

Agricultural Districts in New York:
State, Community, and Land-Grant University
Participation in the Development Process

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We are pleased to have the opportunity to participate in this National Conference on Rural Development and to discuss one initiative in rural development in the Northeastern United States. Industrialization and urban development came early to our region. Land in farms increased in most of our states during the 1800's and then started to decline. A peak was reached in 1870 in New York, earlier in New England, later in Pennsylvania and West Virginia. Public intervention in decisions on land use, and the role of public funds in the purchase and development of natural resources are old and familiar topics for discussion and debate.

The purpose of this paper is to show how the land grant university and Cooperative Extension together with local governments and local leadership have interacted with each other and the State government in developing the concept and reality of agricultural districts in New York. Rural development is a process. The will and energy to move forward must come from within the people and region where it occurs. It can not be imposed from outside. But assistance and encouragement from without can hasten the process along. Our experience in the development of agricultural districts clearly illustrates some of the components necessary for such institutional or economic change.

^{1/} National Conference on Rural Development, November 25-27, 1973, Des Moines, Iowa.

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- (1) Individuals and larger groups must believe that they and others will gain from participation.
- (2) Local initiative and incentive must be present.
- (3) Opportunity for differing views to be presented must be provided.
- (4) A sense of community for participants should result.
- (5) A review process which provides for change after experience should be incorporated.

No matter how well-intentioned and carefully developed, a program which does not incorporate local people, local ideas, and local capital is not likely to reach its potential in rural development.

The Concept of Agricultural Districts

The concept of agricultural districts grew out of common concerns from rural and urban people in the State. The pattern of land use in many counties is haphazard and confused. Urban scatteration has led to speculation and false expectations about windfall gains in the land market. Absentee owners of excellent agricultural land stopped production allowing corn stubble and weeds to substitute for carefully tended crops which once provided the necessary raw materials for nearby processing and food manufacturing plants.

Discussion of these problems by agricultural leaders, extension staff, college scientists and legislators, both county and state, led Governor Rockefeller to appoint the New York State Commission on Preservation of Agricultural Land in 1966. It consisted of 16 agricultural, industrial and business leaders from all parts of the state. In the Governor's words, "The conflicts, incompatibilities, and economic and aesthetic loss created by urban sprawl can only grow greater in the future unless an effort is undertaken now to avert these consequences."¹

¹pp 1 - Commission Report, Preserving Agricultural Land in New York State, State of New York, February 1968.

The Commission held hearings to educate itself and the people of the State. The years of work by faculty and staff at the College of Agriculture and Life Sciences provided the factual basis for much of the Commission's report. Early work on land classification on a county basis was translated into state maps on the viability of land for commercial agriculture. The state land purchase programs of the 1920's and 1930's reflected cooperation between local government, citizen groups, and the State to convert abandoned farm land into potentially useful larger units for conservation and recreation. County agents worked with farmers and county planners to illustrate the basic problems faced by individual communities. The report of the Commission ranged over many issues: planning, taxation, agricultural zoning, and exercise of the rights of eminent domain. It was widely read.

The Governor formed an Agricultural Resources Commission in the Executive Branch to replace the initial commission when it completed its report. Out of the discussion and recommendations following the commission's report an Agricultural Districts Act was passed by the State Legislature in May 1971. It starts with a Declaration of Legislative Findings and Intent.

"It is the declared policy of the State to conserve and protect and to encourage the development and improvement of its agricultural lands for the production of food and other agricultural products. It is also the declared policy of the State to conserve and protect agricultural lands as valued natural and ecological resources which provide needed open spaces for clean air sheds, as well as for aesthetic purposes. The constitution of the State of New York directs the legislature to provide for the protection of agricultural lands. Agriculture in many parts of the State is under urban pressure from expanding metropolitan areas. This urban pressure takes the form of scattered development in wide belts around urban areas, and brings conflicting land uses into juxtaposition, creates high costs for public services, and stimulates land speculation. When this scattered development extends into good farm areas, ordinances inhibiting farming tend to follow, farm taxes rise, and hopes for speculative gains discourage investments in farm improvements. Many of the agricultural lands in New York State are in jeopardy of being lost for any agricultural purposes. Certain of these

lands constitute unique and irreplaceable land resources of state-wide importance. It is the purpose of this article to provide a means by which agricultural land may be protected and enhanced as a viable segment of the State's economy and as an economic and environmental resource of major importance."

Such a statement reflects the combined efforts of the legislators who introduced the bills, the Commission members who brought together the wide range of suggestions and ideas from all over the State and from other areas, Cooperative Extension resources in individual counties where this public policy issue was debated and reviewed in public meetings, and College staff who provided objective analysis of alternative proposals and likely outcomes. The potential for success or failure for the new law was established by the education and study that preceded it. The background work had been done. The true test was still ahead.

The Nature of the Law

The Act amends the Agriculture and Markets Law of the State with two major provisions. The first describes an agricultural district and the steps required to create one. The second explains how the districts will function and the special provisions of law which apply within each district.

The philosophy behind the steps required to form an agricultural district are particularly important. They recognize clearly the importance of community interaction at every level and the substantial interest of many different groups in public decisions about land use. In brief the steps are as follows:

(1) The process starts only when landowners propose formation of a district. A minimum of 500 acres of contiguous land area must be involved. Most of the land area must be in commercial agriculture. The State Agricultural Resources Commission or Cooperative Extension may be called upon for assistance in explaining the law and helping local citizens to prepare a proposal.

(2) The proposal is presented to the county legislative body.

(3) The legislative body in turn refers the proposal to its agricultural advisory committee and the county planning board for review and appraisal.

(4) The agricultural advisory committee and planning board report their recommendations and modifications, if any, to the county legislature.

(5) One or more public hearings are held to which all landowners in the area are specifically invited and others interested in the county or area may participate.

(6) After the hearings the County legislature approves or rejects the proposal with modifications.

(7) The approved proposal is then submitted by the County to the State's Commissioner of Environmental Conservation.

(8) The Office of the Commissioner submits the proposal for review to the State Agricultural Resources Commission and the State Office of Planning Services. The site proposed is visited and reviewed in detail by a State team of professionals and recommendations offered to the Department of Environmental Conservation.

(9) The Commissioner may then certify the plan, or a modification of it, as eligible for a district.

(10) Once certified the proposal is returned to the county legislative body. If the proposal was modified a second public hearing must be held.

(11) The county legislative body approves the proposal for a district and the provisions are put into effect.

(12) A public review of each district must be held every eight years with definite action taken to renew, modify or disband the district.

In summary these steps demonstrate that an agricultural district cannot be created or destroyed without conscious action by many interested groups, many with quite dissimilar concerns. The process reflects concern for checks and balances. Local initiative is central to the process.

The second part of the Act describes the ways in which an agricultural district differs from other areas. It's provisions state that:

(1) Local governments may not restrict or regulate farm structures or farming practices beyond the requirements of health and safety. This recognizes the rights of farmers to produce within the limits of State and Federal laws without harassment from local ordinances.

(2) State agencies must modify administrative regulations and procedures to encourage the maintenance of commercial agriculture. This ensures that agriculture can be heard when the State makes public decisions with respect to land use issues such as stream bank protection or waste disposal.

(3) The right of public agencies to acquire land within the district by eminent domain is modified, though not removed. Alternative areas must be considered for major highways, power plants or reservoirs and evidence presented that an acceptable substitute is not available.

(4) The right of public agencies to advance funds for non-farm development, such as sewer and water, may be restricted or delayed. Generally developers cannot finance water and sewage systems without local government assistance.

(5) The power of public service districts to tax farm land within agricultural districts for sewer, water, lights and non-farm drainage is restricted.

(6) Farm property tax assessments may be based on agricultural values rather than market values if the farmer requests it and qualifies as a commercial farmer. Annual applications are required. If any land is converted to non-farm purposes, farmers are required to pay a roll back for up to five years of any taxes from which they gain exemption under the law.

Two other provisions of the agricultural districts legislation deserve mention. First, individual farmers who are not in agricultural districts may apply for agricultural value assessments. If granted they must sign an eight year commitment to keep their land in farming and must renew this commitment each year for another eight years to keep their agricultural assessment. Violating the commitment results in a larger penalty than the simple five-year tax roll back for farmers within a district. Second, the Commissioner of Environmental Conservation, three years after the Act takes effect, may create districts covering land areas of 2000 acres or more if:

- (1) the Agricultural Resources Commission determines the area is predominately of unique and irreplaceable agricultural land and recommends creation of a district,
- (2) the district would help attain state environmental objectives,
- (3) the Director of Planning Services certifies the district as consistent with overall state plans,
- (4) the Director of the Budget gives approval.

Experience with Agricultural Districts

A little over two years have elapsed since this new legislation took effect. About 100 districts have been formed and certified or are now in various stages of review. They cover nearly one million of the State's 30 million acres. Of greater importance they include 15 to 20 percent of the State's best farm areas as identified by the State Commission on the Preservation of Agricultural Land. They are widely dispersed across the State where urban sprawl and scatteration are substantial concerns. Orange County, an old established agricultural area within 75 miles of downtown Manhattan, has the largest area in districts. This county's planning commission and urban oriented legislature have enthusiastically encouraged the formation of districts to maintain the strong contribution agriculture makes to the local economy and provide open space and environmental balance. The smallest land area committed to districts to date has been in the largely rural counties of Northern New York where urban pressure is less pronounced.

Some of the impacts of agricultural districts were quite predictable. Others were not. Most impressive from our point of view has been the regular interaction of State Departments and agencies which resulted. The detailed steps required to form a district regularly involves representatives of Environmental Conservation, Planning Services, Transportation, and Equalization and Assessment with Agriculture and Markets and the Agricultural Resources Commission. It is Environmental Conservation, not Agriculture, that supervises and certifies the formation of districts. In many respects at the State level it is their program. Hence, when the Agricultural Resources Commission meets, representatives of all the other interested agencies, and especially Environmental Conservation, are on hand to enter

into discussion. Plans for locating limited access highways, reservoirs, power sites and parks are reviewed with a concern for agricultural land. The State's central planning process has a mechanism which includes representation from commercial agriculture and environmental conservation.

Respect for local initiative is central to the process. It's hard to start a district without local interest. County government has more than one opportunity to consider what the district will mean before taking final action. Extension has taken an important leadership role in working with landowners, county planners, and the county legislature in reviewing districts, understanding the procedures involved and holding public meetings whenever necessary. Checks and balances have been carefully built into the system. Experience with zoning on one side and eminent domain on the other have helped to encourage this more open and representative decision-making process.

Few farmers within districts have exercised their options for agricultural assessments so far. This may change as time passes. But most land owners within districts have more central concerns than taxation. One is to establish both community identity and some guarantee that new agricultural investment can be used over a period of years for production. Pressure for a number of the first districts in New York came from the threat of new highways, reservoirs and power plants. There is no guarantee that these public projects will not be built within the districts. But there is assurance that other alternatives must be considered carefully first. Already there is some evidence that people within districts have a new sense of identity with respect to each other and commercial agriculture.

It is too early to make many judgments on the impact of districts on local communities, rural landowners who are not farmers, local business and industry as well as environmental interests. Concerns remain on how districts will affect the local base for taxation and the property taxes of landowners outside districts. Conversely, it seems clear that more urban-oriented people now recognize that commercial agriculture also contributes importantly to local communities. Communities benefit most when agriculture and other economic development proceeds simultaneously. Attractive open space is a by product of districts which nearly all recognize.

Concluding Comments

The choices we make on how to use our scarce natural resources are central to the development process. Land speculation and urban sprawl are substantial issues in many places we used to consider rural. Government - local, state, and federal - must be partners in the decision-making process. The land grant university and Cooperative Extension has a unique opportunity to lead and perform its central role of education. Public decision-making on complex issues like land use is always difficult. But important initiatives, like agricultural districts, succeed when they are solidly based on facts, research, experience working with landowners and local governments, and a true sense of public service.

If rural development is to improve the welfare of both rural and urban people it cannot be directed to the narrow self interest of special groups. Farmers cannot benefit over time at the expense of their rural neighbors. Highway users cannot run roughshod over others who want to use the valleys instead of the hillsides. Planning is more of an art than a science. Public planning will survive only if long run interests of many different forces in the community are heard. New development should complement the old - not replace it. A viable commercial agriculture can and does contribute to local economies and deserves an opportunity to compete. The last thing most communities need is idle land, out of production today on the hope that it will compete in a new use in some unknown tomorrow.

Every state must develop its own institutional structure that works. To date the concept of agricultural districts in New York has had an impressive beginning.