



TOWN of RUSH Monroe County, New York

Agricultural and Farmland Protection Plan



Prepared by:



Prepared for:

**Town of Rush
Monroe County, New York**

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Town of Rush– Agricultural and Farmland Protection Plan



TABLE OF CONTENTS

PAGE

GLOSSARY

CHAPTER 1 – INTRODUCTION & STAKEHOLDER PARTICIPATION

Purpose and Need _____	1-1
An Overview of the Planning Process _____	1-2
Stakeholder Participation Opportunities _____	1-3
Summary of Public Meetings _____	1-5
Strengths, Weaknesses, Opportunities and Threats (SWOT) Analysis _____	1-6
Farmland Owner, Operator and Renter Survey Results _____	1-10
Completing the Farmland Protection Planning Process _____	1-19

CHAPTER 2 - EXISTING CONDITIONS & TRENDS

Town Setting _____	2-1
Agricultural District Lands _____	2-2
Existing Agricultural Resources _____	2-4
Environmentally Sensitive Lands _____	2-5
Existing Land Cover and Land Use _____	2-6
Census of Agriculture _____	2-7
Monroe County Agricultural and Farmland Protection Plan _____	2-7
Local Laws and Land Use Regulations _____	2-8
Existing Conditions Maps _____	Follow at End of Chapter

CHAPTER 3 - VISION, GOALS & OBJECTIVES

A Shared Vision for Sustainable Agriculture in Rush _____	3-2
Goals & Objectives in Support of Our Vision _____	3-3

CHAPTER 4 - ANALYSIS & RECOMMENDATIONS

Land Use Analysis _____	4-1
Farmland Evaluation Results _____	4-4
Land Use and Farmland Protection Recommendations _____	4-5
Implementation of the Farmland Protection Plan _____	4-15

Town of Rush– Agricultural and Farmland Protection Plan

Key Action Items _____	4-16
Sources of Technical Assistance, Farmland Protection Information and Project Funding _____	4-18
Land Use Analysis Maps _____	Follow at End of Chapter

LIST OF FIGURES (ALL FIGURES ARE PLACED AT THE END OF CHAPTERS 2 AND 4)

Figure 2.1	Regional Location
Figure 2.2	Agricultural District Properties
Figure 2.3	Prime Farmland Soils
Figure 2.4	Agricultural District and Prime Farmland Soils
Figure 2.5	Environmentally Sensitive Lands
Figure 2.6	Slope and Topography
Figure 2.7	Land Cover
Figure 2.8	Existing Land Use
Figure 2.9	Water and Sewer Infrastructure
Figure 4.1	Aerial Photo with Environmentally Sensitive Lands
Figure 4.2	Land Use Development Factors
Figure 4.3	Agricultural Assessment Values
Figure 4.4	Evaluation of Farmland Resources
Figure 4.5	Evaluation of Farmland Resources with Environmentally Sensitive Features
Figure 4.6	Evaluation of Farmland Resources within Agricultural District #6

LIST OF TABLES

Table 1-1	Farmland Acres Accounted for by Owner and Renter Surveys
Table 2-1	Agricultural District Parcels in Rush
Table 2-2	Land Use Designations in Ag District #6 in Rush
Table 2-3	Prime Soils and Soils of Statewide Importance
Table 2-4	Areas of Important Farmland Soils with Farming Potential
Table 2-5	Existing Land Use Categories in the Town of Rush
Table 2-6	Existing Zoning Districts in the Town of Rush

APPENDICES

- A. Notes of Meetings
- B. Example Farmland Owner and Renter Questionnaires
- C. Soil Values and Existing Zoning Information
- D. Stakeholder/Agency Correspondence
- E. NYS Dept. of Agriculture & Markets and American Farmland Trust Information

Town of Rush – Agricultural and Farmland Protection Plan

Glossary

For definitions specifically related to agriculture and farming Article 25-AA Agriculture and Markets Law (AML), Section 301 should be consulted for the most recent information.

AGRICULTURE: 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, a timber operation as defined in subdivision fourteen, compost, mulch or other biomass crops as defined in subdivision sixteen and commercial equine operation as defined in subdivision seventeen of Section 301 of the Agriculture and Markets Law (AML) Article 25-AA. 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.

AGRICULTURAL OR FARM BUILDING: Defined by Section 202 of the NYS Uniform Fire Prevention and Building Code as a structure designed and constructed to house farm implements, hay, grain, poultry, livestock, or other horticultural products. This structure shall not be a place of human habitation or a place of employment where agricultural products are processed, treated or packaged, nor shall it be a place used by the public. Section 101.2(2) of the State Building Code provides an exemption for agricultural buildings used solely in the raising, growing or storage of agricultural products by a farmer engaged in a farming operation. There are other structures such as farm markets, riding arenas and farm worker housing that are considered agricultural buildings that receive protection under the AML, but they must comply with the Building Code of New York State.

AGRICULTURAL COMMERCE: A retail or wholesale enterprise operated as an accessory use to an active farm operation providing products or services principally utilized in agricultural production, including wholesale or retail sale of grain, fruit, produce, trees, shrubs, flowers, syrups and honeys or other products and/or services related to agricultural operations related to structures, agricultural equipment and agricultural equipment parts, livestock, feed, seed, fertilizer, mulch soil amendments, and equipment repairs.

AGRICULTURAL DATA STATEMENT: According to NYS Agricultural Districts Law Article 25-aa Section 305-a, an Agricultural Data Statement means the identification of farm operations within an agricultural district located within five hundred feet of the boundary of property upon which an action requiring municipal review and approval by the planning board, zoning board of appeals, or town board. Pursuant to Section 305-a and NYS Town Law any application for a special use permit, site plan approval, use variance, or subdivision approval that

Town of Rush – Agricultural and Farmland Protection Plan

would occur on property within an agricultural district containing a farm operation or on property with boundaries within five hundred feet of a farm operation located in an agricultural district shall include an agricultural data statement. A copy of the Statement must be submitted to the Monroe County Planning Department for County Planning Board review.

FARM OR FARM OPERATION: see Agriculture

FARM MARKET: A permanent structure that is owned and/or operated by a farmer(s) on a seasonal or year-round basis which primarily sells agricultural products and related goods to the general public.

FARMERS' MARKET: An enterprise or association that consistently occupies a given site on a seasonal basis, operating principally as a common marketplace for the sale of locally grown fresh produce and farm products, where the farm products sold are produced by the participating farmers.

IMPORTANT AGRICULTURAL SOILS: - Soils identified in this Agricultural and Farmland Protection Plan and mapped as Prime Farmland Soils and Soils of Statewide Significance.

NEW YORK STATE AGRICULTURAL DISTRICT: - An area designated pursuant to Article 25-AA of the New York State Agriculture and Markets Law.

PARCEL: A delineated area or plot of land which may be occupied or designed to be occupied by a principal building and its accessory structure or structures, including the yards and setbacks required by this local law, as shown as a distinct property on the Tax Assessor map of the Town.

PRIME FARMLAND: Exhibits the best combination of physical and chemical characteristics for producing food, feed, forage, fiber and oil seed crops available for these uses. These lands have the combination of soil properties, growing season and moisture supply needed to produce sustained high yields of crops in an economic manner if it is treated and managed according to acceptable farming methods. In general prime farmland has an adequate and dependable water supply from precipitation or irrigation, a favorable temperature and growing season, an acceptable acidity or alkalinity, an acceptable content of salt or sodium, and few or no rocks. Its soils are permeable to water and air. Prime farmland is not excessively eroded or saturated with water for long periods of time, and it either does not flood frequently during the growing season or is protected from flooding.

PRIME FARMLAND SOILS: Defined by the U.S. Department of Agriculture as a classification given to soil groups that produce the highest yields with minimal input of energy and economic resources and when farmed result in the least adverse impact to the environment due to the lack of characteristics such as seasonal wetness or different levels of erosion.

Town of Rush – Agricultural and Farmland Protection Plan

PURCHASE OF DEVELOPMENT RIGHTS (PDR): A voluntary sale of the rights to develop a piece of property by the landowner to a governmental agency or a land trust. The sale price is determined by an appraisal. The land is restricted to farming or open space.

ROADSIDE STAND: A temporary or non-permanent accessory structure, mobile or stationary, such as a table, vehicle, wagon, tent or structure mounted on skids, set up for the purpose of retail sale of produce, baked goods and/or handicraft.

SAWMILL, SMALL SCALE: A stationary facility for the processing of timber logs into forestry products such as milled lumber, treated posts, firewood and wood by-products such as slab wood, wood chips, bark chips and sawdust, and which may include planning and sizing facilities, kilns, storage yards and accessory maintenance facilities incidental to sawmill operations, but which is generally operated for the custom cutting of timber for local craftsman.

SOILS OF STATEWIDE IMPORTANCE: Soils of statewide importance for the production of food, feed, fiber, forage and oil seed crops. Criteria for defining and delineating these soils and lands are determined by New York State. These soils and lands include those that are nearly prime farmland and that economically produce high yields of crops when treated and managed according to acceptable farming methods. Some may produce as high a yield as prime farmlands if conditions are favorable. These are soils of importance to the State of New York for the production of crops when managed correctly, but may not meet all the criteria to be defined as prime farmland soils, due to characteristics such as seasonal wetness or different levels of erosion.

TRANSFER OF DEVELOPMENT RIGHTS (TDR) – The voluntary sale and purchase of development rights between two private parties which shifts the development rights from one parcel to another under a Town approved plan to encourage growth in certain areas and to discourage growth in others. When TDRs are sold, the land they came from is then restricted to farming or open space.

1



Introduction and Stakeholder Participation

Purpose and Need

The Town of Rush is like many communities in Upstate New York. It can easily trace its roots back to a farm-based economy that over the course of many generations shaped the rural landscape enjoyed by residents today. Also like many communities, the Town is slowly, but steadily, seeing a decline in farming as evidenced by changes in the landscape and more importantly, a transitioning of prime farmland into other uses. Rush has not yet experienced the dramatic degree of changes in community character that have occurred in some other communities in Monroe County and elsewhere in recent decades. In recognition of agriculture’s importance to the future of Rush, the community has undertaken this planning process to embrace and protect its agricultural assets.

This Town of Rush Agricultural and Farmland Protection Plan (the “Plan”) is the result of the voluntary participation by a variety of stakeholders concerned about the future of farming in the community. The Plan, funded through a grant provided to the Town by the New York State Department of Agriculture and Markets in 2010, is a proactive approach to protect prime farmland and enhance agriculture in Rush.

The Rush community is comprised of critically important stakeholders that represent different aspects of life in the Town. Residents, regardless of where they live in the community, as well as farmers, landowners, business owners and public officials, all have a stake in what happens to local farmland and agricultural resources. Each stakeholder may have a different perspective on what farmland protection means or why it is so important to them depending on their own life experiences and individual needs. The challenge of any planning process, such as with this Plan, is to seek and find a balance to meet the diverse needs of the individual with community needs.

The primary purpose of this Plan is to provide local officials, farm operators, residents and landowners with information to help promote effective land use management focused on the protection of farmland in the Town of Rush. Without such a plan to guide future decision-making in the community, changes in land use and land use management practices could result in the significant loss of high quality farmlands and prime farmland soils, thereby adversely affecting the viability of agriculture in the Town and the rural character which has attracted its residents. Stated more bluntly, the Plan recognizes that agriculture in Rush is not primarily a means to hold land while waiting for development. Rather, it is an essential end use of land. The Town supports these farmland protection efforts and will work with Monroe County, the Genesee Land Trust and other stakeholders in pursuing future farmland protection projects.

Town of Rush – Agricultural and Farmland Protection Plan

It is important to note that the NYS Smart Growth Public Infrastructure Policy Act became law on September 29, 2010. That law may have significant implications in Rush and elsewhere on future capital improvement projects, especially how they are funded and where projects are located. Under the Act funding agencies and all State authorities in New York prior to approving or funding public infrastructure projects must prepare and file a Smart Growth Impact Statement finding that the project is consistent with Smart Growth criteria or justifying why a project is not consistent. Projects include, but may not be limited to transportation, sewer, water, education and housing infrastructure.

The NYS Smart Growth Public Infrastructure Policy Act and Smart Growth criteria promote use of existing infrastructure and encourage mixed land uses and compact development within defined municipal centers. In other words, the Act can facilitate the protection of farmland by directing infrastructure away from prime agricultural areas.

The Act is an opportunity for the Town of Rush to protect important farmland and open space from the adverse effects of sprawl. This Farmland Plan identifies important agricultural resources in the community and recommends various means to protect them. The incorporation of the Farmland Plan into the Town's Comprehensive Plan will further the community's farmland protection efforts and support the development of existing hamlets and municipal centers through future capital investment in appropriate areas of the community that will not adversely affect local agriculture.

An Overview of the Planning Process

The Town of Rush previously undertook a planning process in the early 1990's that surveyed local farmers, both farmland owners and renters, as part of the Town's Innovative Farmland Zoning Report. The report was prepared by a Town Committee comprised of representatives from the Town Board and Planning Board, the Rush Farmland Preservation Committee, local farmers and landowners, the Town Attorney, Monroe County Department and Planning, and Cooperative Extension. The Town's consultant, Stuart Brown Associates, Inc. prepared the report as a Supplement to the Town's Comprehensive Plan.

The Innovative Farmland Zoning Report included a summary of existing farmland conditions, an evaluation of innovative zoning techniques that could be considered in protecting active farmland, and recommended actions for implementation. Information from the Innovative Farmland Zoning Report is a basis for some of the information used to prepare this Farmland Protection Plan, including an updated version of the survey of farmland owners and renters.

Participation by Town officials, local farmers, residents, Monroe County and regional planning, agency staff and representatives, as well as other stakeholder organizations engaged in the agricultural industry, was crucial in creating this Farmland Protection Plan. The contribution of time and effort by all stakeholders involved in this planning process was invaluable to document existing conditions in the community and identify workable strategies for protecting valuable farmlands and enhancing local agriculture.

This Farmland Protection Plan is an important step in support of local farming as an economically viable industry that significantly contributes to the local and regional economies of Rush, Monroe

Town of Rush – Agricultural and Farmland Protection Plan

County and New York State. According to the New York State Department of Agriculture and Markets Law (NYS DAM), Article 25AAA, the term “Protection” is defined as:

“...the preservation, conservation, management and improvement of lands which are part of viable farming operations, for the purpose of encouraging such lands to remain in agricultural production.”

Communities in New York State have a variety of land use planning tools to help protect local farming and farmland that are discussed in this document. One important component of such planning involves enhancing and promoting agriculture by educating both the farming and non-farming communities about the economic and non-economic value that agriculture brings to the community. Farming provides important economic benefits to a region, and contributes to local history, community heritage, and the visual rural character of the Town. This document should serve as a tool to educate the community interested in the future of agriculture in Rush.

This Plan provides recommendations on current thinking and planning methods to enhance and protect local agriculture through a variety of land use management tools. These include agricultural zoning, enhanced subdivision requirements and acquisition of development rights and conservation easements through fee simple purchase and/or donation from interested and willing landowners.

This document is also intended to supplement information contained within the Town’s Comprehensive Plan. Going forward, this Agriculture and Farmland Protection Plan will be integrated into the Town’s Comprehensive Plan. Information contained in both of these planning documents will serve to guide future decisions in the community and can be a basis for future updates to the Town’s zoning ordinance, subdivision and other land use regulations. By identifying agricultural and farmland protection strategies and by developing strategies for future land use, the Town of Rush is better positioned through this Plan to enhance its agricultural industry and long-term sustainability of prime farmland resources.

Stakeholder Participation Opportunities

The Town of Rush was awarded a municipal agricultural planning grant from the New York State Department of Agriculture and Markets in 2010. Subsequently, the Town Planning Board formed an Advisory Committee (the “AC”) to oversee the farmland protection planning process and work with the Town’s planning consultant, CHA Inc. (“CHA”) in developing this Agricultural and Farmland Protection Plan.

The planning process included a series of special advisory committee meetings. All meetings were open to the public. Two meetings were specifically advertised to the general public as farmland protection informational meetings. As part of the stakeholder involvement process, the AC oversaw each meeting and provided information and guidance to the process of preparing this Plan. CHA planners facilitated each meeting, collected data from participants, and reviewed relevant information with attendees to build understanding and consensus about farmland protection goals and strategies. CHA worked with AC members to implement a community stakeholder participation process as summarized below to provide opportunities for participation during the planning process.

Town of Rush – Agricultural and Farmland Protection Plan

Purpose:

The stakeholder participation process provided a variety of forums and outreach mechanisms to engage interested individuals and organizations in the community in development and preparation of the Rush Farmland Protection Plan. The Town of Rush maintains a listing of meeting schedules, agendas, minutes, notices and plan elements on its website at: <http://townofrush.com/>.

Opportunities for Participation:

The process allowed for community participation through several outreach opportunities, in addition to the ability to review project information on the Town’s website. These included:

- Advisory Committee Meetings
- Farmer Survey/Questionnaires
- Public Information Meetings and Public Hearings
- Public and Agency Review and Comment of the Draft Plan via hardcopy and the Town website

Lead Process Participants:

The planning process involved input and comment from numerous individuals in the community representing local officials, agencies, farmland owners and renters, farm operators and residents. The following is a list of key individuals that participated in the process. The Town thanks all participants that gave of their time and talents to help with the process, including but not limited to the following.

Former Town of Rush Supervisor	William Udicious
Deputy Town Clerk	Meribeth Palmer
Town Board	William Riepe
Town Board	Lisa Sluberski
Town Board	Richard Anderson
Planning Board Chair	John Felsen
Planning Board Deputy Chair	John Morelli
Planning Board	Rick Wurzer
Planning Board	Donald Sweet
Planning Board	Scott Strock Farmland Advisory Committee Chair
Zoning Board of Appeals	Bob Wieler Farmland Advisory Committee Member
Conservation Board	Julia Lederman Farmland Advisory Committee Member
Code Enforcement Officer	Gerry Kusse
Senior Agriculture Specialist	Robert King
Genesee Land Trust	Gay Mills
Genesee Land Trust	Robert Kraus
Monroe County Farm Bureau	Jenny Lundberg
Resident	Pat Kraus
Resident	Paul Miller
Resident	Marc Krieger
CHA Planner	Walter Kalina
CHA Planner	Jeff Williams

Town of Rush – Agricultural and Farmland Protection Plan

Committee members and other interested participants representing the local agricultural community met formally several times during the planning process. The Committee provided local knowledge and a unique perspective to help guide the process, and review interim information and draft planning documents. The AC is responsible for making final recommendations to the Rush Town Board and the Monroe County Agricultural and Farmland Protection Board.

Meeting notices and agendas were provided to committee members in advance of each meeting. Public information meeting notices were posted on the Town's website and in a local newspaper of general circulation. Notes of all meetings were compiled and posted by the Town to its website. These meetings are summarized below and notes of meetings are provided in Appendix A.

Summary of Public Meetings

November 9, 2010 Project Kick-off Meeting

CHA conducted a project kick-off meeting with members of the Planning Board, Town Board and Advisory Committee to identify the purpose of the Farmland Protection Plan, establish work tasks to be accomplished during the planning process, and identify preliminary farmland issues of concern in the community. As noted during the meeting, the plan has been developed consistent with Section 25 of the New York State Agriculture & Markets Law.

A checklist developed by American Farmland Trust was briefly discussed during the kick-off meeting. The checklist can be used to determine how "farm-friendly" the Town is and what may be improved upon. This checklist and other information used as discussion tools in meetings during the process are provided in Appendix E.

A preliminary table of contents for the Plan was distributed and discussed during this initial meeting. Preliminary mapping of existing conditions in the Town were also provided by the CHA consultant. These maps and others being prepared will be integrated into both the Town's Farmland Protection Plan and as an update to the Rush Comprehensive Plan. These maps will help to determine the farmlands that may be considered to be high quality and most in need of some form of protection. This meeting also began the data collection process. Previous farmland protection measures that were undertaken by the Town during the 1990's were discussed, including a survey of farmland owners and renters.

January 18, 2011 Inventory & Analysis of Existing Conditions

CHA conducted the second farmland protection meeting to review preliminary existing conditions information, identify farm owner and operator survey strategies, and discuss general issues facing farming. Descriptive farmland and environmental resource maps were prepared. Information from the maps is summarized in the existing conditions section of the Farmland Plan.

Town of Rush – Agricultural and Farmland Protection Plan

Information being prepared during the planning process has been placed on the Town's website for review by the community. Meeting minutes and draft sections of the Plan are placed on the website as they are prepared and ready for review and comment.

The Town's existing land use map utilizing Geographic Information Systems (GIS) data obtained from Monroe County Planning identifies many parcels as residential, but it was noted that some properties designated as residential may actually be used for agricultural purposes. Other existing conditions maps were discussed including the identification of environmentally sensitive areas, existing zoning, and properties located in the agricultural district. All this information has been compiled to identify prime farmlands with the Town.

Draft versions of the farmland questionnaire and survey were discussed. It was decided that two different surveys were to be prepared and sent out, one for farmland owners and one for renters. Questions from a survey prepared by the Town in 1992 were repeated in the new surveys to allow for a comparison of issues and information between 1992 and 2011.

February 15, 2011

Public Informational Meeting and SWOT Analysis

On February 15, 2011, Rush conducted a Strengths, Weaknesses, Opportunities, and Threats (SWOT) analysis regarding agriculture in the community. The meeting was a public informational meeting and publicly noticed in advance. The turnout was quite good and included a representative gathering of local farm operators, farmland owners, residents and local officials.

For the purpose of the SWOT exercise, strengths were considered those things that make Rush competitive and sustainable in the agricultural industry. Weaknesses were considered those things that serve as disadvantages or as a potential hindrance to farming and farm operations. Opportunities included any factors that the Town could capitalize on to enhance its competitiveness and sustainability in agriculture. Threats are issues or concerns over something that may jeopardize the community's agricultural competitiveness or sustainability.

The SWOT exercise provided a basis for drafting the vision statement for agriculture in the community and for establishing goals and objectives that are addressed in Chapter 3 of this Plan. The Strengths, Weaknesses, Opportunities, and Threats identified during and subsequent to this meeting are summarized below.

SWOT Analysis

The Strengths, Weaknesses, Opportunities, and Threats identified during and subsequent to the February meeting are summarized as follows:

- Strengths:
 1. The cost of providing Town services in support of local agriculture is less than costs for providing services to other forms of land uses, such as residential.
 2. Grain prices are currently high. Two excellent grain markets with rail access are located within 20 miles of the Town.

Town of Rush – Agricultural and Farmland Protection Plan

3. Rush has a strong base of established farmers with experience and large modern equipment.
 4. There is little development pressure to interfere with agriculture.
 5. As a rural community the Town is an attractive place to live.
- Weaknesses:
 1. Large deer population is leading to the destruction and loss of crops.
 2. Taxes are a burden to farmers.
 3. High start-up costs discourage new farm operations.
 - Opportunities:
 1. I-390 provides access to markets and a customer base.
 2. Farm markets may provide opportunities for some, although most farm operations are dedicated to grains and would not benefit.
 3. Direct marketing to institutions such as schools could be an opportunity, but red tape presents challenges – larger school systems seem particularly challenging.
 4. Educating both farmers and residential owners about common issues could reduce conflicts
 - Threats:
 1. Development often occurs along road frontage and prevents interior lands from being farmed.
 2. Development can damage field drain tile systems, causing drainage problems. Field tiles not usually inventoried or considered by the permitting process. Drainage issues can be experienced within the town, although the sources of the problems are located outside the town.
 3. Zoning does not offer protection for agriculture, especially splitting up large parcels. The ability to site a single-family home on a large parcel can lead to losses of valuable farmland.
 4. Zoning does not provide predictability – there are incompatibilities between zoning districts and agricultural uses.
 5. Some conflicts have occurred between agricultural and non-agricultural uses and complaints with agricultural district parcels; grievances are expressed from either side with similar frequency.
 6. Some landowners who rent out acreage may have purchased property for speculative purposes.
 7. The population of farmers is aging, and young people may not be committed to continuing farm operations.
 8. Some farmers or landowners may have other plans than farming and may consider selling land to fund their retirement.

Town of Rush – Agricultural and Farmland Protection Plan

March 8, 2011

Issues and Strategies Meeting

The purpose of this meeting was to further discuss issues identified through the SWOT analysis that are considered potential weaknesses and threats to agriculture in Rush. In addition, the meeting reviewed the final drafts of the questionnaires that were to be sent to owners and renters in April.

A considerable amount of time was spent discussing existing zoning in the Town and how some modifications and strategies could be useful in protecting valuable farmland areas. Valuable farmland can be lost when even one single family home locates on a large parcel of land in an agricultural district. Reviewing the zoning code should help in determining if zoning requirements, such as lot sizes, are appropriate especially for parcels located in agriculture districts. The development of a zoning overlay district was discussed as potentially useful in addressing some of these issues, since farmland in Rush tends to be widely dispersed and adjacent to residential lots. Mapping, once completed, will identify areas that could be included in a proposed farmland protection overlay district or other type of agriculture zoning district.

The R-30 zoning district was discussed. Many towns have started to look at prime farmlands and adopt a specific zone for agriculture where agriculture is the dominant land use. The American Farmland Trust calls this Agricultural Protection Zoning. Rush currently does not have this type of zoning. The R-30 and R-20 residential districts do allow “customary farming”. An emphasis on agriculture or changing the name and description of some existing zones would be helpful in emphasizing important agricultural areas. The overlay concept would facilitate designated agricultural parcels that are important to the community and landowners.

In order to resolve possible future conflicts or complaints between non-agricultural and agricultural use within agricultural district parcels, some communities are creating local agricultural advisory committees to mediate issues or complaints. Monroe County does provide an agricultural disclosure notice with information to home buyers at time of purchase that they are adjacent to an agricultural district or farming operation. This helps them to understand that these agricultural farms or operations have some priority through NY State law.

As noted in the SWOT analysis, some land owners may have purchased property for speculation. One way to control this would be to provide a maximum lot size or limit the number of subdivisions that could occur on a parcel within a farmland protection area. A zoning overlay could help identify areas where certain restrictions could apply. Currently, parcel owners that have an agricultural exemption and decide to sell their land are required to pay back a pro-rated portion of the taxes going back five years. The Rush Planning Board notifies the Town Assessor any time an agricultural parcel is subdivided to prompt the collection of any required fees.

The American Farmland Trust has a document called Planning for Agriculture in New York that was recently released. The document has case studies of other communities within New York depicting how they dealt with agricultural and zoning issues. A survey created by the American Farmland Trust (AFT) was distributed to all attendees. This AFT survey is intended to collect information on the support of farming at a town level and to identify farming issues within the community. This document was placed on the Town website and discussed at the April meeting.

Town of Rush – Agricultural and Farmland Protection Plan

APRIL 14, 2011

Farmland Evaluation Meeting

This meeting focused on two important components of the farmland protection planning process including information to be gathered from the farmland survey and the evaluation of farmlands in Rush. The final revisions to the questionnaires were made and were considered ready for mailing. A list of farmland owners and renters was provided by the Assessor's Office. Final copies of the questionnaires were made available to attendees at the meeting and posted to the website.

Some discussion occurred regarding the AFT checklist that was provided at the March meeting. The checklist provides pertinent information on many topics and ideas that can be applied to the Rush Farmland Protection Plan. Some examples of the questions on the checklist and ideas are:

- Does your town demonstrate the value of local farms? This could be festivals, fairs, anything that highlights farming within the community or opportunities to team up with another town.
- Does the town publicize where to go to obtain advice and assistance with farming questions? The town's new website has potential for a lot of information and can host links to helpful agencies such as New York State Agriculture and Markets and American Farmland Trust.
- Does the town recognize property tax benefits of farmland and support tax policies that are fair to farmland owners? The Town of Rush is currently giving agricultural exemptions.

Other items on the checklist for consideration include strengthening the economic opportunities for farms and farm related businesses and modifying zoning districts to allow for agricultural businesses in zones that do not currently allow such uses. The checklist also encourages providing a detailed section on agriculture in the comprehensive plan. The Town's comprehensive plan does contain specific information now, but as the comprehensive plan is updated the Farmland Plan will be incorporated into it. The checklist also encourages the use of techniques such as buffer zones between residential and agriculture parcels for long-term farm viability. These are addressed in the Farmland Protection Plan.

As the Town moves forward with the Farmland Protection Plan, a Right-to-Farm Law will be looked at in more detail. One of the best examples of a local Right-to-Farm Law is from the Town of Cambria in Niagara County. It is short, simple and concise. This can be viewed at the Town of Cambria web site: www.townofcambria.com.

Drafts of the farmland resource evaluation maps were presented and discussed. When the maps are finalized they will appear in the appropriate chapters of the Farmland Protection Plan and placed on the Town website. The current drafts are available at the Town Clerk's Office for viewing. Their purpose is intended to show the community where farmland and non-farmland resources are located. The mapping process is intended to show the location of the best farmland resources in the Town.

Town of Rush – Agricultural and Farmland Protection Plan

Seven criteria were used in creating the farmland resource evaluation maps. Each parcel in the Town was assigned one point for meeting each of the criteria from the list below. Any parcel receiving 6 or 7 points (or in other words meeting 6 or 7 of the criteria) are shown as dark green parcels on the map (see Chapter 4 for maps). Any parcel meeting 3, 4 or 5 criteria are shown as medium green. If a parcel received anything less than 3 points, it is shown as light green. All green parcels regardless of shading represent some type of agriculture viability. Parcels shown in shades of tan are somehow developed or otherwise considered non-agricultural.

Points were assigned according to the following criteria:

1. Parcels with acreage of 20 acres or more,
2. Parcels agriculturally zoned or in a zone allowing customary farming uses,
3. Parcels with 75% or greater agricultural land cover and/or land use,
4. Parcels with 25% or less containing resources or constraints to farming such as flood plains, streams, wetlands, etc.,
5. Parcels with 75% or more containing prime soils or soils of statewide importance,
6. Parcels with agricultural soils assessed at \$400.00 per acre or more,
7. Parcels under development pressure perhaps due to location near a highway, significant intersection, or availability to public infrastructure such as water lines.

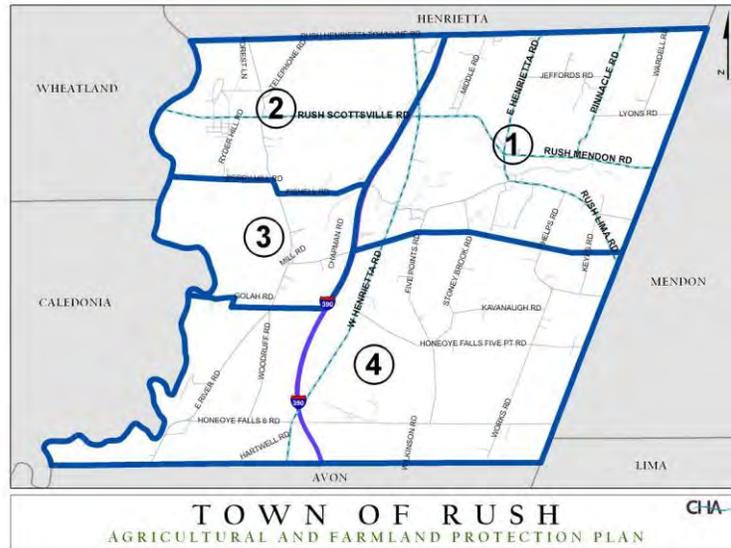
The farmland evaluation maps will help to justify the Town's proposed creation of a local Right-to-Farm Law. The mapped information can also be used to evaluate current zoning, considering where parcels might be protected from development and where non-farming uses and opportunities for additional development might not affect valuable farmlands. The maps will be useful when preparing agricultural data statements and identify farmlands that could be protected and considered for the Purchase or Transfer of Development Rights programs. In New York State, under Town Law overlay zoning districts can be developed to further identify areas where additional farmland protection requirements could be established. For example, requirements could be established for preserving prime soils within a R30 parcel by clustering residential development to a portion of the parcel that does not contain prime soils. The concept of creating an overlay zone for farmland protection in Rush is addressed in the Plan.

Farmland Owner, Operator and Renter Survey Results

Survey questionnaires were developed to obtain input from local farmland owners and renters. Sample surveys are provided in Appendix B. Each survey included some questions that were duplicated from an earlier survey conducted by the Town in 1992. The reason for repeating some questions in the 2011 survey was to enable a comparison of current answers to answers received on the 1992 questionnaire.

The 2011 surveys asked owners/operators and renters to identify their farmlands according to four separate planning quadrants of the Town as shown in the following map.

Town of Rush – Agricultural and Farmland Protection Plan



These same quadrants were also used in a 1991 survey of Town residents and the 1992 farmland owner and renter survey. Both surveys were part of the Town’s comprehensive planning process and the Town’s previous farmland planning initiative. The Interstate 390 highway corridor bisects the Town essentially into east and west from the Town of Henrietta to the north and the Town of Avon to the south. I-390 is the dividing line that separates quadrant 1 in the eastern part of the Town from quadrants 2 and 3 in the western portion of Rush. Quadrant 4 in the southern portion of the Town spans both sides of I-390. These same four quadrants are referred to elsewhere in the Plan and in other Town planning documents.

Table 1-1 indicates the total amount farmland acreage accounted for by the survey of farmland owners and renters. In total, more than 5,750 acres are accounted for by the surveys. Of that total, approximately 69.5 percent of the acreage is owned and the remaining 30.5 percent is rented. Quadrant 4 contains the highest combined amount of owned and rented farmland followed by Quadrants 1, 3 and 2 based solely on the responses to the survey, not necessarily what actually exists in each of these quadrants.

Table 1-1 Farmland Acres Accounted for by the 2011 Owner and Renter Surveys

Quadrant	Acres Owned	Acres Rented	Total Acres
Q1	1132.2	814.5	1946.7
Q2	610	103	713
Q3	928	165	1093
Q4	1329.8	668	1997.8
Total Acres	4000	1750.5	5750.5

Town of Rush – Agricultural and Farmland Protection Plan

A summary of the results of the 2011 survey is provided below. It reveals important characteristics of present-day farming in the Town of Rush. The summary is based on the return of 50 surveys out of 69 sent to owners and renters, a response rate of 72 percent.

Among all respondents 52% consider themselves farmers and only 26% indicated that farming is their primary source of income.

The surveys are not considered to be a scientific poll, but rather an information-gathering technique to identify current issues and the status of farming in Rush. It is also an opportunity to compare these results with a similar survey conducted by the Town in 1992. The results of the surveys are the basis for many of the recommendations identified later in this plan.

2011 Farmland Owner Survey Results

A total of 61 farmland owner questionnaires were sent out in April 2011. A follow-up letter with a questionnaire was sent in early July 2011 to owners who had not responded to the April survey. Forty-five completed questionnaires were returned for a 74 percent response.

Some of the returned questionnaires lacked answers to one or more questions. For this reason information presented in the summaries below may not numerically match the total number of surveys returned or other numerical totals, including acreages expressed in the survey.

The following information has been summarized based on the responses received from farmland owners:

- All 45 respondents confirmed they were the primary farmland owner. Of these, 14 indicated they were the primary farm operator, 26 were not the primary operator and 5 did not respond.
- Eighteen indicated the primary operator was full time, 4 part time and 23 did not respond.
- Eight indicated that farming was their primary source of income, 31 indicated it is not (could be part-time farmers or someone else farms their land), and 6 did not respond.
- The total number of acres owned in Rush by those responding was 4,000 acres or an average of about 93 acres per respondent. Two did not respond with acreage numbers.
- The total number of acres owned elsewhere by those responding was 5,011 acres or an average of about 385 acres among those 13 that responded yes they do own acreage elsewhere.
- Thirteen respondents indicated they also rent acreage from others, 25 do not rent and 7 did not respond.
- Among the 10 respondents that indicated they rent acreage in Rush, a total of 1,750.5 acres are rented for an average of 175 acres per farmer. The amount of acreage rented ranged from 13 acres to 400 acres.

Town of Rush – Agricultural and Farmland Protection Plan

- Six responded that they also rent elsewhere for a total of 3,063 acres for an average of 511 acres per farmer ranging from 50 acres to 1500 acres.
- The average length of time that farmland has been family owned in Rush ranged from 2 to 100 years with an average of about 28 years.
- The average length of time that farmland has been rented out in Rush ranged from 6 to 90 years with an average of about 31 years.
- When asked if owners rented land to others rather than farming it themselves 28 responded yes, 13 responded no and 4 did not respond.
- Twenty owners responded that they consider themselves farmers, 17 consider themselves non-farmers and 6 considered themselves as something other including retired, agricultural consultant, retired farmer, retired non-farmer, and business owner. Two did not respond.
- When asked how long their family has farmed in Rush, 23 responded for an average of 60.5 years, ranging from 2 years to 100+ years. Twenty-two did not respond.
- In response to identifying where acreage was owned in terms of the four planning quadrants in Rush:

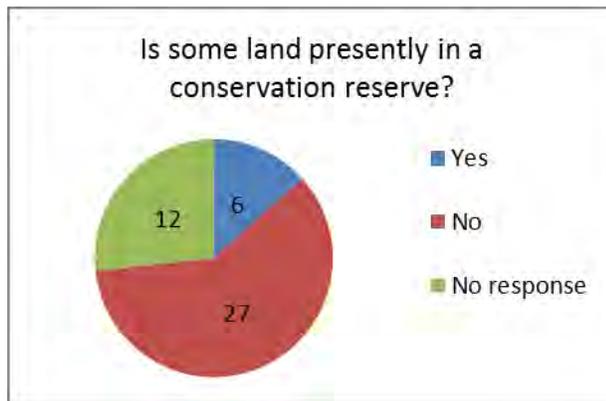
Quadrant 1	1,132.2 acres
Quadrant 2	610 acres
Quadrant 3	928 acres
Quadrant 4	1,329.8 acres
- In response to identifying where acreage was rented in terms of the four planning quadrants in Rush:

Quadrant 1	814.5 acres
Quadrant 2	103 acres
Quadrant 3	165 acres
Quadrant 4	668 acres
- Six owners responded they employ others at their farms, 39 responded no they did not employ others and 9 did not respond.
- When asked how many are employed, the number ranged from 1 to 22.
- Numbers employed by length of time ranged from 1 to 6 employed year-round; 4 to 25 employed seasonally; and 1 to 3 on an as-needed basis.
- A total of 3,469.3 acres of farmland are identified as being actively farmed, 622 acres are considered vacant or idle.
- Primary crops grown in Rush from those most often identified by respondents include: corn, hay, wheat, soybeans, beans, oats, vegetables, and greenhouse and nursery stock. Additional

Town of Rush – Agricultural and Farmland Protection Plan

products identified by one or more respondents included alfalfa, strawberries, pumpkins, grain, herbs and dairy. Livestock identified by one or more respondents included goats, horses, sheep and beef cattle.

- Twenty-three respondents indicated they participate in the NYS Agricultural District program, 8 indicated they do not participate in the Agricultural District; three also indicated other program participation such as the “Genesee Valley Conservancy”, federal wetlands program, agricultural exemption, and having sold development rights “to NYS”. There were 13 that did not provide responses.
- Six respondents indicated some portions of their land were in a conservation reserve. These accounted for a total of 183 acres on the six farms ranging between 7 and 60 acres set aside. Twenty-seven indicated no easements or set aside. Twelve did not respond to this question.



- When asked if there was interest in dedicating land or selling development rights 15 responded yes; 11 responded no; 9 responded they were uncertain; 2 indicated they already had done so; and 8 did not respond. Of those responding “yes” this could translate into approximately 967 acres of farmland owned in Rush by those respondents. Of those responding they are “uncertain” this could potentially translate into an additional 985 acres of farmland owned in Rush.

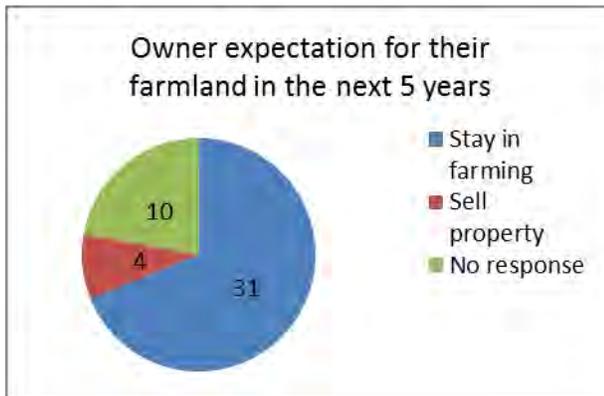


- When asked what they would like to see happen to their land in the next 5 years, 25 responded nothing or no change assuming these lands will be kept in farming; 3 would like to see their

Town of Rush – Agricultural and Farmland Protection Plan

land sold for its development rights; 2 sold for other uses; 1 responded selling to the farmer currently renting acreage; 1 responded building one new house and farm the remainder; 1 responded to stay permanently protected; and 1 indicated they would like to see lower taxes and allowances in the Town code for farm-related business activities. Eleven did not respond.

- When asked what would most likely happen to their farmland, 29 responded it will stay in farming or as is (assuming these lands will be kept in farming); 4 indicated the land will be sold due to high taxes; 1 indicated selling to the farmer currently renting acreage; 1 will build a new house and farm the remainder; and 10 did not respond.



- Primary access routes to farmland most often mentioned included: Route 251, East River Road, Honeoye Falls #6 Road, Pinnacle Road, Route 15, Five Points Road, County Road 92, Jeffords Road, and West Henrietta Road. Additional roads mentioned by one or more individuals included Route 15A, Wilkinson Road Telephone Road, Golah Road, Stoney Brook Road, Lyons Road, Works Road, Rush Scottsville Road, Rush Mendon Road, Phelps Road, Fishell Road, West Rush Road, and Rush Henrietta Townline Road.
- Twelve respondents indicated they sell farm products within Monroe County, 17 do not and 16 did not respond.
- Eighteen respondents indicated they purchase supplies within Monroe County, 5 do not and 22 did not respond.
- In identifying major physical improvements made in the past 5 years, 18 respondents indicated improvements included drainage/field tiles, and/or new barns, and/or grain bins. Five indicated improvements to fencing and/or 4 indicated barn improvements. One indicated new roofs on the farmhouse and buildings. One added a new greenhouse. Three indicated no improvements were made and 17 did not provide a response.
- When asked to identify major improvements in the next 5 years, 6 respondents indicated none are planned; 4 said drainage/field tiles; 3 said fencing; 3 indicated new barns and/or storage; and 1 indicated barn repairs. One responded the intent to develop; 1 intends to build a new house; 1 intends to retire and sell; and 1 indicated consideration for some type of a farm cooperative. Twenty-four did not provide responses.

Town of Rush – Agricultural and Farmland Protection Plan

Among the responses to an open ended question to identify what is considered to be the most important issues with regards to farming in Rush today, the following is provided in summarized form in no particular order of importance:

- Taxes
- Transportation routes to get equipment and products to and from the fields identifying roadside drainage and quality of road shoulders
- From the owners perspective the ability of farmers to pay enough in rent to cover taxes
- Land
- Farmland is fast disappearing
- Development and non-farm residents understanding the needs of farming including hours of operation, dust, noise and housing causing drainage problems on fields and drivers not yielding to farm equipment.
- Maintaining rural character
- The need to create an understanding by the Town and residents that agriculture provides great tax base and requires few needs.
- Open space does have value
- Good neighbor relations
- Profitability
- Need for a viable boarding stable
- Issues revolving around mixed uses of the farm and zoning.
- A negative created by large lot development into residential uses.
- No town plan for the future of agriculture, just residential zoning districts, no agricultural zoning district, or a local right to farm law.
- Taxes, insurance, traffic, suburban encroachment, drainage problems created by development (such as on Jeffords Road)
- Deer damage to farms
- Wildlife management
- Loss of farmland
- Subdivision encroachment
- Preventing farmland preservation done by eminent domain or zone changes
- Counting on good farm families to continue renting farmland
- Town codes and lack of understanding by Town boards of agriculture and what farms need to operate
- Fair and equitable program for PDRs, TDRs or other means of protecting farmland
- Adjacent landowners should be given first opportunity for acquisition of land to keep farms contiguous and not split up all over town
- Zoning and planning laws need to continue to be amended or written based on all aspects of agribusiness knowing they are similar to commercial business sometimes – for example, nurseries, green houses, garden centers, and farm markets

The following quotes are provided as taken from several of the completed questionnaires. These are presented to provide some additional insight into what is on the minds of those involved in farming within the community.

Town of Rush – Agricultural and Farmland Protection Plan

“Farmland taxes - with rising costs keep taxes for farmland and our open space down.”

“We feel strongly that as much land be kept in farming it is better for community, once gone – it is gone forever.”

“People move to farm communities because of the atmosphere then complain about noise, smells, etc. The more houses in a community the more taxes due to higher service levels and school funding.”

“I support the Town Purchase of Development Rights.”

“The agricultural nature of Rush is in part what gives the town its charm. However, with the dramatic lack of businesses within the community or strategic plans for building community with the existing residents, Rush is suffering.”

“It would be helpful to have a town right to farm law similar to Town of Cambria - also Agricultural Zoning should be explored for the few active farm operations centered in town and also the open farmed areas of town.”

“Farmers pay disproportionate amount in taxes for property they own. Farming has a multiple effect on the local economy by supplying fresh fruits, vegetables, horticultural products, meats and dairy products and nursery stock to Monroe County residents. Farmers by using best management practices preserve land and improve water quality to benefit the environment. Farms and woodlots also sequester carbon which improves air quality. Recreational hunting, agri-tourism, agricultural education and wildlife habitat are benefits to the local community to improve quality of life. Development speculation puts farms at a disadvantage by drawing up land values which increases taxes and farmers are unable to keep pace because the net income from the farm remains stagnant or decreases due to rapid increases in cost of farm production.”

“I'd like to maintain my small farm as a small farm, without population/subdivision involvement.”

“Farming/farmland is an important aspect of the Rush community – both farmers and non-farming community residents.”

2011 Farmland Renter Survey Results

A total of eight farmland renter questionnaires were sent out in April 2011. Five completed questionnaires were returned for a 63 percent response. A follow-up letter with a questionnaire was sent in early July 2011 to renters who had not responded to the April questionnaire.

Of the five respondents:

- All five indicated that they do not farm primarily in Rush. Locations primarily farmed included Pittsford, Lima, Chili, Caledonia, Avon and Wheatland.
- Three respondents indicated they rent from multiple owners.
- All indicated farming is their primary source of income.

Town of Rush – Agricultural and Farmland Protection Plan

- The amount of acreage rented ranged from 200 to 500 acres with an average of 311 acres among the total 1,555 acres rented in Rush.
- Four of the five respondents indicated they rent acreage in other towns ranging from 450 to 1,000 acres for a total of 3,450 acres at an average of 862.5 acres.
- Four of the five respondents indicated they also own farmland in other towns including Pittsford, Chili, Riga, Avon, Henrietta and Caledonia ranging in size from 385 acres to 3,000+ acres.
- The respondents indicated the amount of time they have rented farmland in Rush ranges between 5 years to 50 years.
- The percentage of their total farm operations involving the renting of farmland in any town ranged from 43.8% to 66% among the three responding to this question.
- Four of the five indicated they plan to continue renting in Rush for 20+ years, one is uncertain as to how long.
- Most of the land rented is from non-farmers and from Rush residents.
- All respondents indicated they would be interested to rent additional acreage in Rush if available in any amount of acreage depending on the land.
- Four of five respondents have rental agreements in place between 3 to 5 years.
- In terms of what will be most influential in determining how long they would continue to rent one indicated retirement plans, three indicated the selling price of products and one indicated if the land remains available.
- All indicated they would consider buying the land they rent.
- Three of five would like programs or incentives to keep farmland in Rush available.
- All five would be interested in receiving information on agricultural issues.
- Four of five rent a total of 540 acres in Quadrant 1, three rent a total of 543 acres in Quadrant 2, one rents 323 acres in Quadrant 3 and two rent a total of 269 acres in Quadrant 4.
- Primary crops grown are corn, wheat, soybeans and different types of beans.
- Primary access routes to farm parcels include Routes 15, 15A, and 251, plus West Rush Road, Phelps Road, Works Road, Rush Henrietta Townline Road, Jeffords Road, East River Road, Stull Road, Chapman Road and Telephone Road.

Town of Rush – Agricultural and Farmland Protection Plan

- Three of five respondents indicated they sell farm products and four of five purchase farm supplies locally within Monroe County.
- When asked what was considered to be the most important issues to farming in Rush four of five responded with the following:
 - deer damage
 - traffic
 - lack of cooperation between Town government and business (farmers) high taxes and no growth
 - road travel
 - field size
 - drainage
 - quality of land
 - taxes
 - people complaints
 - other land use

Completing the Farmland Protection Planning Process

Public Review and Comment

A public review and comment period on the Plan was provided to gather input and comments on its contents from the community, agencies and other interested stakeholders. Public notice of the availability of the Draft Plan (dated February 2012) was provided on March 14, 2012. Printed copies of the Draft Plan were provided at the Town Clerk's office and the Rush library. An electronic copy was posted to the Town's website. The comment period remained open until May 31, 2012. No public comments were received.

Monroe County Agricultural and Farmland Protection Board Review

The Monroe County Agricultural and Farmland Protection Board was requested to provide comment on the Plan and express its support of the Plan to the Town. A meeting with the Board occurred on March 22, 2012. The Plan was summarized for members of the Board by the Town's planning consultant. Comments were provided by Monroe Community College Agriculture and Life Sciences Institute. Responses to those comments are provided in this revised Plan.

Town Board Approval and Submittal to NYS Department of Agriculture and Markets

Prior to submittal to the NYS Department of Agriculture and Markets the Town Board should pass a resolution of the approval of the Plan and intent to forward to the State. This revised Plan will be submitted to the NYS Department of Agriculture and Markets for its final review and approval.

2



Existing Conditions and Trends

Town Setting

The Town of Rush is the southernmost town in Monroe County, New York approximately 8 miles south of the City of Rochester and just north of Livingston County (see Figure 2.1). The Genesee River forms the Town's western boundary between Rush and the Towns of Wheatland and Caledonia. The Towns of Mendon and Lima border Rush to the east. The Town of Henrietta is located north of Rush and the Town of Avon is located to the south.

The Town remains predominantly rural in character with areas of open space, active agriculture and woodland areas. Rolling topography and major drainage features like the Genesee River and Honeoye Creek which drains westward through the Town to the river, have played a major role in historic settlement and land use patterns, including agriculture. Most of the non-farm development in the Town is centered in three hamlet areas; West Rush; North Rush-Industry; and the hamlet of Rush, as well as some development at the interchange area of I-390 and NYS Route 251.

The Genesee Expressway (Interstate 390) is the major north-south highway through the Town, essentially dividing it into eastern and western portions. The Town of Rush is located just south of Interchange 46 of the New York State Thruway (Interstate 90) at I-390. The Town is also served by New York State Routes 15, 15A and 251.

Although the Town remains largely rural in character, it functions more as a suburban commuter community and extension of the Greater Rochester metropolitan area. Most recent 2010 census data indicate the Town has a population of 3,478 people which is down from 3,603 people in 2000. Between 1990 and 2000, the growth rate of the Town was about 12 percent and these latest census numbers indicate a decline in population of about 3.5 percent in the past ten years. Population density in Rush has decreased from 118 people per square mile in 2000 to 114 people per square mile in 2010.

Parts of the northern one-half of the Town are served by public water which is part of the Monroe County Water Authority service area. With one exception, the Town is not serviced by public sewer. The exception is the NY State Agricultural and Industrial School at Industry in the northwestern corner of the Town. The school houses troubled juveniles located on several hundreds of acres east of the Genesee River. The facility is served by a sanitary sewage pump station and force main system that is linked to the Town of Henrietta to the north.

Town of Rush – Agricultural and Farmland Protection Plan

The Town of Rush has a total land area encompassing approximately 30 square miles. In 1992, at the time of the last major update to the Town’s Comprehensive Plan, the Town contained a total of 9,632 acres of farmland on 132 parcels being used for agricultural purposes. Of this total 8,956 acres or about 93 percent of the parcels were located within what was then known as the Southeastern Monroe County Agricultural District. This district was renamed the Eastern Agricultural District #6 in 2008.

Geographic Information Systems (GIS) parcel data acquired from Monroe County in 2010 indicate the amount of agricultural acreage has decreased in Rush to 7,801 acres on 122 parcels. This represents a decrease of 19 percent within less than 20 years. The smallest agricultural parcel in the Town is currently 3.3 acres and the largest agricultural parcel is approximately 258 acres. Parcel data indicate that 91 of the 122 parcels or about 75 percent of the agricultural parcels are 90 acres or less in size. Only 31 parcels contain 90 acres or more of agricultural land.

The conversion of land from farmland into other forms of developed land use in Rush has been somewhat consistent in recent years. In general terms, overall development interest has likely slowed due to the nationwide economic downturn experienced between 2008 and 2012. The number of single-family building permits issued in the Town of Rush generally ranged between 3 and 9 annually during the past 5 year period. Three permits were issued during each year between 2007 and 2009. In 2010, 9 permits were issued, but that declined again to 6 permits in 2011. There is no indication that the number of permits will vary much from this recent trend in the next few years, especially if present economic conditions and real estate development markets remain the same.

Agricultural District Lands

In 1971, New York State enacted an Agricultural Districts Law (Article 25AA) that authorized the formation of districts to provide better protection of farmland and farm businesses. In Monroe County, Agricultural Districts must be reviewed every eight years for recertification.

Agriculture Districts help protect farmland from development through a variety of methods. The use of agricultural districting is a common approach statewide. According to the New York State Department of Agriculture and Markets:

“...[Article 25-AA] [] authorizes the creation of local agricultural districts pursuant to landowner initiative, preliminary county review, state certification, and county adoption. As of April 2002, 341 agricultural districts existed statewide, containing approximately 21,500 farms and 8.6 million acres (about 30 percent of the State’s total land area).

The purpose of agricultural districting is to encourage the continued use of farmland for agricultural production. The program is based on a combination of landowner incentives and protections, all of which are designed to forestall the conversion of farmland to non-agricultural uses. Included in these benefits are 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.”

Town of Rush – Agricultural and Farmland Protection Plan

See http://www.agmkt.state.ny.us/AP/agservices/ag_districts.html

Section 305-a of Article 25-AA contains the following mandate:

“Local governments, when exercising their powers to enact and administer comprehensive plans and local laws, ordinances, rules or regulations, shall exercise these powers in such manner as may realize the policy and goals set forth in [] [*Article 25-AA of the Agriculture and Markets Law*], and shall not unreasonably restrict or regulate farm operations within agricultural districts in contravention of the purposes of [] [*Article 25-AA of the Agriculture and Markets Law*] unless it can be shown that the public health or safety is threatened.”

Agricultural District #6 is located in the Town of Rush and the neighboring towns of Webster, Penfield, Pittsford, Perinton, Mendon, and Henrietta. The district includes approximately 47,610 acres of land within these municipalities. By comparison the average Agricultural District size in New York is approximately 20,000 acres so this is a large agricultural district. Agricultural District maps for communities adjacent to Rush in Monroe County and Livingston County are provided in Appendix C.

Eastern Agricultural District #6 was consolidated and renamed from two districts (Northeastern Agricultural District #3 and Southeastern Agricultural District #4) in 2008 by the New York State Department of Agriculture and Markets as a result of a request by the Monroe County Legislature, the County Planning Board and the County Agricultural and Farmland Protection Board.

Monroe County Eastern Agricultural District #6 in the Town of Rush (see Figure 2.2) contains 561 parcels of property covering approximately 59.5 percent of the Town’s total land area. This translates into 11,288 acres of land divided up among the four planning quadrants of the Town as follows in Table 2-1.

Table 2-1 Agricultural District Parcels in Rush

Eastern Agricultural District #6	Quadrant 1	Quadrant 2	Quadrant 3	Quadrant 4	Totals
Number of Parcels	191	89	19	262	561
Acreage	2,653	1,871	1,703	5,061	11,288
Percent of Quadrant Percent of Town	48.3	55.6	85.9	62.1	59.5

Table 2-2 summarizes, by land use designation, the number of parcels and acreage of land within Agricultural District #6 in the Town of Rush. Agricultural uses occupy 91 parcels within Agricultural District #6, and represent more than half (53%) of its acreage. Vacant (17%) and rural residential uses (14%) also cover substantial acreage in the district. Together, these three land use designations represent 84% of the acreage within Agricultural District #6 in the Town of Rush. A majority of the parcels located in the agricultural district (316 of 561) are identified as residential parcels, although these parcels represent only 7% of the district’s acreage.

Town of Rush – Agricultural and Farmland Protection Plan

Table 2-2 Land Use Designations in Agricultural District #6 in Rush

Land Use	# Parcels	# Acres	Percent of Ag District Acreage
Agricultural	91	6,025	53%
Rural Residential	56	1,617	14%
Residential	316	840	7%
Other Residential	2	203	2%
Vacant	76	1,911	17%
Commercial	4	9	<1%
Recreation/Entertainment	2	202	2%
Community Services	6	230	2%
Utilities/Public Service	5	97	1%
Other	3	154	1%
Total	561	11,288	100%

Existing Agricultural Resources

The National Soils Survey Handbook defines prime farmland soil as “land that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, and oilseed crops”. Prime Farmland Soils are defined by the U.S. Department of Agriculture as a classification given to soil groups that produce the highest yields with minimal input of energy and economic resources and when farmed results in the least adverse impact to the environment.

Soils of statewide importance are defined as “nearly prime farmland and that economically produce high yields of crops when treated and managed according to acceptable farming methods.” Soils of Statewide Significance are soils of importance to the State for the production of crops when managed correctly, but may not meet all the criteria to be defined as prime farmland soils, due to factors such as seasonal wetness or different levels of erosion.

The Town of Rush contains large areas of prime farmland soils, and to a lesser extent soils of statewide importance and farmland soils considered prime farmland if properly drained (see Figure 2.3). These three types of soils are considered as “most important soils” to local agriculture. Approximately 11,791 acres of prime farmland soils exist and are fairly evenly distributed throughout the Town. The Town also contains approximately 2,396 acres of soils of statewide importance and approximately 1,522 acres of prime farmland soils, if drained. In total, these high-quality or most important soils represent 15,709 acres or about 83 percent of the Town’s total land area.

Table 2-3 Prime Soils and Soils of Statewide Importance

Existing Farmland Soils in Rush	Quadrant 1 Acres	Quadrant 2 Acres	Quadrant 3 Acres	Quadrant 4 Acres	Total Acres
Prime Soils	3,633	2,446	1,176	4,536	11,791
Statewide Importance	725	243	178	1,250	2,396
Prime if Drained	354	388	245	535	1,522
Total Acreage	4,712	3,077	1,599	6,321	15,709

Town of Rush – Agricultural and Farmland Protection Plan

However, not all areas covered by these high-quality soils in the Town are currently used, or available, for agriculture. Some areas are already developed at least to some degree and therefore these soils may not be available for farming. Table 2-4 summarizes the total acreage and percent coverage of areas with these important farmland soils and either being farmed or having farming potential. Areas with farming potential may include agricultural, rural residential, and/or vacant properties for the purposes of this Plan. All other existing land uses involve some form of development which is assumed as not conducive to farming. Prime soils or soils of statewide importance in these non-farm areas are unlikely to be used or available for agriculture.

Table 2-4 Areas of Important Farmland Soils with Farming Potential

	Areas with Farming Potential Acres (% coverage of these areas)	Areas Not Conducive to Farming Acres (% coverage of these areas)	Total Acres (% coverage of entire town)
Prime Soils	8,463 (61.4%)	3,328 (64.0%)	11,791 (62.1%)
Statewide Importance	1,584 (11.5%)	812 (15.6%)	2,396 (12.6%)
Prime if Drained	1,204 (8.7%)	318 (6.1%)	1,522 (8.0%)
Total Acreage	11,254 (81.6%)	4,458 (85.7%)	15,709 (82.7%)

Of the 15,709 total acres of land in the Town of Rush covered by prime soils, soils of statewide importance, and prime soils (if drained), 11,254 acres (72%) are located in areas with farming and farming potential and 4,458 acres (28%) are located in areas assumed to be in areas that are not conducive to farming. Interestingly, a comparable percentage of areas not conducive to farming (properties with existing uses which preclude opportunities to farm) are covered by these high-quality soils (85.7%) as in areas with farming potential (81.6%). This suggests that soil quality (or the conservation of high-quality soils) likely has little influence on planning or decisions affecting past development patterns in the Town of Rush.

Figure 2.4 illustrates the overlap of prime farmland soils and lands presently located with Eastern Agricultural District #6.

Environmentally Sensitive Lands

Environmentally sensitive lands, typically considered as streams, floodplains, wetlands, forests and steep slopes, influence agricultural patterns and land use development. These sensitive lands are illustrated on Figure 2.5.

The Town of Rush contains numerous streams, drainages and wetlands distributed throughout the community. Most 100-year floodplains of significance are located along the Genesee River and Honeoye Creek. These and other streams and drainages are often associated with wetlands as identified on Figure 2.5. Overall slope and topography with drainages are also shown on Figure 2.6.

Wetlands may be both federally-regulated wetlands (also known as National Wetlands Inventory (NWI) wetlands), and state-regulated wetlands (also known as New York State Department of Environmental Conservation or DEC wetlands). Both federal and state jurisdictional wetlands are distributed throughout the Town along major and minor streams and drainages. NYSDEC regulated

Town of Rush – Agricultural and Farmland Protection Plan

wetlands are at least 12.4 acres in size. All other wetlands may be much smaller and are likely to be federally regulated by the U.S. Army Corps of Engineers.

Forested areas and areas of steep slope in excess of 8 percent are also illustrated on Figures 2.5 and 2.6. These areas may include lands already set aside as State unique areas or local parklands. Other forested areas and steep slopes are located on private parcels. These resources, some of which can act as natural buffer areas, have been mapped due to their potential importance to agriculture and farmland preservation.

Existing Land Cover and Land Use

Existing land cover in Rush is illustrated on Figure 2.7. Information was compiled from National Land Cover Data to identify areas in use for agriculture or related uses. As such, areas are mapped that identify surface water features, pasture, cultivated crops, shrub land, forested land, barren land and developed land. This type of land cover information does not make any distinction as to what constitutes developed land. Therefore, land use data was used to map the various categories of land use that currently exists in the Town.

Existing land use is shown on Figure 2.8. Water and sewer infrastructure in the Town is shown on Figure 2.9. Existing land use was mapped as compiled from State and County parcel and tax assessment data. Information is categorized by NY State land use codes and includes parcels identified as agricultural, residential, vacant, commercial, recreational, industrial, public services, and forested lands. The approximate acreage of each land use by quadrant follows.

Table 2-5 Existing Land Use Categories in the Town of Rush

Existing Land Use	Quadrant 1 Acres	Quadrant 2 Acres	Quadrant 3 Acres	Quadrant 4 Acres	Total Acres	Total Number of Parcels
Agricultural	2,305	1,239	759	3,498	7,801	122
Rural Residential	603	389	376	1,459	2,827	114
Residential	1,260	338	128	920	2,646	1,187
Apartments	0	1	1	0	2	2
Other Residential	9	71	0	238	318	5
Vacant	832	933	594	796	3,155	236
Commercial	66	10	0	2	78	30
Recreation/Entertainment	89	46	0	556	691	8
Community Services	267	309	86	295	957	31
Industrial	7	13	0	0	20	4
Utilities/Public Service	38	18	37	132	225	13
Public Parks/Forested	13	0	0	249	262	5

Town of Rush – Agricultural and Farmland Protection Plan

Census of Agriculture

The Census of Agriculture, conducted nationwide every five years with the most recent being 2007, is a complete count of U.S. farms and ranches and the people who operate them. This Census considers land use and ownership, operator characteristics, production practices, income and expenditures, and many other important facets of agricultural operations. The Agricultural Census provides detailed information at a countywide level and also compiles data at the zip code level, but not the town level.

The most recent 2007 Census for Monroe County indicated the continued decline in the number of farms, but an increase in the amount of farmland and average farm size. The number of farms in the County was down 7 percent to 585 farms for the period between 2002 and 2007. The amount of land in farms however, rose 25 percent from 2002 to 133,041 acres. The average size of a farm also increased from 169 acres in 2002 to 227 acres in 2007. Approximately 53 percent of the farms in the County are less than 50 acres. About 25 percent range between 50 and 179 acres and the remainder contain 180 acres to more than 1,000 acres.

These same trends in seeing a decrease in the number of farms, but increased acreage and average size has been experienced elsewhere in the region, for example in neighboring Livingston County, just south of the Town of Rush. Statewide during this same period, the number of farms decreased 2 percent to 36,352 and the total area of farmland decreased by 6 percent to 7.17 million acres. The average size of farms in the State decreased from 206 acres to 197 acres or by 4 percent between 2002 and 2007.

Also according to the 2007 Census, cropland represented approximately 79.5 percent of the farmland in Monroe County. Woodland accounted for approximately 8 percent and other uses accounted for approximately 12.5 percent. The average age of farm operators in the County is 57.6 years, compared to 56.2 years Statewide. Males make up about 77 percent of all farm operators in Monroe County, compared to 82 percent Statewide.

The average market value of products sold per farm increased 44 percent in the County from \$85,477 in 2002 to \$123,436 in 2007. Statewide the average market value per farm increased about the same at 45 percent from \$83,689 in 2002 to \$121,551 in 2007.

Monroe County Agricultural and Farmland Protection Plan

The Monroe County Legislature adopted the County's Agricultural and Farmland Protection Plan in March 1999. The plan was prepared by the Monroe County Agricultural and Farmland Protection Board. The plan includes an inventory of existing agricultural planning efforts, analysis of trends and characteristics of the local agriculture industry, and recommendations concerning the future of agriculture in Monroe County. A survey of farmland owners was also conducted to determine the effectiveness of farmland protection policy at the County and local municipal level. The County's plan utilized the Land Evaluation and Site Assessment (LESA) system as a basis for many of the plan's recommendations to achieve its goals of farmland preservation and promotion of the agricultural industry.

Town of Rush – Agricultural and Farmland Protection Plan

The County's plan provides a series of recommended actions for the County and its municipalities to undertake. These recommendations were provided under the following topics:

- Farmland Preservation and Protection
- Economic Development/Viability/Marketing
- Education
- Database Maintenance and Development

Among key recommendations of the County's plan were the following:

- The County should continue to renew agricultural districts and that through the County, its municipalities, the Monroe County Farm Bureau, and Cooperative Extension that farmland owners are encouraged to enroll their lands in agricultural districts.
- That Class I soils and the leading Class II soils be targeted for both protection and profitability and that owners of farmland outside of districts that contain these soils should be encouraged to enroll in an agricultural district.
- The County should evaluate policies related to sewer, water and highway development in agricultural and rural areas.
- Municipalities should insure that zoning regulations applying to farming and agriculture are consistent with Article 25-AA of the NY State Agricultural Districts Law and local municipal plans and policies are also in conformance with Article 25AA and consider the County plan's recommendations.
- Municipalities currently using farmland preservation techniques, such as PDR programs, conservation easements, cluster development and comprehensive plans that promote agriculture continue to do so.
- That the County prepares a model agricultural zoning district for municipal consideration and evaluate various agricultural zoning concepts.
- Municipalities should consider wetlands, floodplains, open space, historic sites, land in conservation easements and lands in PDR programs as features that support farmland retention that should be considered in zoning for agricultural use including their use as potential buffers between farming and non-farm uses.
- Efforts to revise tax laws that adversely affect agriculture should continue.

As a result of the County plan, several municipalities in the County have updated their comprehensive plans and moved forward with the protection of farmlands in their communities. The Towns of Pittsford, Perinton, Henrietta, Penfield and Webster have utilized Purchase of Development Rights (PDR) programs. The Town of Rush has engaged in some discussions, but as of yet, there is not a significant effort underway within the Town promoting PDR programs. However, the Genesee Land Trust does promote the conservation of lands in the region including farmlands and has been a participant with the Town in preparing this Plan.

Local Laws and Land Use Regulations

The Town of Rush has several local laws and land use regulations that influence local farming and agriculture. These include the Town's zoning ordinance and subdivision regulations.

Town of Rush – Agricultural and Farmland Protection Plan

Current Zoning Districts

The Town of Rush covers approximately 30 square miles of land. The Town’s current zoning ordinance, *Chapter 120 - Zoning Law of the Town of Rush* of the Town Code establishes 10 individual zoning districts. Six districts regulate residential uses; two districts regulate business/commercial uses; and two districts regulate industrial uses.

“Customary farming activities on premises which are primarily agricultural in use” are permitted uses within the R-20, R-30 and RR-5 Residential Districts and the RB Restricted Business District. Uses permitted upon the issuance of a special permit by the Planning Board in the R-20, R-30 and RR-5 districts that may be related to farming and agricultural activities include horticultural nurseries, commercial stables and kennels and seasonal farm stands for locally harvested products. Although the RR-5 and the RB districts are set forth in the Town’s Zoning Law, these districts do not exist and are not mapped on the Town’s zoning map.

The approximate areas and the percentage of the Town covered by each existing zoning district are as follows:

Table 2-6 Existing Zoning Districts in the Town of Rush

Zoning District Designation	Total Acres	Percent of Town
R-20 : Residential	764	3.9
R-30 : Residential	18,278	93.4
RR-5 : Rural Residential	0	0
R-MD : Multiple Dwelling Residential	35	0.2
R-MH : Mobile Home Residential	12	0.1
R-TH : Townhouse Residential	0	0
C : Commercial	271	1.4
RB : Restricted Business	0	0
I : Industrial	0	0
LI : Limited Industrial	191	1.0

The Town’s 2010 Comprehensive Plan, originally prepared during the early 1990’s, identifies 14 high priority items which are in different stages of implementation, including two items that specifically deal with local zoning and amending the Town’s zoning map. As stated in the Comprehensive Plan, Item #9 includes possibly revising the zoning ordinance to include sliding scale farmland development, incentive zoning, neighborhood commercial district, rural residential district and special use permits. The Comprehensive Plan provides that in order to protect farmer’s rights to develop land, lots subdivided from active farms would not exceed two acres in size and the land being subdivided would be subject to a sliding scale that would limit the amount of land that could be developed for residential use according to the size of the parent parcel. Purchase of Development Rights (PDR) was also considered during the development of the Town’s Comprehensive Plan.

Town of Rush – Agricultural and Farmland Protection Plan

As part of a review of the status of the Town's Comprehensive Plan, a workshop was held in 2004 that focused specifically on the issue of preservation of agricultural land. The workshop and subsequent efforts by various stakeholders that participated in the process resulted in several recommendations for actions to preserve agricultural land consistent with the goals stated in the Comprehensive Plan for conserving agricultural resources and viable farmland. The workshop and information gathered from various stakeholder participants considered the following.

- The sliding scale approach may be an outdated strategy because it has resulted elsewhere in residential developments being located adjacent to active farmland and causing nuisance complaints from farm operations.
- There was some interest in term easements that would allow a farmer to sell development rights for a limited term, for example 20 years, after which the development rights revert back to the farmer. This has since been determined to be illegal under current State laws.
- There was some interest in 100% tax abatement for land in active agricultural use in exchange for continued farming. Tax abatement for agricultural land would be a voluntary program in which farmers would apply for 100% tax abatement for their lands in active agricultural use in exchange for agreeing to have these lands rezoned into an agricultural zone that would prohibit subdivision and development. Provisions would be included in the agricultural zoning ordinance that would identify and quantify a significant penalty that would be assessed upon a landowner who successfully petitions the Town Board to rezone this land to another use.
- It was noted that absentee landlords own much of the land in agricultural use in the Town and that a PDR program approach may be appealing to them.
- That there may be interest among farmers in purchasing and working agricultural lands in the Town if the land was available at the agricultural value, i.e., for the value it is assessed at under an agricultural district assessment. Consideration was given to a Rolling Farm Purchase and Sale program that would be voluntary and working in concert with the Genesee Land Trust. The Town, working with the Land Trust, would purchase at full market value active agricultural lands from willing landowners to establish a permanent agricultural conservation easement on the land, and then sell the land at its agricultural value to farmers willing to work the land. The Town and the Land Trust would secure funding to cover the difference between the agricultural value and the market value, plus related expenses from State and federal programs through NYS Agriculture and Markets and the USDA. The Town in turn would reuse the funds generated from the sale to purchase another active farm and then repeat the process holding the conservation easement.
- That State and federal funds may be available on a highly competitive basis for the purchase of voluntary permanent agricultural conservation easements, but not for term agreements. The funds provide for the difference between the market value and the agricultural assessment of the farmland.

Town of Rush – Agricultural and Farmland Protection Plan

Section 120-22 of the Town’s Zoning Law currently includes provisions for average density development. The purpose of this section is to permit variation in lot sizes and housing types in areas proposed for development under specific provisions to encourage flexibility in design and preserve the natural and scenic qualities of open space. Average density development applies to R-20 and R-30 Residential Districts. Although agriculture may be suitable for land reserved under density averaging, farming or the protection of farmland is not specifically listed as one of its intended purposes.

As part of the recertification of Eastern Agricultural District #6 in 2007, the Monroe County Agricultural and Farmland Protection Board and the Monroe County Planning Board provided a critique of local municipal laws, ordinances, rules and regulations, including those of the Town of Rush, that apply to farm operations in the agricultural district as well as the influence of existing regulations on farming. The County’s review highlighted potential conflicts with municipal codes requiring minimum lot size, limits on the sale of farm products, and limitations on agricultural activities.

The County review of Town of Rush laws and regulations included the following key points:

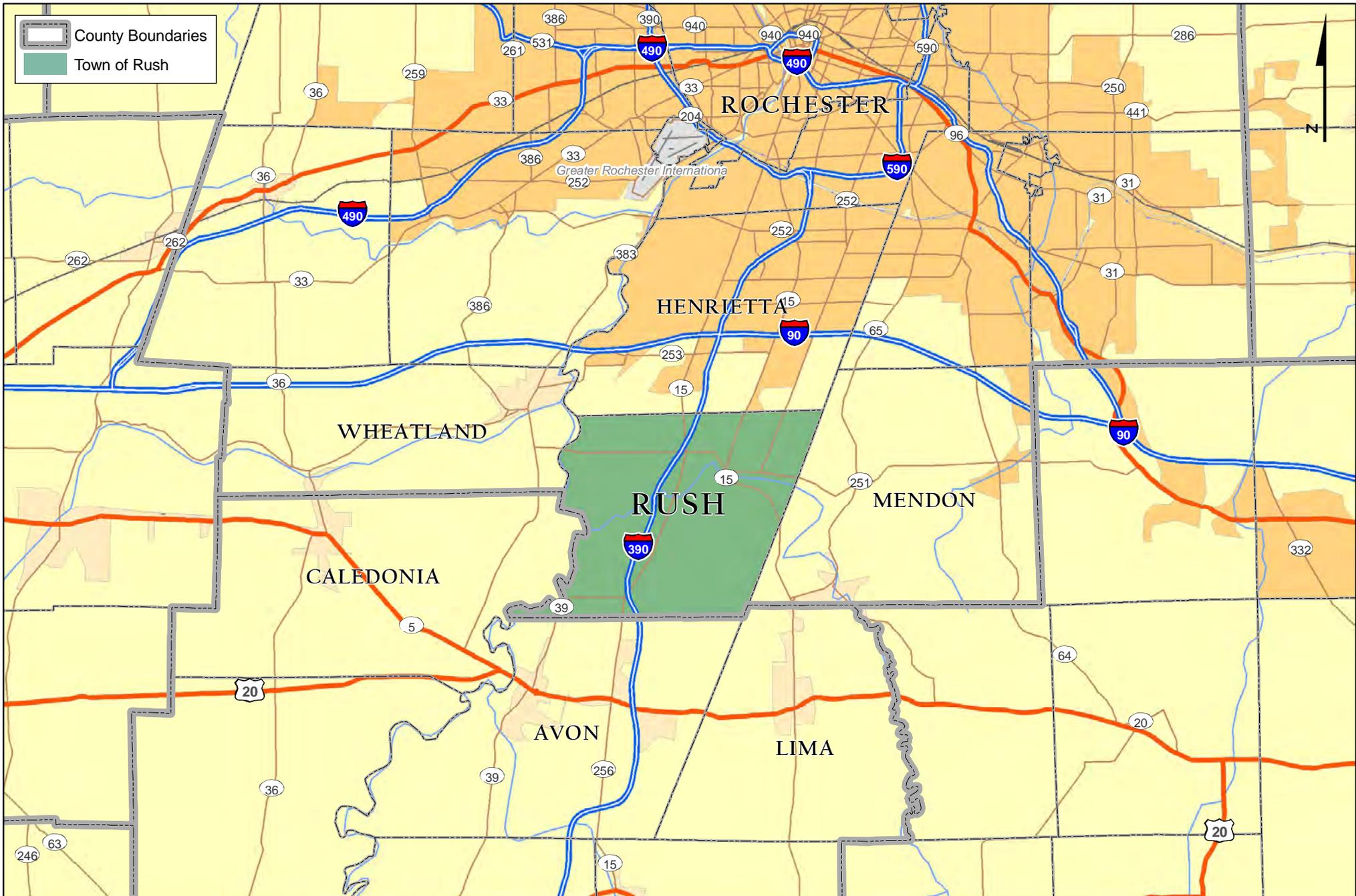
- Current Town zoning is not designed to limit development in agricultural areas.
- Limitations are placed on the sale of farm products to products grown on the premises by a resident of the property. “A local prohibition on the retail sales of product grown on a parcel that is part of a farm operation and transported to the farm’s sale facility at another parcel that is part of the farm operation is unreasonably restrictive in possible violation of NYS AML, Article 25AA, Section 306-a.” The recommendation was made that the sale of some agricultural products grown off the farm should be allowed to create greater product variety in order to attract customers to a farm market or nursery. The recommendation also stated that the particular needs of a start-up farm operation should be considered to allow for the selling of products grown off a farm to develop a customer base and provide income while crops and products are maturing.
- An exemption from special use permits should be provided by the Town to farm operations located in agricultural districts and that such restrictions may be in violation of NYS AML Article 25AA, Section 306-a-1. For example, the review stated “The Town of Rush should allow farm operations within a County-adopted, State certified district to store, use and maintain farm equipment for agricultural purposes in an amount and type consistent with the needs and scope of the farm operation and should not require the farm operators to obtain a special permit.
- The building and use of temporary greenhouses as part of farm operations including nurseries, greenhouses, produce farms, and livestock farms is protected under NYS AML, Article 25AA, Section 305-a and exempt from building permits, although they are not exempt from zoning requirements.
- The storage, use and sale of soil, mulch and potting soil in an amount consistent with the size and scope of a nursery is considered part of a farm operation within an agricultural district.

Town of Rush – Agricultural and Farmland Protection Plan

New York State has given significant status to agricultural uses in general, and to certified agricultural districts as well as county agricultural and farmland protection plans created under Agriculture and Markets Law Articles 25-AA and 25-AAA. Section 272-a (9) of NYS Town Law requires agricultural review and coordination with a local comprehensive planning process and zoning.

“A town comprehensive plan and any amendments thereto, for a town containing all or part of an agricultural district or lands receiving agricultural assessments within its jurisdiction, shall continue to be subject to the provisions of Article twenty-five-AA of the Agriculture and Markets Law relating to the enactment and administration of local laws, ordinances, rules or regulations. A newly adopted or amended town comprehensive plan shall take into consideration applicable county agricultural and farmland protection plans as created under Article twenty-five-AAA of the Agriculture and Markets Law.”

This Town of Rush Agricultural and Farmland Protection Plan is considered as, and being incorporated into, the Town’s comprehensive planning process. This Plan will be a guide and reference document to the community as it considers updates to its land use plans and regulations consistent with NYS Town Law and NYS Agriculture and Article 25-AA of the Markets Law.

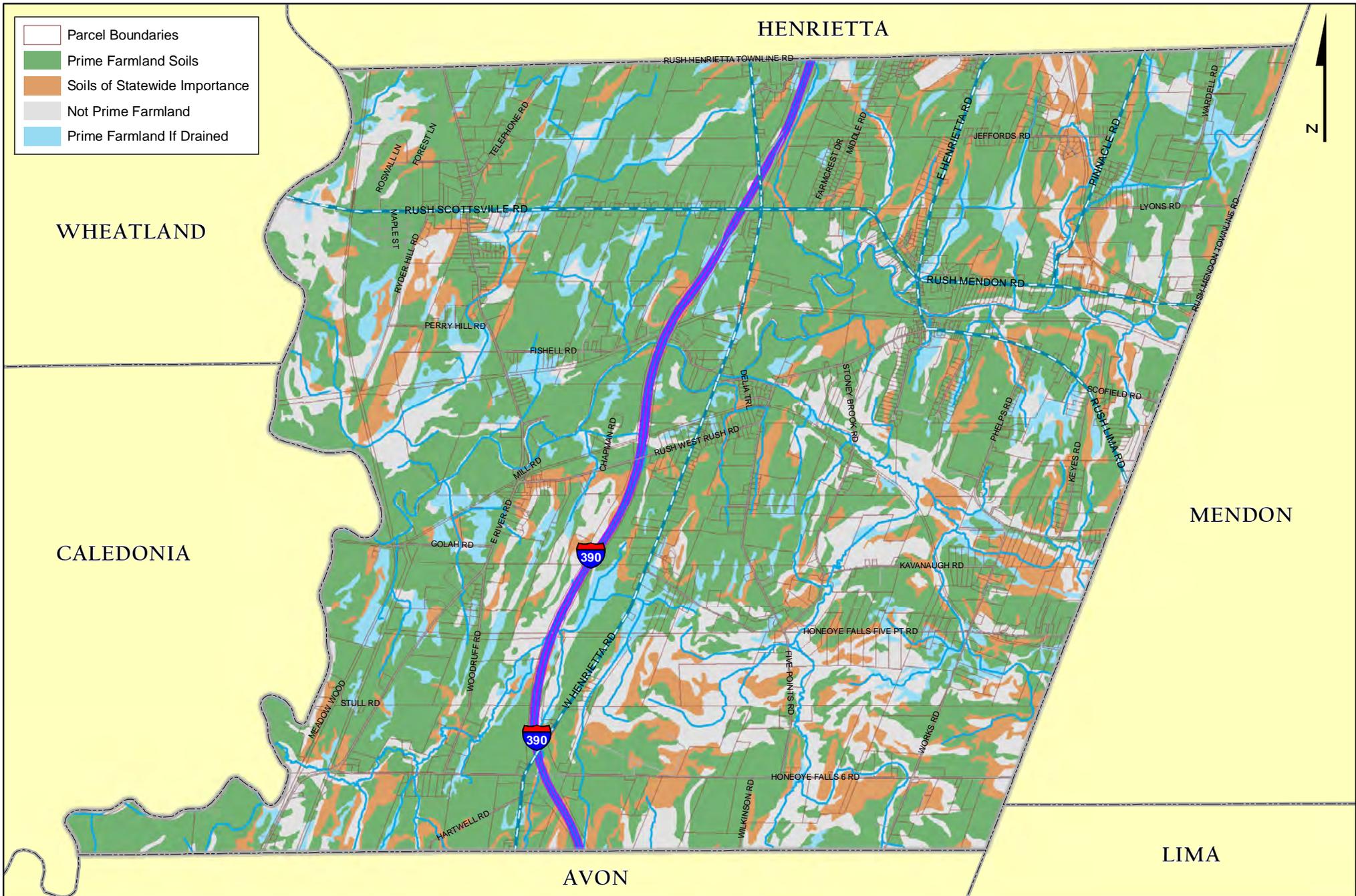


TOWN OF RUSH

AGRICULTURAL AND FARMLAND PROTECTION PLAN

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Figure 2.1
Regional Location

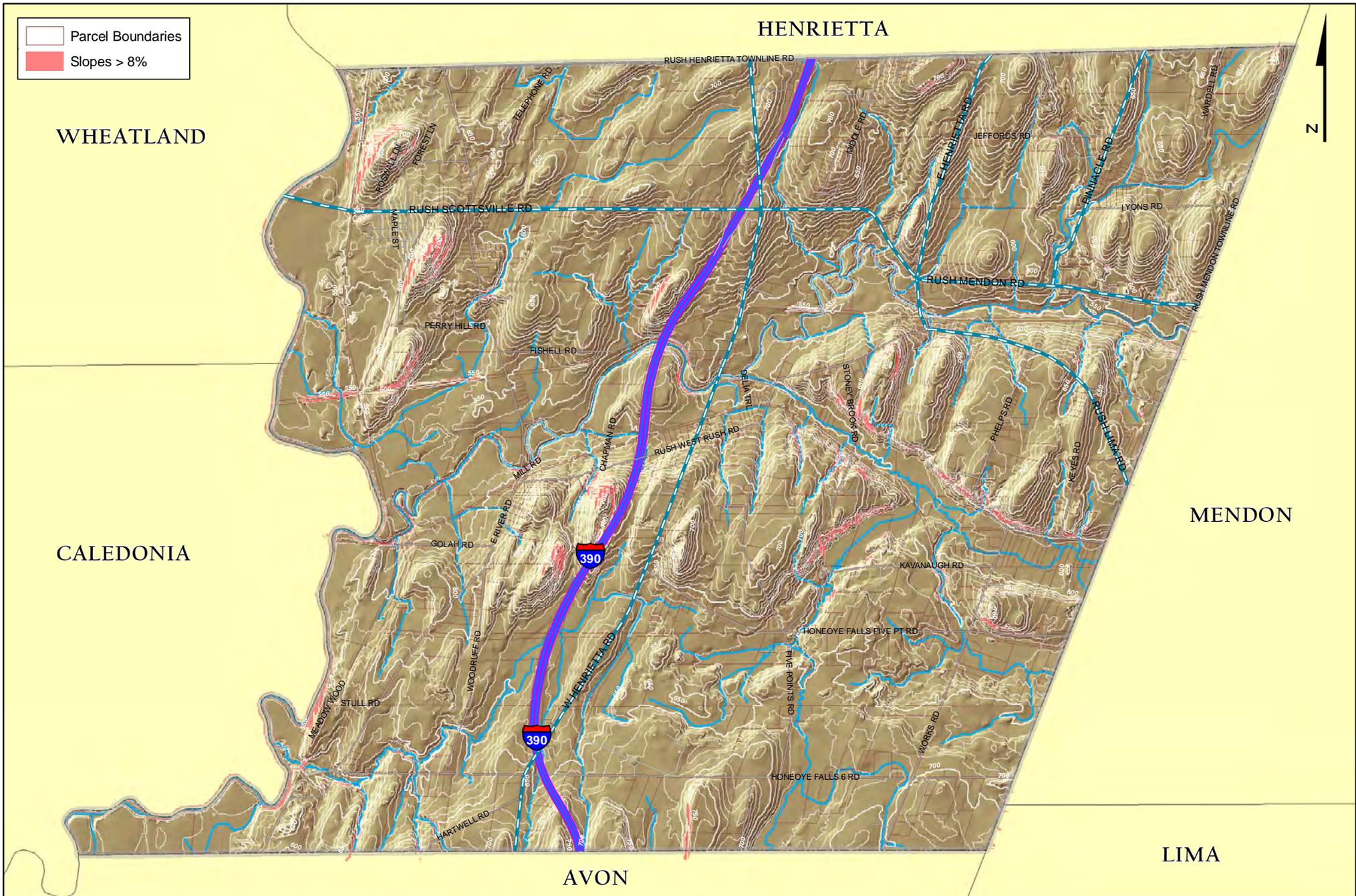


TOWN OF RUSH

AGRICULTURAL AND FARMLAND PROTECTION PLAN

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Figure 2.3
Prime Agricultural Soils

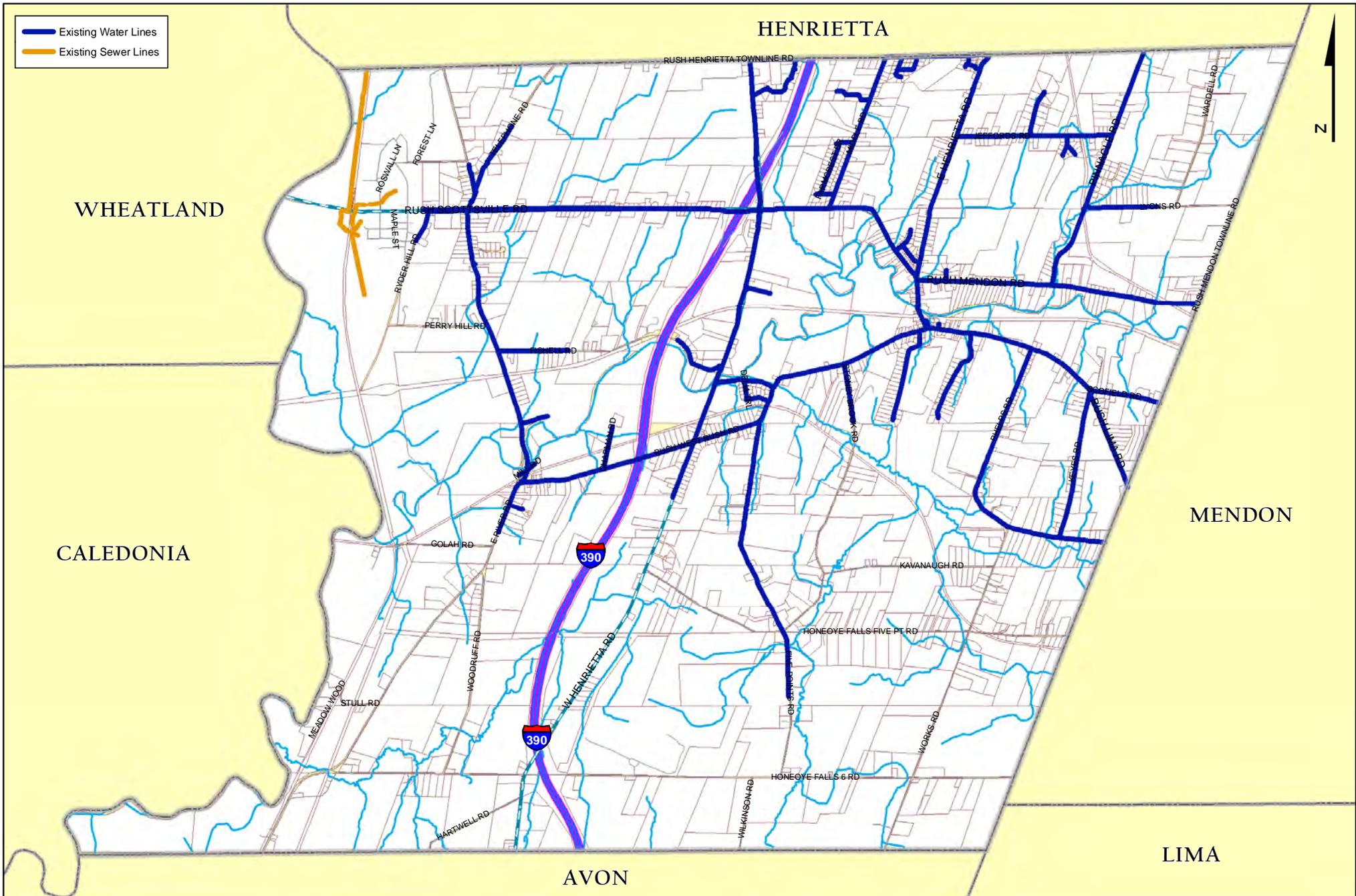


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Figure 2.6
Slope and Topography



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TOWN OF RUSH

AGRICULTURAL AND FARMLAND PROTECTION PLAN

Figure 2.9
Water and Sewer
Infrastructure

3



Vision, Goals & Objectives

As one farmland planning stakeholder stated “Farming has a multiple effect on the local economy by supplying fresh fruits, vegetables, horticultural products, meats and dairy products and nursery stock to Monroe County residents. Farmers by using best management practices preserve land and improve water quality to benefit the environment. Farms and woodlots also sequester carbon which improves air quality. Recreational hunting, agri-tourism, agricultural education and wildlife habitat are benefits to the local community to improve quality of life.” The full context of this quote is provided in Chapter One as part of the summary of the 2011 Farmland Owner Survey.

The above quote is provided to emphasize the significant role that agriculture plays in the rural characteristics that are valued by residents of Rush and why support for farmland preservation is so important to maintain our Town’s quality of life. The goals and objectives that follow are directed at actions that need to be taken towards the goal of farmland protection.

This Agricultural and Farmland Protection Plan serves as a planning guide and reference document for future decisions by the community that can affect farmlands and local agriculture. Town officials, farmland owners and renters, farmers and other stakeholders participating in preparation of this Plan have set a vision for agricultural preservation, land use development, and protection of important farmland resources.

In its 1993 Comprehensive Master Plan, the Town of Rush promoted the conservation of agricultural resources and viable farming areas as one of its primary goals. That important goal was followed by three policy statements that read as follows:

- Use the Town Farmland Committee’s resources (i.e. farmlands map, farmland survey and agriculture exemption data) to help identify the impacts of development on actively farmed sites and to assist the various Town boards in their review of rezoning, special use permits, area and use variances, and subdivision activities occurring within the community.
- Evaluate a Transfer of Development Rights (TDR) program, mandatory clustering of sliding scale zoning program to permit planned growth within established agricultural areas and to minimize potential loss of prime agricultural soils or the disruption of agricultural operations.

Town of Rush – Agricultural and Farmland Protection Plan

- Monitor the application of the Farmland Protection Policy Act and need for enacting a “Right to Farm” local law.

This section of the Rush Farmland Protection Plan presents a shared vision for the future of agriculture in the Town. This vision is accompanied by a series of goals and objectives for the community to achieve long-term and sustainable agriculture and farmland protection in Rush.

As the Town continues to update its current Comprehensive Plan the goals, objectives, information and recommendations contained within this Farmland Protection Plan are to be incorporated directly into Rush’s Comprehensive Plan. This Farmland Plan should be summarized for the agricultural land use component of the Comprehensive Plan and included in its entirety as an appendix. The Farmland Plan will be referenced as such in updated sections of the Comprehensive Plan. The Comprehensive Plan containing the Farmland Plan will be used by local Boards, agencies and the community in guiding decision-making on land use, capital improvement projects and public infrastructure.

A Shared Vision for Sustainable Agriculture in Rush

Farmers, farmland owners and renters, interested residents, community and agency stakeholders, and Town officials have identified a shared vision statement for the Town of Rush pertaining exclusively to agricultural preservation and protection of important farmland resources. The vision statement resulted from discussions during project meetings and the survey of farmland owners and renters.

Our vision statement establishes consensus for protecting agriculture as it relates to our quality of life and to the future of land development and land use activities in the Town. Planning participants offered a variety of ideas that are reflected in this vision. This shared perspective serves as the foundation for establishing the goals, objectives, and recommendations for agricultural and farmland protection that are provided later in this Plan.

Our Vision Statement for Farmland Protection

The Town of Rush envisions a future by which our community remains farm-friendly and supportive of agriculture by recognizing the important role that farming plays in our quality of life and economic well-being. Our agricultural heritage is reflected in the rural landscape that generations of working family farms helped to create. It is this heritage we choose to protect and preserve. We place a high value on our prime farmlands as irreplaceable resources. We will work in partnership with local farmers and landowners to manage community development in a sustainable manner that respects, protects and preserves our farms and natural resources in balance with the individual needs of all our residents, property owners and businesses in the Town.

Town of Rush – Agricultural and Farmland Protection Plan

Goals & Objectives in Support of Our Vision

Goal - Soils Protection: Our goal is to protect the viability of local agriculture by minimizing the loss of highly productive prime farmland soils and soils of statewide importance.

Objectives

- Identify, map and evaluate areas of prime farmland soils and soils of statewide importance in the community and assign these areas as high priority farmland resources in need of protection.
- Encourage agricultural property owners with lands consisting of prime farmland soils and soils of statewide importance to participate in the New York State and Monroe County Agricultural District program and continued participation by those already participating through the district recertification process.
- Encourage farmers and all landowners to engage in effective soil and erosion control best management techniques, stormwater management, and sound timbering practices as contained in information available from local soil and water conservation agencies.
- Discourage land disturbance activities that remove significant vegetation or alter topography in areas of steep slope, within dense woodlands, and along important drainages and waterways.

Goal - Land Use and Development: To encourage the implementation and enforcement of effective Town land use policies, including zoning and subdivision regulations designed to protect and preserve farmland, agricultural resources, and agricultural land uses.

Objectives

- Re-establish the Town's Farmland Advisory Committee to work with agricultural property owners and other stakeholders to continue to identify high priority areas for implementation of farmland preservation measures.
- Work in partnership with the Genesee Land Trust and other organizations to actively promote the purchase, lease, transfer and/or acquisition (including donation) of development rights through conservation easements and limits on development in high quality farmland areas.
- Review and revise as necessary the Town's land use regulations, including zoning and subdivision ordinances and site plan review to provide increased protection of significant farmlands, prime farmland soils and soils of statewide importance to ensure consistency with the vision, goals, and recommendations of this Agricultural and Farmland Protection Plan.

Town of Rush – Agricultural and Farmland Protection Plan

- Revisit and update as necessary the recommendations contained within the Town’s *Innovative Farmland Zoning Report* to incorporate land use mechanisms, such as density averaging, into the Town’s zoning ordinance that can both protect farmland and allow for residential development of parcels.
- Promote clustered residential and non-residential forms of development including conservation subdivisions with the establishment of conservation easements on highly productive farmland.
- Establish appropriate lot size and density requirements for residential, business and commercial development in non-priority farming areas that are or can be feasibly serviced by highway, public water and possibly sewer.

Goal – Farmland Education and Outreach: Educate the farming and non-farming community in Rush by better informing residents, landowners, business owners, and developers about the value of farming and the importance of local farmland protection. See Chapter 4 for a list of technical sources of information and agency websites.

Objectives

- Promote continued representation of local farms on Town boards and committees.
- Re-establish the Rush Farmland Advisory Committee through Town Board resolution with the responsibility for actively promoting farmland protection and working with local boards, farmers, and residents in resolving local farmland issues.
- Establish a local Right-to-Farm law in Rush with educational materials made available at the Town clerk’s office and signage erected at key roadways into Rush advising others that Rush is a farm-friendly community.
- Comply with State regulations and the NYS Agriculture and Markets Law in the dissemination of agricultural information and provide access to federal, state and regional sources of farmland protection information and lessons learned from other communities through links provided on the Town’s website to the NYS Department of Agriculture and Markets and the American Farmland Trust (see Chapter 4 for technical resources).
- Conduct public informational meetings to inform residents of all ages about farmland preservation issues and involve local school districts, students and not-for-profit organizations in this effort.
- Encourage participation by local officials in farmland protection training sessions including webcast seminars and meetings sponsored by the American Farmland Trust, NYS Agriculture and Markets, USDA and other agencies.

Town of Rush – Agricultural and Farmland Protection Plan

Goal - Agricultural Economics: Enhance and expand economic opportunities for agriculture and agriculture-related businesses in Rush.

Objectives

- Work with neighboring farming communities and farmers to pool resources, farm products and talents to develop a marketing strategy for branding and establishing niche markets that may be unique to the Monroe and Livingston County region.
- Encourage local agricultural businesses to stay and/or locate in Rush by addressing and removing impediments in local laws and regulations to better support agriculturally-related land use practices and the sale of local farm products.
- Follow assessment procedures of farmland properties and structures based on farming uses and not development potential and/or value.

Goal - Public Infrastructure: Maintain cost effective public infrastructure including that which supports local agriculture's needs.

Objectives

- Seek grant funds and cost effective financing mechanisms dedicated to improve local infrastructure that supports agricultural practices and that benefit local farm operations with safe and efficient access to prime farmlands.
- Work with local farmers to identify, prioritize and schedule improvements to Town-owned and maintained public infrastructure including local roads, bridges, drainage culverts, flood protection measures and access driveways to farm fields.
- Consult and collaborate with County, regional and State agencies on priority capital improvement projects that support local agriculture, including identifying funding opportunities, scheduling and long-term maintenance of public facilities.
- Schedule large scale public infrastructure projects and improvements to prevent conflicts with planting and harvesting seasons.



Recommendations and Plan Implementation

Land Use Analysis

The recommendations and action items that follow in this Chapter are based on information gathered during the stakeholder participation process, as well as from the 2011 survey of farmland owners and renters (see Chapter 1), the mapping of existing land use and natural resources (see Chapter 2), and the setting of goals and objectives (see Chapter 3). In addition, a separate land use analysis was conducted as described below to identify areas of high quality, highly valuable prime farmlands in the Town of Rush. This information, which has not been available to the community until now, will help in future decision-making by identifying prime farming areas and resources that should be afforded a high level of protection in the Town of Rush.

The analysis utilizes existing land use and environmental resource information previously discussed in Chapter 2 of this Plan. Using Geographic Information Systems (GIS) mapping techniques, a series of land use analysis maps were developed to identify prime farming areas. These maps are presented at the end of this Chapter.

The prime farmland analysis began with the development of specific criteria for evaluating existing agricultural use and farmland characteristics, including its farming potential based on a number of physical factors, and its long-term viability in the Town of Rush. These criteria are discussed below.

The results of the analysis provide important information that should be used by the community to identify relationships between significant land uses and farmland resources, such as the location of prime soils relative to where land use development has or is likely to occur. Relationships between existing land use regulations and other man-made factors can also be explored to see how land use decisions can influence the viability of agriculture and farmland protection. These decisions may include determining where to locate public infrastructure or services and assessing how those decisions may affect farmland within the boundaries of Eastern Agricultural District #6 and other farming areas.

As stated in Chapter 1, it is important to note that the NYS Smart Growth Public Infrastructure Policy Act became law on September 29, 2010. The Act may have significant implications in Rush regarding future capital improvement projects, especially how they are funded and located. The Act and its Smart Growth criteria promote use of existing infrastructure and encourage mixed land uses and compact development within defined municipal centers. In other words, the Act can facilitate the

Town of Rush – Agricultural and Farmland Protection Plan

protection of farmland by directing infrastructure away from prime agricultural areas to more suitable locations where agriculture is not adversely affected. Furthermore, the Act may provide for more of a regional evaluation of infrastructure projects and encourage intermunicipal opportunities for farmland protection that cross town and county boundaries, particularly within established County-adopted State-certified Agricultural Districts.

The land use analysis identifies the location of the Town’s most significant farmlands and remaining large contiguous farming areas as shown on Figures 4-1 through 4-6. These maps overlay geographic information necessary to evaluate and track the status of farmlands in the Town of Rush. The information is based on available land use and environmental parcel data that can be updated on a regular basis to track development and protected areas. These data are available from New York State and Monroe County property assessment information.

Criteria for Analysis

Seven scoring criteria were used to evaluate farmland quality and viability. All parcels in the Town were assigned and mapped according to their respective total scores in meeting each evaluation criterion as described below. If a criterion was met, then one point was assigned to that particular parcel and so forth for each additional criterion until all seven criteria had been applied to each parcel.

Farmland parcel evaluation criteria were established as follows.

- 1. Prime Soils and Soils of Statewide Importance:** If the combined coverage of prime soils and soils of statewide importance was greater than 75 percent of a parcel, one point was assigned by the GIS software to that parcel. Data used for this criterion was based on soils information as illustrated on Figure 2.3 in Chapter 2.
- 2. Environmentally Sensitive Lands and Constraints to Agriculture:** Natural constraints for many forms of agriculture may include environmentally sensitive lands such as floodplains, wetlands, forested land, and slopes in excess of 8 percent. If 25 percent or less of a parcel is covered by these potential constraints, one point was assigned by the GIS software to that parcel. In other words, sites were assigned one point if the majority of a parcel, regardless of its size, was relatively flat, gently sloping or otherwise generally free of natural constraints and therefore considered favorable for farming. Data used for this criterion were based on potential constraint information for each parcel, as illustrated on Figure 2.5. These natural features are also shown as an overlay on an aerial photograph of the Town on Figure 4.1.
- 3. Agricultural Land Cover:** If more than 75 percent of an individual parcel contains agricultural uses¹, one point was assigned by the GIS software to that parcel. The inputs used for this criterion were based on land cover and land use data identified for each parcel, as illustrated on Figure 2.7 and Figure 2.8, respectively.

¹ Based on USGS National Land Cover Dataset (NLCD).

Town of Rush – Agricultural and Farmland Protection Plan

4. **Acreage:** If the total acreage of a parcel is greater than 20 acres, one point was assigned by the GIS software to that parcel. Parcel size was determined from parcel data as illustrated in Figure 2.8.
5. **Development Pressure:** Parcels under some form of known development pressure, perhaps due to location near a highway, significant intersection or interchange, or availability to nearby public infrastructure, such as water lines, were considered to be vulnerable from a farmland protection perspective and assigned one point by the GIS software to that parcel. Public infrastructure including water, sewer and highways is illustrated on Figure 2.9. Parcels located in the agricultural district, zoned for agricultural uses, and near public infrastructure are shown on Figure 4-2.
6. **Agricultural Districts and Zoning:** If a parcel is located in Eastern Agricultural District #6 and presently zoned to permit “customary” agricultural uses, one point was assigned by the GIS software to that parcel. Parcels that are located in the Agricultural District and zoned for agricultural uses are considered favorable land use factors and are also shown on Figure 4-2.
7. **Potential Productivity:** If parcels have an average potential agricultural productivity soils value greater than \$400 per acre, one point was assigned by the GIS software to that parcel. Parcels with agricultural assessment soil values ranging from less than \$200/acre to greater than \$500/acre (values on these maps represent a spatially weighted average of potential agricultural productivity)² are shown on Figure 4-3. Agricultural assessment values per acre established for the year 2011 are provided in Appendix D.

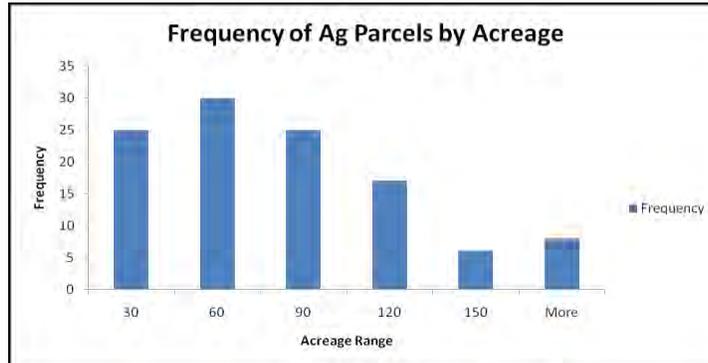
For purposes of this analysis, all parcels categorized as agricultural, rural residential and vacant properties are considered to have at least some agricultural potential. Properties categorized as other types of existing land uses, such as residential, commercial, industrial, institutional, etc., are considered to be developed uses that likely limits agricultural uses or conversion to agricultural land use and therefore, were considered as having little, if any, potential for agriculture.

The frequency by size of agricultural parcels in Rush was also considered in the analysis as shown in the following charts. The Town contains many smaller agricultural parcels in addition to larger ones as shown above. More than 20 percent of the agricultural parcels in the Town appear to be less than 30 acres in size, so the analysis assigned importance to parcels of 20 acres or more in order to assign importance to these smaller farmlands, some of which may be used for less traditional forms of agriculture and farming, such as specialty farms and tree farms. Nearly three-fourths of all agricultural parcels in the Town are 90 acres or less in size.

² Based on NYS Real Property Services Data.

Town of Rush – Agricultural and Farmland Protection Plan

Farm Acres	Frequency by # of Farms
0-30	25
31-60	30
61-90	25
91-120	17
121-150	6
>150	8



Farmland Evaluation Results

Total scores for all property parcels in the Town of Rush were computed and compiled using GIS software regardless of whether they were agricultural uses or other types of land use. A maximum score of seven points was possible meaning that each criterion had been met. Maximum scores of six to seven points indicate that these properties can be considered either best suited to, most viable for, and/or in use as high quality agriculture. In other words, these are considered prime farmlands. Conversely, a minimum possible score of zero points seemingly indicates lands least suited for farming or less valuable for sustainable agricultural. These parcels may have significant constraints to farming uses, perhaps due to existing natural features, for example, steep slopes, or some other factor such as parcel size or previous non-farm development of that parcel.

Farmland scores were assigned and compiled for each parcel in Rush and mapped as shown on Figure 4-4. Rather than showing the numeric values assigned to each parcel, different colors and shading are used to differentiate high value prime farmland parcels from those of lesser value. The color schemes also distinguish agricultural parcels, shown in shades of green, from non-agricultural parcels that are shown in shades of tan.

Parcels with compiled scores meeting 6 or 7 of the criteria have the highest value and potential for sustainable farming and considered among the highest quality farmlands in the community. All green parcels shown on the maps have some agricultural value, but those shaded dark green and medium green are considered to be those of most importance for farmland protection.

The compiled scores for each parcel are based on the following:

- **High Agricultural Potential, Viability and/or Use:** Properties meeting 6 or 7 of the parcel rating criteria (assigned 6-7 points and shaded dark green)
- **Moderate Agricultural Potential, Viability and/or Use:** Properties meeting 3, 4 or 5 of the parcel rating criteria (assigned 3-5 points and shaded medium green)
- **Some Agricultural Potential, Viability and/or Use:** Properties meeting 0, 1 or 2 of the parcel rating criteria (assigned 0-2 points and shaded light green)

Town of Rush – Agricultural and Farmland Protection Plan

A small number of parcels may have been given some additional consideration in determining their agricultural potential and viability based on unique conditions or characteristics that could not be accounted for by the rating criteria or through GIS mapping. Ratings for these parcels were adjusted accordingly. Although the analysis is somewhat general, it is highly dependent on available data and it does provide some degree of confidence in identifying the locations of relatively large areas of contiguous prime farmland in the Town of Rush. These lands possess important characteristics that contribute to sustainable agriculture in terms of quality, potential and viability.

Figure 4-5 provides additional context to farming locations in Rush and demonstrates the important roles that steep slope, floodplains and forested areas may play in determining the extent of agriculture and other land use development in Rush. Figure 4-5 also illustrates the extent that non-agricultural development, for example residential uses, occurs in farming areas. Figure 4-6 goes one step further and illustrates the community's farmland resources and which parcels are presently participating in Monroe County Eastern Agricultural District #6. Agricultural District maps for communities adjacent to Rush in Monroe County and Livingston County are provided in Appendix C.

Land Use and Farmland Protection Recommendations

Updating the Town's Comprehensive Plan

The farmland evaluations illustrated on Figures 4-1 through 4-6 provide important guidance to the Town as it considers how and where to protect farmlands and where to direct future growth and development away from prime farmlands. This information will be used in updating the Town's Comprehensive Plan and in particular a Future Land Use Plan. With the assistance of Monroe County Planning the Town has recently updated GIS mapping of natural resources and community facilities for inclusion into the Comprehensive Plan.

Consistent with the vision and goals expressed in Chapter 3 for preserving farmlands and protecting the generally rural character of the Town of Rush, the farmland evaluations should be used to encourage potential future development to non-prime farmland locations that may be best suited for non-agricultural uses. This is also consistent with the purpose of the 2010 NYS Smart Growth Public Infrastructure Policy Act.

The Future Land Use Plan will identify hamlet and municipal centers as areas for further development where infrastructure exists or can be provided with least impact to prime farmlands. In addition to updating the Town's Comprehensive Plan this Farmland Plan should be used as a basis to modify current zoning, subdivision requirements and other local land use regulations as may be necessary to better protect farmland and promote sustainable agriculture in the Town.

Modifying Town Zoning

As discussed earlier in this Plan, Chapter 120 of the Rush Town Code constitutes the Town's zoning ordinance. The zoning ordinance emphasizes residential uses and, in general, does not emphasize agriculture as a high priority land use within any existing zoning districts, although "customary

Town of Rush – Agricultural and Farmland Protection Plan

farming activities” are permitted uses in the R-20 Residential District; the R-30 Residential District; the RR-5 Rural Residential District; and the RB- Restricted Business District.

Similarly, there is a general lack of discussion within the zoning ordinance concerning important agricultural protection measures afforded by the New York State Agriculture and Markets Law and farmland protection measures available to the Town under NYS Town Law. References to State and County agricultural protection regulations and definitions explaining up-to-date agricultural terminology are also lacking.

Therefore, it is a key recommendation of this Plan that a careful and thorough review and subsequent modification of the Town’s Zoning Ordinance should be conducted to correct deficiencies related to prioritizing agricultural land use and farming activities in Rush. Local land use and zoning regulations must be brought into greater conformity with State and County agricultural protection goals and regulations.

A complete review of the zoning ordinance will likely identify different alternatives for modifying existing zoning districts. However, prior to this an updated Comprehensive Plan and Future Land Use Plan should be the basis for moving forward with zoning modifications as required by State law.

Alternatives that emphasize agriculture and the protection of important farmlands and farmland soils in specific areas of the Town need to be seriously considered as a top priority for the community. Two zoning alternatives to consider are: 1.) establishing a new agriculture-based zoning district that emphasizes agriculture as a high priority and the intended predominant form of land use in certain areas of the Town, and/or 2.) establishing a prime farmland protection overlay district. A combination of both a specific agricultural zoning district (not to be confused with a County adopted State-certified Agricultural District) and an overlay district is also possible.

An overlay district is a well-defined zone that is superimposed on one or more underlying or base zoning districts. The overlay district places additional regulations that need to be met, but only within the boundaries of the overlay zone. For example, the overlay could be placed over the existing R-20 district. These additional requirements may be related to permitted uses, densities, the subdivision of parcels, the siting of non-farm uses, etc. with the intent to protect the most valuable prime farmlands. These options each have their benefits and drawbacks and only a detailed review of the current zoning ordinances and a community-wide discussion will determine which option is most acceptable to the community. Discussions over modifying current zoning and land use requirements should include landowners, farmers and agricultural specialists among others in determining and what modifications are needed.

Creating an Agricultural Zoning District

Establishing a new zoning district or significant modifications of existing districts to promote greater farmland protection is both a short-term and long-term goal of the community. Given the complexities involved in technically reviewing the existing zoning ordinance, conducting public meetings and hearings, creating draft language for the new or modified districts, conducting a SEQRA environmental review of proposed changes, and implementing the new ordinance and zoning map could easily take one to two years or more.

Town of Rush – Agricultural and Farmland Protection Plan

The creation of a new Agriculture (A) Zoning District, and possible revision of other districts, should include incorporation of the following sections that are specific to the new district:

- Purpose and Intent
- Definitions
- A Local Right to Farm Statement
- Permitted Uses
- Accessory Uses
- Permitted Uses Subject to Site Plan Review (generally for non-farm uses)
- Special Permit or Conditional Uses (generally for non-farm uses)
- Lot Area and Yard Requirements (generally for non-farm uses)
- Bulk Requirements (generally for non-farm uses)

The purpose of the new Agriculture District would be to emphasize and promote agriculture as the high priority land use in high value farming areas. Low density rural non-farm residential uses that do not inhibit farming activities would be allowed. This new district should include language that emphasizes the right-to-farm on lands within district boundaries. In addition, the new “A District” boundaries will need to be established on the Town’s Official Zoning Map. In identifying these boundaries, care will be required to avoid creating new non-conforming uses under the revised ordinance.

Establishing a Prime Farmland Protection Overlay District

Establishing an overlay zone for farmland protection may be reasonable alternative for accomplishing the Town’s farmland protection goals within a shorter timeframe. Rather than significant modification of the existing ordinance that will be required for creating new districts the overlay approach may accomplish similar farmland protection goals. This approach may also be less confusing to farmers and property owners and therefore, more acceptable to the community in general. With this alternative some modifications may need to be made to the underlying zoning districts that will be affected by the overlay zone, but the bulk of the overlay’s land use requirements for farmland protection can be contained in one new section of the zoning ordinance.

The boundaries of an overlay district will need to be determined. For example, the boundaries could be based on: 1.) lands contained within the designated boundaries of Eastern Agriculture District #6 (see Figure 2-2), or 2.) areas of the Town that are mapped within this Plan as containing Prime Farmland Soils and Soils of Statewide Importance (see Figure 2-3). Some combination of both 1 and 2 above could be considered or other criteria could be developed by the community to identify the overlay zone using the mapped information provided in this Plan and the Town’s Comprehensive Plan. Other criteria could include establishing an acreage requirement for parcels to be included into the overlay district with small parcels that are not viable for farming being excluded from the district.

The primary purpose of the farmland protection overlay district will be to promote agriculture as a principal land use within its boundaries. Emphasis will be placed on protecting prime farmland soils and preventing non-farm uses from adversely affecting those soils and related farming activities. A focus of creating the overlay district should include, but not be limited to, identifying measures designed to discourage development on prime soils and avoid significant fragmentation of large farm parcels through the management of subdivision of parcels for non-farm uses.

Town of Rush – Agricultural and Farmland Protection Plan

Some agricultural practices that currently require special permits, such as, but not limited to horticultural nurseries, commercial stables and kennels, and seasonal farm stands should be revised to allow for more flexibility by permitting these uses within certain areas of the Town and to bring zoning regulations into conformity with the requirements of Article 25-AA of the NYS Agriculture and Markets Law. Some of these zoning issues were discussed in Chapter 2 as part of the County’s previous review of the Town’s ordinance.

If established, a Prime Farmland Protection Overlay District should include a statement as to its primary purpose and intent. The overlay should be used to both enhance agriculture and farmland protection and discourage non-farm related land uses in prime farmland areas. The overlay, because it may place added requirements on non-farm land uses, may help limit land speculation that is driving up the costs of farmland in Rush. As farmland values rise due to speculation, viable farming can be adversely affected by placing additional pressures on landowners to sell their farm property. This issue was identified early in the planning process as a local concern (see Chapter 1).

An overlay district can require that certain development standards need to be met by non-farm uses in addition to the requirements imposed by the underlying zoning district. These standards may include, but not be limited to the following:

- Buffering requirements – these should be developed to establish minimum vegetative and natural buffer zones between active farmlands and non-farm uses. The buffer requirements should be placed on the non-farm user, not the farmer and/or farmland owner. Each new non-farm residence or non-farm use would be subject to a required minimum buffer width of some stated distance between the non-farm use and the agricultural parcel. A minimum buffer width would be required between any farmland parcel(s) within the Eastern Agricultural District #6 and any new non-farm residential, commercial, institutional and industrial uses. Different buffer requirements may be imposed for major and minor subdivisions for non-farm uses.
- Siting criteria - for new development siting requirements can be designed to avoid construction on prime farm soils for any new non-farm land uses. These requirements should be incorporated into the Town’s site plan review and approval process, subdivision requirements, and special use permits.
- Consideration should also be given to additional lot area, lot coverage, density and dimensional requirements for non-farm uses within the overlay zone. The overlay zone can be cross-referenced to the Town’s existing average density development and site plan requirements with some modifications (Section 120-22 and Section 120-69 of the Town Code).
- Design standards can be developed that apply to certain types of farm-related uses, but more importantly to non-farm uses that may have a public health and safety consideration. Standards can be established that deal with site access, parking, landscaping, and signage. These uses may include, but not be limited to: commercial nurseries; small-scale commercial sawmills; professional businesses and commercial stables and kennels.

Town of Rush – Agricultural and Farmland Protection Plan

- Additional site plan review and approval criteria can be established that goes beyond those required by the underlying zoning districts.

Additional Recommendations

The following recommendations are also based on input provided by stakeholders participating in the planning process and the analysis of agricultural resources in the Town of Rush. Some recommendations are specific on how to implement this Plan and some are general in nature so the Plan can be flexible to meet changing conditions in the Town. The recommendations that follow are in no particular order of priority. However, when possible, action items are listed as to when they should occur to facilitate Plan implementation and subsequent actions.

A. Farmland Plan Administration

1. One of the best ways to begin implementation of this Plan is to re-establish a permanent local Town of Rush Agricultural Advisory Committee (AAC). This can be accomplished by Town Board resolution based on the recommendations of this Plan. The AAC should consist of local farmers, landowners and agricultural experts to provide recommendations to the Town Board, Planning Board and Zoning Board on significant development proposals, capital improvement projects and other community issues that have the potential to adversely impact agriculture and prime farmland. AAC members could include one representative from each board plus representation of landowners, farm operators, Genesee Land Trust and agricultural specialists. The AAC should be charged with responsibility to resolve local farming disputes, contribute to modifications of local zoning ordinance and other land use regulations relative to farmland protection, and assume responsibility with the Planning Board for the periodic review and update of information contained within this Farmland Protection Plan.
2. The AAC should be charged with educating the various Town boards, especially new members, on how to best utilize the maps and information contained within this Plan as part of the Town's day-to-day planning and decision-making processes. Procedures should also be implemented to review and update the information in the Plan at least at regular 2 to 4 year intervals to maintain the document as an up-to-date source of information to the community and also as a useful tool to seek funding for farmland protection efforts and local capital improvement projects.
3. Working with the information contained in this Plan and input from the AAC, the Town Planning Board should prepare a draft Town of Rush Right-to-Farm law for adoption by the Town Board. This local law will further protect farmers from nuisance complaints by providing a local process for resolving possible disputes. The local process will address issues based on known sentiment and conditions in the community that possibly only local farmers, landowners and residents can appreciate. The local law will complement the provisions of State Right-to-Farm laws and procedures.

Town of Rush – Agricultural and Farmland Protection Plan

B. Land Use and Zoning

1. The Town Planning Board and AAC should continue to work with local farmland owners, renters and operators, in partnership with Monroe County agricultural experts and the Genesee Land Trust to identify effective protective measures for productive farmlands particularly for those farmland owners that are interested in farmland protection programs. These protective measures and programs need to consider prime farmland soils, parcel size and location, and other farmland characteristics identified in this Plan that are critical to support viable agriculture and farm-related businesses.
2. The Town of Rush needs to establish priority locations for farmland protection based on further input from farmland owners and operators as described above. These locations should be identified by using information contained in this Plan and from recently updated maps in the Town's Comprehensive Plan. Priority areas need to direct growth and development away from high quality farmland soils and highly productive farmlands to existing hamlets and Town civic activity areas.
3. Information from this Plan is also useful in prioritizing significant capital investments in public roads, bridges, culverts, water, and possibly sewer at some point in the future. Drainage improvements to protect prime farmlands should also be a priority for the community and this Plan can be used to support possible funding applications.
4. The Town needs to begin a complete and thorough review and update of zoning and subdivision regulations to be consistent with the information contained within this Plan. This effort had been initiated during the early 1990s. Revisiting the recommendations of the Town's *Innovative Farmland Zoning Report* is a good place to begin this review. The update of regulations should consider recent case studies from other New York State communities and land use recommendations of the NYS Department of Agriculture and Markets, the American Farmland Trust, and other farmland protection agencies and organizations.
5. Revisions to the current Town zoning ordinances should include increased emphasis on agricultural land use as discussed above. A new zoning district or overlay district should be distinguished from other districts by name and their primary purpose which is to afford protection of prime farmlands.
6. Reliance on conventional large lot zoning in high priority farming areas should be avoided. Large lot zoning can adversely impact agriculture and accelerate development of parcels farther into rural areas of Rush. The resulting lots are typically too small to be farmed or rented for farming and are often abandoned and allowed to transition back into shrub and eventually woodland. It is important that local zoning regulations be flexible for agricultural purposes and so the establishment of any lot size requirements for agricultural land use, for example, setting minimum lot sizes for dairy farming, as has been established in some communities should be avoided. Such lot size requirements should be established for non-agricultural land uses only.
7. The Town should consider requiring increased side yard and rear yard setbacks for new non-farm residences in areas of high farmland productivity, especially within or adjacent to

Town of Rush – Agricultural and Farmland Protection Plan

- properties in Eastern Agricultural District #6. This can be accomplished through modification of the existing zoning districts or through the overlay zone. This will help to establish larger buffers between non-farm residential properties and farmland. These increased buffer requirements are intended to increase distances between farmland and residential uses and reduce the potential adverse effects from dust, noise, etc., without placing added burdens on farm owners and operators.
8. The Town should determine if modifying road frontage requirements in areas of high farmland productivity is warranted, especially within Eastern Agricultural District #6 where large contiguous farm parcels exist. Revising road frontage requirements and establishing new setback maximums and minimums and lot size maximums and minimums should support farming operations. These modifications can be made according to the farmland characteristics in different areas of the Town and different land uses that exist and that are being encouraged. This could help prevent the abandonment of farmlands caused by large narrow residential parcels and flag lots that tend to break up large farmlands and discourage farmers from renting parcels that are no longer large or contiguous. For example, some areas of the Town within specific zoning districts could have lot size maximums for residential use of 1, 2 or 3 acres. Other areas where lower priority farmlands exist could have slightly larger 5 acre maximums depending on existing farmland characteristics and potential productivity.
 9. The Town should consider density averaging, density bonuses or similar incentive zoning techniques such as sliding scale zoning that sets a fixed density for permitted residences within a high priority farmland area or zoning district. This alternative was first considered in the Town's *Innovative Farmland Zoning Report* and should be revisited. Under density averaging as a technique, for example, say five residences are permitted for every 100 acres of land; however, each residential property must be between one and two acres in size. Thus, this approach could yield five 1-2 acre lots and one 90-95 acre lot being preserved for farming. Under a sliding scale zoning technique owners of smaller parcels may be allowed to divide more land into lots with maximum lot sizes established, for example at 2 to 3 acres per lot. Large parcel owners who could still subdivide, but at a different ratio and maximum lot sizes. The administration and record keeping for this process should be modeled from lessons learned by other communities in New York as to how to note and augment information on final subdivision plats to ensure proper tracking of parcels that have been subdivided and parcels that have been preserved.
 10. Similarly, the Town should consider allowances for cooperative farm subdivisions where a farmer may subdivide several small lots and each owner of the newly subdivided lot becomes an owner of a percentage of a farm, thereby allowing the farmer to continue operations. This alternative was mentioned by one of the respondents to the 2011 farmland owner survey.
 11. The Town should encourage inter-municipal coordination of future land use plans and zoning with neighboring municipalities to avoid land use conflicts and ineffectiveness in trying to direct development to suitable areas where it may have minimal adverse effects on farming. Working with Monroe County Planning and neighboring communities can help to achieve common farmland protection and agricultural preservation strategies focused on a more regional basis.

Town of Rush – Agricultural and Farmland Protection Plan

12. The Town should assess local building permit and site plan review processes so that farmers, in particular, have ready access to code enforcement, planning and zoning boards, etc. in order to obtain guidance and permits as quickly as may be necessary to continue farm operations, especially during growing and harvesting seasons. This could help avoid unnecessary delays and permit local farmers to fulfill their contractual obligations with customers and market schedules.
13. The Town should work cooperatively with Monroe County and local agencies and organizations, such as the Genesee Land Trust, to promote the purchase and acquisition (including possible donation) of development rights and conservation easements especially in high quality farmland areas.
14. Although the Transfer of Development Rights (TDRs) is another opportunity in New York State it has not been implemented to a large degree due to complexities involved in its implementation, but this may change in the future. This may also lend itself to being useful in Rush where development could be encouraged in hamlet areas (designated as “receiving areas”) and directed away from high value prime farmlands (designated as “sending areas”).
15. The Town should encourage protection of existing natural vegetation as buffers between adjacent farm and non-farm uses especially in areas of steep terrain and significant drainage areas. Creating sufficient requirements for buffer zones on residential properties between farmlands and non-farm residential areas would help to reduce the potential for nuisance complaints related to dust, noise, use of chemicals, etc. and encourage the preservation of existing natural buffers, particularly woodlands and stream channels.

C. Economic Opportunities

1. The Town should consider ways to establish a local source of funds, perhaps from the Town General Fund or through fees, bonding, incentive zoning, or some other means, to dedicate a pool of money for the Purchase of Development Rights, Transfer of Development Rights and conservation easements on critical farmlands.
2. The Town should ensure that local zoning and land use regulations do not inhibit the ability to market produce and goods at local roadside stands, farm markets, or from supplementing incomes by conducting farm tours, u-pick operations, etc. The Town should revise existing regulations as necessary to provide support for the retail sale of goods and farming-related services by local farms. Mixed land use opportunities should be encouraged and permitted to allow for farm-related businesses in all zoning districts particularly in designated hamlets and community civic centers.
3. The Town should provide for additional sources of supplementing farm incomes perhaps by allowing for the rental of apartments at farmstead dwellings, encouraging bed and breakfast development, and promoting local residential-scale windmill development as an alternative energy source to reduce farm operating costs. This may include allowing certain forms of agricultural commerce and “cottage” type enterprises that are owned and operated by the primary resident of a farm parcel.

Town of Rush – Agricultural and Farmland Protection Plan

4. The Town should consider developing incentives that may provide further tax relief or other financial assistance for farmland investment, deed restrictions on non-farm development, and other commitments to long-term farmland protective measures including conservation easements.
5. The Town should support the continuing training of individuals responsible for property tax assessments to encourage valuation based on present use of working farms rather than the potential value of lands for non-farming uses and development.
6. The Town should work with Monroe County Community College to promote and encourage local agricultural businesses to stay and locate in Rush by conducting periodic surveys of existing farm operators and farm support businesses to identify potential issues and obstacles to farm businesses that may be able to be resolved at the local level before detrimental decisions on relocation or the shutdown of farm operations occur.
7. The Town should work with the Monroe County Agricultural and Farmland Protection Board and other local agricultural agencies and organizations, particularly during an anticipated update of the County's Farmland Plan to develop information on local farming and how Rush's agriculture contributes to the regional economy.
8. The Town should aggressively seek and pursue funding opportunities when available and work with the U.S. Department of Agriculture, Division of Rural Development and the New York Department of Agriculture and Markets and not-for-profit organizations to seek grant funds or low interest loans to improve local public infrastructure that supports agricultural practices.
9. The Town should involve non-farming members of the community and adjacent communities in organizing farm markets, farm festivals, etc. and work with area retail stores, schools, public institutions, such as the Rush Correctional Facility and local restaurants to purchase and promote locally grown goods and products.

D. Infrastructure

1. The Town should prepare a Town-wide capital improvement program with local farm operator input that includes a maintenance and replacement schedule for Town-owned and maintained infrastructure including local roads, bridges, drainage culverts and drainage systems that benefit local farm operations in order to provide safe and efficient equipment access to prime farmlands. The 2011 farmland owner and renter surveys provide the names of primary local roads used to access farmlands.
2. The Town should work jointly with the NY State Department of Transportation and Monroe County Department of Transportation to schedule and prioritize infrastructure and notify farmers in advance of work on roads, bridges, drainage facilities, etc. to avoid possible disruption to local farmers and access to farmlands, particularly during critical spring planting and fall harvesting periods.

Town of Rush – Agricultural and Farmland Protection Plan

3. The Town should concentrate and direct growth to areas that have existing infrastructure consistent with the Town’s Comprehensive Plan, and consider limits on the lateral extension of public water and as may be possible in the future, the provision of public sewers. The provision of infrastructure or its expansion or significant upgrades in capacity may result in encouraging non-farm development in prime farm areas that presently do not have such infrastructure. However, this is a balancing act that needs to be carefully considered on a case by case basis because the provision of certain types of infrastructure, for example, public water, may actually be supportive of some farm operations.
4. The Town should support the provision of high speed internet and similar communications media, including cellular phone services that are an invaluable tool to local farmers in seeking and distributing important farming related information.

E. Farmland Protection Education

1. The Town should utilize the Town’s website as a source of important farmland protection information by providing links to other agencies and organizations (see the listing of websites at the end of this chapter).
2. A local Town Right-to-Farm Law will provide information to realtors and new residents to the area with information that is designed to educate others on the potential implications of living near active farmlands. Right-to-Farm signs should be installed along key roadways into Rush to alert prospective residents that it is a farm-friendly community with significant amounts of working farmlands.
3. The Town should create a “neighbor relations” information packet for widespread distribution that outlines potential issues associated with living in a farming community and procedures for resolving disputes locally through establishment of the Agricultural Advisory Committee. These packets can be made available at Town offices, real estate offices, banks, etc. Under the local right-to-farm ordinance a local dispute resolution process should be developed utilizing the AAC.
4. The Town should seek funding assistance to create publications and materials for display and posting with website links from the Town’s website that promote the value of farmland protection, identifies farmland protection techniques including the Purchase of Development Rights, identifies the availability of locally grown farm products and markets, real estate opportunities of land available for farm rental and ownership, and suppliers of goods and services that support local farming.
5. The Town should educate the community by distributing information on existing county, state, and federal programs such as on the Purchase of Development Rights (PDR) and Transfer of Development Rights (TDR) programs that can be made available in Rush. PDRs and TDRs are voluntary tools that compensate landowners for their development rights and creation of conservation easements to protect their land for agricultural purposes. The landowner retains ownership and all other property rights.

Town of Rush – Agricultural and Farmland Protection Plan

6. The Town should encourage public participation and local involvement in initiatives that support farmland protection, as being promoted by the American Farmland Trust and other efforts at the local, county, state and national levels.
7. The Town should consult with Monroe County Community College agricultural specialists, professors and students for opportunities to assist the Town in periodic farmland land use inventories and updates of related information contained in this Plan with surveys of local farmland owners, renters and operators to identify local agricultural economic trends and issues of concern.
8. The Town should encourage local schools and farmers to work jointly in encouraging school age children to understand the importance and benefits of farming in the community and sponsor farm tours and the distribution of farming materials to the schools perhaps in partnership with adjacent communities to promote pride in local farming.

Implementation of the Farmland Protection Plan

The Town of Rush Agricultural and Farmland Protection Plan (Plan) serves as an important reference document for decisions made by Town and Monroe County officials, farm operators, landowners, and the community in general. The Plan emphasizes protection of important agricultural resources, preservation of prime farmlands, updating land use policies, and prioritization of capital improvements to public infrastructure and services. Following its adoption, implementation involves undertaking this Plan's recommendations. These action items include monitoring, reviewing and possibly revising the Plan on a periodic basis. Reviews should be conducted as needed but at no more than two to four-year intervals with updating contents at no more than five-year intervals or as otherwise required by circumstances in the Town and on the recommendations of the AAC or others.

Once adopted it is important to monitor the Plan's contents to keep it current as conditions and opportunities change over time. This is especially important with regard to updating the existing land cover and land use maps contained in Chapter 2 of the Plan. This will help track the change in farmlands to other uses. Monitoring is important to determine the effectiveness of the Plan as its recommendations are implemented.

The Town Board should assign responsibility for insuring that the Plan is monitored and reviewed by the Planning Board or if re-established the Agricultural Advisory Committee. Whether the Planning Board or Advisory Committee is charged with its review, recommendations for amending and updating the Plan should be formally documented and presented to the Town Board and made available for public review. Certain changes and/or additions to the Plan can be simply incorporated as supplements attached to this original document.

Procedures for monitoring and revising the Plan should be considered and established during the Town Board's approval and adoption process. Among these initial key action items are setting up procedures for:

- Re-establishing the Town's Agricultural Advisory Committee and assigning responsibility, possibly to the AAC for regularly monitoring, reviewing and revising the Plan.

Town of Rush – Agricultural and Farmland Protection Plan

- In updating the Plan, particular attention should be given to its key components such as the inventory of existing land cover and land use conditions in the Town; the Community’s vision, goals and objectives; and consistency with the Town’s Comprehensive Plan and its Future Land Use components.
- Presenting an annual evaluation memo to the Town Board documenting the effectiveness of the Plan and the status of implementation efforts toward achieving desired outcomes. The memo should identify constraints to implementation and summarize conditions and trends that have changed in the period since the Plan’s adoption or last update; and
- Revising the strategies and recommendations to reflect changing circumstances, emerging trends, changing needs and opportunities, and expressed community concerns and priorities. This is particularly important when seeking project funding assistance from State and Federal agencies or for farmland protection organizations that need to consider up-to-date information and community support as part of the application process for which funding is sought.

Key Action Items

The following action items have been summarized for the Town to undertake as soon as possible as important first steps in implementing this Plan. Among these actions is the need to develop an on-going list of specific community projects and potential funding sources to protect farmlands, maintain public infrastructure in support of farming, and other special projects of importance to local farming and farmland protection. Developing this list will require ongoing consultation and coordination between the Town, farmland owners and both public agencies and private sector organizations and institutions concerned with agriculture and farmland protection.

The following information identifies important sources of technical assistance and potential project funds. Funding mechanisms change often with available financial resources. Website links to the agencies and organizations listed can be linked to the Town’s website to facilitate getting up-to-date information.

Federal, State, regional, and county programs for funding projects are constantly changing especially during present economic conditions and so agencies should be consulted often. This information is by no means an all inclusive list, but it does provide a basis for further research and use by the Town and other stakeholders. This list should be supplemented with new information as it becomes known.

Town of Rush – Agricultural and Farmland Protection Plan

<i>Near Term Action Items</i>	<i>Primary Responsibilities</i>	<i>Priority</i>	<i>Approximate Timeframe</i>	<i>Primary Tasks Required</i>	<i>Sources of Possible Funding and/or Technical Assistance</i>
1. Present Draft Farmland Protection Plan to Monroe County and Revise per Comments Received	Town Planning Board and Farmland Plan Committee	High	Early 2012	Submit Draft Farmland Plan to Monroe County Ag. & Farmland Protection Board for Review and Comment	Town Planning Board
2. Approve the Town of Rush Agricultural and Farmland Protection Plan	Town Board	High	Mid 2012	Town Board Resolution of Approval (following Plan Approval by the Monroe County Ag. & Farmland Protection Board)	Town Planning Board and Farmland Plan Committee
3. Submit Plan to NYS Ag. & Markets for Approval	Town Board, Commissioner NYS Ag. & Markets	High	Mid 2012	Submit Plan for Approval by NYS Dept. of Ag. and Markets	NYS Ag. & Markets
4. Establish Agricultural Advisory Committee and Plan Monitoring Process	Supervisor, Town Board and Planning Board	High	Mid-late 2012	Establish Procedures by Resolution at Time of Plan Approval and Adoption	Town Planning Board
5. Prepare and Adopt a Local Right-to-Farm Law	Town Planning Board, ACC and Town Board	High	Mid-late 2012	Consult with Monroe County Ag. & Farmland Protection Board	NYS Ag. & Markets, American Farmland Trust
6. Integrate Farmland Plan and Town Comprehensive Plan	Town Planning Board and ACC	High	Mid-late 2012	Update Resource Maps, Future Land Use Plan, and Text of Comprehensive Plan	Monroe County Planning
7. Begin Review and Update of Local Ordinances	Town Board, Planning Board, & Town Attorney	High	Mid-late 2012 and ongoing thereafter	Prioritize Reviews & Update Zoning & Subdivision Ordinances	Monroe County Planning
8. Identification of Priority Farmland Areas for Protective Measures	Planning Board, Farmland Committee, Farm Operators & Landowners	Moderate to High	Mid-late 2012 and ongoing thereafter	Consult with Local and Absentee Landowners/Farm Operators, Seek Funding Assistance	Monroe County, Genesee Land Trust
9. Prepare a Town-wide Capital Improvement Plan Considering Agricultural Needs	Planning Board Supervisor, Town Board	Moderate	Late 2012 into 2013	Seek Funding Assistance	USDA Rural Development, NYS Environmental Facilities Corp.
10. Prepare an Up-to-date GIS-based Inventory of Town Infrastructure	Supervisor, Town Board, Highway Superintendent	Moderate	Late 2012 into 2013	Inventory and GIS Mapping of Roads, Bridges and Drainage Culverts	Monroe County, NYSDOT, NYS Real Property Services

Town of Rush – Agricultural and Farmland Protection Plan

Technical Assistance, Farmland Protection Information & Funding Programs

NYS Department of Agriculture & Markets

www.agmkt.state.ny.us/

Monroe County

www.monroecounty.gov

Monroe Community College Agriculture and Life Sciences Institute

www.monroecc.edu/depts/agriculture/index.htm

Monroe County Soil and Water Conservation District

<http://www.monroecountyswcd.org/>

American Farmland Trust

www.farmland.org

Cornell Cooperative Extension

www.cce.cornell.edu/Monroe

Genesee Land Trust

www.geneseelandtrust.org

Grow Monroe

<http://www.monroecc.edu/depts/agriculture/growmonroemarkets.htm>

USDA Rural Development

www.rurdev.usda.gov/ny/Mainprograms.htm

USDA Natural Resources Conservation Service

www.ny.nrcs.usda.gov

FEMA Grants and Assistance Programs

www.fema.gov/government/grant/bzpp/index.shtm

NYS Environmental Facilities Corporation (EFC)

www.efc.org/home/index.asp

NYS Department of Environmental Conservation (NYSDEC)

www.dec.ny.gov/index.html

NYS Department of Housing & Community Renewal (DHCR)

www.dhcr.state.ny.us/

NYS Department of Transportation (NYSDOT)

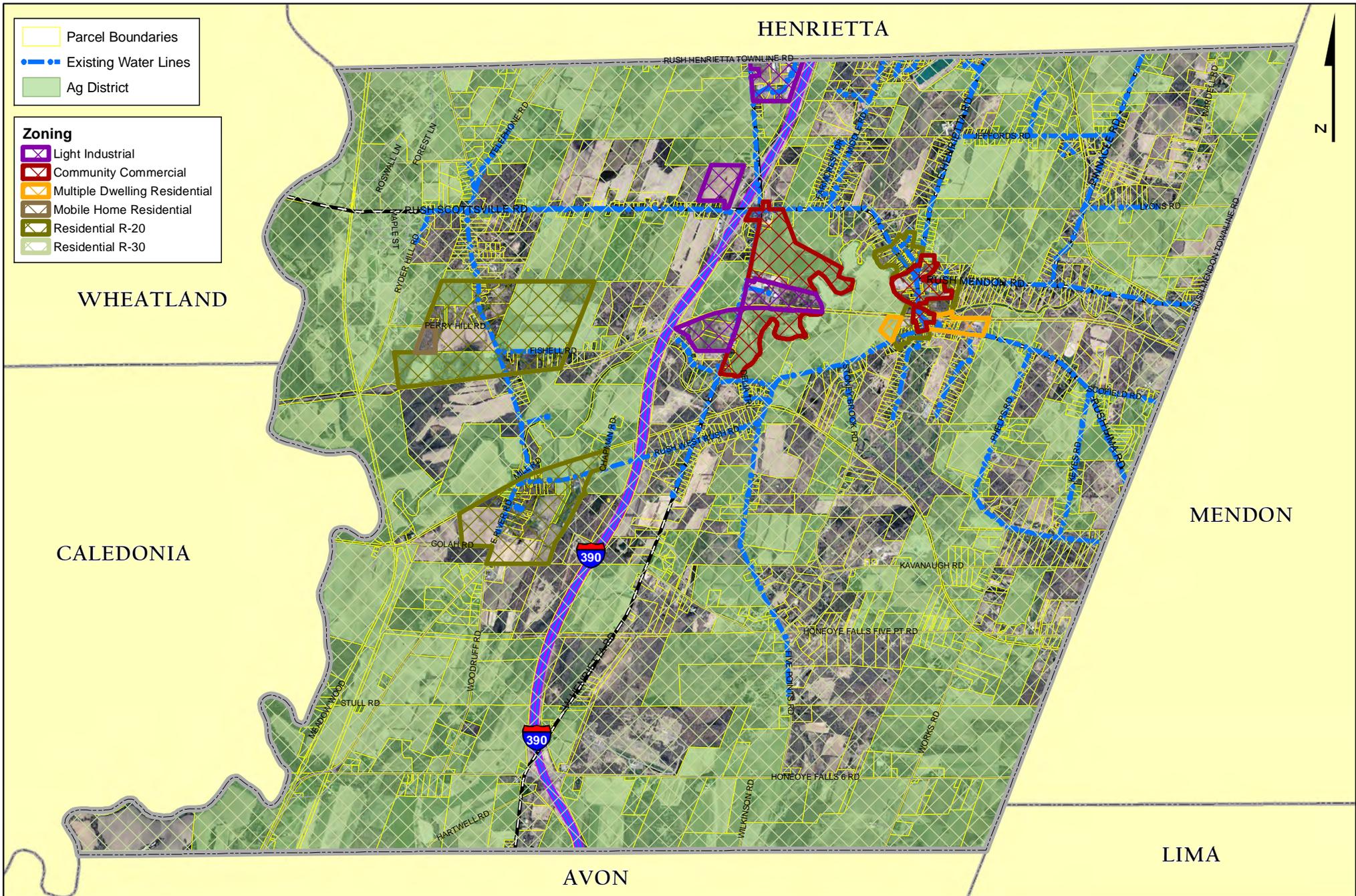
www.nysdot.gov/portal/page/portal/programs/smart-planning/funding

NYS Office of Parks, Recreation & Historic Preservation

www.nysparks.state.ny.us/grants/

NYS Office of Real Property Services

www.orps.state.ny.us/



- Parcel Boundaries
- Existing Water Lines
- Ag District

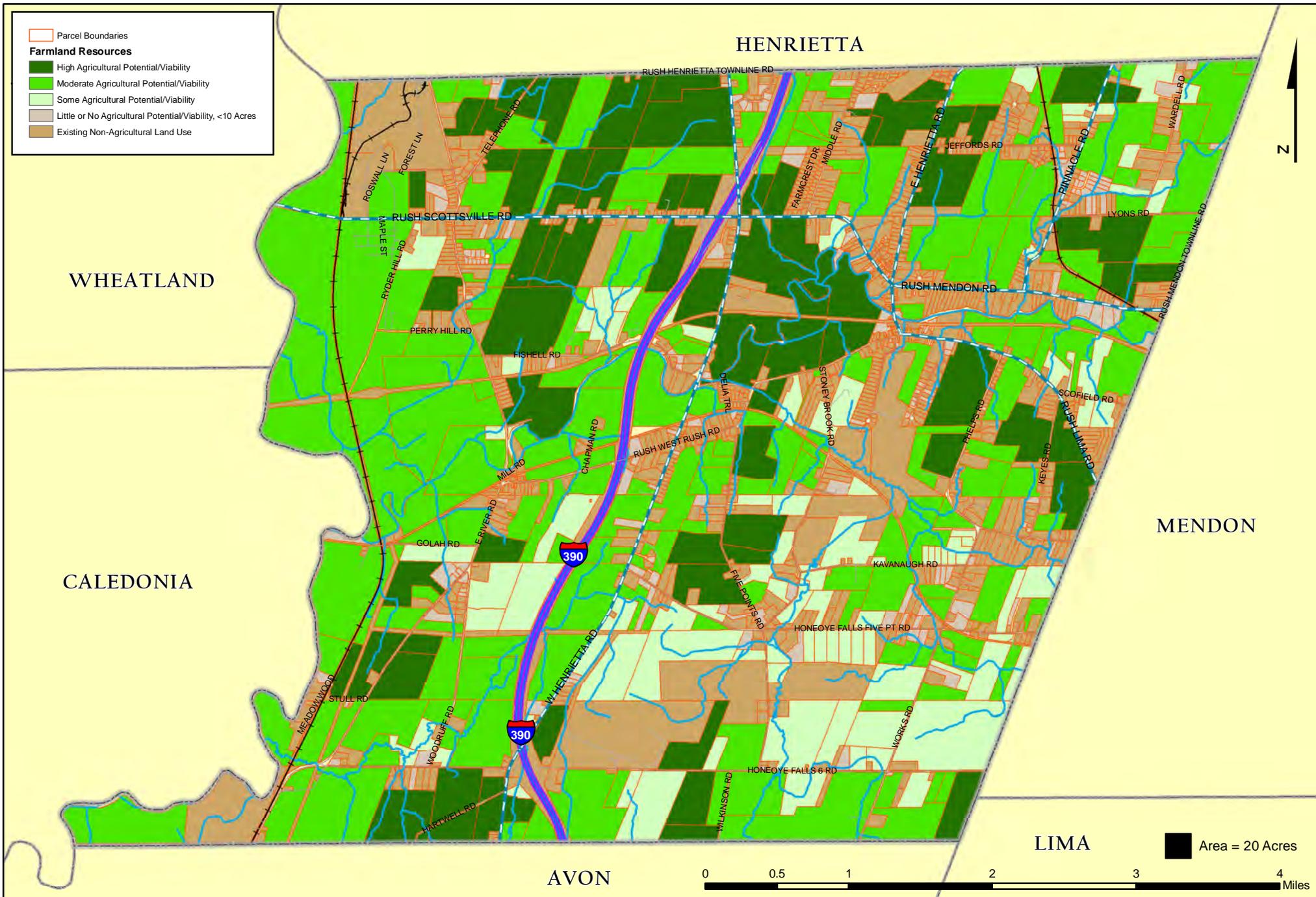
- Zoning**
- Light Industrial
 - Community Commercial
 - Multiple Dwelling Residential
 - Mobile Home Residential
 - Residential R-20
 - Residential R-30

TOWN OF RUSH

AGRICULTURAL AND FARMLAND PROTECTION PLAN

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Figure 4.2
Development
Considerations
and Constraints



TOWN OF RUSH

AGRICULTURAL AND FARMLAND PROTECTION PLAN



Figure 4.4
Evaluation of
Farmland Resources

