

BENEFITS OF THE AGRICULTURAL BUSINESS DISTRICT

1. Consistency with PDR Program – Communities that have PDR programs need agricultural zoning to protect public investments in preserved farms. Without agricultural zoning, development will be drawn to the perimeter of conserved farms by those who seek perpetual views, creating additional conflicts for farmers and fragmenting the critical masses of farmland that are necessary for the industry’s long-term future. Such development constitutes an unreasonable burden for those who have made long-term commitments to remain in agricultural through their participation in the PDR program. Farmers with preserved farms come to support agricultural zoning as they know that it can reduce development densities around them and result in the siting of residences in ways that will minimize conflicts.

2. Protection of Critical Mass of Farmland – Individual farms cannot survive as farms over the long-term unless they are part of a critical mass of usually several hundred acres of farms. This is because this acreage is necessary for farm-support businesses to stay solvent and continue to serve the farm community and because a critical mass of farmland protects the interior farms from the conflicts of residential development at the outer perimeter. Rural zoning (i.e., medium density residential zoning) is often seen as offering farmers more choices – the choice of farming or the choice of developing. In actuality, it takes from farmers the choice of farming over the long-term, leaving them ultimately only the choice of developing. Agricultural zoning is a kind of mutual insurance policy for farmers in that it limits each farmer’s ability to develop but also limits the ability of his neighbors to develop, thus providing farmers with the real choice of remaining in farming over the long-term. Rural zoning, which is what the Town of Red Hook currently has, will ultimately force farming out of the Town if unchanged. The AB District includes several critical masses of farms that could be protected over the long-term, while omitting other lands that are more suitable for development.

3. Greater Opportunities for Diversification on the Farm – In exchange for limiting residential development within the AB District, a number of new opportunities have been created for farmers to have farm-related uses and businesses that can provide them with supplemental means of income that may help to make the difference in profits on the farm. These uses have been specifically developed for the Town of Red Hook and go well beyond what most other communities allow in rural zones or even agricultural zones. In many cases, these uses are permitted in few if any other zones within the Town, providing farmers within the AB District an advantage in attracting business. Farm-related uses and businesses do not pose the conflicts for farming that neighboring residences do.

4. Agricultural Zoning Stabilizes the Tax Base – It is well established that farming contributes more to the local tax base than it requires in services, making it a net revenue-producer. Most kinds of residential development, on the other hand, requires more in services than they produce in taxes, meaning that residential development is subsidized by the public at large. Most new residential development does not pay its own way. If the conversion of agricultural lands to residential development continues, tax rates could rise dramatically. It is therefore in the public’s overall interest that residential development be intelligently managed. Agricultural zoning stabilizes land values and taxes and results in residential development being directed towards villages and hamlets that can more efficiently provide needed services and where it stimulates economic development in the centers. Stabilized land values have the benefit of permitting young farmers to enter into farming more easily. Agricultural zoning does not reduce a farmer’s ability to secure farm loans as such loans are made based on the demonstrated

productivity of the land involved. At the same time, the Town has enough proximity to the New York metropolitan area that, even with limited development opportunities, farmland is likely to retain and not lose its value.

5. *Agricultural Zoning is Legitimate, Legal and in Common Use in Many States* – New York municipalities are not usually familiar with agricultural zoning, though it has been in use in many states around the country for over 25 years. It is permitted by law and has been upheld at many state and federal Supreme Court levels. Landowners (and even some lawyers unfamiliar with land use law) may feel that there is a “takings” involved, but this is not the case. Zoning need not guarantee the “highest and best use” but only a “reasonable use.” The Town has demonstrated that this is a reasonable use through the *Comprehensive Plan* and *Open Space Plan*. Landowners who feel that their rights have been compromised need to understand that 1) zoning can change, especially as new information becomes available that supports a change; 2) local governments cannot guarantee a profit on the holding of land any more than the Fortune 500 can guarantee a return on stock; and 3) local governments should not be expected to subsidize development in locations that run counter to the public’s benefit.

6. *The AB District is Carefully Crafted* – The AB District is carefully crafted to concentrate on larger landholdings, currently operating farms, lands with a high proportion of prime soils and soils of statewide significance, and certain other parcels at the perimeter which were necessary to include to support the integrity of the District, among other criteria. The boundaries of the AB District were carefully drawn to include these areas and no others. At the same time, the District uses a sliding scale approach in the permitting of dwellings such that the relatively few smaller parcels within the District are entitled to proportionately more dwellings. The larger ownerships that have more limits on development are the ones that would be more likely to benefit from farm-related uses and easement sale. This should help make the District less controversial.

7. *Financial Compensation is an Option* – Most communities across the country that utilize agricultural zoning do not offer PDR as an option for financial compensation. Therefore, farmers in the Town of Red Hook are fortunate that the local PDR program, as well as the State and County’s programs and the Town’s CPA funds, are available. In addition, the proposed incentive zoning program would offer farmers an additional avenue of compensation.

8. *The Town has a Window of Opportunity* – The Town is in the path of growth of the expanding suburbs in southern Dutchess County and counties to the south. Already the pressures are evident in the extensively parcelized land use pattern in the Town. The Town is at the edge. The time is now or never for the Town to step forward and show leadership. A majority of the public supported creation of a local PDR and CPF programs as evidenced at the ballot box, and a majority of townspeople spoke in favor of farmland protection in surveys conducted for the Town’s *Comprehensive Plan* and *Open Space Plan*, and during the extensive public participation process that occurred during preparation of the Recommendations of the Land Use, Conservation and Development Working Group and the proposed Centers and Greenspaces Plan.