities and issues with farmland owners and operators contributed to the development of strategies and recommendations in Section 6.

Interview Summary		
Landowner Age (Years)	Under 40 – 7%	55-69 – 40%
	40-54 – 20%	70 or more – 33%
Operator Age (Years)	Under 40 – 0%	55-69 – 57%
	40-54 – 14%	70 or more – 29%
Percent Operation in Town of Henrietta (Percent of Land Area)	Less than 25 – 33%	50-74 – 7%
	25-49 – 13%	75-100 – 47%
Size of Farmland Property in Town of Henrietta (Total Acres Owned)	Less than 25 – 14%	100-200 – 21%
	25-49 – 7%	More than 200 – 14%
	50-99 – 43%	
Plans to Increase/Decrease Operations	Increase – 27%	Remain the same – 67%
	Decrease – 6%	
Allow Public Access (Horse riding, special events, hunting, U-Pick, school children)	Yes – 36%	No – 64%
Farm Income Supplemented Significantly by Off-farm Income?	Yes – 60%	No – 40%
What do you Expect to DO with the Land When you Retire?	Keep/transfer to family – 61%	Sell to non-farmer – 8%
	Rent to a new farmer – 23%	Sell to a new farmer – 8%
How Important is it that Your Land Remain Agricultural?	Very important – 47%	Not important – 0%
	Somewhat important – 53%	
Level of Interest in Purchase of Development Rights if Funds were Available?	Very interested – 27%	May be interested – 27%
	Interested – 33%	Not interested – 13%

3.3 Public Meetings, Stakeholders, and Community Survey

Public Meetings

In addition to the public workshops described above early in the planning process, a public informational meeting on this plan was conducted on December 14, 2017 at the Henrietta Town Hall. Following a presentation of the draft plan, the meeting participants discussed aspects of the plan that they liked and disliked as well as providing suggestions for what else to include in the plan and other thoughts about agriculture in Henrietta. The draft plan was well-received by the committee and almost all of the community members attending the meeting. Public review feedback shared at the meeting included questions and discussion about transfer of development rights (TDR) and how a TDR program would work in Henrietta, discussion about the benefits of an agricultural overlay district, a recommendation that environmental best management practices be an important consideration in farming, a question about how long it would take to implement the recommendations in this plan, and concerns about the immediacy of the need for farmland protection and lack of funding.

Stakeholders/Regional Experts

Interviews and conversations at meetings during the development of the plan were conducted with key stakeholders, including representatives of County and regional agencies and organizations involved with agriculture in the Town of Henrietta to identify issues and document programs that affect farming and farmland protection in the Town. These stakeholders included:

- Anwar Karim, District Conservationist with USDA Natural Resources Conservation Service
- Andrea Lista, Joe Brightly, and Jarmila Haseler with Cornell Cooperative Extension of Monroe County
- Mark Geise and Tom Goodwin with Monroe County Planning Department
- Lorna Wright with Genesee Land Trust
- Bob King with Ag and Life Sciences Institute at MCC

Highlights of conversations with stakeholders include the following:

- Henrietta agriculture and land use is in transition. There is increasing pressure for conversion of farmland. However, there is important farmland in the town worth protecting. It is understandable for landowners to want to receive the

highest value for their land, even if it means selling it for development. A program to assist those who want to keep it in farming should be explored.

- Directing development north of the NYS Thruway has been an important factor in protecting farmland and rural character of Henrietta south of the Thruway.
- Avoid running infrastructure (in particular sewer) through high quality farmland areas that are candidates for continued agricultural production.
- The definition of "agriculture" is being refined. There are diverse opportunities to keep agriculture profitable in Henrietta. These include greenhouses, commercial kitchens, farm markets, mills and breweries, onsite processing and sales, community gardens, agricultural and "agriculinary" tourism and "agri-tainment" (which includes farm-based activities such as corn mazes, pumpkin patches, haunted hay rides, etc.)
- The most important aspect of getting young farmers in Henrietta engaged is having more local education programs for youth, particularly for middle schoolers, so that they can begin thinking about careers in agriculture and related fields and begin exploration at a young age.
- Review agricultural assessments and taxes. (One of the farmland owners reported that the taxes on the farm went up 30% in one year (the assessed value increased by over $50,000) because of "soils", yet the soils on the farm had not changed. Note—agricultural parcels enrolled in the agricultural assessment program are given an assessment value based on the soil types on the land, with more productive types receiving a higher assessment.)
- Purchase of Development Rights is an important tool for a town like Henrietta if landowners are interested. This program could be supported with state grants and term easements.
- The town could look into the costs and benefits in establishing a fund to help purchase development rights from high priority farm parcels.
- Henrietta should find ways to promote the consumer side of farming that does not involve creating a new farm market that may struggle due to the nearby Rochester Public Market and Brighton Market.

Community Survey

An internet-based community survey was developed to reach out to all residents in the Town of Henrietta to encourage sharing of information and feedback about agriculture and farmland in Henrietta. This survey was provided to residents to fill out via a link on the town website and through the town's fall newsletter and the survey period was held open several weeks. The results of this survey are summarized in the table below. (127 responses were received from the survey website and an additional 42 were mailed/dropped off to the town for a total of 169). The table below represents the 127 responses from the survey website. The survey summary will be updated when the mailed/hand-delivered survey forms can be tabulated. (A brief review of the mailed/hand-delivered surveys shows very similar response patterns to the on-line responses.)

Community Survey Summary	
Resident of Henrietta?	Yes – 100% No – 0%
Number of Years a Resident of Henrietta	Less than 5 – 7% 5-10 – 11% 10-20 – 21% 20-30 – 17% More than 30 – 44%
Importance of Maintaining Agriculture in Henrietta	Very important – 98% Somewhat important – 2% Not important – 0%
Changes Seen to Farming/Farmland in Henrietta	The overwhelming majority of responses were about the loss of farmland. These include the following statements: Less; much less; decreased dramatically; more home building on farmland, but some parks have been developed as well; rampant development especially on west side, more profitable for farmers to sell land; subdivisions growing faster than corn;

	too much residential development when we need green space and parks, would be nice to see stars at night, not streetlights; need to protect green space and farmland; too much loss of rich farmland; Henrietta is losing its charm; farmland sold and developed while other, non-farmland or existing buildings remain vacant; development important but must retain farmland; farmland has become more scattered; less small farms; housing replacing farmland in our backyards, not happy at all; already too many rental units, crazy to think Henrietta can support all these rentals; too many low quality homes replacing farmland; our beautiful farmland and opens paces are the pride of this community.
Important Considerations for Agricultural and Farmland Protection Planning in Henrietta	Responses were more varied but generally agreed that preserving farmland and open space is very important. Participants listed many ideas on how to protect farmland including directing development to existing development of parks and buildings; funding easements to protect farmland; protect farming culture as well as farmland; encourage local markets and use of local produce in area groceries; environmental protection; limit development south of the thruway; tax breaks for farming; preserve farmland as part of a network of open space, natural land and parks; work with school districts to offer ag education; adopt a right to farm law; make PDR available; balance strong economy with preservation of green space; consider traffic and infrastructure issues; welcome small farms; clearly define ag use and allowed uses on farmland; keep housing taxes low;
Other Information/Perspectives	Responses to this question were varied but a general theme was about balance and the value of farmland and open space to the town. Numerous responses commented on the value of small farms, local foods, and the importance of protecting lands south of the thruway. Concern was expressed about the lack of planned development, sprawl, increasing traffic, underutilization of existing facilities and built areas, and a longing for vision, character, historic appreciation, and sense of community.

4.0 Strengths, Weaknesses, Opportunities and Threats--SWOT ANALYSIS

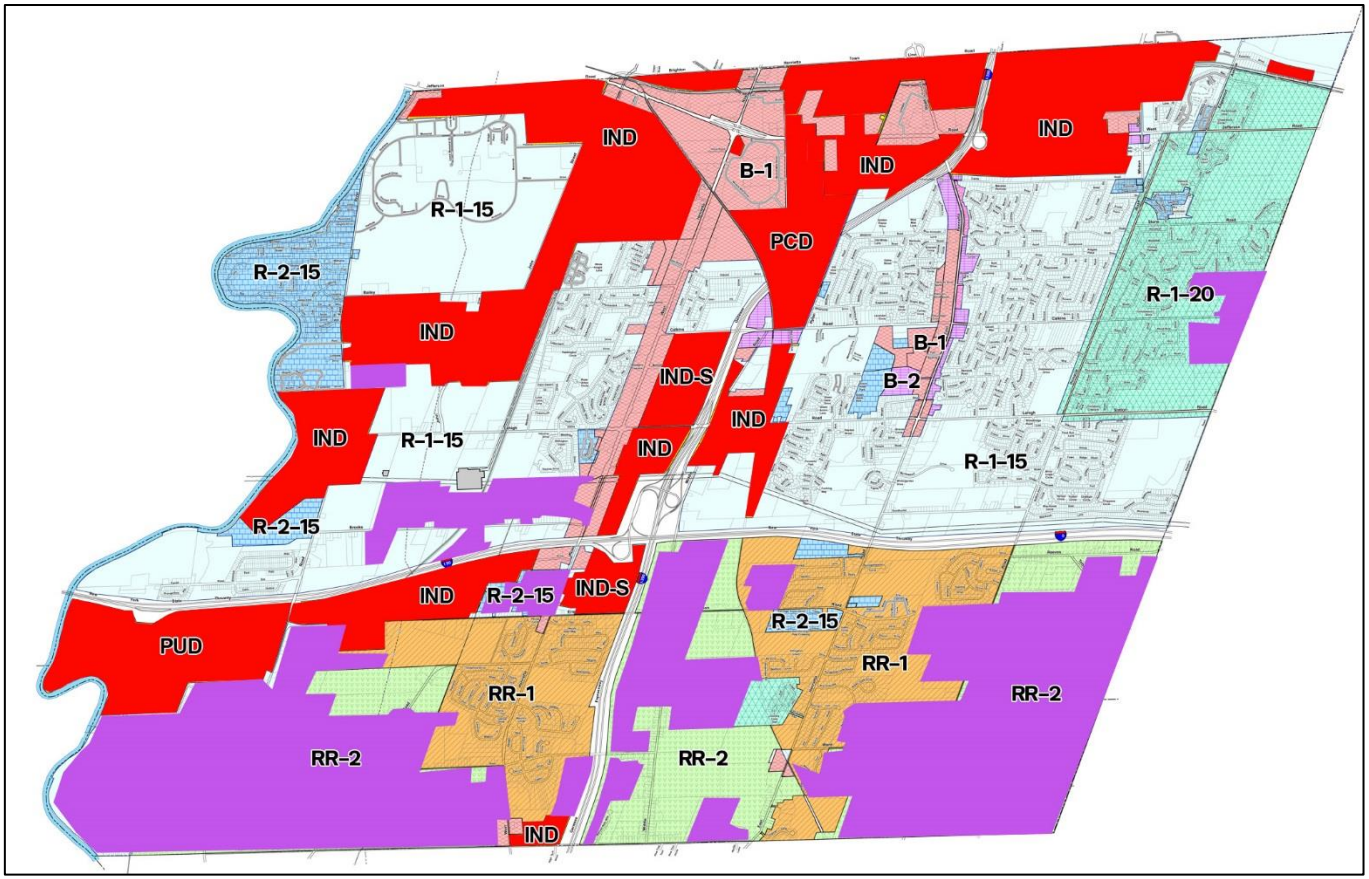
This table summarizes the conversations and brainstorming conducted at the "Planning for Agriculture" meeting March 23, 2017.

Strengths	***Weaknesses***
- Proximity to market - Good soils - Niche marketing – U-Pick, specialized - History - 87% support farmland - People want to live in farming communities - Distribution centers - Proximity to city - Access to thruway and highways - Emerging interest in farming - Community interest - Location - Grain production still profitable	- Rules do not protect open land - Cost of land - Use of ag and open space - Local government commitment to agriculture - Town Board zoning - Industrialized - Town program to encourage reuse of built-up areas - No ag promotion - No support for younger farmers - PDR have limited funding - Lack of community support - Lack of advocacy for farming, lack of new young farmers - Price of land (people can buy it up for development) - River can be a barrier to farms to west and traffic
Opportunities	***Threats***
- PDR - Partnership with Sustainability Center at RIT - Promote compensation for farmers - School district needs to promote farming careers - Sell at regional markets - Fewer row crops, more fresh market - Trend toward local organic - Trend toward better systems technology - Ag and farmland planning workshop - Farm tours - Conservation easements - Growing natural extracts - Placing necessary buildings for ag on marginal lands - Right to farm	- Age of landowners - Rate of development - Youth interest - Sprawl - Increasing fragmentation - Cost of land - Fall through zoning – town rezones to less restrictive zones causing more development – drastic jump with no protection - DGEIS study - Lack of permanent legitimized ag districts for town - Difficulty of getting young people to continue operations

5.0 Farmland/Zoning Audit

5.1 Zoning District and Use Analysis

A review of the town zoning code was conducted for potential concerns related to undue restrictions on agriculture uses.



Zoning Map Analysis. Agricultural uses are permitted in a majority of the Town of Henrietta. Areas shaded in red denote zoning districts where agricultural uses are not permitted. Areas not shaded in red denote that agricultural uses are permitted. Areas shaded purple represent locations of Monroe County Agricultural District 6.

5.2 Districts Permitted

A review of the zoning districts that permit agricultural operations shows that a “Farm”, “Greenhouse” and “Plant Nursery” is a permitted use in all residential districts, as well as the two commercial districts (B-1, B-2). [See Zoning Audit table on next page.]

5.3 Districts Not Permitted

While there are legally pre-existing farms in the Industrial (I, ILCD) districts, agricultural uses do not appear to be expressly permitted as they are not included on the list of permitted uses, and the list of prohibited uses includes the statement “Any use not otherwise specified herein as permitted in an I/ILCD District.” There are some farms located in Industrial zoned areas, which are allowed as pre-existing uses. However, “greenhouses” and “creameries, milk condensing and dairy plants” are specifically listed as permitted in the (I) district. Many common agricultural-related uses, also included in the table below, were not found in the zoning. It is recommended that these additional uses, as well as others discussed below, should be considered for inclusion in the zoning as permitted uses and properly defined.

Of note, “Fruit and Vegetable Stands” are not mentioned at all in relation to any residential district. This use only appears as permitted by special permit in the B-1 district, and are specifically prohibited from the B-2 district.

A review of the current zoning map shows that agricultural uses (currently “farm”, “greenhouses” and “plant nurseries”) are permitted in a majority of the land area of the town. The two districts which appear to most strongly support agriculture (RR-1 and RR-2) coincide with the southern area of town below the NYS Thruway. This is where a majority of the Monroe County Agricultural District-6 is located. There do not appear to be any areas of town where the zoning prohibits these uses in an agricultural district.

Although a "farm" is a permitted use in most of the districts of Henrietta, the definition of this use is somewhat narrow and excludes many common and/or emerging agricultural practices. This topic is discussed further below.

The table below summarizes the findings of the zoning audit conducted as part of this plan, which checks to see what agricultural uses are permitted in which districts in the Town of Henrietta. Several agricultural uses, such as commercial kennels, private and commercial stables, forest farming operations and accessory retail (on farm), are mentioned in the zoning but are not listed in the use tables, so it is not clear if these uses are permitted or not. These uses should be added to the use schedule, properly defined, and clarified as to where they should be permitted or prohibited to provide clarity.

Zoning Audit

Summary of Zoning Districts Which Permit Agricultural Uses

Agricultural-Related Uses Found in the Zoning Code	R-1-15	R-1-20	R-2-15	RR-1	RR-2	B-1	B-2	I/ILCD
Farm	P	P	P	P	P	P	P	
Greenhouses	P	P	P	P	P	P	P	P
Plant Nurseries	P	P	P	P	P	P	P	
Milk Condensing and Dairy Plants								P
Fruit and Vegetable Stands						SP	X	
Commercial Kennel								
Private Stables								
Commercial Stables								
Forest Farming Operation								
Accessory Retail (on farm or other)								

P = Permitted **SP = Special Permit Required** **X = Not Permitted**

Uses which have no listing under a zoning district: the zoning does not specify if that use is permitted or prohibited

5.4 Districts Intent/Purpose

Many zoning codes include "purpose" or "intent" statements which clarify the desired land character for each zoning district. This can be a helpful way of establishing that a district is intended to support agricultural uses, or that agricultural landscapes are a desired character of the land. There is no listed "intent" or "purpose" for the R-1 or R-2 residential districts, however the Rural Residential (RR) districts include the following language (emphasis added):

> *The purpose of the Rural Residential (RR) District is to support creative, low-impact development patterns and land uses* ***that conserve natural resources and agricultural lands*** *in the entire area of Town south of the New York State Thruway, while enhancing the quality of life for residents.*
>
> *The District is established to:*
>
> > *(a) Maintain the rural quality of life evident in this area;*
> >
> > *(b) To provide and maintain* ***large, contiguous areas of land to promote and support ongoing agricultural uses and activities,*** *provide animal habitat and protect important natural resources through site design; and*
> >
> > *(c) To allow for development at a medium to low density on a range of lot sizes.*

Due to the intent language above, and the fact that these two Rural Residential districts permit an incentive for protection of open space, the Rural Residential districts appear to most strongly support agriculture in the Town of Henrietta compared to all other districts. However, it was noted that there do not appear to be any other significant differences, including allowed uses, between the Rural Residential districts and other districts where Ag uses are permitted. The zoning code as a whole does not include any purpose or intent statement which describes the role or future of agriculture in the community. It is recommended that the zoning code be updated to include district intent/purpose statements for the other residential districts, and that their language reflect the fact that agricultural uses are permitted in these districts and help to preserve the rural setting.

5.3 Zoning Definitions

A review of the current zoning for agricultural-related definitions found that there is only one term defined ("Farm") and that there are many other terms which could be included to help broaden the use of agriculture in the future.

Agricultural-Related Zoning Definitions

Term	Current Definition	Notes
FARM	Any parcel of land in excess of five acres which is used for gain in the raising of agricultural products, livestock, poultry and dairy products. It includes the necessary farm structures within the prescribed limitations and the storage of necessary equipment. It excludes the raising of fur-bearing animals, livery or boarding stables and dog kennels.	Consider revising the definition to more closely align with current guidance from Dept. of Ag & Markets: removing size limitation, and should not exclude some of these uses.

Based on guidance from the Department of Agriculture & Markets, the proper definition of "Agriculture" or "Farm operations" ideally includes the land and on-farm buildings, equipment, manure processing and handling facilities, and practices which contribute to the production, preparation and marketing of crops, livestock and livestock products as a commercial enterprise, including a commercial horse boarding or equine operation, a timber operation and compost, mulch or other biomass crops. Such farm operations may consist of one or more parcels of owned or rented land, which may be contiguous or noncontiguous to each other. Notably, the New York State Department of Agriculture & Markets does not exclude fur-bearing animals, livery or boarding stables in the definition as the current town zoning does. For reference and discussion, the full recommended definition of a Farm Operation and related subcategories can be found in Agriculture and Markets Law 25-AA §301, and is also included in the appendix of this document. It is recommended that these definitions in the zoning be updated to better align with the more inclusive language suggested by Agriculture & Markets.

Other terminology which is found in the code, yet not officially defined or listed as a use, is as follows:

Animal Hospital or "Doggie day care". This term is found in the parking requirements, yet is not listed as either an allowed use, or defined in the glossary.

Garden Nurseries (exterior). This term is found in the parking requirements, yet is not defined in the glossary, and is referred to as "plant nursery" in the allowed uses. The allowed uses do not seem to differentiate between "interior" and "exterior".

Poultry. This term is found in several places in the code, however it is not defined.

Agricultural Building / Barn / Structure. Barns are listed only once as part of the desired items to be preserved as part of the Open Space Incentive Option, however it is not found elsewhere or defined.

Forestry / Forest Farming Operation / Commercial Forestry. Forestry is listed as an allowed and desired use for future land conservation as part of the Open Space Incentive Option, however it is not listed as an allowed use nor defined.

Commercial / Private Stables. Stables are specifically mentioned as not being included as part of the definition of a farm, and are not defined.

Commercial Kennel. Kennels are specifically mentioned as not being included as part of the definition of a farm, and are not defined.

Fruit and Vegetable Stand. Listed as a special permit use, but is not defined and does not include any requirements to meet the special permit.

Livestock. Livestock is mentioned once in the code, as part of the definition of "Farm", however it is not defined. (Consider reference to or adaption of the definition of "domestic animal" as expressed in NYS Agriculture and Markets Law, Article 7, Chapter 108 as potential term for use in the town zoning.)

Farm worker housing. Not found in code.

Agri-tourism. Not found in code.

Agri-business. Not found in code.

The uses listed above should be properly defined in the code, and it should be verified that each is either included in the use schedule as a distinct operation or otherwise already covered as a subset of broader use category in the definition. (For example, "Livestock" is defined as part of a farm operation.) The existing definition of a farm being limited to five or more acres of land should be discussed as a potentially limiting factor. The Rural Residential 2 district has a minimum lot size of 5 acres, however all of the other districts where a farm is permitted have smaller minimum lot sizes. The preferred NYS Department of Agriculture and Markets definition for a farm operation specifically includes language that a farm "may consist of one or more parcels of owned or rented land". In this scenario, a legitimate farm operation may consist of two or three smaller parcels. Therefore it is recommended that the definition for "farm" reduce or exclude the minimum acreage requirement.

Minimum Lot Size Requirements

District	R-1-15	R-1-20	R-2-15	RR-1	RR-2
Min Lot Size	15,000 s.f.	20,000 s.f.	15,000 s.f.* 12,000 s.f.**	2 acres	5 acres***

*** Two family units, ** Single family uses, ***May be smaller with open space incentives**

5.4 Other Items

Prohibited Uses

Several of the districts include the following provision as a "prohibited use", which could potentially be interpreted to include agricultural uses:

Prohibited Use

All uses of land, buildings and structures that may be noxious, offensive or injurious by reason of **production or emission of dust**, smoke, refuse matter, **odor**, gas fumes, noise, vibration or similar substances or conditions.

Animals in Residential Districts

Section 295-42 includes a provision which prohibits animals in "any residential district", however this is followed by a disclaimer which appears to discount this requirement for any "farm", but does not appear to be all-inclusive (emphasis added):

> *In any residential district no lot may be used or occupied and no structure may be erected, maintained or used for the raising or harboring of pigeons, **swine**, **goats, rabbits, cows, horses,** poultry, foxes, mink, skunk **or other fur-bearing animals**, unless application is made to and a special permit is granted by the Town Board, subject to such terms and conditions…*
>
> *…..Notwithstanding the foregoing, nothing herein contained shall prohibit the raising or harboring **of domestic animals or poultry** on any farm within the Town of Henrietta within the definition of the term "farm."*

It would appear that the way the disclaimer is currently written, the prohibited animals in the first paragraph (swine, goats, rabbits, cows, horses…or other fur-bearing animals) are not exempt in the second paragraph, which only includes domestic animals or poultry.

Given that all of the agricultural uses are mostly allowed in residential zones, this would effectively prohibit these farming activities in all places where a "farm" is permitted.

Section 295-42 continues with a second disclaimer about dogs and cats, as follows (emphasis added):

> *Dogs and cats are exempt from these provisions, provided there are not more than three of such animals, **unless application is made to and a special permit is granted** by the Town Board to harbor or kennel dogs and cats **as foster care or rescued animals**.*

The above exception would appear to only permit a kennel by special permit, provided that the kennel is only for the purpose of foster care or animal rescue. If interpreted in this manner, it would exclude other types of kennels such as for private temporary boarding or breeding.

Chicken Coops

Section 295-52.3 includes detailed regulations regarding the licensing, proper use and location of chicken coops. This section only permits hens, and does not allow roosters, with licenses that are renewed each year. It provides reasonably basic standards for sanitation and care, however it is not known how easily one obtains a permit, or how often the licenses are revoked. It is also unclear how this restriction may affect actual farms, as there does not appear to be any exception or waiver for an actual farm operation. This section also limits the total number of hens on any property to six, with a prohibition on any other fowl, including geese and ducks. Sample code sections are provided below (emphasis added).

> ***License required.*** *Any person desiring to house chicken hens **on property occupied by him or her** shall obtain a license from the Town.*
>
> ***Restrictions; license fee.*** *It shall be unlawful for any person to keep, permit or allow any domesticated chicken hens **in conjunction with a residential use in any district** under the following terms and conditions and after having received a license to keep said chicken hens from the Fire Marshal/Building Inspector as prescribed herein under the following terms and conditions:*
>
> *Persons wishing to keep chicken hens **within the Town of Henrietta** must obtain a license from the Fire Marshal/Building Inspector after payment of an annual fee and an inspection fee in an amount set from time by the Town Board, and after inspection and approval of the coop and cage in which the chicken hens are to be kept by the Fire Marshal/ Building Inspector.*

Due to the wording of the code sections above, it is not clear if these regulations apply to farm operations, or if only some of the restrictions apply to single family residences. This language should be clarified to differentiate between a farm operation and other land uses, with few or no restrictions on the farm operation.

Additionally, it appears this section may conflict with 295-42 (Animals in Residential Districts – language provided above), which states that "poultry" is not permitted in any residential district unless a special permit is granted. It is unclear if a special permit is required in addition to the license, or if a farm operation would be required to obtain a special permit for raising poultry.

Building Height

Building heights in residential districts—where most agriculture is permitted—is limited to two stories. It is not clear if this limitation includes barns and silos, as shown below (emphasis added).

> ***No structure in a residential district*** *shall exceed two stories of any kind above the basement, and no residential building shall exceed 21 feet in height from the top of the first floor of the first story to the ceiling of the second story. In the case of buildings described in § 295-7A(6) and B(4), no such structure shall exceed 35 feet in height, except by special permit granted by the Town Board, after a public hearing in accordance with the procedures set forth in Article XII of this chapter.*

The exception for "buildings described in section 295-7A (6) and B (4)" permitted to reach 35 feet only applies to "churches, schools, and institutions of higher education, public hospitals, public libraries and municipal buildings" and "apartment houses". Building height is currently defined as follows, and also does not exclude barns or silos from this measurement:

> *BUILDING, HEIGHT OF — The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to a point midway between the highest and lowest point of the roof,* ***except chimneys, spires, towers, elevator penthouses, tanks and similar permitted projections.***

Therefore, it is recommended that a height exception for barns and silos as part of a farm operation should be considered.

Open Space Incentive Option

Section 295-52.1 provides for an incentive to provide permanently protected open space in return for an increase in the total number of subdivided building lots. This incentive only applies within the two Rural Residential (RR) districts. Rural Development Design Guidelines are provided to help shape these designs. All proposals are required to go through a site analysis to identify the lands best suited for conservation, and the procedures follow section 295-60 for Cluster Subdivisions.

The provisions of this section provide for varying degrees of lot size reduction, based on the district and the total percent of protected open space. In the RR-1 district this can reduce the minimum lot size from 2.0 acres to 0.46 acres, and in the RR-2 district can potentially reduce the minimum lot size from 5.0 acres to as little as 0.92 acres.

In determining if the lands to be protected as open space qualify for the incentive, "agricultural lands/soils and significant landscape features" are considered first and foremost. "Protection of existing farms and agricultural lands suitable for agriculture" are one of the six Planning Board considerations when reviewing such applications. Land designated for conservation is limited to only the following uses, including: "Forestry, farming operations, pastureland, fields and similar agricultural uses." Consider expanding the list of open space and conservation-related uses permitted as open space.

This open space incentive option is an important tool for the protection and preservation of agricultural lands in the Town of Henrietta, and its continued use is encouraged.

Cluster Development

The Open Space Incentive Option (section 295-52.1) noted above states that all project review under this incentive option shall follow the process for Cluster Subdivision in Section 295-60 (NYS Town Law §278) However, there is no mention of cluster subdivision in Section 295-60. A review of Chapter 245 (Subdivision of Land) also has no mention of cluster subdivision. It is assumed in this case that applicants could instead follow the procedures set forth in NYS Town Law, however it is recommended that the town correct this code reference or adopt their own cluster subdivision code.

Rural Development Design Guidelines

The town requires that any new subdivisions within the RR-1 or RR-2 districts provide a site analysis to identify conservation areas or natural resources which should be protected. The specifics of this site analysis process are covered in the Rural Development Design Guidelines available from the town engineer.

Signs

The use of farm-related signage is specifically mentioned in Chapter 224 (Signs), which requires a special permit in most cases.

Any signs erected, placed or constructed in connection with a commercial or industrial use, **including the sale of farm products**, conducted in a residential district **shall be by special permit** only.

Since most of the allowable area of the town which permits farming operations is located in residential districts, most farms would need a special permit to erect a sign. Other uses in residential districts however do not require a special permit for signs. Single-family and two-family dwelling accessory uses are permitted a sign two s.f. in area without any permit. Multi-family dwelling developments are allowed a sign 32 sq. ft. in area identifying the name of the development. Churches, institutions and private clubs are allowed a sign 32 sq. ft. in area. It is recommended that the town could consider allowing on-site farm signs with reasonable standards without the need for a special permit.

All signs within the Town of Henrietta are granted a permit valid for a five-year period only, after which time they must be inspected by the Fire Marshall/Building Inspector for safety and maintenance compliance.

Emerging Agricultural Uses

There are a number of new and emerging agricultural uses which are gaining in popularity around the country. These uses commonly include agri-tourism and expanded agricultural marketing and on-farm activities that help contribute to a successful farm operation. Many of these new uses are not addressed in the existing zoning, either as a permitted use, defined or otherwise regulated. It is recommended that the list below be reviewed for uses and practices which could be incorporated in the zoning.

Consider adding a definition for AGRI-TOURISM/AGRI-BUSINESS – Business activities utilizing 51% or more of product grown and/or produced on a farm, including but not limited to: U-Picks, community supported agriculture (CSA), expanded road stands, corn mazes, hay rides, pumpkin patches, seasonal events, school programs, weddings and parties, farm markets, dairy barns, bakeries, farm stores and restaurants, bed-and-breakfasts, farm stays; farm supported businesses such as slaughterhouse, community kitchens, farm-compatible businesses, farm breweries, farm distilleries and farm wineries.

(Note: The business activities and related events such as weddings, parties, etc., whether public or private, must be:

1) Directly related to the sale and promotion of the beverage produced at the farm (from at least 51% on-farm produced grain, hops, grapes/fruit/juice);

2) incidental and subordinate to the retail sale of the beverage on-site;

3) hosted by the farm or customers of the farm (not outside, unrelated parties); and

4) feature the beverage produced at the farm (from at least 51% on-farm produced grain, hops, and grapes/fruit/juice).

The Alcoholic Beverage Control Law (ABC Law) provides the standards which must be met for farm brewery, cidery, winery and distillery licenses. Licensees must comply with the ABC Law standards to qualify for their licenses.)

In general, in looking toward future review and amendment to town code, it will be important to allow flexibility for future agricultural uses to not be overly restrictive for farm operations and for on-farm processing.

"Farm-friendly" Zoning Analysis - Henrietta, NY

Red 'X' denotes areas for improvement

QUESTION	YES	NO	NOTES
Does the regulation's purpose statement include a discussion of agriculture or promoting or preserving agriculture specifically?		X	Zoning regulation has no purpose statement, however "intent" of Rural residential districts includes supportive language for Ag uses.
Does zoning allow agriculture as a permitted use by right in any district?	✓		A "farm" is permitted by right in all residential and commercial districts.
Does zoning prohibit agriculture in any district?	X		Most Ag uses are prohibited in the industrial districts
Does zoning require special use permits for agriculture or ag-related uses in any district?	X		Fruit and vegetable stands are only permitted by SP in one district.
Does the zoning encourage higher density or commercial growth in core farm areas or where a NYS Agricultural District exists?	✓		The RR-1 and RR-2 Districts allow for an open space incentive which permits smaller-lot clustering in return for protected open space. These two districts coincide with the location of most of the Agricultural Districts in the town.
Does the zoning establish a local agricultural zoning district, agricultural overlay district, or special use district for agriculture?		X	There does not appear to be a district specifically for this purpose.
Does the zoning allow farms to have more than one business or offer flexibility to accommodate the needs of agricultural businesses?		X	The zoning does not appear to specifically address this issue.
Are buffer zones between farmland and residential uses required for new construction or subdivision?		X	There do not appear to be any required buffers between residential subdivisions and farmland. The zoning code only requires buffers between commercial uses and residential uses.

"Farm-friendly" Zoning Analysis - Henrietta, NY

Red 'X' denotes areas for improvement

QUESTION	YES	NO	NOTES
Are innovative development patterns that preserve farmland encouraged, allowed, or mandated (conservation subdivision, clustering, transfer of development rights--TDR)?	✓		All new subdivisions within the RR districts are required to provide a "site analysis" per the Rural Development Design Guidelines. An optional Open Space Incentive is allowed, which is governed by the Cluster Subdivision section of the code but could be more clearly highlighted in the zoning code.
Are off-site or on-site signs allowed to attract and direct people to farm stands?		X	It is not clear if off-site signs are permitted. On-site signs are permitted for a farming operation, but only by special permit.
Are farm stands, farm retail markets, agri-tourist businesses, breweries, etc. allowed?		X	Farm stands only appear to be permitted in the B-1 district, but only by special permit. Farm stands are specifically prohibited in the B-2 district. The other uses are not specifically allowed or prohibited, nor are they defined or addressed in the code.
Are farm processing facilities such as community kitchens, slaughterhouse, etc. allowed?		X	The only farm-processing use noted in the code was "creameries, milk condensing and dairy plants" which are permitted in the Industrial district.
Are farm stands limited to selling just products from that one farm? Do they need a site plan review or special use permit?		X	"Vegetable and fruit stands" are permitted only in one district, only by special permit. The code does not appear to specify any requirements for site plan review or limitations on multiple farm sourcing.
Does zoning allow for accessory uses such as greenhouses, barns, garages, equipment storage etc. permitted as of right?		X	The zoning identifies several uses as "accessory uses", but does not stipulate where they are permitted, or if they are permitted as of right. The zoning only identified "permitted", "special permit" and "prohibited" uses. Garages (detached, private) are identified as an accessory use to a residential home. Greenhouses are identified as a primary use

"Farm-friendly" Zoning Analysis - Henrietta, NY

Red **'X'** denotes areas for improvement

QUESTION	YES	NO	NOTES
Do application requirements include asking for submittal of information or maps about farming that might be taking place on or near the project parcel? Whether it is in an agricultural district? What farming activities take place on or near the site? Whether prime farmland soils are present?		X	Normal application requirements do not cover these topics. Section 295-52.1 Open Space Incentive Option however does include analysis of agricultural lands/soils per the Rural Development Design Guidelines.
Do standards exist that require the PB or ZBA to evaluate impacts of a project on agriculture?	✓		The Rural Development Design Guidelines provide guidance on site analysis in the RR-1 and RR-2 districts.
Do any design standards exist to direct building envelopes to areas on a parcel that would still allow farming to occur on remaining open spaces?	✓		The Rural Development Design Guidelines provide guidance on site analysis in the RR-1 and RR-2 districts.
Does the regulation define agriculture, agricultural structure, farm worker housing, agri-tourism, and agri-business?		X	None of these terms are defined. Other than 'agriculture', none of the terms are present in the zoning code.
Are farm-related definitions broad and flexible and not confined to a certain number of acres or income earned?		X	There is only one "farm-related" term defined in the code (farm). This definition includes that the minimum size of a farm is five acres.
Are non-traditional or retail based farm businesses allowed in a district or agricultural zoned district. For example, can a farmer set up a brewery on site and sell products onsite?		X	It is not clear if this is permitted. There is nothing specific in the code which addresses this.
Does the community have a farmer sitting on their Planning Board?		X	

"Farm-friendly" Zoning Analysis - Henrietta, NY

Red **'X'** denotes areas for improvement

QUESTION	YES	NO	NOTES
Is an agricultural data statement as per AML25-aa required as part of an application for site plan, subdivision, special use or other zoning?	✓		
Does the community require placement of an agricultural disclosure statement on plans or plats when development takes place in an Ag District?	✓		
Are any ag-related uses required to get a special use permit or go through site plan review?	X		Vegetable and fruit stands are required to get a special permit in the one zone they are allowed in. All special use permits must meet general review to determine if it will have any adverse impacts on surrounding properties, and also require a public hearing. No site plan review is required.
Does the regulation define and allow for farm worker housing? Are mobile homes allowed *as* farm worker housing?		X	Farm worker housing is not addressed/not permitted in the zoning code. Mobile homes are not addressed in the zoning code.
Are silos and other farm structures exempt from height requirements?		X	Structures in residential zoning districts are limited to two stories in height. There does not appear to be anything in the code or definitions which provides an exemption for barns and silos.
Are personal wind mills and solar panels allowed for farms? With permits or permitted *as* of right?		X	Solar installations do not differentiate farms from other land uses. Small scale solar installations (ground mounted and less than 1,000 s.f. in size) are permitted in RR-1, RR-2, B-1, B-2 districts by special permit. Other residential districts are limited to only residential roof-mounted systems. Large scale solar energy systems (>1,000 s.f.) are permitted only in the B-2, ILCD and I districts by special permit. Wind generating energy systems are not covered in the zoning, and are assumed to be not permitted.

Terms to consider: FARM – The operation of agricultural practices on 5 acres or more of land including the land and on-farm buildings, equipment, manure processing and handling facilities, and practices which contribute to the production, preparation and marketing of crops, livestock and livestock products as a commercial enterprise, including a "commercial horse boarding operation", "timber operation", "compost, mulch or other biomass crops", and "commercial equine operation" as defined New York State Agriculture and Markets Law. Such farm operation may consist of one or more parcels of owned or rented land, which parcels may be contiguous or noncontiguous to each other.

6.0 Strategies for Agricultural Development and Farmland Protection

There are numerous strategies that Henrietta can pursue to strengthen and enhance agriculture and conserve and protect farmland in the town. The strategies presented will best advance the town's vision if several aspects are implemented in concert with one another in order to have a meaningful impact on the strengthening of local agricultural businesses and advancing landowners' goals to see their property continue as working farmland for the next generation. The following points summarize the key action items for consideration in implementing this plan:

- **Update town zoning code** to address issues raised in the plan including consideration of a right-to-farm law.
- **Focus on agricultural development** and partner with local/regional agencies including Genesee Valley Regional Market Authority and identify a set of projects to enhance agriculture for Henrietta's producers to help:
  - Promote and market our area's agricultural products.
  - Increase production, processing, and profitability of local agricultural products including emerging technologies (e.g. drone for plotting precision agriculture).
  - Improve systems of production, storage, distribution, and marketing in reaching advantageous markets.
- **Identify and create a brand identity** for Henrietta's cluster of agricultural uses and compatible attractions—look to establish complementary uses. For example, clustering equine operations and interconnect horse trails around those parcels or U-Pick farms clustered together and connected to other agricultural-entertainment venues. Consolidate commodity production parcels for more efficient operations. Consider partnership in branding initiative with other south county towns—e.g., Pittsford, Mendon, Rush, Wheatland, Chili and Riga.

- **Expand collaboration opportunities** with institutions such as the Golisano Institute for Sustainability at RIT for research and development and the RIT commercial design school to assist with brand identity development for the town. Collaborate with local operators for potential demonstration projects to increase efficiency and environmental sustainability of agricultural operations.
- **Continue the conversation with landowners**—Support willing owners interested in submitting purchase of development rights (PDR) project grant applications. See if we can get a critical mass of interest from landowners. "PDR can open up opportunity for young farmers to purchase farmland and allow farmland owners to get full value of land," Greg Hartt, Stonecrop Farms. Help connect farmland owners with service providers who can assist with transition planning—passing the farm onto the next generation.
- **Educate town residents** about Henrietta's agriculture and the value of farmland including the environmental benefits of good farmland stewardship that protects surface and groundwater quality, provides wildlife habitat, the scenic value of the working landscape and how that adds to the character and assets of the town. It seems a large percentage of the population is not fully aware of the working agricultural areas of the southern part of the town. Support creating programs for youth education at BOCES or similar institutions to expose the diverse career and life-enriching opportunities available in agriculture.
- **Conduct a feasibility study for a transfer of development rights (TDR) program**. Given the amount of real estate development activity in the town, the transfer of development rights would be a cost-effective option to protect farmland—but will require a careful analysis of appropriate areas to place the development transferred off the farm parcels. Include analysis of the costs and benefits of a local purchase of development rights program to supplement state and federal funding.
- **Create land use incentives** in zoning to protect farmland and farmland soils—e.g., incentive zoning, and develop incentives to reuse vacant and underutilized sites and buildings that are already developed with infrastructure already in place.
- **Partner with other organizations** (e.g., Cornell Cooperative Extension, Monroe Community College) to connect additional/young farmers with farm opportunities in Henrietta and educate, market, and promote Henrietta as a farming town.
- **Transition/form** an agricultural enhancement committee for the town and including an economic development

representative (e.g., County of Monroe IDA/Planning/Genesee Valley Regional Market Authority) to guide the implementation of the plan in collaboration with the town board.

6.1 Land Use and Zoning

At the forefront of strategies, those which are in the direct control of the town and which can be implemented with almost immediate effect are regulatory changes, such as amending the zoning chapter of the town code. The NY State Legislature amended Town Law Section 283-a to require local governments to ensure that their codes do not unreasonably restrict or regulate farm operations. These are the short-term recommendations—or low hanging fruit—of the strategies because they are relatively easy to implement and can have an almost immediate and direct effect on day-to-day operations. The analysis of town zoning includes several recommendations for ways the town and/or county can help to comply with §283-a and strengthen agricultural revenues while lowering operating costs and preserving important farming land. Land use and zoning updates are also considered ongoing actions for agriculture and farmland protection as operations and practices change over time and local zoning regulations may need to be amended. Funds are currently available through NYS Agriculture and Markets Farmland Protection Implementation Grants. These funds can be used to cover the costs of updating the town code as specified in an approved farmland protection plan.

6.2 Agricultural Economic Development

Farmers and agricultural business operators are key members of the larger town and regional economic development community. By expanding the conversation on growing the agricultural sector in the Town of Henrietta and across Monroe County, economic development officials and organizations can increase their collaborations with farmland owners and operators to bolster profit-making opportunities, build financial and community support, and engender a positive outlook for the farm and food industry. The Town of Henrietta recognizes its farm and agricultural businesses as fundamental elements of the regional economy. It will be increasingly important to find additional room on the current regional economic development agenda for agricultural economic development to retain existing agricultural businesses of all sizes and support what adds to their capacity to retain and expand jobs.

Typically, economic development professionals are driven to retain and create jobs and help enterprises expand and attract new businesses to the area. Economic developers have a growing appreciation for the contribution that agriculturally based industries make to the overall rural setting. Retaining jobs depends to some degree on a pleasant environment and a working landscape that benefits from the presence of active agriculture. Farmers enrich the wider community with the land use and economic diversity they help create.

Agriculture and food industries directly stimulate economic development activity. For example, New York's value-added wine industry was greatly stimulated when the Farm Winery Act was passed in the mid-1970's which

ORGANIC—A GROWING SECTOR

"Any time you can see growth in the agricultural economy, that's beneficial to our farmers," said Steve Ammerman of the New York Farm Bureau. "What this (recent report from the USDA) demonstrates is there's opportunity to farmers looking to diversify or take advantage of new consumer trends." The report shows sales of organic farm products rose from 2008 to 2014 statewide by 56 percent to $164 million. Sales jumped another 35 percent last year to $221 million, according to another federal report.

U.S. Department of Agriculture survey data showed $94 million of organic milk produced at 402 farms in New York, ranking second nationally in 2014. New York sales of organic crops at nearly $53 million were led by vegetables and melons, followed by apples, strawberries and blueberries. Its $2.7 million of organic maple syrup ranked third behind Vermont and Maine. (Office of NYS Comptroller, 2016)

https://www.osc.state.ny.us/reports/other/organic_farm2016.pdf

allows grape growers to establish wineries and sell directly to the public. About 30% of the grape crop in New York goes to production of wine with a cash value of about $350 million. The industry achieves a higher profile because of its value as an engine for enhancing economic development, the jobs it creates, and its contributions to attractive landscapes.

More recently, the Farm Cidery bill made a new license available to farm cideries that use crops grown exclusively in New York State. From 2011 to 2014, the number of hard cider producers increased by 480 percent, from five cideries in 2011 to 29. With the passage of the Craft New York Act which took effect in 2014, the number of farm distilleries has doubled. There are now 107 farm distilleries operating in New York State, with 50 new businesses opening between 2014 and 2016.

While wine and cider are not currently major products coming out of Henrietta, it is important to recognize that agriculture is constantly evolving and that new laws, economic incentives and changes to the food and beverage markets present emerging opportunities for which Henrietta's farmers may want to consider in their future business planning. When legislative acts are signed into law that create opportunities these can have a tremendous effect on profitability for those who are/can be in a position to take advantage. The agricultural community in town should work closely with economic development entities to ensure profitability of operations.

Food processing has appealing elements for economic development, especially when considering niche markets. It includes job creation and retention. Food processing uses the tools of economic development, such as loans and cooperatives. Food processing demonstrates the possibilities of value-added production. Adding value to raw farm commodities builds in the interconnectedness of agriculturally based industry and other industries.

A key factor for building success in farm and food industries is the images they create. Too often, the reference point is that farm work is hard, the industry is stagnating, and that its survival depends on preserving farmland in the rural landscape. While these facets of agriculture need continued attention, they help fuel the perception that farm and food industries should be taken off the table when any economic development strategy is formulated. Make sure that agriculture and food interests are at the table where economic development is discussed and planned. Look for the mutual wins.

- Come to the economic development table with a proper business plan. Today, probably fewer than 5% of the businesses in agriculture have a business plan.

- Present the economic development community with a broader industry focus; avoid infighting over farm size and definitions of a bona fide farmer.
- Think strategically about the critical mass that is required to support the industry and its infrastructure.
- Concentrate on a supply of "ready-to-go" projects that feature a plan, cost outlines, timelines, and expected outcomes.
- Refine the open space concept to advance concepts of "working landscapes".

Agriculture needs to position its arguments with mainstream economic developers carefully and with clarity. Too often the message is confused and ambiguous. The benefits and costs of farm and food production must be spelled out honestly and clearly for a citizenry that is now often two or more generations removed from direct experience with farm and food production. Educators are key partners who can assist in the effort to integrate food and agriculture into the economic development discussion. (The above three paragraphs and bullet points drawn from Mainstreaming Agricultural Economic Development, Nelson Bills, Cornell University, Ithaca, NY, undated:

https://cardi.cals.cornell.edu/sites/cardi.cals.cornell.edu/files/shared/documents/5MainstrBrochCover.pdf)

Cornell Cooperative Extension of Monroe County (CCE-Monroe, http://monroe.cce.cornell.edu/agriculture) offers research-based technical assistance to farmers as well as support for “Buy Local” initiatives and educational programs for youth. CCE Staff may be able to assist farmers interested in the following market opportunities or operational assistance:

Direct-to-consumer sales and Agri-Tourism - On-farm processing can add value to farm products and help some small farms to increase revenue. Examples include processing milk into cheese or apples into cider. Farms in Henrietta can take advantage of the tourism generated by population in and near Rochester and location along NYS Thruway.

New York State’s Farm-to-School program encourages school districts and other educational institutions to purchase local farm products and to increase understanding of agriculture among school children. Information is available for food service directors, farmers, processors, teachers, parents and community members. http://www.agriculture.ny.gov/F2S/resources.html

On-Farm Value-Added Processing - On-farm processing can add value to farm products and help some small farms to increase revenue. Examples include processing milk into cheese or apples into cider. (For more information on Cornell Cooperative

Extension resources, contact Andrea Lista or Jarmila Haseler, CCE-Monroe County, 2449 St. Paul Blvd, Rochester, NY 14617, Phone: (585) 753-2550, Email: Monroe@cornell.edu)

Monroe Community College's Agriculture and Life Sciences Institute advocates on issues relating to land use, offers marketing education and provides academic instruction for existing and future agribusiness professionals, such as farmers, winery operators and employees of companies involved in renewable energy resources, etc. as well as landowners to apply knowledge to their specific area of interest. One of the areas where the institute can provide impetus and assist in the implementation of the Henrietta farmland plan is in agricultural economic development, including value-added processes and marketing strategies within the Greater Rochester area, with emphasis on Monroe County. Robert N. King, Senior Specialist , Agriculture and Life Sciences Institute, Monroe Community College, South Faculty Tower, Brighton Campus, Building 8, Room 31, Phone: 585-292-2065, Email Address: rking@monroecc.edu.

6.3 Prioritizing Farmland for Protection

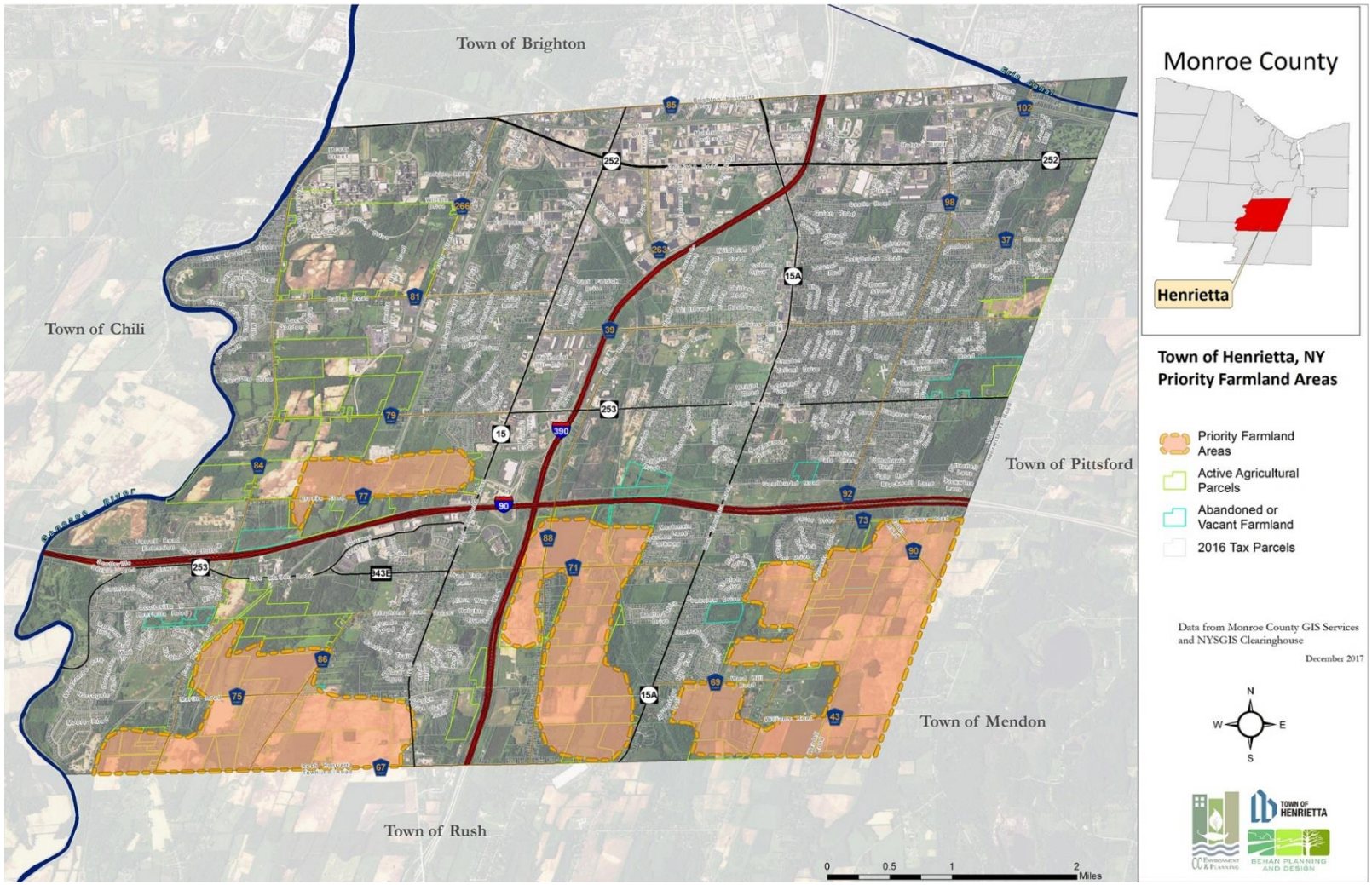
As the town implements the plan, identifying priority farmland areas will help focus conservation efforts. This will allow the town to work with landowners interested in protecting their working farmland for the future should funds become available to permanently protect farmland, whether through the purchase of development rights, term easements, the transfer of development rights, or other means. By creating a tiered priority scale based on factors such as parcel size, soil type, land use, location, etc., the town can evaluate the relative value of an agricultural parcel if a choice must be made between two competing projects. In addition, the prioritization can help the town see where more outreach efforts may be the most beneficial. The prioritization is not a definitive or final determination rather informs and guides where attention should be directed for conservation efforts.

These priority protection areas also represent the areas where agricultural economic development efforts would be focused with a goal of maintaining a critical mass of working farmland in the town. Other farm operations that are part of the agricultural district outside of these core areas would also be supported for agricultural economic development efforts working with interested landowners and operators.

A FARM-FRIENDLY POLICY STATEMENT:

The town recognizes that agricultural lands are irreplaceable assets and that maintaining the economic viability of farming is critical toward preserving the environmental and natural landscape values associated with agriculture. Pressures on farm stability such as the conversion of farmland by development and public infrastructure expansion can pose a significant threat to farm operations, yet these are the pressures over which farmers have the least control. Further, while the town can neither control the larger market forces affecting agricultural businesses nor regional development trends, the town can and will serve an expanded role in promoting local initiatives for agricultural economic development and farmland protection. The town will collaborate with stakeholders and will appoint an ongoing agricultural development and farmland protection advisory committee to help guide the town board in taking all necessary and appropriate action to lead a community-wide initiative to ensure agricultural operations and working farmland continue to be an important part of the town's landscape for both current and future generations.

The map below considers existing agricultural uses, farmland soils, contiguous blocks of active farmland, and lack of constraints. It is mostly restricted to the agricultural district, however the center area of the district is very fragmented so the map includes the areas between agricultural district areas in order to make a continuous block.



The prioritization system developed for Henrietta as part of this planning project assigns points to each agricultural property based on several characteristics as outlined in the table below. This scoring system works to consider the analysis factors outlined in Circular 1500 from the NYS Department of Agriculture and Markets.

Prioritization Analysis	
Physical Characteristics of Properties	**NYS Circular 1500 Considerations Covered**
Parcel Size: 7 to 30 acres = 1 point, 31-59 acres = 2 points, 60+ acres = 3 points	• Agricultural/Economic value • Open space value
Agricultural Exemption: Parcel is receiving an agricultural exemption = 3 points	• Agricultural/Economic value • Consequence of conversion/development
Area of land in agricultural use: 5 to 25 acres = 1 point, 26-50 acres = 2 points, 50+ acres = 3 points	Agricultural/Economic value
Ag. District: Located in Monroe County agricultural district: 3 points	• Agricultural/Economic value
Farm clusters: Located adjacent to 1 other agricultural property/parcel – 1 point Located adjacent to 2 other agricultural properties/parcels = 2 points Located adjacent to 3 or more agricultural parcels – 3 points	• Agricultural/Economic value • Open space value
Development Pressure: Within the sewer district = 3 points, within 1/4 mile of the district = 2 points, Within/adjacent to water district = 1 point	• Level of development pressure
Soils: 76% or greater of prime farmland soil/soil of statewide importance = 3 points 51-75% or greater of prime farmland soil/soil of statewide importance = 2 points 33% - 50% or greater of prime farmland soil/soil of statewide importance = 1 point	• Consequence of conversion/development • Agricultural/Economic value

In considering the priority farmland area map and the agricultural properties prioritization analysis map (Appendix) it is important to recognizing these scoring factors are only part of the full criteria to establish priorities for farmland protection, as landowner interest, for example, is a consideration of utmost importance. (Also recognize that state and federal farmland protection funding programs each have their own respective (and highly detailed) criteria for ranking individual grant applications. These include both site specific, local, and regional criteria and considerations.)

6.4 Actively Pursue Farmland Protection Projects with Landowners

Incentive Zoning, Purchase of Development Rights, and Transfer of Development Rights

Incentive zoning (or amenity zoning) allows a landowner or developer to work with a municipality to obtain incentives in exchange for providing desired community amenities, such as preservation of agricultural resources. This plan can provide a basis for further refining of areas to be conserved and to identify areas where additional development density would be appropriate as part of crafting an incentive zoning code for use in Henrietta. Incentives may include modifications to density,

Incentive Zoning to Transfer Development Rights

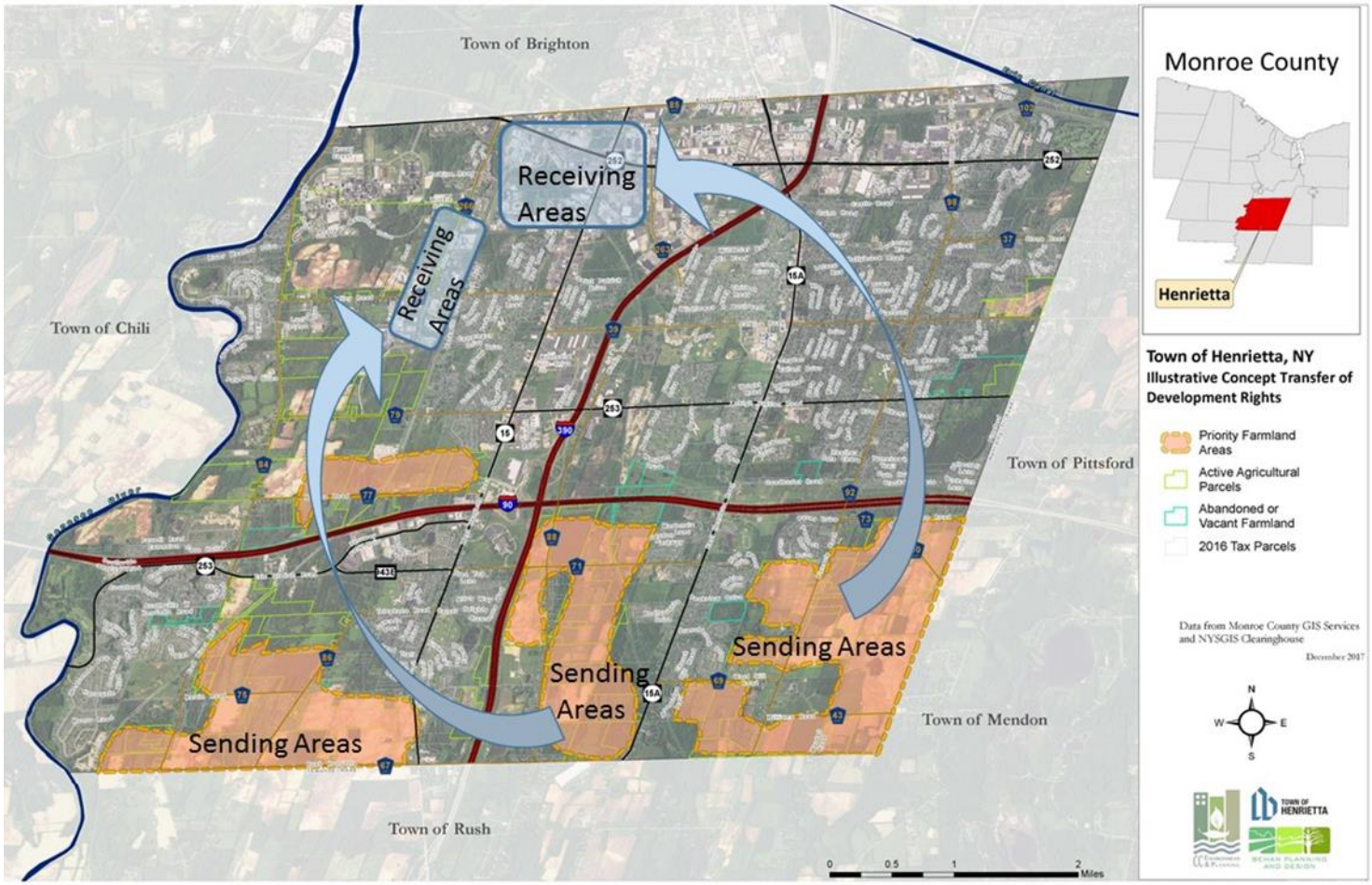
Development Rights Transfer from Farm Parcel to Development Parcel

Permanent Conservation Easement Place on Farm Parcel

Permitted Density Approved for Development Parcel

No Capital Cost to Municipality, Only Cost of Planning Study and Code Amendment

allowed uses, setbacks, or other zoning controls. The landowner or developer may provide, in exchange, permanently protected farmland or open space, trail access, park land, or potentially cash (in lieu of land) to contribute to a PDR (Purchase of Development Rights) program. The graphic below illustrates the concept of transferring development rights from farmland areas (sending areas) to areas for absorbing new development (receiving areas). While the concept as illustrated is simple, creating a viable transfer of development rights (TDR) program is not. It will require a well-considered and detailed land use plan and analysis to determine appropriate locations for both sending and receiving areas and to understand and address



potential feasibility problems including whether some type of land bank would be needed to "deposit" development rights while waiting for developers in the receiving areas to be ready to invest in the transferred development rights. Nonetheless, Henrietta is well-positioned to make TDR work—potentially reducing the cost of protection farmland by millions of dollars.

Incentive zoning is voluntary and optional, and therefore it is a preferred approach since it does not infringe on the rights of a landowner. However, since following the incentive zoning is not mandatory for a landowner/developer, the desired land use patterns and amenities are not always guaranteed.

Located about a half-mile east of Tinker Farm Homestead and Nature Park, the Hopkins Farm is protected by a conservation easement that was placed on the land as a purchase of development rights (PDR) project between the Town of Pittsford and members of the Hopkins Family. The farm is currently operated by Mark Greene and family, descendants of Caleb Hopkins, one of the area's early settlers. PDR is a tool that can be very helpful in protecting farms in Henrietta.

Over time, due to the increasing cost of land, farmland will not likely survive and remain undeveloped in Henrietta. History had demonstrated that already. The reality is that often when forced with the choice between maintaining a farm and selling it for development, the financial burdens/incentives result in the sale of the farm and the loss of agriculture in the town. One way to avoid this critical decision in the future is to place a conservation easement on the property which will limit future development and therefore make the land less expensive for continuing agriculture. Easements can be donated or sold depending on the individual situation.

A conservation easement is a voluntary agreement that restricts development of a property only to the extent necessary to protect the land's conservation value. For agricultural lands, the conservation value is often achieved by restricting new subdivision and development to protect farming operations. This does not mean that new farm buildings are prohibited. Conservation easements can also

be developed creatively to ensure that the landowner's future needs are planned for; for example by excluding some parcels from the easement so children can build a home in the future. A conservation easement protects agriculture while keeping land in private ownership and on the tax rolls. The landowner retains all of the rights to the property, including the right to sell, lease or transfer the mortgage and can continue to use the land in any way that is consistent with the easement. Public access is not required for a conservation easement. The town should actively promote farmland protection through such voluntary conservation easements. Information about easements should be readily available to interested landowners on the town's web site and at town hall.

Purchase of Development Rights

Conservation easements can also be sold by a landowner through what is referred to as the Purchase of Development Rights (PDR). PDR requires a funding source in order to pay the landowner for the development rights. The State Farmland Protection Program administered by the New York State Department of Agriculture and Markets offers one potential funding source for PDR. The program awards farmland protection implementation grants to local governments (town or county with approved agricultural protection plan) or land trusts with government support, that cover up to 75% of the cost to acquire development rights on qualifying farms. It requires a 25% local match, which can come from the Town of Henrietta, private donations, or the landowner (who can offer a bargain sale of the 25% or sell at 25% below appraised value and use this as a tax deduction). If the landowner is providing the entire match as a donation, then the state will pay up to 87.5% of the purchase cost. The state and Genesee Land Trust hold application workshops to review site plans for the farms proposed for submission in the next grant round.

FINGER LAKES REGIONAL ECONOMIC DEVELOPMENT COUNCIL 2017

The agricultural industry is also evolving rapidly. Some segments of agriculture like Controlled Environment Agriculture and organic farming are experiencing dramatic growth, and the Finger Lakes region is developing strategies to be on the forefront of these growth areas.

Technology is advancing rapidly in the Agriculture and Food sector--studying ways to reduce food waste, increase farm productivity, adapt to new environments, and provide alternative sources of proteins to supply the demands of the consumers. The New York Food & Agriculture Competition (NYFAC) would attract many ag. and food tech startup companies to compete for the funding in Finger Lakes, Central NY, and Southern Tier.

Term Conservation Easements

Term conservation easements are an agreement with a landowner to maintain land as open space—farmland/forestland/natural area for a certain period of time (usually 5 to 25 years). Tax breaks and other incentives are typically offered by municipalities to owners who agree to enter into a term easement arrangement. The town of Perinton adopted a term easement program several decades ago. The program stipulates that a parcel must be developable so that there is a real benefit to the town in providing the tax abatement to the landowner. In exchange for commitments to maintain the farmland or other open space resource as undeveloped between an agreed upon term of five to 25 years, the town reduces property tax assessments on enrolled properties by 25 to 90 percent. (If the town advances the term easement concept, the term should be long enough to help the farmer develop a long range plan. Further, the minimum length of the term (say 7 – 10 years) can help allow the farmer's next generation to age into the decision regarding the future of the land and the farm operation.)

6.5 Promote and Assist New Farmers—and Older Ones Too!

Fortunately, there are several organizations in the region that are active in this area. Based right in Henrietta is the Genesee Valley Regional Market Authority. The market authority has been around since 1950 and its mission is to support the creation, development, and enhancement of agriculture and regional market facilities. Agencies like Cornell Cooperative Extension can assist farmers by maintaining information on grants, education and networking opportunities which can be promoted on the town's website, at town hall, and through regular informational workshops. Monroe Community College's Agricultural and Life Sciences Institute advocates on issues relating to land use, offers marketing education and provides academic instruction for existing and future agribusiness professionals, such as farmers, winery operators and employees of companies involved in renewable energy resources, etc. as well as helping landowners to apply knowledge to their specific area of interest.

Some of the programs that could be promoted for new farmers and farmland owners looking to transition into different types of production and/or sell their operation/land for a new operator include Cornell's FarmNet and FarmLink Programs and the New York State New Farmers Grant Fund. The FarmNet (nyfarmnet.org) and FarmLink (newyorkfarmlink.org) are unique programs that help farmers deal with farm succession, a key to maintaining farmland viability. The mission of NY FarmNet is to provide New York farm families with free, confidential consulting services to develop skills to improve financial and production efficiency, and overcome business and family challenges. The FarmLink programs can help match people looking to get into

farming or expand their existing operations with a landowner who is nearing retirement but does not have any family willing or able to take over the farm. The FarmNet program can also assist farmers in planning for retirement or improving their business operations. Both programs are supported by the New York State Department of Agriculture and Markets. Cornell has an entire website dedicated to providing information to new and prospective farmers – the Northeast Beginning Farmers Project (http://nebeginningfarmers.org/). The site is a great resource for finding information on getting started in farming, and also whom to contact for questions and advice.

As many farmers in Henrietta and throughout the country reach retirement age, farmland may be sold for development if the landowners do not have other plans for succession and an area farmer is not able to purchase the land. Resources available to farmers to help with succession and estate planning include the Cornell Small Farms Program (http://smallfarms.cornell.edu/2016/07/05/successful-farm-succession/). (Consultation with professional accountant and an attorney experienced in these matters is also recommended.)

The New York State New Farmers Grant Fund provides grants from $15,000 up to $50,000 to new farmers (defined as farming for less than 10 years) in the state. The grant funding covers up to 50 percent of project costs including, but not limited to: lease or purchase of farm machinery and equipment; construction or expansion of farm buildings or systems; and purchase of supplies such as root stock, seed, and fertilizer. A Monroe County farm was awarded $25,000 in 2016 for greenhouse improvements to help the producer participate in Rochester's Farm to Pre-School fruit and vegetable program. New York State has been supporting state budget appropriations for the New York State New Farmers Grant Fund. Its purpose is to provide grants to help beginning farmers improve farm profitability. A request for applications is announced annually by the state (typically in the fall).

The USDA has a host of programs for new farmers (go to https://newfarmers.usda.gov/). A potential aid for new farmers in Henrietta could be the USDA's Beginning Farmers and Ranchers Development Program. This program is aimed at funding education and outreach to new farmers, and the grant funds can be applied for by a locally organized farmers group or an established non-governmental entity, like the Cooperative Extension. While the town itself would not be eligible to apply for funding, it could help identify and assist an appropriate applicant.

6.6 Inform Farmers of Agricultural Assessment and Farmers School Tax Credit

The state's agricultural assessment allows owners of farmland to receive a lower land assessment if the farming operation meets certain criteria, including a minimum of seven acres of land in production and gross agricultural sales of $10,000 or more. Through this program, agricultural land is assessed for its value for agricultural production rather than for development. Land rented to farmers is also eligible for the agricultural assessment provided the acreage being farmed and the farm sales revenue meet the minimum criteria. Recognizing that "cows don't go to school" New York State provides farmers a significant state personal income and business tax credit for school property taxes paid on farmland and farm buildings. The tax credit exempts the first 250 acres of farmland from school property taxes by providing a tax credit to New York's farm families of up to 100 percent of the annual cost of their school property tax. More information about the Farmers School Tax Credit can be found in New York State Department of Taxation and Finance's Publication 51.1, at:

https://www.tax.ny.gov/pit/credits/farmers_school_tax.htm

An additional tax benefit that farmers may not be aware of is the exemption from fire district taxes on open farmland (farm buildings are excluded).

6.7 Promote Agricultural District Benefits

Many of the town's farmlands are not enrolled in or taking advantage of the Monroe County Agricultural District program benefits. Henrietta is part of Monroe County's Eastern Agricultural District #6. As part of New York State's agricultural districts program, enrollment in the county district helps promote the continued use of farmland for agricultural production. The Town of Henrietta can ensure that landowners are aware of the benefits of being part of Monroe County Eastern Agricultural District #6, and that all residents understand the protections afforded by the district.

The program's benefits include "preferential real property tax treatment (agricultural assessment and special benefit assessment), and protections against overly restrictive local laws, government funded acquisition or construction projects, and private nuisance suits involving agricultural practices". Some of the benefits provided to landowners in the agricultural district include:

a) Any property identified as being in active production within an agricultural district is eligible for an agricultural assessment;

b) State policies that encourage the maintenance of viable farmlands in a municipality;

c) Limitations on the exercise of eminent domain or other public acquisitions and on the advance of public funds for eminent domain projects on farmlands;

d) Limitations on the power to impose benefit assessments, special levies based on the value of property, or other rates or fees in certain improvement districts or benefit areas;

e) Up to 50 acres of farm woodland is eligible for an agricultural assessment per eligible tax parcel. Land and water used for aquaculture production are eligible, as is land under a structure within which crops, livestock or livestock products are produced. Land visibly associated with the owner's residence is ineligible.

f) Any lands that are used for replanting or crop expansion as part of an existing vineyard or orchard are exempt from taxation for six years after a documented replanting or crop expansion takes place; and

g) Requiring that any project that requires municipal review on or within 500 feet of a farm include an agricultural data statement that documents the impact of the proposed use to nearby farms.

Source: New York State Department of Agriculture and Markets

6.8 Recreational Opportunities

The town is fortunate to have a number of farm-related recreational opportunities--from farm markets and "agri-tainment" to horse-riding and equine operations. One way to get the greater population excited about farmland preservation is if it is in the context of outdoor recreation, particularly trail opportunities. Having trails on or in close proximity to agricultural land can enhance people's desire to keep that land open, rather than have it be developed.

Equine-related operations

Horses and their breeding, feeding, stabling, riding and related activities are a very important sector of the town and county agricultural economy. The town has several equine operations, and nearby towns also have some of the premier operations in the area, creating an important cluster of activities. Access to riding facilities, events and trails, including nearby Mendon Ponds Park, make equine-related operations a potential base to build upon.

Local Horse Trails

Ideally, a system of horse trails or multi-use trails would be planned and created so that the wide open spaces inherent in the farmland clusters of the town could be accessed and made into a tremendous working landscape amenity. By connecting equine operations along a trail network that ultimately could reach destinations like Mendon Ponds Park, trail ridership would grow exponentially, creating new markets and revenue sources for equine operators while providing town residents a unique outdoor recreation opportunity.

According to a 2012 study commissioned by the New York Horse Racing and Agriculture Industry Alliance, New York's more than 2,300 horse farms, riding stables and training centers support the protection, maintenance and recovery of more than one million acres of agricultural lands and green space. The facilities boost the agricultural support services, such as veterinarian care and farm equipment sales and repair. The industry also helps in the growth and production of key agricultural commodities such as feed, hay and straw. Cornell Cooperative Extension reports that 40,000 acres of hay are harvested each year for horses in the racing industry.

6.9 Agricultural Environmental Management (AEM)

Well managed farms provide great benefits to the community. When coupled with effective conservation practices, they are the preferred

land use to improve water quality and to help protect valuable natural resources. The Monroe County Soil & Water Conservation District has been actively involved in assisting farmers evaluate, install and improve conservation management practices since the district formed in 1954. In conjunction with evolving state and federal funding opportunities, district staff have assisted many farmers with planning and implementation of conservation practices. The district promotes the preservation of: wetlands, woodlots, agricultural land, and low-impact development as well as the preservation of open space and the management of fish and wildlife habitat.

The district promotes the concept of agricultural environmental management or AEM planning on a whole farm basis. AEM aims to increase the farm owner/operator's awareness of potential impact of agricultural activities on the environment and the local watershed, while at the same time helping to increase non-farm (neighbor) awareness of agriculture's environmental and economic benefits. AEM is a voluntary, incentive-based program that helps farmers make common-sense, cost-effective and science-based decisions to help meet business objectives while protecting and conserving the state's natural resources. Farmers work with local AEM (soil & water) resource professionals to develop comprehensive farm plans using a five-tiered process" (Brochure summarizing AEM can be found here: https://www.nys-soilandwater.org/aem/AEM_Brochure.pdf)

Monroe County Soil and Water Conservation District provides technical and limited financial assistance for agricultural drainage and water quality protection measures, including planning and implementing best management practices (BMPs.) These practices reduce the risk of nutrients, sediment and chemicals running off the land into streams and ponds these practices.

Examples of best management practices (BMPs) include:

- Stormwater diversion from barnyards
- Livestock water source development
- Fuel storage and spill containment
- Pesticide storage and mixing areas
- Silage leachate management

- Milkhouse waste management
- Buffer strips and vegetative filter strips
- Manure management systems

For more information contact Kelly Emerick or Jeremy Paris, 145 Paul Road #5, Rochester, NY 14624, Phone: 585-753-7380, Email: kellyemerick@monroecounty.gov; jeremyparis@monroecounty.gov

6.10 Establishing Town of Henrietta Agricultural Enhancement Committee

Implementation of this plan will benefit from formalizing creative and inclusive partnerships taking a short-term and long-term view of enhancing agriculture in the town with consistent action and commitment by all. It is the collective activities of town leadership including a working committee that will determine how effectively Henrietta will promote the enhancement of local agriculture and protect its farmland. To assist with the focused and consistent effort of applying this plan's recommendations, an agricultural enhancement committee, meeting regularly and partnering with other local, regional, and state efforts, is crucial. Section 7.0 provides an implementation table listing key strategies along with a timeline, responsible entity, and potential partners/resources. This table should be reviewed routinely by agricultural enhancement committee with the town board, planning board, and conservation board. Strategies should be integrated into annual goals, work plans, and budgets.

Draft language for establishment of an agricultural enhancement committee is provided in an appendix. The function of the committee is important--regular meetings and events with a focus on action. The committee is guided by the priority recommendations and implementation strategies provided by this plan. The committee will also take on adaptive management responsibilities and initiate periodic review and updates of this plan's priorities and strategies based on changes in the community.

7.0 Implementation Strategy

The following table provides a summary of implementation strategies with timeline, who is responsible to take the lead, and potential resources for assistance and support. The timeline is indicated as short-term, long-term, and/or ongoing. Short-term is suggested for actions that should be commenced as soon as possible and/or will take a short amount of time (less than one year) to complete. Long-term is suggested for actions that may be commenced at a later date and/or that will require a significant amount of time or resources to complete. All or part of some strategies will be ongoing by their nature and are indicated as such.

Implementation Strategy		Short Term	Long Term	Ongoing	Responsible Entity	Potential Resources
1	Adopt Farmland Protection Plan	X			Town Board	
2	Establish an Agricultural Development & Farmland Protection Implementation Committee	X			Town Board	Town Planning Board, NYS Farm Bureau (local chapter), Monroe County IDA
3	Revise town zoning/code as recommended in the Zoning Analysis a) Ensure farm operation as a permitted use in industrial and other appropriate zoning districts and county agricultural district. b) Clarify definitions of farm operation and related uses including agri-tourism. c) Remove restrictions on farm operations as necessary and appropriate.	X		X	Town Board	Planning Board NYS Dept. Ag & Markets (implementation grants) Monroe County Planning Dept.

	Implementation Strategy	Short Term	Long Term	Ongoing	Responsible Entity	Potential Resources
	d) Prepare and adopt subdivision regulation and site plan review amendments, including design criteria to minimize fragmentation of farm fields, reduce neighbor conflicts, and protect farm infrastructure and access to fields when new development is proposed on or near active farmland.					
4	Facilitate education of landowners on ag-related topics a) Advertise and inform residents of existing educational opportunities and resources. b) Develop and schedule targeted workshops and presentations c) Educate landowners about ag district benefits, assessments, exemptions, credits d) Coordinate succession planning education and assistance e) New farmer education and assistance, grant workshops f) Develop a digital and hard copy ag library at the Town Hall	X		X	Committee	County Planning, SWCD, Cornell Coop. Extension, Farm Bureau
5	Consider a local "Right to Farm" law stating Town support	X			Town Board	Committee
6	Protect priority farmland	X			Town Board	Planning Board NYS Dept. Ag & Markets implementation grants

	Implementation Strategy	Short Term	Long Term	Ongoing	Responsible Entity	Potential Resources
	a) Develop PDR applications with landowners/land trust and (including consideration of local match for grants). b) Initiate feasibility study for possible town-supported PDR program and identify landowner interest and funding options. c) Design incentive zoning/TDR program to fit Henrietta's unique setting. d) Educate community about priority farmland areas. e) Limit water/sewer extension into agricultural areas - adopt an easement program to offset lateral restriction impacts if necessary. f)					County Planning, County Agricultural and Farmland Protection Board
7	Promote Henrietta agriculture, agri-tourism, and recreational opportunities and community awareness a) Develop volunteer base to participate at regional farm markets and ag events b) Coordinate community events and tours, advertise recreation opportunities c) Develop website featuring local farmland and producers, connections, resources and information d) Support and encourage classroom education about agriculture e) Support and encourage good neighbor relations	X		X	Committee	Historical Society, Planning Board NYS Dept. Ag & Markets County Planning Dept. County Agricultural and Farmland Protection Board, Farm Bureau

Implementation Strategy		Short Term	Long Term	Ongoing	Responsible Entity	Potential Resources
8	Support and encourage agricultural economic development a) Integrate agricultural development into existing and future economic strategies and projects. b) Highlight the benefits of farmland and agriculture on economic development in terms of quality of life for workforce, protection of environment, access to local foods, and community character. c) Assist agricultural producers and agri-business with business plan development, networking, and funding opportunities. d) Collaborate with adjacent towns, county, and economic development partners to identify emerging products and markets and create a brand identity for the area.	X		X	Committee/Town Board, Planning Board	Monroe County Industrial Development Agency, Genesee Valley Regional Market Authority, Cornell Cooperative Extension, Small Business Administration, USDA,

8.0 Conclusion

Yes, Henrietta is at a crossroads—a critical mass of high quality farmland remains with a diverse group of landowners and operators—yet the evidence of past farmland conversion is all around. And while the community recognizes the fiscal and economic benefits that development has brought to Henrietta, residents also understand that finding a balance where farming can continue is a vitally important part of the town's heritage. Can every remaining parcel of farmland in the town be protected from development? Most likely the answer is no. However, can large clusters of working farmland be protected? The answer is yes, if the partnership between the town, landowners interested in conservation, farmers working the land, other partners, and the larger community continue to advance this together as a priority—absolutely yes.

The geography of the town has been interrupted in a major way by the placement of the NYS Thruway and I-390—another crossroads. While this investment in transportation infrastructure has brought prosperity to Henrietta and Monroe County, it has also fragmented the town into north, south, east, and west quadrants in a far more disruptive way than the older roads and highways. It is not unusual for townspeople who live in the northern part of town to perceive the town boundary as ending along the Thruway corridor—while in fact the town includes more than 10,000 acres of land south of the Thruway which is where the majority of the farmland remains. But, this southern part of town also borders on a much larger base of farmland in Rush and other adjacent towns that should be recognized as part of a larger critical mass of agriculture.

Agriculture in Henrietta provides an important element of the town's scenic, cultural and economic resources—the working landscape. Productive farms in Henrietta's future will continue to contribute to the local and regional economy creating employment and income, adding an important amenity value to the townscape and yielding savings to local taxpayers as farmland is a demonstrated positive contributor to local fiscal resources.

Agriculture in Henrietta has a diverse mix of farm operations and being home to almost 44,000 people presents a great opportunity to capitalize on direct marketing for farm products in addition to the production of commodities. While recognizing opportunities, the high cost of land will be a major hurdle to overcome as future farmers look to stay in Henrietta or come to farm in town. While certain farmland operations are eligible for some property tax relief, those abatements have proven inadequate to prevent farmland conversion over time. A multi-faceted approach is needed to maintain an agricultural base in the community—agricultural economic development, community awareness and support, and investment in farmland protection actions. Henrietta still has a large core of farmland, but it will take a collaborative effort among the farmers, other landowners, and the Town of Henrietta to ensure that Henrietta maintains an agricultural identity for future generations.

Ultimately, agriculture is a commercial endeavor that requires those engaged in it to undertake significant risk to be successful in what they do—to make a profit. Ultimately the town, the landowners and operators, the broader community, supportive agencies, and organizations can use this plan as a guide to ramp up the level of attention and investment in farmland conservation and agricultural economic development, or surely this working landscape will be lost; and along with it an important part of the town's history, natural resources, and future potential to evolve as a community with an appropriate balance of land uses. We only have to look to the north to see that this is true. And we can look to the east to see how our neighbors in Pittsford recognized the challenges facing farm families and created their own unique plan and response. Henrietta is different in its development patterns and the town has its own unique history, its own unique plan and will set its own course based on the town's goals and available resources. Henrietta will take its own path forward, learning and drawing from the examples set by others and creating its own set of actions that work for this community. Further, the town will look for opportunities to collaborate with its neighbors to advance common goals for agricultural enhancement and farmland protection. By choosing a path that includes a continued and increasing focus on supporting the people and the land dedicated to agriculture, there will always be farming in Henrietta's future.

APPENDIX

Monroe County Agricultural District #6

Agricultural Properties

Agricultural Properties

Agricultural Properties Build-out Potential

Environmental Constraints

Farmland Soils

Land Availability

Agricultural Properties Prioritization Analysis

Priority Farmland Areas

Guidelines for Review of Local Laws that Define “Farm Operations”, “Farm”, “Agriculture”, “Farmland” or Any Similar Term

Draft Resolution Establishment of Henrietta Agricultural Enhancement Committee

Town of Brighton

Town of Chili

Town of Pittsford

Town of Mendon

Town of Rush

Erie Canal

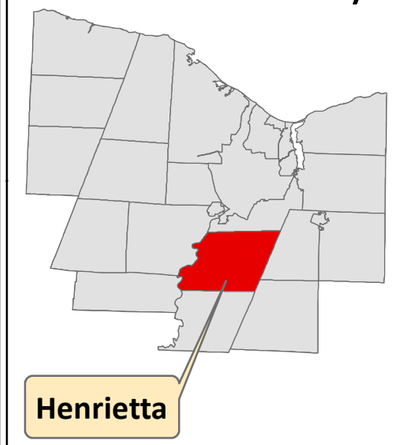
Genesee River

Andrews Memorial Drive
River Meadow Drive
Commerce Drive
Clay Road
Castle Road
Wildbriar Road
Hollybrook Road
Tumbleweed Drive
Beckwith Road
Vollmer Parkway
Valiant Drive
Pittsford Henrietta Tl Road
Rye House Trail
Blackwell Lane
Goodburlet Road
Farrell Road Extension
Countess Drive
Scottsville W Henrietta Road
Alverstone Way
Overland Trail
Martin Road
Moore Road

85
252
266
263
102
98
37
81
39
79
390
253
15A
15
84
77
92
90
943E
88
71
86
69
75
43
67

0 0.5 1 2 Miles

Monroe County



Town of Henrietta, NY
Monroe County Agricultural District #6

Agricultural District #6

2016 Tax Parcels

Data from Monroe County GIS Services and NYSGIS Clearinghouse

August 2017

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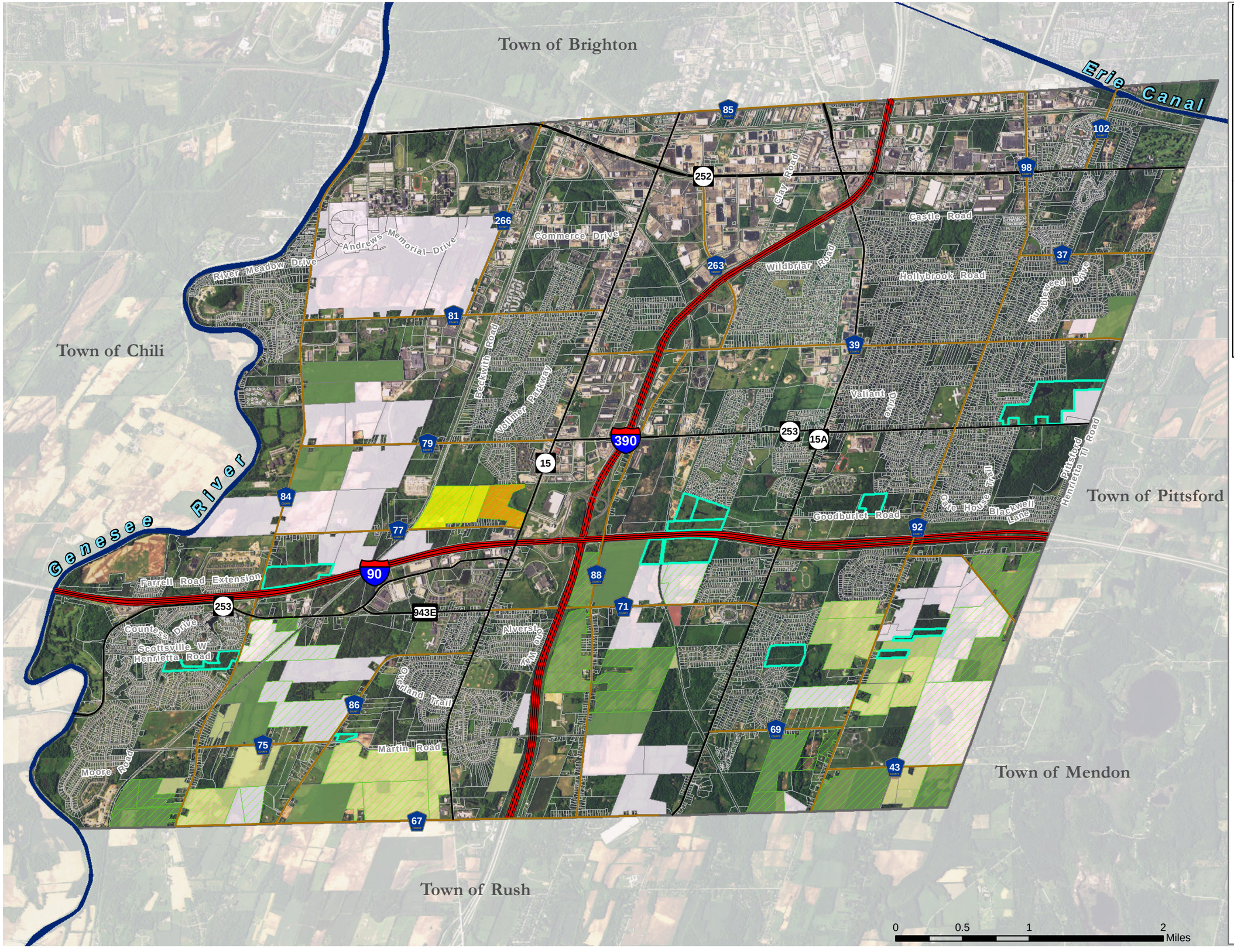

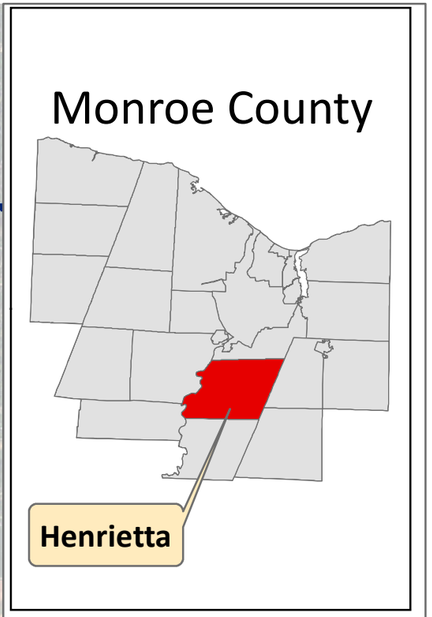

Town of Henrietta, NY Agricultural Properties

- Field Crops
- Agricultural Land which is part of operating farm
- Horse Farms
- Cattle, Calves, Hogs
- Nursery and Greenhouses
- Non-classified
- Parcels with Agricultural Exemptions
- Abandoned or Vacant Farmland
- 2016 Tax Parcels

Data from Monroe County GIS Services and NYSGIS Clearinghouse

October 2017

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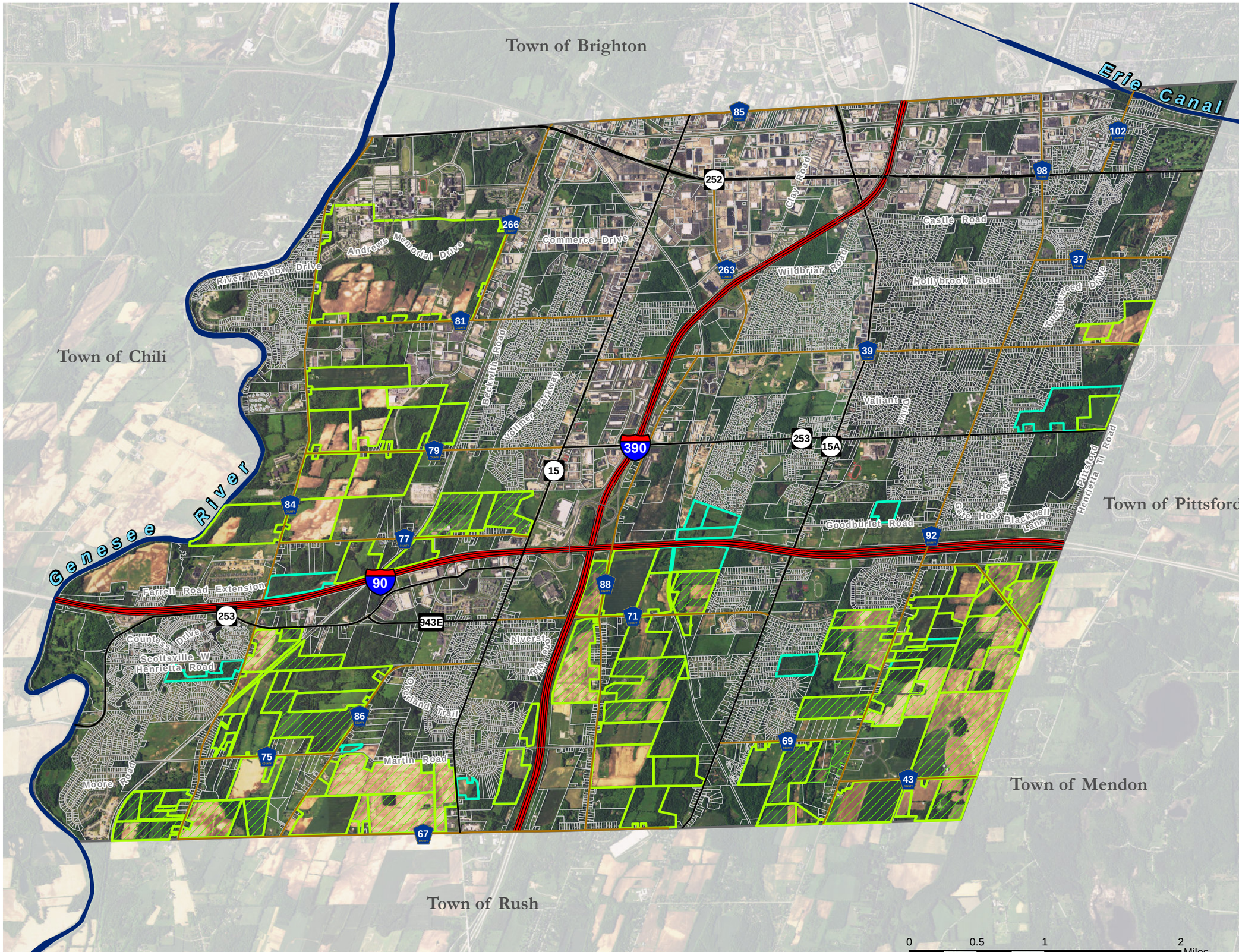

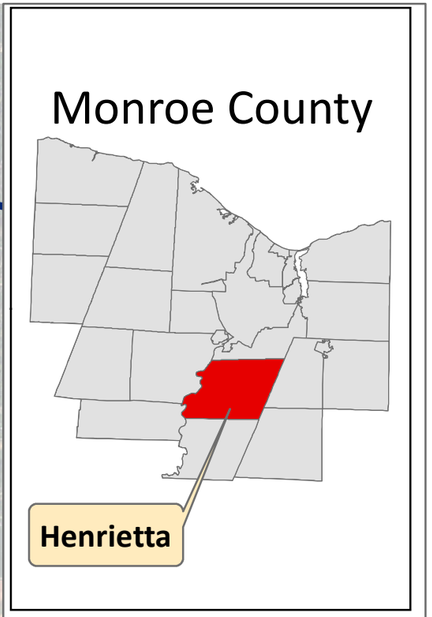

Town of Henrietta, NY
Agricultural Properties

- Active Agricultural Parcels
- Parcels with Agricultural Exemptions
- Abandoned or Vacant Farmland
- 2016 Tax Parcels

Data from Monroe County GIS Services and NYSGIS Clearinghouse

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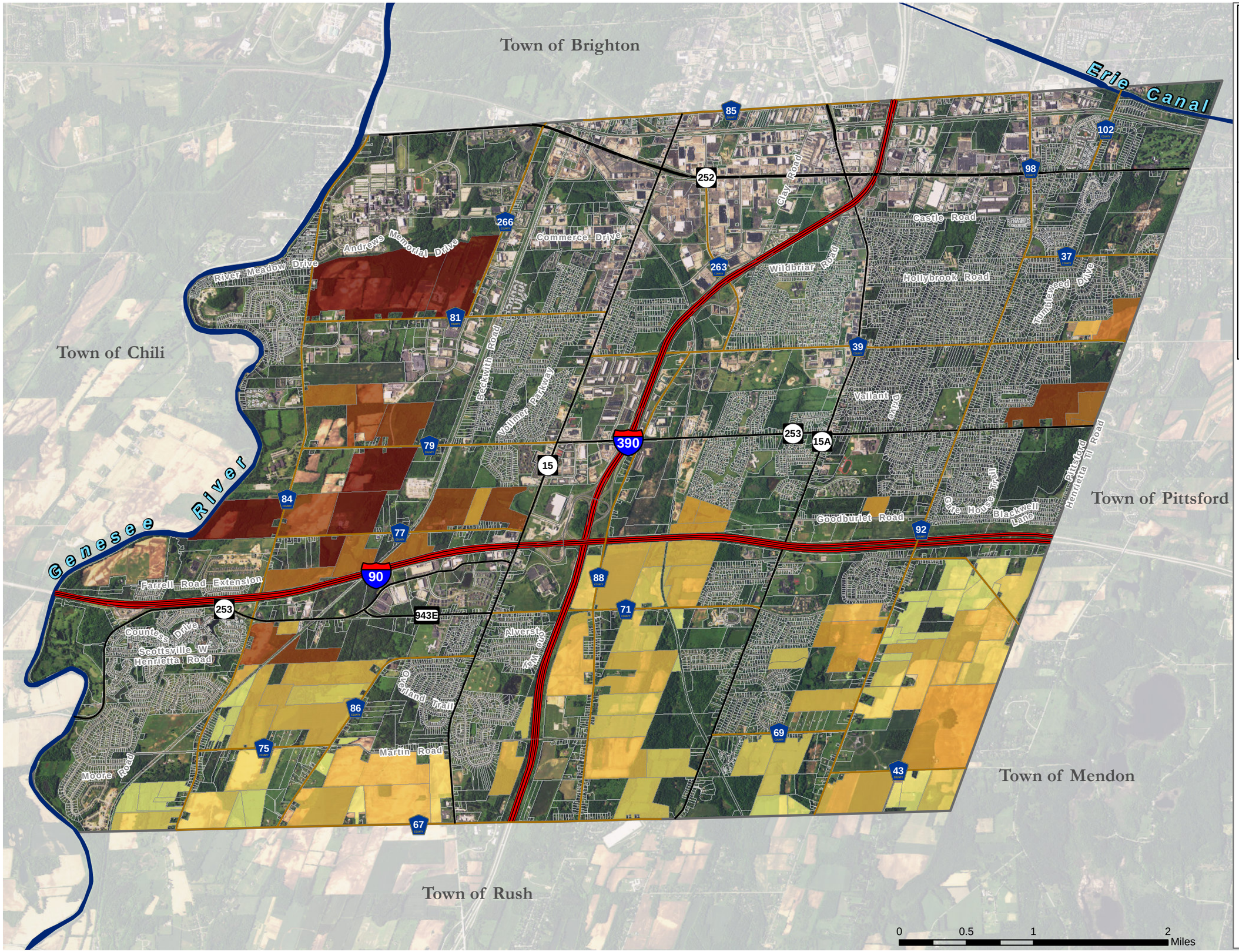

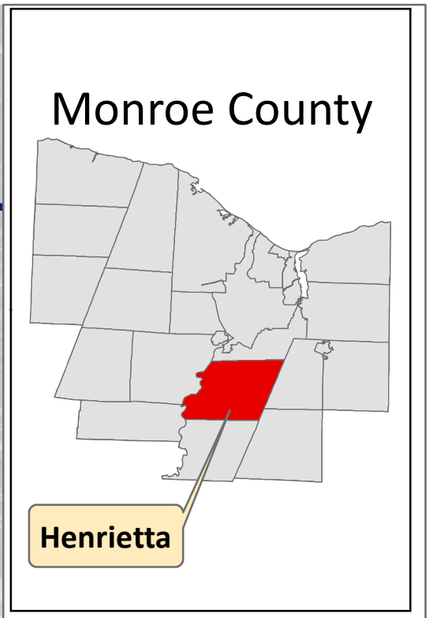

Town of Henrietta, NY Agricultural Properties Build-out Potential

Potential New Units (3,977 possible)

- 0 - 5
- 6 - 10
- 11 - 30
- 31 - 50
- 51 - 100
- 101 - 200
- > 200
- 2016 Tax Parcels

Data from Monroe County GIS Services and NYSGIS Clearinghouse

October 2017

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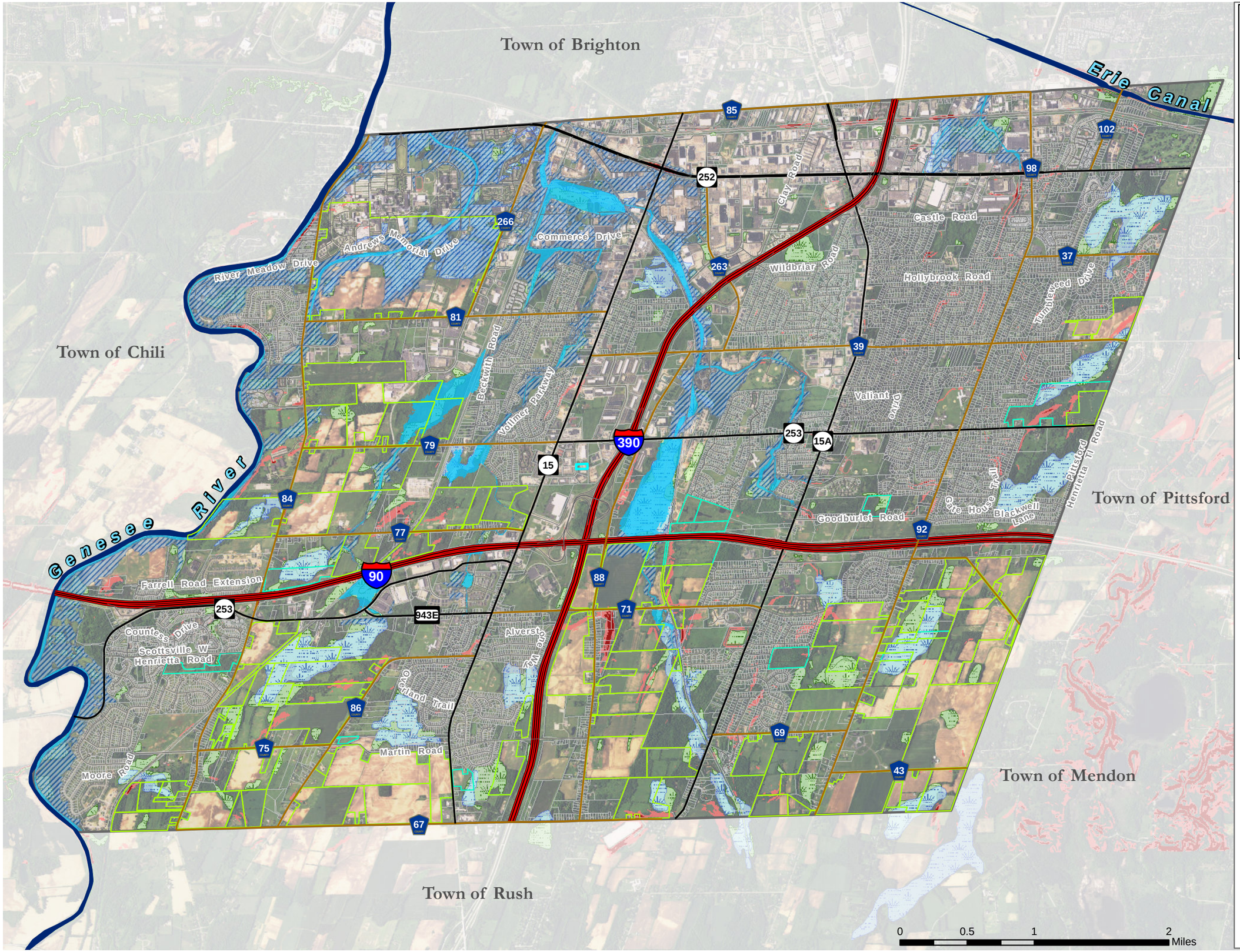

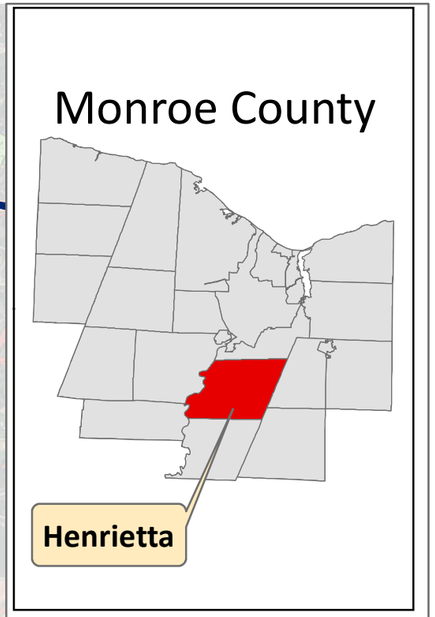

Town of Henrietta, NY Environmental Constraints

- 100-year Flood Zone
- Floodway
- DEC Wetlands
- USFWS NWI Wetlands

Slopes

- 0 - 15%
- > 15% - 25%
- > 25%
- Active Agricultural
- Abandoned or Vacant Farmland
- 2016 Tax Parcels

Data from Monroe County GIS Services and NYSGIS Clearinghouse

August 2017

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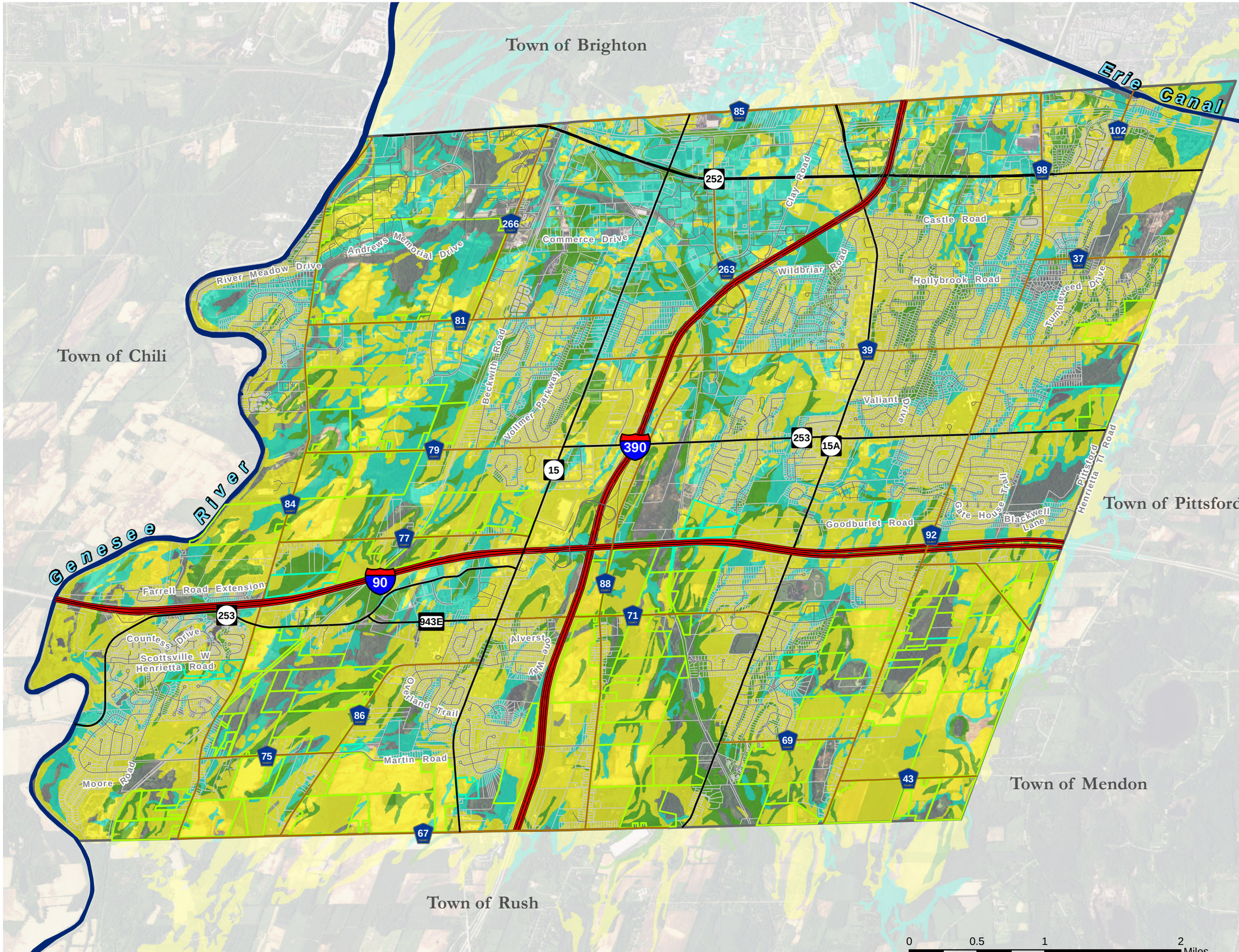

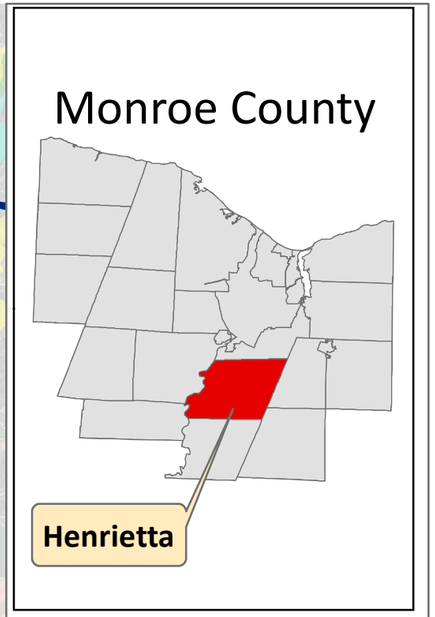

Town of Henrietta, NY Farmland Soils

Farmland Soils

- Prime Farmland Soil
- Farmland Soil of Statewide Importance
- Prime Farmland Soil if Drained
- Active Agricultural Parcels
- Abandoned or Vacant Farmland
- 2016 Tax Parcels

Data from Monroe County GIS Services and NYSGIS Clearinghouse

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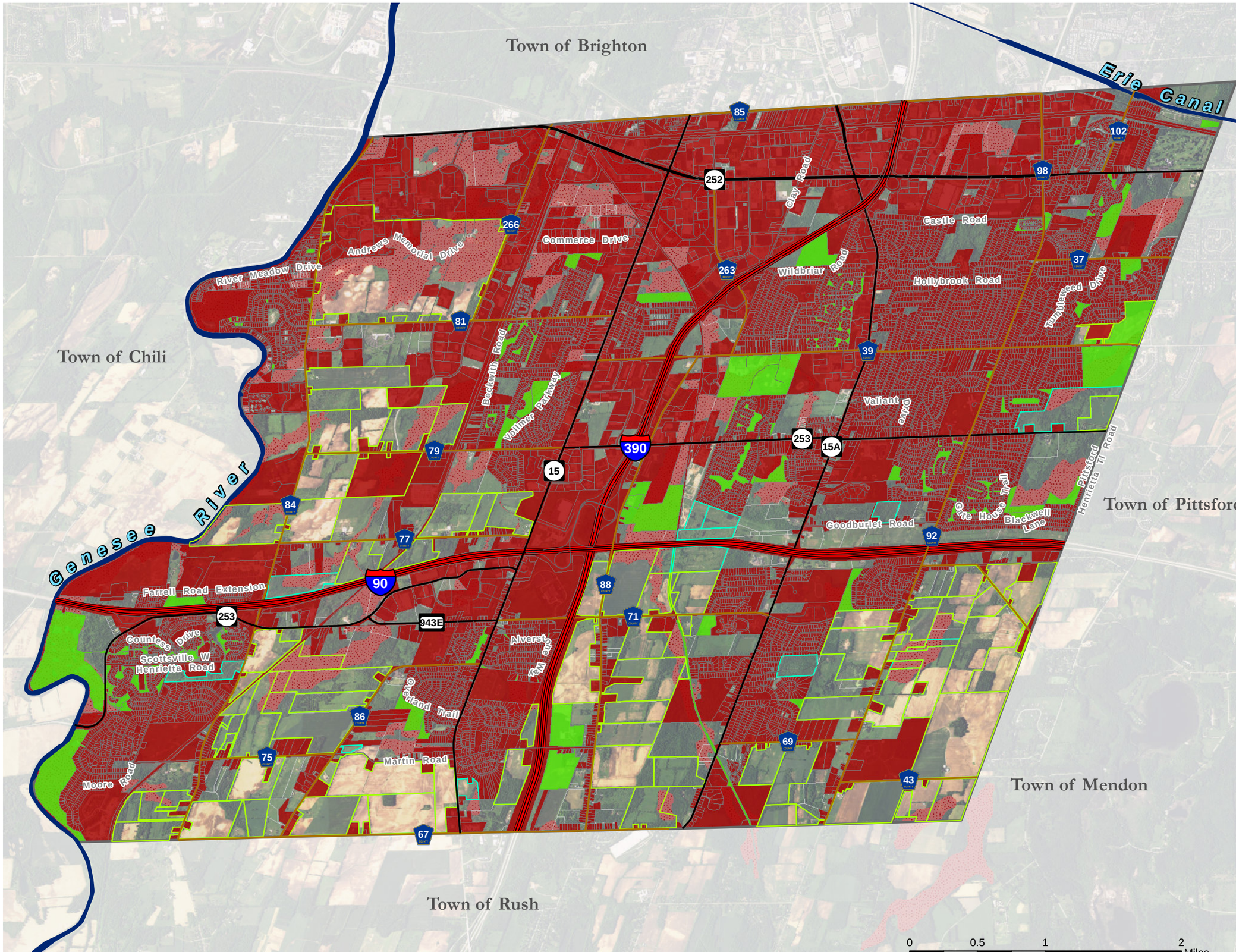
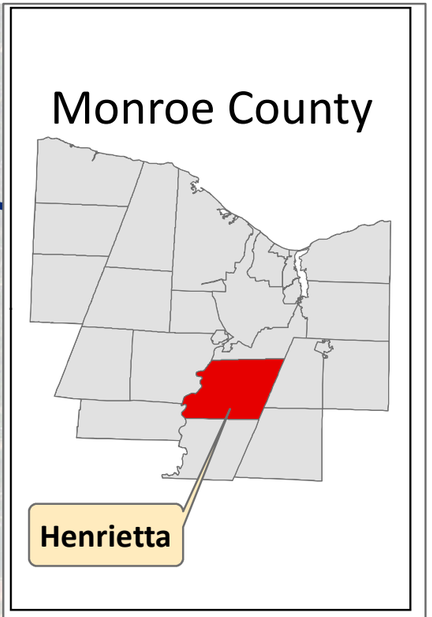
Town of Henrietta, NY
Land Availability





Parks and Conserved Land

Parcels with little to no Development Potential

Flood Plains and DEC Wetlands

Active Agricultural Parcels

Abandoned or Vacant Farmland

2016 Tax Parcels

Data from Monroe County GIS Services and NYSGIS Clearinghouse

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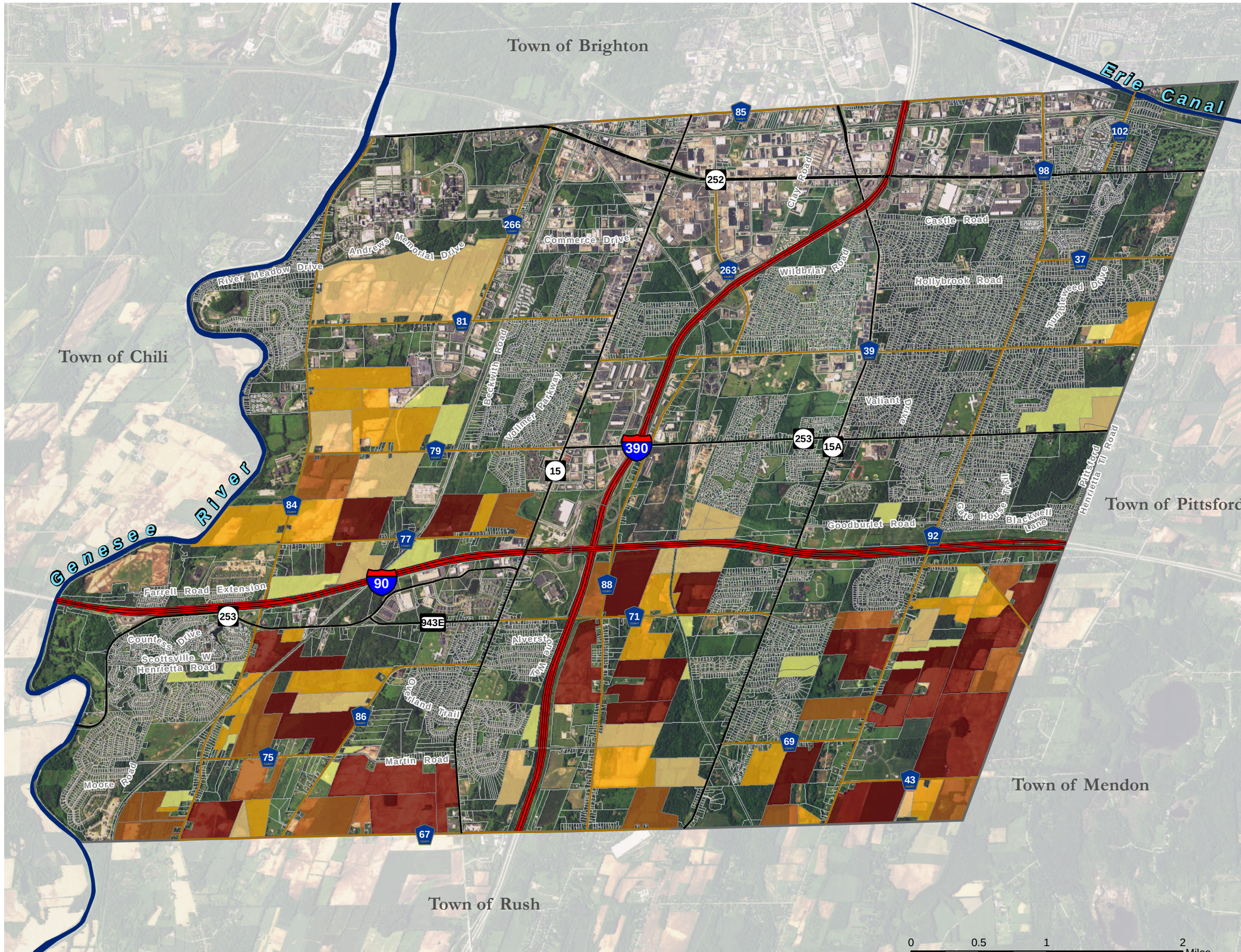

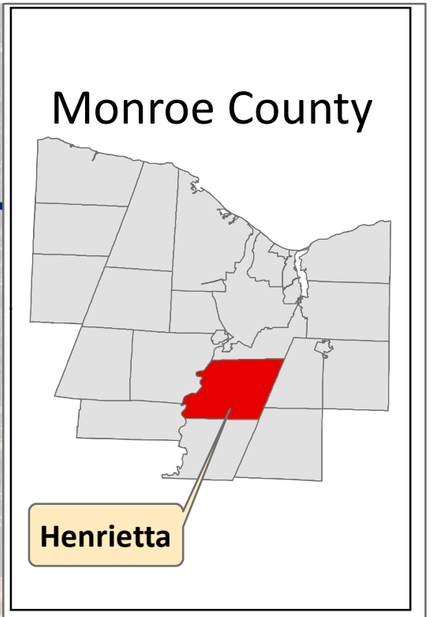

Town of Henrietta, NY Agricultural Properties Prioritization Analysis

Prioritization Score

- 5 - 8
- 9 - 10
- 11 - 13
- 14 - 16
- 17 - 20
- 2016 Tax Parcels

Data from Monroe County GIS Services and NYSGIS Clearinghouse

October 2017

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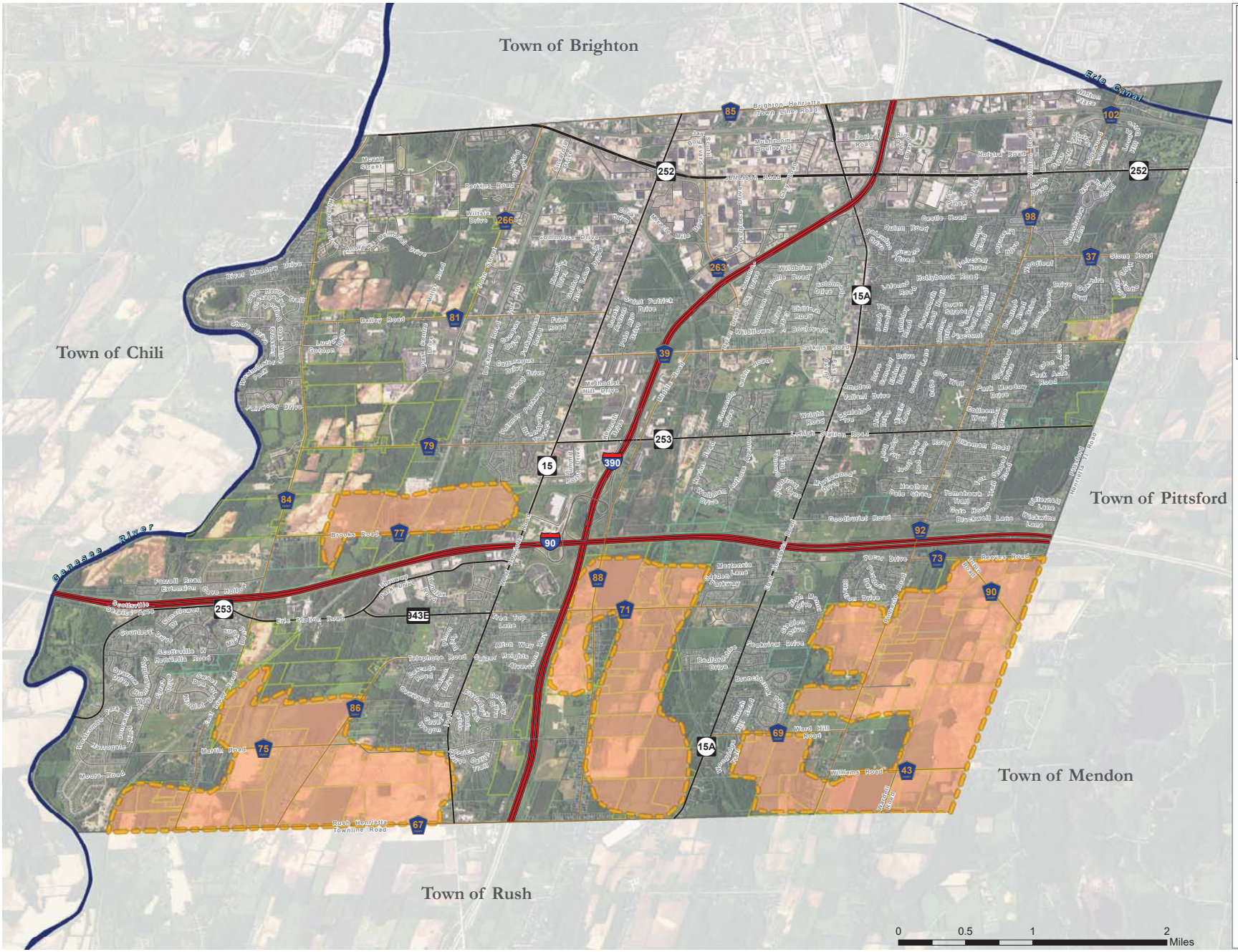

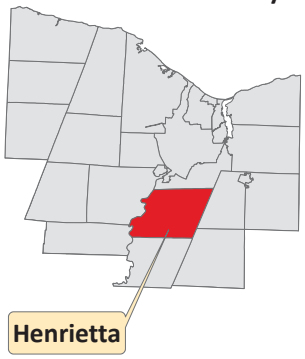

Town of Henrietta, NY Priority Farmland Areas

- Priority Farmland Areas
- Active Agricultural Parcels
- Abandoned or Vacant Farmland
- 2016 Tax Parcels

Data from Monroe County GIS Services and NYSGIS Clearinghouse

December 2017

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TOWN OF HENRIETTA

ENVIRONMENT & PLANNING

BEHAN PLANNING AND DESIGN

Guidelines for Review of Local Laws That Define "Farm Operations", "Farm", "Agriculture", "Farmland" or Any Similar Term

Pursuant to Article 25-AA, the term "farm operation" is used to identify and define commercial enterprises, through the use of land, buildings, equipment and practices, to carry-out an agricultural enterprise. Over the years, the State Legislature has amended the Agriculture and Markets Law (AML) to enhance the breadth of what constitutes a farm operation, including the type of crops, livestock and livestock products considered to be part of an agricultural enterprise.

In the administration of the AML regarding a municipality's definition of "farm," "agriculture," "farmland" or any similar term used to describe an agricultural/farm operation in its zoning code, the Department compares the municipal definition to the State's definition of "farm operation" as defined below. If a municipal definition does not encompass the breadth of crops, livestock, livestock products and farm enterprises identified in the AML, the local law may be deemed to be unreasonably restrictive and in violation of AML §305-a (1).

When a municipality examines its local laws for consistency with the AML, it is important to take into consideration certain aspects of the State's definition of "farm operation." Under the AML, a farm operation includes the production, preparation and marketing of crops, livestock and livestock products that are produced on land that is owned or rented, contiguous or non-contiguous to one another. Land can be owned or rented in another town or county and still be considered part of the farm operation. Furthermore, start-up farms may also be protected under the AML as long as the land is located within an agricultural district. Start-up farms will be described in another section of this document.

Definition of Farm Operation in the AML

301(11). "Farm operation" means the land and on-farm buildings, equipment, manure processing and handling facilities, and practices which contribute to the production, preparation and marketing of crops, livestock and livestock products as a commercial enterprise, including a "commercial horse boarding operation" as defined in subdivision thirteen of this section, a "timber operation" as defined in subdivision fourteen of this section, "compost, mulch or other biomass crops" as defined in subdivision sixteen of this section and "commercial equine operation" as defined in subdivision seventeen of this section. Such farm operation may consist of one or more parcels of owned or rented land, which parcels may be contiguous or noncontiguous to each other.

301(2). "Crops, livestock and livestock products" shall include but not be limited to the following:

a. Field crops, including corn, wheat, oats, rye, barley, hay, potatoes and dry beans.

b. Fruits, including apples, peaches, grapes, cherries and berries.

c. Vegetables, including tomatoes, snap beans, cabbage, carrots, beets and onions.

d. Horticultural specialties, including nursery stock, ornamental shrubs, ornamental trees and flowers.

e. Livestock and livestock products, including cattle, sheep, hogs, goats, horses, poultry, ratites, such as ostriches, emus, rheas and kiwis, farmed deer, farmed

buffalo, fur bearing animals, wool bearing animals, such as alpacas and llamas, milk, eggs and furs.

f. Maple sap.

g. Christmas trees derived from a managed Christmas tree operation whether dug for transplanting or cut from the stump.

h. Aquaculture products, including fish, fish products, water plants and shellfish.

i. Woody biomass, which means short rotation woody crops raised for bioenergy, and shall not include farm woodland.

j. Apiary products, including honey, beeswax, royal jelly, bee pollen, propolis, package bees, nucs and queens. For the purposes of this paragraph, “nucs” shall mean small honey bee colonies created from larger colonies including the nuc box, which is a smaller version of a beehive, designed to hold up to five frames from an existing colony.

301(13). "Commercial horse boarding operation" means an agricultural enterprise, consisting of at least seven acres and boarding at least ten horses, regardless of ownership, that receives ten thousand dollars or more in gross receipts annually from fees generated either through the boarding of horses or through the production for sale of crops, livestock, and livestock products, or through both such boarding and such production. Under no circumstances shall this subdivision be construed to include operations whose primary on site function is horse racing. Notwithstanding any other provision of this subdivision, a commercial horse boarding operation that is proposed or in its first or second year of operation may qualify as a farm operation if it is an agricultural enterprise, consisting of at least seven acres, and boarding at least ten horses, regardless of ownership, by the end of the first year of operation.

301(14). “Timber operation” means the on-farm production, management, harvesting, processing and marketing of timber grown on the farm operation into woodland products, including but not limited to logs, lumber, posts and firewood, provided that such farm operation consists of at least seven acres and produces for sale crops, livestock or livestock products of an annual gross sales value of ten thousand dollars or more and that the annual gross sales value of such processed woodland products does not exceed the annual gross sales value of such crops, livestock or livestock products.

301(16). “Compost, mulch or other organic biomass crops” means the on-farm processing, mixing, handling or marketing of organic matter that is grown or produced by such farm operation to rid such farm operation of its excess agricultural waste; and the on-farm processing, mixing or handling of off-farm generated organic matter that is transported to such farm operation and is necessary to facilitate the composting of such farm operation’s agricultural waste. This shall also include the on-farm processing, mixing or handling of off-farm generated organic matter for use only on that farm operation. Such organic matter shall include, but not be limited to, manure, hay, leaves, yard waste, silage, organic farm waste, vegetation, wood biomass or by-products of agricultural products that have been processed on such farm operation. The resulting products shall be converted into compost, mulch or other organic biomass crops that can be used as fertilizers, soil enhancers or supplements, or bedding materials. For purposes of this section, “compost” shall be processed by the aerobic, thermophilic decomposition of solid organic constituents of solid waste to produce a stable, humus-like material.

301(17). "Commercial equine operation" means an agricultural enterprise, consisting of at least seven acres and stabling at least ten horses, regardless of ownership, that receives ten thousand dollars of more in gross receipts annually from fees generated through the provision of commercial equine activities including, but not limited to riding lessons, trail riding activities or training of horses or through the production for sale of crops, livestock, and livestock products, or through both the provision of such commercial equine activities and such production. Under no circumstances shall this subdivision be construed to include operations whose primary on site function is horse racing, notwithstanding any other provision of this subdivision, an agricultural enterprise that is proposed or in its first or second year of operation may qualify as a commercial equine operation if it consists of at least seven acres and stables at least ten horses, regardless of ownership, by the end of the first year of operation.

Start-Up Farm Periods

In the administration of the AML, the Department has considered the needs of "start-up" farm operations when the land used for agricultural purposes is located within a county adopted, State certified agricultural district. The Department examines the activity to be conducted, level of investment and involvement in the farm; soil and topographic characteristics of the property; agricultural knowledge of the landowner; and other factors that may specifically apply to a proposed agricultural activity. Concerning protections afforded under AML §305-a to farm operations, including "start-up farms," municipalities should allow a reasonable period of time to establish the farm operation and its production of crops/livestock/livestock products. The Department considers the following start-up periods to be reasonable for a farm to achieve the level of production of its own goods that may be required by a local government for certain processing and marketing activities conducted by the farm[1]:

Crops: 2 years

Hops: 3 years

Livestock: 2 years

Nurseries and Greenhouses: 2 years

Aquaculture: 2 years

Apiaries: 2 years

Christmas Trees: 8-10 years

Maple: 2 years

Orchards and Berries: 3-5 years

[1] Local governments may, of course, provide longer start-up periods in their discretion; and should consider weather, disease and other factors that may impact production.

Vineyards: 5 years

Woody Biomass: 3 years

Acreage and Gross Sales Requirements

Under the AML, a "farm operation" must be a "commercial enterprise." A "farm operation" is not required to be eligible for receipt of an agricultural assessment or meet the acreage and gross sales requirements to receive an agricultural assessment [AML §301(4) – *Land Used in Agricultural Production*].

In the absence of minimum acreage and gross sales requirements, the Department evaluates such factors as the acreage in production; capital investment and business assets; gross sales of crops, livestock and livestock products; the type of enterprise and number of years in operation. If needed, the Department also evaluates a number of other factors, including, but not limited to:

1) the landowner's intent (especially for "start-up" farms);
2) whether the farm is operated in a businesslike manner;
3) time and effort spent on farming;
4) whether the landowner, or their advisors, have the knowledge needed to carry on the farming activity as a successful business;
5) whether the landowner was successful, or has experience with, similar activities in the past;
6) whether the landowner can expect future appreciation of the assets used in the business; and
7) whether the landowner's investment is at risk.

Leased and Owned Land

If a farm leases land for inclusion into its operation, crops or livestock grown/raised on leased land are treated the same as crops/livestock grown/raised on owned land. In both instances, the farmer must be producing the crop or raising the livestock as part of their operation; i.e., the farmer must be at financial risk if the crop/livestock fails or succeeds. Farmers either plant themselves or hire custom operators to plant and harvest crops on owned and/or leased land. Farmers may also hire custom operators to raise their livestock. In both instances, however, it is the farmer that provides the seed/livestock, fertilizer, pesticide/herbicide, feed, etc. and pays for the labor and custom applicator to produce/harvest the crop or raise the livestock. In this manner, the harvested crop or livestock raised are the farmer's, whether the crop yields or finished weight of livestock are successful or diminished.

Conclusion

If an agricultural operation is determined to be a farm operation as defined in AML §301(11), whether it is an existing or start-up agricultural enterprise, it may be afforded protections under the AML if the land is also located within a county adopted, State certified agricultural district.

REVIEW DRAFT FEBRUARY 19, 2018

RESOLUTION

Establishing Town of Henrietta Agricultural Enhancement Committee

WHEREAS, on _____,2018 the Town of Henrietta adopted an Agricultural Development and Farmland Protection Plan (the plan); and

WHEREAS, the plan had been reviewed and approved by the Monroe County Agricultural and Farmland Protection Board on _____, 2018 and shall be submitted to the New York State Department of Agriculture and Markets for review and approval; and

WHEREAS, the resolution of adoption approved by the town board on _____, 2018 also established an "Agricultural Enhancement Committee to assist the Town Board and other local agencies implement the recommendations of the plan and generally advise the town board and other local agencies on matters impacting local agriculture; and to adopt at subsequent meetings such resolutions as may be necessary to establish the membership of the Agricultural Advisory Committee and facilitate its operations "[1]

Now therefore be it RESOLVED, that the town board of the Town of Henrietta hereby establishes the

Purpose, Structure, Operational Parameters, and Membership of the Town of Henrietta Agricultural Enhancement Committee

Section 1 – The purpose of the Town of Henrietta Agricultural Advisory Committee is to advise the town board and other town agencies on matters pertaining to the preservation, promotion, and advocacy for maintaining and enhancing agricultural activity and operations in the Town of Henrietta.

Section 2 –

A. **Committee; Personnel; Appointment; Organization.** There is hereby established in the Town of Henrietta a permanent committee to be known and designated as the "Town of Henrietta Agricultural Enhancement Committee" which shall consist of five (5) residents of the Town of Henrietta who are engaged in farming, agri-business, own operating farmland or a vocation related to agriculture; and four (4) ex officio members. Three (3) residents of the Town of Henrietta who shall serve as ex-officio members, one who shall be the town supervisor or town councilman, one who shall be a conservation board member or alternate member, one who shall be a planning board member or alternate member, one who shall be the town engineer or his senior staff designee and one (1) senior professional employed by the County of Monroe who shall also serve as ex-officio member who shall have professional expertise in economic development, agricultural development or related field. Ex-officio members shall only be eligible to serve on the committee while they hold the other cited town

[1] RESOLUTION – _____, 2018 Approving the Town of Henrietta Agricultural Development and Farmland Protection Plan

office or county office as applicable. The members of the said committee first appointed, shall serve for terms as follows: three (3) appointees for one (1) year terms; three (3) appointees for two (2) year terms and three (3) appointees for a three (3) year term. Thereafter, all appointments shall be for terms of three (3) years and vacancies shall be filled for the unexpired term only. The members shall serve until their respective successors are appointed. The members of the committee shall receive no compensation for their services.

The committee shall organize within thirty (30) days after the appointment of its total membership for the remainder of the then calendar year and thereafter annually and select from among its members a chairperson and such other officers as it may deem necessary. Said committee may establish rules of order and meet at once annually and from time to time as its rules of order might provide. The Agricultural Enhancement Committee shall report to the town board and to such other Town agencies as may request its assistance.

B. **Assistance.** The Agricultural Enhancement Committee may request technical assistance and/or specialized advise from any resource it may deem appropriate, including but not limited to other local residents; other Town of Henrietta officials; Monroe County Planning,; Monroe County Cooperative Extension; Monroe County Soil and Water Conservation; Monroe County Agriculture and Farmland Protection Board; Genesee Valley Regional Market Authority; Genesee Land Trust, Finger Lakes Land Trust; American Farmland Trust; New York Agricultural Land Trust and NYS Agriculture and Markets. However, no contracts for payment for services or other expenditure of town funds may be entered into by the committee.

C. Funds for Committee Operations

As a citizen advisory committee, the Agricultural Enhance Committee may not authorize any expenditure of town funds. Funds necessary for proper committee operation including technical support from a professional planning or other consultant expertise needed may be requested by the committee from the town board and, in accordance with customary procedures, the town Board may authorize such funds and approve the expenditure thereof.

Section 3 - Responsibilities of Committee. The responsibilities of the committee shall be as follows:

1. To recommend methods, review proposals, and develop proposals for the implementation of the goals of the Town of Henrietta Agricultural Development and Farmland Protection Plan and, report their findings to the town board and support the town board and other local agencies in advancing these actions.

2. To, from time to time, amend and update the plan as needed and refer such updates and amendments to the town board.

3. To monitor local farming activity and determine existing issues facing farmers and those in related endeavors and to recommend reasonable and desirable solutions to the town board.

4. To monitor trends in agriculture, and local development so as to identify future issues, which will face farmers and those in related endeavors and to recommend reasonable and desirable solutions to the Town Board.

5. To identify methods whereby the town board, county or state governments can encourage existing farmers to continue in active agricultural operation.

6. To, when requested by the town board or other agencies engaged in and environmental review of proposed private or public development projects and/or infrastructure projects, provide input regarding the impacts on agriculture of such projects.

7. To recommend to the town board, town planning board and/or other agencies techniques that will help preserve large, contiguous and economically viable tracts of agricultural land.

8. To communicate with local farmers that the Henrietta Agricultural Enhancement Committee exists and can offer direction and assistance in many cases, invite their participation in committee activities, and either directly or through interaction with other government agencies advise them of benefits and protections to which they are entitled.

9. To facilitate the local presentation of educational programs by Cornell Cooperative Extension and other experts for farmers for the purposes of improving local farming practices and in meeting the challenges the industry faces.

10. To assist in minimizing conflicts between agricultural uses and adjacent and nearby rural residential and commercial activities.

11. To encourage and assist applications to farmland preservation programs including but not limited to the New York State Farmland Protection Implementation Grants such as the Purchase of Development Rights program and the Transfer of Development Rights and Zoning Review program and the U.S. Department of Agriculture Farm and Ranchlands Protection Program, and, when such applications are submitted provide input into the review thereof.

12. To encourage appropriate conservation strategies and agricultural activities and provide support to local farmland owners upon request.

13. To study and comment on proposals by local, county, state or federal governments that may impact on local farms and farmlands.

14. To recommend to the town board reasonable and desirable changes to this listing of responsibilities.

15. To make an annual report to the town board setting forth and detailing the activities and operations of the committee during the preceding year.

16. To accomplish any other tasks referred to it by the town board or other local agencies having to do with agricultural related activities.