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Introduction

Governments throughout the Nation have programs to encourage the continuation of farming and the maintenance of land in an agricultural use. These programs date to the 1950s and evolved out of concern about excessive or untimely conversions of productive farmland to irreversible, developed uses. State and local governments have wide authority to intervene in the decisions owners make on the use of their farmland. Regulatory approaches, however, have low political viability in the farm community. To deal with those political realities, farmland protection programs have emphasized voluntary, incentive-based approaches. First-generation efforts centered on state enabling legislation for reduced, or use-value, assessments on farm real estate. Today, all 50 states have programs that give direct cash benefits to farmland owners with a lower annual property tax bill (Tremblay, *et al*., 1987).

State legislatures in the densely populated Northeast were early adopters of these tax concession programs. In New York, however, the legislature prescribed a more comprehensive approach that complements reduced property tax bills with the idea of an agricultural district. A 'special use' or 'agricultural' district is a geographic area where farming is made a priority land use and where several steps are taken to promote the continuation of farming. According to the American Farmland Trust, 16 states have emulated the New York approach to some degree and use agricultural or special use districts as a farmland protection tool.[2]

To encourage planning efforts focused specifically on the issues and concerns for food and agriculture, the New York State Commissioner of Agriculture and Markets was given new authority in 1992 to cost share with local governments in the preparation of agricultural and farmland protection plans. To date, 54 of 63 counties have established eligibility for cost sharing, 40 have received cost share planning grants, and 23 have completed and received approval of an agricultural and farmland protection plan. These plans, part of the public record but heretofore never characterized in a comprehensive way, are the subject of this report. The report's overall purpose is to look for underlying themes and points of divergence and convergence in individual county planning efforts.

More insight into these relationships is a

[1] Extension associate and professor, respectively, in the Department of Applied Economics and Management, Cornell University. Teri Ptacek and Robert Somers made helpful comments on earlier drafts of this report.

[2] Farmland protection legislation is inventoried by the American Farmland Trust. For a list of states with agricultural laws, see: *http://www.farmlandinfo.org/fic/laws/fpkeytab.html.*

necessary next step for educational programs directed at agricultural and farmland protection questions. Results of this study may also have applicability in other states that want to consider accelerating farmland protection planning efforts. Finally, policymakers at both the state and local levels need a clear understanding of the vision and direction of local planning efforts as a precondition for framing new policy and fine-tuning existing law and public policies.

Background: The 1971 Agricultural Districts Law and Subsequent Legislative Developments[3]

Enactment of the Agricultural Districts Law in 1971 makes local efforts to create agricultural districts the focal point for farm protection efforts in New York.[4] The Agricultural Districts Law recognizes that viable agricultural land is one of the State's most important and irreplaceable environmental and economic resources. The declaration of legislative intent states that many of the State's agricultural lands are in jeopardy of being lost for agricultural purposes due to nonfarm development. The purpose of the Agricultural Districts Law is to provide a locally initiated mechanism for the protection and enhancement of agricultural land for agricultural production, and as valued natural and ecological resources which provide needed open space for clean air and aesthetic purposes.

These broad economic, social, and environmental objectives stated in the legislation are promoted in the first instance through the formation of agricultural districts. The process of creating an agricultural district is initiated with a proposal by interested landowners to the county legislature. Owners forwarding a proposal must collectively own at least 500 acres or 10 percent of the land proposed for a district, whichever is greater. The proposal must include a description of the district boundaries and a recommendation on whether the district, once approved by the county legislature, should come under review after 8, 12, or 20 years. The steps required for creating an agricultural district are spelled out in detail and are designed to maximize the participation of farmland owners, state agencies, local units of government and the general public.

While the Law restricts district size to no fewer than 500 acres, landowners and the county legislature are granted considerable latitude on the configuration of lands included within the boundaries of an agricultural district. The law requires that steps be taken to determine that the district consists predominantly of viable agricultural land and is consistent with state and local comprehensive plans, policies, and objectives. Viable agricultural land is defined as "land highly suitable for agricultural production and which will continue to be economically feasible for such use if real property taxes, farm use restrictions, and speculative activities are limited to those in commercial agricultural areas not influenced by the proximity of nonagricultural development."

Agricultural districting proved to be popular with farmers in New York. State enabling law prescribes that participation in a district is voluntary for each landowner and, once enrolled in a district, the landowner retains all rights of ownership. Farmland regulation by local public officials may be restricted if local laws impede accepted farming practices. Similarly, local governments are often receptive to creating

[3] The text of the New York Agricultural Districts law is accessible on the Internet at: *http://assembly.state.ny.us/cgi-bin/claws?law=4&art=54.*

[4] Material in this section is largely drawn from Bills and Cosgrove (1998).

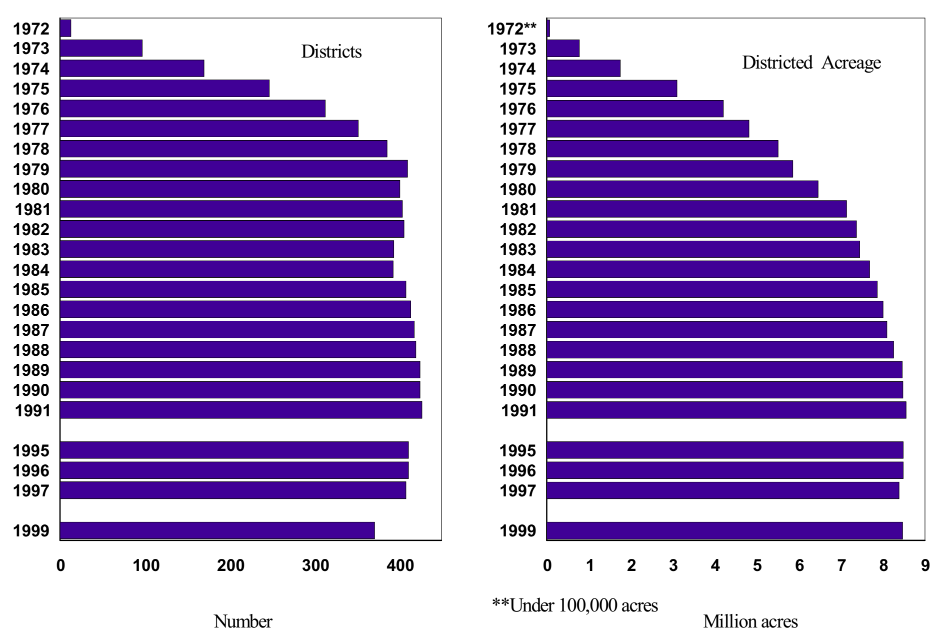
agricultural districts because the districts program is relatively easy to administer and, to date, not subject to serious legal or political challenges. Finally, districts do not usually entail substantial outlays of public funds.

As evidenced by the data in Figure 1, the districts program is a mature program. Acreage committed to districts crested in the late 1980s and has remained essentially fixed at about 8.5 million acres since that time. This acreage represents one-third of the total New York land area. Some nonfarm acreage is in districts because farmland is typically co-mingled with rural residential, forest, and other open space lands in most rural communities. The NYS Department of Agriculture and Markets estimates that about 6.1 million acres or 73 percent of all districted acreage is farmed by 22,000 farm operators. For comparative purposes, the last Census of Agriculture reported just over 7.2 million acres of land in 32,000 farms in New York.

Provisions of the Law

The Agricultural Districts Law contains six major provisions that apply in all agricultural districts. These provisions are designed to facilitate the retention of agricultural land in three basic ways. First, the Law restricts some of the usual land management options open to governments whose boundaries overlap those of the agricultural districts. District authority may supersede local ordinances designed to regulate farm structures or practices beyond the normal requirements of public health and safety. Within an agricultural district, the right of government to acquire farmland by eminent domain is modified and can be exercised on actively farmed land only after serious consideration has been given to alternative sites. The right of public agencies to advance funds for construction of public facilities to encourage nonfarm development is modified by a requirement that an agricultural impact statement be prepared. An example of these modified authorities are local

Figure 1. Agricultural Districts in New York State



Source: NYS Dept. Ag & Markets

decisions to extend water and sewer lines along roads and highways within the boundaries of an agricultural district. Such funding must be preceded by public notices and hearings, along with reviews by state agencies to assess the project's impact on farming operations.

Second, state agencies must modify their administrative regulations and procedures to facilitate the retention of agricultural land. Such regulations must, of course, be consistent with standards for health, safety and the protection of environmental quality. These provisions are designed to promote a more stable environment for farm operations and to reduce nonfarm competition for scarce rural land resources and the uncertainties that can lead to a gradual disinvestment in agriculture. Some increased costs of production to comply with local ordinances or with procedures and regulations established by state agencies may also be avoided by farmers whose land is in an agricultural district.

Finally, the Agricultural Districts Law may provide direct monetary benefits to farmers who are willing to participate in a district for an extended period of time. Special-use districts that overlap the boundaries of a district are restricted in the imposition of benefit assessments or special *ad valorem* levies on farmland within the district. These restrictions apply to improvements for water, sewer, lighting, nonfarm drainage, and solid waste disposal or other landfill operations. To date, there are no data which would allow an accurate accounting of the assessments and fees avoided under this provision by participating landowners. The anecdotal evidence suggests that the savings can be substantial in developing areas.

A more visible provision deals with treatment of farmland for local property tax purposes. As noted above, New York's legislation evolved, in part, out of a national debate over the local property tax and the treatment accorded farm real estate. This debate sharpened in the 1950s and 1960s when population spillovers from urban cores began. Rapid population growth and new residential and commercial development in outlying suburban and exurban areas generated new pressure on property values and property tax rates. At the same time, and often with prodding from the courts, local officials were coming under increasing pressure to update and modernize local property tax rolls. These administrative changes tended to further disadvantage farm property because of the tendency to let farm property values go out of date compared to other property classes (Boisvert, Bills, and Solomon, 1980). Revaluations often provided farmland owners with a rude awakening about the value of their land and their potential property tax bill.

The New York response is patterned after laws in many other states and gives some agricultural land a property tax preference. In the first instance, landowners of 10 or more acres which have generated gross farm product sales averaging at least $10,000 over the preceding two years can apply for an agricultural assessment. The differences are measured by comparing the expected farm income, capitalized at a going rate of interest, with the full value of the land parcel. Any difference between the two values is exempt from local tax levies. Also, operators with fewer than 10 acres may apply if yearly sales are $50,000 or more. These owners receive an agricultural assessment which has the effect of a tax exemption and removes the land's nonagricultural value from the property tax roll. Thus, taxes are levied based on capacity to produce agricultural commodities. If land receiving the agricultural assessment is converted to a nonagricultural use, the law provides for collection of back taxes saved by the landowner.

Agricultural assessments for land complement a 1969 amendment to the NYS Real Property Tax Law that grants a 10-year tax holiday to new or newly reconstructed farm buildings. This law reduces the after-tax cost of a new, land-based farm improvement. This law has received no systematic study but is generally credited with encouraging new investment and the replenishment of needed capital for the State's farming industry.

According to calculations made from unpublished data obtained from the NYS Office of Real Property Tax Services, agricultural assessments on farmland and 10-year exemptions on new farm structures will allow farmland owners to save an estimated $71.6 million in property taxes during the 2000 tax year.[5] These tax liabilities will be shifted to other property owners, primarily those who own residential or commercial properties, by local governments through higher local property tax rates.

County Agricultural and Farmland Protection Plans

In 1992 the Agricultural Protection Act was passed to strengthen and increase the scope of New York's farmland protection efforts. The Commissioner of Agriculture and Markets has authority to issue opinions on sound agricultural practices, defined as practices necessary for on-farm production, preparation, and marketing of agricultural commodities. A related measure attempts to improve relations between farm and nonfarm neighbors by requiring owners of land parcels in agricultural districts to give prospective buyers written notice that the acreage is in a district and in close proximity to active farming operations. The role state government plays in protecting land for agricultural uses inside agricultural districts was also altered by strengthening the law's "notice of intent" provisions. Presently, project sponsors -- defined to include state agencies, local governments and public benefit corporations -- must file a notice of intent with the Commissioner of Agriculture and Markets and prepare an agricultural impact statement before acquiring active farmland or advancing funds for nonfarm development inside an agricultural district. The Law increases the Commissioner's role in mitigating any adverse effects of such actions on farming operations by strengthening the Department's enforcement authority. The Legislature's intent is to require that project sponsors demonstrate, to the Commissioner's satisfaction, that all practicable steps are taken to avoid any negative impacts on agriculture.

More importantly for the purposes of this report, the 1992 Agricultural Protection Act established a State Agricultural and Farmland Protection Program, codified in Article 25-AAA of the Agriculture and Markets Law. Article 25-AAA directs the Commissioner to initiate and maintain a state program to provide financial and technical assistance to counties for local farmland protection efforts (Sec. 321, Art. 25-AA, Ag and Markets Law).

To achieve these new objectives, the Act significantly changed the membership and the function of the former County Agricultural District Advisory Boards. They were renamed Agricultural and Farmland Protection Boards (AFPBs) and reconstituted to include farmer members, an agribusiness member, county officials (planning and real property tax services), cooperative extension, soil and water conservation and repre-

[5] A 1997 law further upgrades property tax relief for the farm community with a Farmer's School Tax Credit. Beneficiaries are farm operators who qualify for a refundable state income tax credit for property taxes levied by local school districts. This provision shifts tax burdens away from some farmland owners while reducing state income tax revenues. This tax shift, or tax expenditure, is estimated at $20 million for the 2000 tax year (NYS Department of Taxation and Finance).

sentatives from farmland protection organizations. Boards still advise the county legislative body about the proposed "establishment, modification, continuation or termination of any agricultural district" (Sec. 302, Art. 25-AA, Ag and Markets Law), but also were given additional responsibilities, including the opportunity to comment on "notices of intent" requested by the state agency for proposed public projects and to prepare agricultural and farmland protection plans.

Agricultural and farmland protection plans are developed in cooperation with the local Soil and Water Conservation District and the USDA's Natural Resources Conservation Service. The plans must include the location of any land or areas proposed to be protected, an analysis of the value of these lands to the agricultural economy of the county, their open space value, the consequences of possible conversion, and the level of conversion pressure on the lands or areas proposed to be protected. The plans must also specify and describe the activities, programs, and strategies intended to be used in a county to promote food and agriculture and to ensure the continued use of good farmland for farming purposes. The boards must conduct at least one public hearing and the plan must be approved by the county legislative body. In addition, the plan must be submitted to the Commissioner for approval.

Status of County Plans and Grant Applications

Article 25-AAA also establishes a matching grant program to fund the cost of county agricultural and farmland protection planning activities. The State provides funding for grants up to $50,000. The new impetus for planning seems timely for several reasons. The planning exercise provides a forum for discussing proactive steps the industry and governments might take to protect the agricultural land base while increasing the vibrancy of local food and agricultural industries. Broader representation on county AFPBs increases the possibilities for agricultural concerns to be heard in government while giving voice to environmental and open space advocates in the wider community.

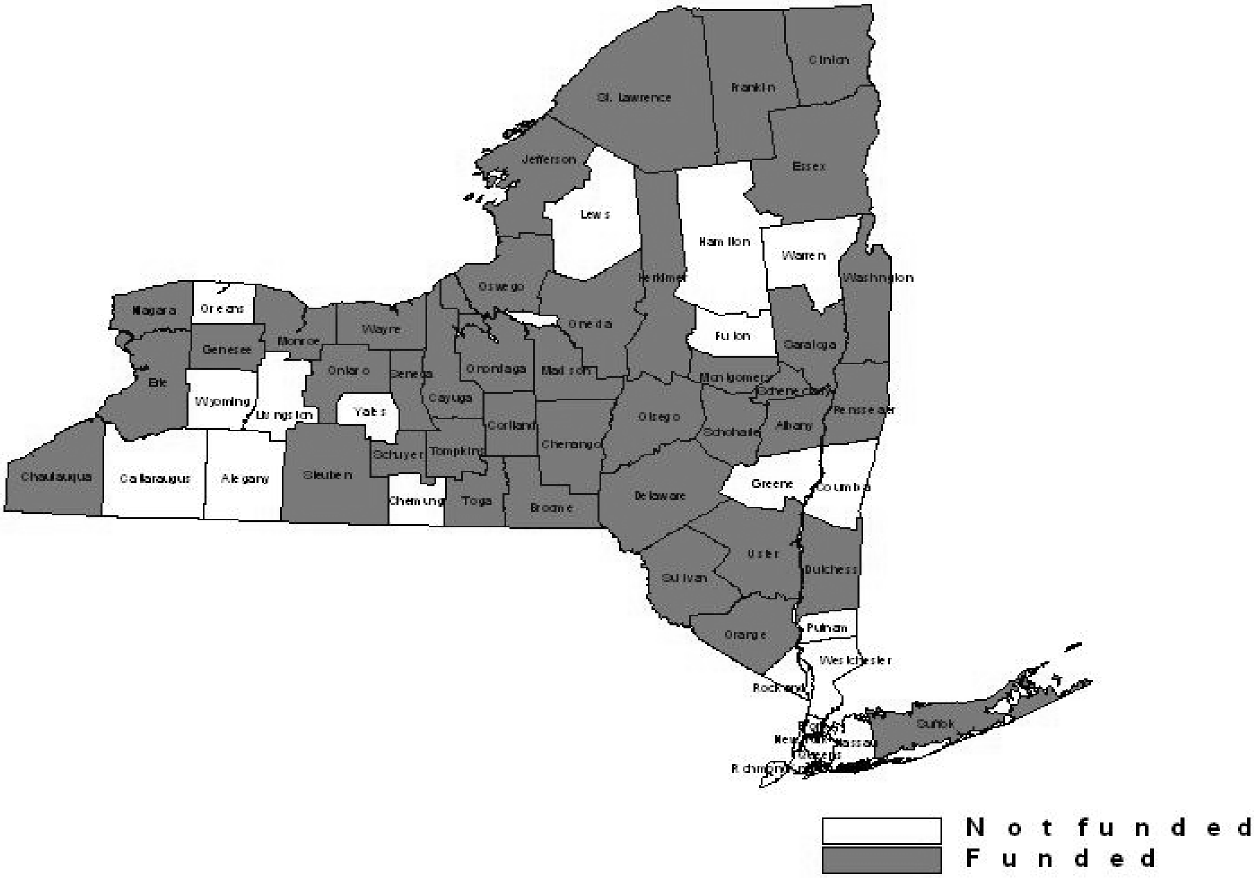
Including New York City, there are 63 counties in New York State. Fifty-four of those counties have established an AFPB and are, therefore, eligible to apply for agricultural and farmland protection planning and implementation grants through the county AFPB, pursuant to the State Agriculture and Markets Law. The Law also extends eligibility to municipalities which have a local farmland protection plan or statute within a comprehensive plan, provided such a grant application is endorsed by the county AFPB.

As of October 2000, six years after the planning grant funds became available, 40 counties have applied for a planning grant (see Figure 2).

Of these, 23 counties have completed agricultural and farmland protection plans and those plans have received Ag Commissioner approval (see Figure 3). Seventeen counties have protection plans in progress. In-progress covers a continuum from just having been awarded funds in the most recent budget cycle to begin the process, to being on the cusp of submitting plans for Commissioner approval. Orange County was the first to have its plan approved by the Commissioner in July 1996, followed quickly by Cayuga County in September and Erie, Suffolk and Washington counties in October that year.

The planning grant application allows for State funding up to a maximum of $50,000, or not more than 50 percent of the cost of preparing an agricultural and farmland protection plan. An equal local match in the form of obligated funds and/or in-kind services also is required. Eleven of the twenty counties with completed plans re-

Figure 2. Counties Funded to Prepare Agricultural and Farmland Protection Plans, October 2000



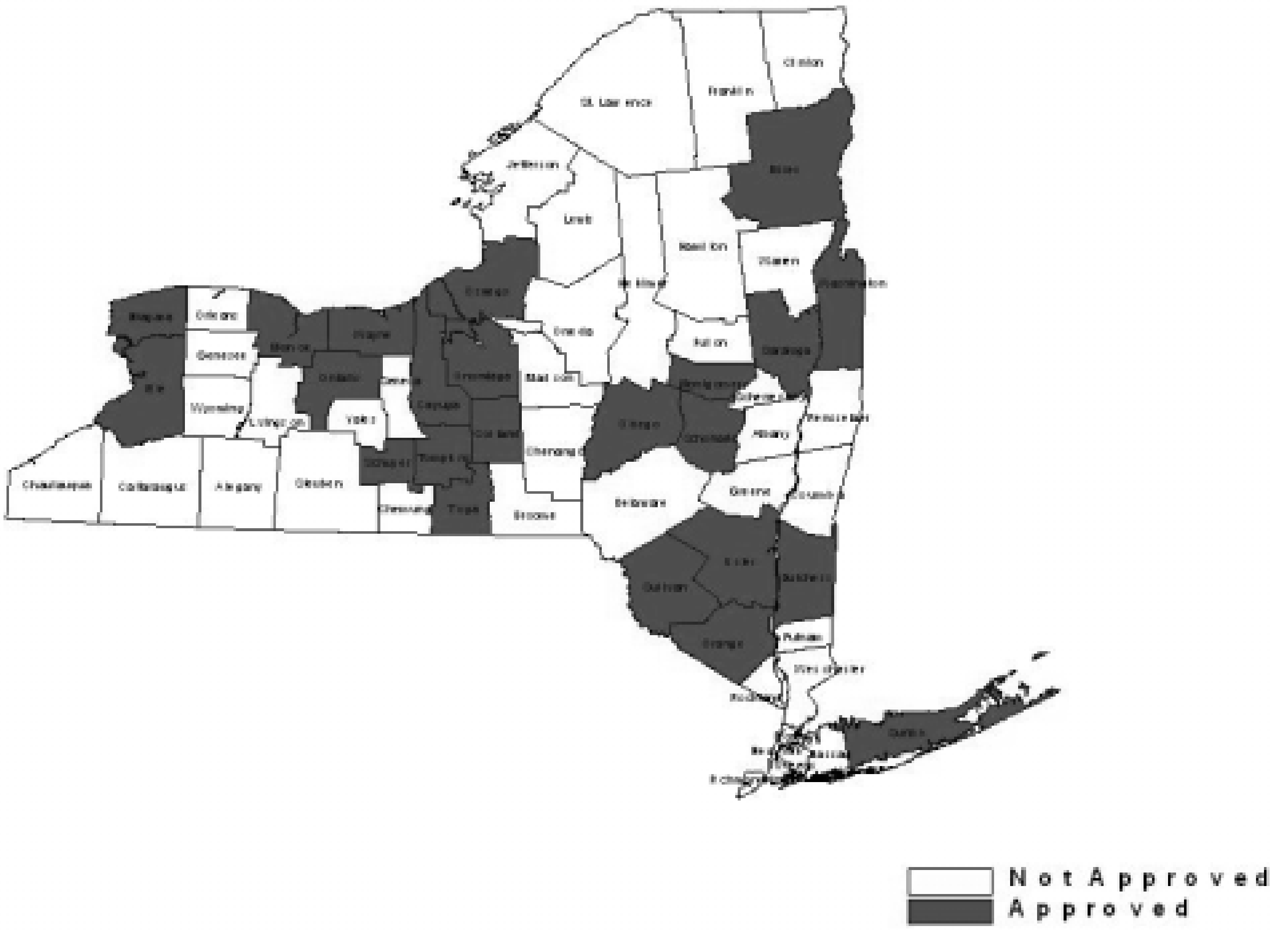
quested and expended the full amount of State funding ($50,000) on their planning efforts. The average expenditure of State funds for all counties is $44,550.

The planning grants also allow the application of funds to employ a farmland protection project manager or coordinator within the county. Another option is to use the funds to contract a consultant to prepare the protection plan. Most counties have chosen to prepare their protection plan using current staff, plus employing a short-term project coordinator. To date, about one-quarter of the 20 counties have contracted the services of a consultant to prepare the entire plan.

Of the remaining NYS counties with grant eligibility, some have planning grant applications under review and are awaiting funds pending completion of the current year's state budget. A few counties, most with a small agricultural presence, will chose not to apply for grant funds. In contrast, counties which prepared protection plans early in the funding stream are often situated in areas where development pressure leading to conversion of land to nonfarm use is highest: the Hudson Valley, Long Island, and near the state's larger upstate metropolitan areas.

Counties do not have a legal obligation to prepare an agricultural and farmland protection plan. However, having a protection plan makes the county eligible to apply for other agricultural protection and/or enhancement grant funds, such as farmland preservation funding or farmland

Figure 3. Counties with Approved Agricultural and Farmland Protection Plans, October 2000



viability funding. The availability of such funds will appeal to counties with limited agricultural land who want to focus on farm viability as well as farmland protection.

An approved agricultural and farmland protection plan paves the way for implementing farmland protection projects. In 1996, New York established a second matching grants program for farmland protection implementation projects by means of Article 25AAA of the Agriculture and Markets Law. Section 321 states that in an effort to maintain the economic viability and the environmental and landscape preservation values associated with agriculture, the State must explore ways to sustain the State's valuable farm economy and the land base associated with it.

The Law authorizes the Commissioner of Agriculture to administer programs to assist counties in developing agricultural and farmland protection plans and to assist both county and municipal governments in the implementation of such plans. To date, assistance has focused on efforts to acquire farmland development rights. State assistance for eligible projects is authorized under the Clean Water/Clean Air Bond Act and the State Environmental Protection Fund. The purchases are coordinated with allied PDR programs operated by a select few local governments in New York State and recent Federal funding authorized under 1996 federal Farm Bill legislation. Development rights acquisition programs operated by New York's land trust/ land conservancy community are also taken into account by program administrators in Agriculture and Markets. Funds committed from state sources over the 1996-2000 span are estimated at about $31.5 million.[6]

Scope and Direction of Agricultural and Farmland Protection Plans

Agricultural and farmland protection plans have a social, political, and economic context. Key social and political elements in New York farmland policy have been mentioned above in describing the Agricultural District Law. The New York legislation, glancing back to its inception nearly 30 years ago, is arguably one of the Nation's most successful farmland protection programs. Using conventional measures of success -- acreage enrollments, monetary benefits, nurturing of the farm and food industry, and so on -- districts have become an enduring and necessary feature of New York's farm policy landscape. The district idea has received national attention and several states have incorporated the district idea into their own programs.

The reasons for this level of policy achievement are several in number, but certainly an important reason is the "goodness of fit" with the political and social realities of the State. The crucial elements are that the districts program stresses voluntary participation and heavy dependence on local initiative to administer the program and to tailor it to local needs. State government, on the other hand, functions largely as an enabler and as a partner with localities who wish to step forward with protection initiatives. The Districts Law has a limited regulatory texture, and overt steps are taken to minimize any impacts on the decision-making prerogatives of individual landowners.

Preparation of agricultural and farmland protection plans has these basic precepts in place as well. However, New York State agriculture displays far less uniformity from an economic perspective. The New York farm sector is diverse and has undergone immense structural changes in recent decades. But a number of similarities come to mind. The agricultural industry has relied on the dairy sector for many years as the mainstay of the overall industry. Today, as in years past, fluid milk sales account for over 50 percent of total cash receipts, and dairy farming is found in practically every region. New York has an impressive fruit production segment, including tree fruit, small fruits, berries and grapes, scattered across the entire length and breadth of it. Food processing occurs throughout the State as well. It can be large-scale milk and cheese processing or it can be small-scale maple syrup and jam/jelly and farm winery production. NYS has become a leader in recent years in farmers' markets, offering producers and processors a direct marketing outlet for their products. Farmers' markets can be found during the growing season in every region. Even the NYS Thruway sponsors farmers' markets at several rest areas.

There are differences in New York agriculture, too. Certain regions are more apt to grow certain types of vegetables. The "black dirt" areas of Orange County in the mid-Hudson Valley, Oneida County in Central New York, and Steuben County in Western New York all grow onions, potatoes and a few other crops particularly suited to the rich loose soil. Central New York is home to the cabbage industry. The Hudson Valley has a larger concentration of

[6] In September 1999 additional legislation, the Farmland Viability Act, was enacted. This legislation directs the Commissioner to support local initiatives with competitive grants which focus on complementary farm viability projects. The first request for proposals of projects to be funded under this new program was issued in April 2000. A funding limit of up to $25,000 per proposal will be imposed during this initial round of funding.

small ruminant producers than do other regions, principally because of its proximity to a market that buys the meat and dairy products of those animals.

So it is, too, with the agricultural and farmland protection plans developed by New York State counties. Agricultural and farmland protection plans in NYS are remarkably similar in content because the issues facing all NYS farmers, and those nationally, are similar. In addition, the Agriculture and Markets Law authorizing these plans and the criteria outlined in the Department of Agriculture and Markets Requests for Proposals (RFP) establishes a certain formula. The overriding issue behind all protection plans is that once productive farmland is converted to nonfarm uses, it is lost forever to agriculture. Suburban-style development expanding out from urban centers creates problems of farmer-neighbor relations. Development fragments productive lands as a whole farm or several roadside parcels are sold for development, or land is prematurely retired from production. Loss of too many farms will also lead to loss of necessary agricultural services. Loss of local services escalates the already high cost of production in NYS as farmers add transportation to acquire services and lost time to the tally sheet. Declining markets and crop prices due to national and international competition create pressure on the industry as well. Competition for increasing nonfarm employment has reduced the agricultural workforce. Government regulations and taxes impinge on producers' abilities to farm profitably. The general lack of awareness and appreciation for the benefits a viable agriculture offers a community reduces support for the industry. Low business profitability discourages many from continuing to farm or from entering the field. Yet, there are some issues unique to a specific county as well. Most of the dissimilarities in the protection plans, however, are in the format, or what has been included or not.

The process of developing a farmland protection plan is data driven. Sixteen counties gathered primary data through mail surveys to producers or focused group discussions. At least six counties solicited responses from farmland owners as well, since land used for farming is often rented land. Seven counties solicited input from agribusinesses also. Response rates to such surveys varied from a low of 22 percent to a high of 48 percent for those counties employing such follow-up tools as a visit, phone call or second mailing of the survey. Analysis of the primary data on perceived producer issues and suggested solutions formed the basis for developing issue-based recommendations for improvement. All counties compiled secondary data from such sources as agricultural censuses, agricultural district reviews, real property tax roles, planning departments and soil and water conservation services. Information included number and type of farms, change in the figures over a period of time, soil types, number and value of agricultural assessments and on amount of land, and planning and zoning regulations. These data formed the background needed to put issue discussion in perspective.

Common Themes

Our review of each plan was organized around a search for common themes. After assessing the content of each county plan, it was decided to summarize the plans based on their emphasis on five general themes: marketing, ag-based economic development, education/public awareness, government policy, and farmland protection.

There is no basis for assigning a quantitative weight or rank to each of these themes. And making counties the unit of study makes no direct accounting of important indicators of industry size, such as number of farms, farmland acreage, or volume of sales. Thus, at first glance it might appear that the county plans displaying such an expansive set of planning targets tend to marginalize the traditional concern with farmland protection. However, a more apt interpretation is that the plans reflect a general consensus that land protection issues cannot be considered in a vacuum. This consensus vindicates the legislature's intent to reinvigorate the debate over sustaining New York's farm and food industries. The economic health of the industry and the prospects for giving the local farm economy more vibrancy uniformly receives equal billing in the planning documents.

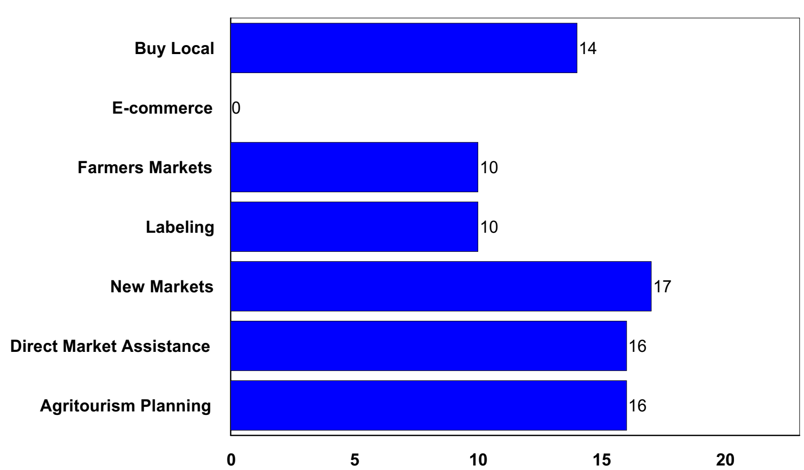
This wider focus builds on the simple but crucial distinction between farmland and farming, the presence of the latter being a necessary precondition for pursuing protective measures for the former. To that end, all counties include recommendations for sustaining, protecting and enhancing the agricultural industry in their agricultural and farmland protection plans. Similarly, the NYS Department of Agriculture and Markets Law emphasizes these aspects in their administration of the agricultural and farmland protection grants program. New authorities for a Farmland Viability grants program, which affords opportunities for enhancing farm business incomes, offer complementary support for growing the State's farm and food industries.

Planning recommendations for new or more robust initiatives under each theme are displayed in Figures 4-8. Distinctions between efforts that target "marketing" and "ag-based economic development" are usually elusive. There is some tendency to use the words interchangeably to refer to steps that increase or stabilize the cash flow of farm and agribusiness firms. The line of demarcation for the purposes of this report links marketing issues to tactics that are directly tied to product sales. In this category, mentioned most frequently was "direct market assistance", referring to mechanisms and arrangements where producers can receive technical assistance on marketing solutions on a one-on-one basis.

About two-thirds of the plans make reference to campaigns which would encourage local residents to purchase local food commodities. A similar number made recommendations tailored to opening "new" markets and more involvement in agritourism planning. At the other end of the spectrum, county plans do not share the growing national excitement over e-commerce. One reason might be timing. It should be noted that interest in the Internet has grown geometrically in the recent past, which can rapidly date references to the possibilities for e-commerce judgments in county plans. Fewer than half mentioned farmers' markets and labeling as recommended marketing strategies. Conspicuous by their absence are a number of additional marketing tactics to encourage direct sales to consumers, such as U-pick operations or farm markets.

Profitable farming is generally acknowledged to

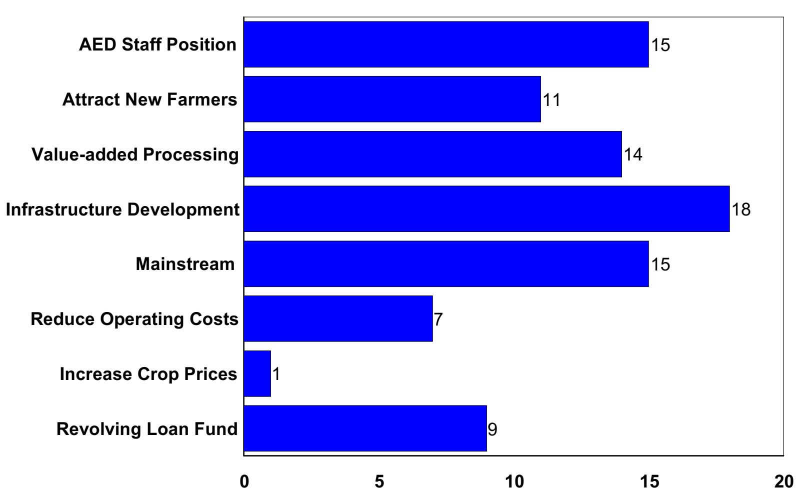
Figure 4. Marketing Options Discussed in 23 County Agricultural and Farmland Protection Plans



be the most effective means of maintaining and protecting farmland. Several county plans stress the importance of engaging the wider economic development community in order to more effectively "mainstream" or give more priority to opportunities for ag-based economic development. Thus, a frequently stated recommendation in the Marketing and Agricultural Economic Development category is creation of an agricultural economic development (AED) specialist position (Figure 5). Fifteen of 23 counties have recommended creating an AED specialist's position to implement all other aspects of the protection plan. Several models are being experimented with. Four such positions in Monroe, Orange, Sullivan and Wayne counties already have been created as a result of its being recommended in the county plan. Efforts to establish such a position are ongoing in three more counties, Niagara, Saratoga, Washington. Washington and Saratoga counties have succeeded in creating a shared, two-county position very recently. Ontario and Seneca counties have expanded the formerly part-time Cornell Cooperative Extension Agricultural Program Leader position to include agricultural economic development functions as a prelude to implementing a farmland protection plan. Both Greene and Oneida counties established an AED position with the intention that the AED specialist would spearhead the agricultural and farmland protection planning process.

Creating a local marketing campaign is another frequently mentioned marketing and AED recommendation. Fourteen counties include a "buy local" recommendation (Figure 4). Only two counties fail to recommend marketing local products. Again, it is concern over profitability that drives this recommendation to increase local sales. However, local marketing recommendations follow no set formula. One objective of such marketing campaigns is creating a county's or region's own recognizable logo or label, with seven counties recommending such a step. Another emphasis is on increasing retail sales within the immediate area through creation or expansion of farmers' markets. All counties that mention a buy local marketing campaign recommend farmers' markets as well, as a means to improve sales of locally produced and processed goods. The objective is to involve more producers in direct sales, from which producers can regain a larger share of the local consumer's food dollar. Other components of local marketing recommendations include collaboration between producers and restaurants or other food-using institutions locally; involvement of more producers in catalogue or Internet sales; community supported agriculture (CSA) farms; and cooperation among various community agencies such as tourism and economic development to include agricultural events and sites on the county web page. Some counties, which are members of an identifiable region such as the Finger Lakes, Long Island, the Hudson

Figure 5. Ag-based Economic Development Options Discussed in 23 County Agricultural and Farmland Protection Plans



Valley or others, realize the importance of a regional marketing and sales effort and have cooperated to that end. Two examples include a new initiative in the Finger Lakes called Finger Lakes Culinary Bounty, and the Hudson Valley Harvest logo for an area of the mid-Hudson.

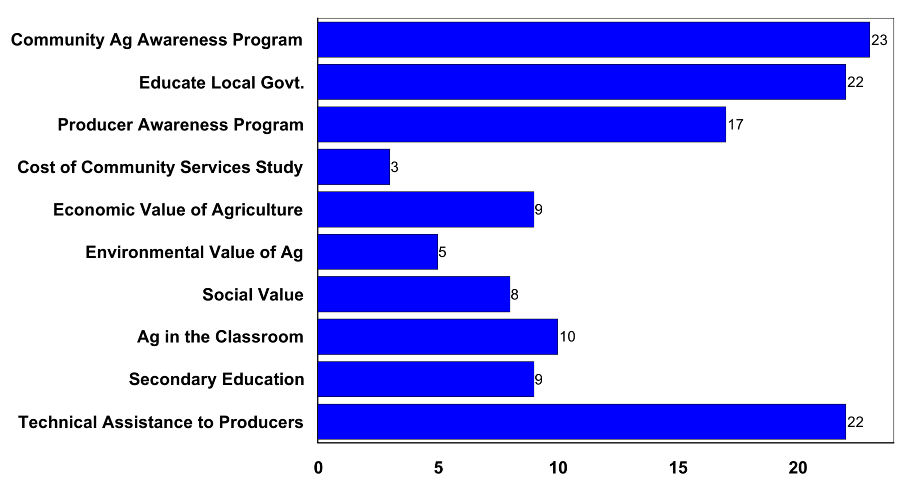
Developing "buy local" and regional marketing strategies also can serve as an educational tool for both producers/processors and consumers. Efforts to develop such campaigns often involve consumers in the discussion of what they like about locally produced items, why they buy them, and how best to market them to others. Such discussions provide invaluable opportunities for the producers and processors to learn what local consumers like and what attracts them. The consumers learn some of the challenges producers and processors face in getting product recognition. The resulting publicity and sales campaigns will be more effective because of the research put into them.

In some plans, in fact, "buy local" campaigns are included among the education recommendations. "Buy local" is part and parcel of a broader effort to educate the nonfarm public, elected officials, school children, and mainstream economic developers about the economic, environmental and quality of life benefits of a strong agricultural sector. The gross dollar value of agricultural sales in the county, and frequently the recirculation value of farm gate income, is mentioned in every protection plan as an important but unknown benefit. Frequently, cost of community services studies, which allocate local property tax levies and service benefits to property classes, are cited as well to illustrate the benefits to local economies of productive farmland. Such studies done by American Farmland Trust, Cornell University or a local community, substantiate the point that farmland requires less return in services from the community than it contributes in taxes, while residential development requires more in services than it contributes in taxes.

Other education awareness issues abound. The plans often stress the need to give the community positive messages about local food and agriculture. Often-mentioned examples are producers' use of best management practices, agricultural environmental management programs, whole farm planning, integrated pest management programs, and protecting both ground and surface water quality. Farming's contribution to the beauty of the rural landscape is often cited as a key part of educational effort. The 'quality of life' aspect of the agricultural industry is viewed as unappreciated and worthy of educational emphasis as well.

Education/awareness recommendations were necessarily focused mostly on external audi-

Figure 6. Education/Public Awareness Options Discussed in 23 County Agricultural and Farmland Protection Plans



ences. These coincide with the general perception that most citizens are now at least one generation removed from farming. An immediate result is an information void about the steps farmers follow to produce quality product at affordable prices. This community-wide disconnect between food accessibility and its production is thought to have several undesirable consequences for the larger community and for farm operators in particular. Affected are relations between farmers and their increasing numbers of nonfarm neighbors, who can misunderstand the farm practices being used. A collateral issue is concern in the farm community that the county agricultural and food systems industry, because it is so diffuse geographically, is often under-appreciated as a source of employment and a growth engine for the local economy. These concerns often extend to organizations in the mainstream economic development community who can under-value the agricultural and food components of a local economy.

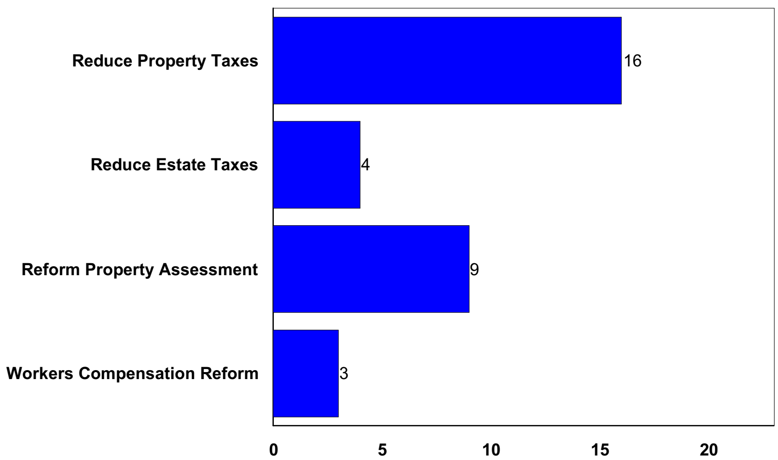
It is interesting to note that concern over awareness extends to locally elected and appointed officials. Although the farm community has a long history of being aggressive in public service, changing demographics work against agriculture in this area as well, with smaller numbers of locally elected or appointed officials having direct experience with production agriculture. Virtually all protection plans recommended that local officials be the target of education/awareness campaigns.

Attention also is given to educating producers and agribusiness people about changes and trends in agriculture and food systems; nonfarm public perception of on-farm practices influencing the environment and how to effectively promote their stewardship of the land and the environment; new technologies and such. Providing technical assistance to producers ranks highest, with eighteen counties recommending it. Those counties addressed continued technological training needs, business planning, estate and transition planning -- not the same educational issues that are deemed appropriate for external audiences. Another fifteen counties include a recommendation for some kind of producer awareness programs, which would address such issues as the environmental and social value of agriculture, farmer-neighbor relations, and good stewardship.

County agricultural and farmland protection plans identify many entry points for governmental action. Some entry points go directly to concerns about farmland protection and the use of incentive programs to foster the continuation of farming and maintenance of the farmland base. Others relate more generally to the role of government in facilitating and enhancing local food and farm enterprises. Throughout, however, paramount among those concerns about government policy are issues related to desired adjustments in the tax liabilities incurred by farmland owners and farm operators. The preoccupation with the local tax picture goes across the board to all levels of government. A few counties mentioned possible reforms in the federal estate tax, and a few others called for reform of the New York State workers compensation program (Figure 7). Concern over federal estate taxes is part of a national discussion about tax levies on business owners when business assets are transferred between generations. Recommendations for state reform of workers compensation law are also pocketbook issues for larger farm businesses that payroll farm workers.

Relatively more attention, however, was given to the local real estate property tax. Sixteen counties called for additional programs to afford owners of farm real estate more tax relief. Slightly more than half that number called for reform of local property assessment practices. The discussion around such reform for the prop-

Figure 7. Government Policy Options Discussed in 23 County Agricultural and Farmland Protection Plans



All agricultural and farmland protection plans addressed the tools and steps governments might take to protect farmland (Figure 8). A seemingly anomalous result was that planning recommendations did not always encompass proposals to implement farmland protection "tools" or programs. This is largely due to the recognition that the larger reference point for farmland protection is comprehensive planning, conducted at the town level throughout New York State. All but two counties made recommendations to foster "farm friendly" town planning. This reflects both the farm community's instinctive reservations about excessive land use regulation and a growing awareness among farm operators that community growth and development must be managed. A handful of county plans also made reference to detailed planning and zoning techniques with references to the implementation of incentive zoning mechanisms (Figure 8).

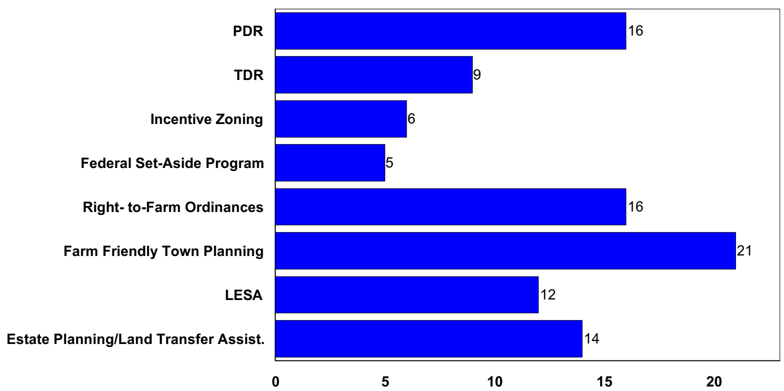
erty tax stems from the belief that the property assessing function often suffers from inconsistent assessor training and insufficient knowledge of agricultural appraisal technique by the assessing community. It is believed there are inconsistencies in assessment practices between assessment jurisdictions within a single county that can lead to inequities, and distorted investment decisions by farmers in some cases.

The land assessment issue also links to the perennial farmland owner issue of excessive property taxation. This concern persists in the farm community despite efforts that date to the 1960s to legislate tax relief for farm property. As noted in an earlier section of this report, owners of farm real estate presently save an estimated $71.6 million each year in local property taxes with ag assessments on land and exemptions on new farm buildings. Refundable state income tax credits for local tax levies by school districts bring the total annual property tax savings to nearly $92 million.

Closely allied with the larger farm-friendly planning concern is the issue of the farm community's "right to farm". Development of county- and/or town-level right-to-farm ordinances is included in 16 of 23 county plans. There is no standard definition of a right-to-farm ordinance. Nationally, there is a body of state law dealing with right-to-farm issues. Without exception, these state laws relate to farmers' standing in court when allegations are made that the farm, or certain farming practices, constitute a public or private nuisance (Bills, 1991). New York has two right-to-farm laws, each dealing with conditions that affect the creation of a nuisance.

The motivation for county and town right-to-farm laws is less clear. It is unlikely that local efforts would preempt State law but they may

Figure 8. Farmland Protection Options Discussed in 23 County Agricultural and Farmland Protection Plans



reinforce it. The local ordinance may also give local governments in a home-rule state a forum to reaffirm local support for the farm industry and for farmers who conduct their operations in a conscientious manner. The discussion surrounding promulgating such laws and ordinances at the local level also is viewed as another opportunity to educate local officials about the economic, social and environmental benefits of production agriculture to the local economy and about state agricultural laws.

Another issue closely related to the land use planning apparatus of local governments has to do with information systems to inform decisions on land conversions. Among these is a system, nationally recognized through promotion by the U.S. Department of Agriculture, referred to as LESA. This acronym stands for "land evaluation and site assessment" and represents a process where a decision over land conversions would be informed by evaluations of land quality for farming and subjective determinations of the suitability of a particular land parcel or site for conversion to a new use (Steiner, *et al.*).

Several counties, once again, focused attention on estate planning and the possibility that land transfers between generations play directly into options for farmland protection. In large part, this appears to be due to the nexus between techniques for separating development rights to farmland and effective estate planning for farmland owners. Transfers of estates between generations may afford opportunities to manage federal estate liabilities while achieving farmland protection goals for particular land parcels. More than half of the county agricultural and farmland protection plans explicitly identified estate planning and land transfer as a farmland protection option (Figure 8). A handful of county plans also made reference to federal set-aside programs and their roles in farmland protection. These recommendations, while significant, can be quickly dated by developments in the U.S. Congress. Farm legislation implemented in 1996 continued programs for retiring active farmland under ten-year conservation reserve rental agreements, but began a phase-out of supply control/income management set-asides for federal program crops. This phase-out promised reduced federal income support and more reliance on markets for major commodities and program crops. The Congress has counteracted these market outcomes, beginning in the late 1990s, with "emergency" appropriations. Upcoming deliberations over new or recalibrated federal farm legislation under the 2002 Farm Bill will undoubtedly once again alter the leverage that federal programs exert on local farmland protection efforts.

Some counties have chosen to broaden the discussion of land management issues under headings such as "natural resources" or "land conservation and stewardship". Embedded in these discussions is the treatment of incentive-based programs that focus on the acquisition or transfer of farmland development rights (see

Ferguson, Cosgrove, and Ptacek, 1999, for a detailed discussion of farmland development rights programs and their applicability in New York State). The discussion over farmland development rights and their applicability in New York communities has evolved over nearly three decades, beginning with an initial program design and implementation in Suffolk County, New York in the mid-1970s. That innovative development rights acquisition program for farmland continues on Long Island and has helped spur a national discussion over farmland development rights purchases or development rights transfers as a mechanism to promote the continuation of agriculture and maintain open space. Interest in such programs is clearly evidenced in county agricultural and farmland protection plans throughout the state, with the most intense interest in more metropolitan settings. Purchase of development rights (PDR) is the most-often-recommended land preservation technique — see Figure 8 — but nearly one-third of the county plans make reference to the possibility of arranging for transfers of development rights.

Divergence in Content

As was mentioned above, protection planning across New York State has developed a pattern of thought that converges because the issues confronting the industry are often similar across the State. There are differences in how NYS counties have decided to address the issues, however. Most of the differences in the 23 completed plans, though, are noted in format and what has or has not been included in the plan.

The early plans, i.e. those completed in 1996 in response to the initial NYSDAM RFP, emphasized land-based trends and conditions that warrant farmland protection measures and developed appropriate protection mechanisms. This emphasis relates to the NYS Environmental Protection Fund being the source of funding for agricultural and farmland protection planning. The language in the section of the state law establishing the fund indicates that the state legislature seeks to promote land-based proposals to protect agriculture, as opposed to activities such as improving management practices or marketing efforts. Cayuga County's plan is the best example of this emphasis. It was the second plan to receive the NYSDAM Commissioner's approval in September 1996. Its protection plan contains no marketing or agricultural economic development recommendations. It contains no taxation recommendations. Instead, it concentrates on recommending land use and environmental regulatory action and then provides models for local governments and individuals to use. However, it does not ignore the importance of other aspects of promoting agricultural viability. The Cayuga protection plan, through its sponsor, the AFPB, encourages and offers its support to local economic development agencies to address improved marketing of locally produced and processed agricultural products, developing agribusiness, and promoting opportunities for agritourism.

The Orange County Agricultural and Farmland Protection Plan, the first approved in July 1996, also emphasized government policy or regulatory changes in land use, taxation and assessment. It also included several education recommendations. Their inclusion was based on the belief that until the nonfarm public and decision-making officials became more aware of the benefits of the agriculture and food systems industry to their communities, they would be unlikely to support agricultural development and enhancement efforts. The Orange County plan did include some marketing and ag-based economic development recommendations as well. The number one recommendation in their plan was creation of a new AED staff position. The position was established, funded and staffed within six months of the protection plan being endorsed by the county legislature and county executive. It was the first such position to be established in NYS directly as an outcome of the agricultural and farmland planning process. Similar positions have been recommended in another 12 counties as mentioned previously, and implementing other elements of the plans is considered the responsibility primarily of the AED specialists in conjunction with local AFPBs and other agricultural service agencies.

Just as Orange and Cayuga counties were finishing their FPP, Saratoga County was getting started. It was in March 1998 that the Saratoga agricultural and farmland protection plan received the Commissioner's review and approval. The executive summary stresses that the Saratoga AFPB wished to develop an action plan that would promote agriculture and protect farmland. The Saratoga plan signaled a shift to more market- and AED-focused recommendations to enhance producer profitability and viability of the industry, while not slighting land use and regulatory recommendations that protect and retain the natural resource. Saratoga County recommends integrating agricultural marketing and development efforts at the county level within the existing economic development framework and increasing the resources available for agricultural business development. It encourages farm businesses to participate in local economic development efforts. It speaks to the need to establish an AED specialist position not as a recommendation, but as an implementation tool. An earlier plan in Washington County also emphasized land-based strategies while addressing the need to integrate agriculture into comprehensive economic development efforts.

Saratoga County's protection plan is noteworthy as one of only eight which contain a well-defined implementation strategy. It states that implementation should rest with the community as a whole, with leadership provided by the AFPB. It prioritizes actions to be initiated immediately and completed within a specific timeframe, which are hoped will ease implementation of the plan. Some of the actions are implementation strategies themselves. Others are steps to prepare for implementation, such as continuing planning task forces as implementation task forces.

What Saratoga County's implementation strategy lacks are measurable indicators of success. Only Tompkins and Tioga counties' agricultural and farmland protection plans include indicators of success. The Tompkins County plan includes them in a separate implementation section, while Tioga County incorporates measurement criteria into each specific strategy. Both counties also include a summary of strategies, priorities, and responsible agencies, which is a common feature of half the plans. Both the Tompkins and Tioga plans, as with the Saratoga plan, balance AED strategies with government policy strategies and also include education strategies. Tioga's protection plan calls education strategies 'agriculture awareness and community links'. It stresses building links of communication and encouraging joint community efforts and program integration between agriculture and non-ag agencies. A major component of the Tioga plan is the Tioga County Agricultural Business Retention and Expansion Project, and it has influenced the emphasis on community involvement and interaction.

Only two other county agricultural and farmland protection plans mention using a business expansion and retention program as an agricultural economic development implementation strategy, and both plans were only recently approved by the NYSDAM Commissioner. The Niagara County FPP received approval in November 1999 and Otsego County's plan in December 1999. Niagara's protection plan contains recommendations in the following three categories:

AED; education, public relations and promotion; and government policies and farmland protection. Otsego County's protection plan is organized differently from most others. It begins with three general recommendations to set the stage for success, followed by seven goals in these categories: education/public awareness; profitability/economic viability; strengthening the role of ag in economic development; farmland protection/preservation; government policy; and farm transition. The seven goals each identify specific objectives. A strategy identified under the profitability/viability goal is to initiate an ag business retention and expansion project in association with Cornell Cooperative Extension, the local Farm Bureau, the Chamber of Commerce, county planning, and others.

Niagara and Otsego, along with Dutchess, counties mention creating a county-based food venture center. A primary goal of Niagara's planning process has been to identify and support economic development strategies that will make farming more profitable and keep county farms operating. Several initiatives reflect the shift toward more producer and processor direct marketing as a response to competition for large-scale farms outside the region and the indifference of many local supermarket chains to feature local products. The purpose of such a cooperative food-processing kitchen is to offer small producers an opportunity to develop value-added products in shared production space. Otsego County has a similar goal of increasing value-added farm markets and sees developing commercial kitchens to serve as incubators for farm-based food processing businesses as one strategy toward that goal. The Cornell Geneva Experiment Station Food Institute offers support and collaboration on such ventures. It is working with Dutchess County already on its Poughkeepsie facility and is involved with a center in Plattsburgh, NY.

Variations in agricultural and farmland protection plans in large part reflect regional differences across New York State. Counties experiencing rapid sprawl development from metropolitan areas and subsequent loss of farms are most likely to have completed a protection plan. Completing a plan is only half the task. Implementing the plan brings the planned retention, expansion and development to the community's agricultural and food systems industry. Those eight counties which included some form of implementation strategy are more likely to notice improvement.

Resources to fund implementation projects are limited. NYSDAM, through funding from the Environmental Protection Fund and the Clean Water/Clean Air Bond Act, has offered farmland preservation funds since 1996. That implementation funding has been directed toward farmland preservation and reflects the early emphasis of planning activities. The amount NYS has expended on farmland preservation through PDR since 1996 totals more then $19.4 million. In 1996, for instance, $3.7 million was expended, but that reflects less than half of the requests for funding. In 1997 the requests for funding equaled $26.3 million, while only $3.5 million was expended. In 1998 NYSDAM received requests totaling $41.9 million, but could fund only $7.7 million of them. Accommodating funding requests will be a continuing challenge.

On September 28, 1999, NYS Governor George Pataki enacted the NYS Farmland Viability Act, announcing the availability of implementation funds for other than farmland preservation. The Law is intended to help ensure the continued economic viability of the State's agricultural industry and to preserve the economic benefits associated with agricultural land use. The initial RFP was issued in March 2000. It provides for NYSDAM to provide financial assistance for the development of plans or implementation of projects which contribute to overall farm profitability and sound environmental management.

Only counties or individuals within counties with completed agricultural and farmland proection plans are eligible to apply.

The Farmland Viability Program allows funds for developing an implementation plan. That is the step most counties have missed. They have not developed a cohesive or related package of agricultural and farmland protection recommendations which, when acted upon together, would have the greatest impact on ag industry viability within a given community. They have not done strategic planning around a set of recommendations to determine what resources are necessary, what agencies might be involved, and the steps needed to accomplish the goal. Proposing the use of farmland viability funding for the purpose of developing an implementation plan is good business.

Discussion

As stated previously, completing a plan is only half the task. Implementing the plan brings the planned retention, expansion and development to the community's agricultural and food systems industry. Resources to fund implementation projects are limited, but more opportunities for funding are available every day either as ongoing funding programs or as requests for proposals for one-time grant funds.

One of the best ways to be prepared to access funding opportunities for implementing farmland protection and/or enhancement plans is to take the next step with the completed plan. Next steps must prioritize recommendations for implementation according to needs of the local community; strategize how implementation can occur using local resources; and enlist community support in implementation projects. In other words, prepare county-based farmland viability programs so that when funding opportunities are available, the county is ready to apply for those funds. An important challenge is to chose an implementation tool that can open pathways to more aggressive ag-based economic or viability development efforts and forge more connections to the mainstream economic development community. Without a plan for implementation, protection plans will become just another exercise in planning.

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