

**Town of Dryden Land Use Plan Meeting  
June 17, 2004**

(Name/address/qualifications)

Purpose

My role in this testimony is to identify problems regarding agricultural uses pursuant to the proposed Land Use Plan for the Town of Dryden.

I have read sections regarding agriculture and open space specifically as well as some of the background information.

Problem

- Fixed Ratio Zoning looks like it appeases both the farmers and the Town, however a closer examination needs to be done to understand its implications.
- Whereas land values for non-farm use have been increasing at something close to 10%/year recently, the result of the proposed fixed ratio zoning will effectively prohibit any potential value growth of 90% of the agricultural land, eroding equity parity between farmers and non-farmers.
- FRZ does not necessarily preserve the best farmland
  - Farmers are the first defense in protecting and preserving the best farmland, therefore why legislate it?
  - Government actions have through “police power” have converted a sizable portion of the best agricultural land through eminent domain
    - A police power is a legal government taking without compensation when not associated with a specific property
    - Market demand and needs dictate what land is, or is not, preserved
- Population stagnation beyond absorption time of 25-50 years
  - What are the employment needs in the future? Attractions? Exclusive?
- Burdens one particular group of people with some of the most sweeping changes

regarding land use issues

-90% of the land in the Town is active or inactive ag land, woods, brush or wetlands (13,500 acres are farmland or 23% of the total)

-Only 5.2% is residential property

-Open space and agriculture are two separate land uses, however the land use solution in the FRZ is essentially the same

-Survey by the Town indicated 86% of the respondents indicated open space preservation was important

-59% supported a property tax to fund the purchase of “open” space

-Planner mentions this on pages 29-30 with no reference again to it and proposes FRZ. Why?

-In the FRZ plan the allowable lots are valuable however they make the residual land less valuable

-Why would anyone pay as much for residual land if the development rights were legislatively extinguished?

-Present ag prices are positively influenced by other market factors for development, etc., but these factors would be extinguished after the sale of all allowable lots

-Mortgagees collateral values could be affected by the restrictions.

-Farm resource for catastrophic emergencies- illness, death, financial/foreclosure/bankruptcy, is greatly reduced

-83% of the present farmland would be eliminated from any other uses and values other than “pure” agricultural values (11,180 out of 13,500 acres)

-New housing limit is 1650 units (compared to obviously more)

-Average sized lot under this plan is 1.39 acres (see page 60)

-There is no direct incentive for farmers to cluster lots- unlike other land uses

-FRZ needs to definitely state what the acreage ratio is tied to – IE whole farm, tax map, whole county

-If tied to tax map parcels, how are they identified- 100’s, 200’s, 300’s codes can all be active farmland?

-What about purchase of parts of tax parcels- how is the ratio determined?  
-go to the new parcel, or accrue to the parent parcel?

-What if the codes change?

- Agriculture is a land intense “business” and a residence. Any land use planning affects financial issues.
- Conservation and Open Space property may also include active agricultural land
  - A conservation easement is suggested on any residual land extinguishing any future development rights.
- In essence the FRZ plan puts the limitations of a conservation easement on the “residual agricultural” land without having to call it a conservation easement or purchasing the development rights

Comparisons

Using the 125 acre example in the Land Use Proposal, lets look at 2 scenarios:

Present Plan

125 acres  
 10 acre lots  
 12 lots  
 \$2500/acre  
**\$312,500 realizable value**

Proposed Plan

125 acres  
 1:10 ratio w/ 3 acre max size for residential lots  
 11 lots = 33 acres  
 \$6000/acre = \$198,000  
 1 lot left with 92 acres that has no development rights  
 “Pure” ag values on good “cropland” = \$500-800/acre  
 @ \$800/acre=\$73,600  
**\$271,600 realizable value**

Lot values are based on actual lot sales in the Town from 2002 into 2004. The \$2500/acre under the “present scenario” is conservative, and the \$6000/acre for the smaller lots in the proposed plan are about on par with an optimistic value of \$800/acre for the pure agricultural cropland. The difference of -13% under the proposed plan is conservative. The example is based on realistic values supported by known sales and additionally backed up by sales of properties with extinguished development rights.

## Solutions

- Town of Dryden survey had strong indications people were in favor of purchasing development rights as a way of controlling growth and keeping open space
- Profitability drives continued success

## Last Statement

-Page 4 of the plan stated the Tompkins County Agricultural Farmland Protection Plan was adopted by the County Legislature on February, 1998. The Proposed Town Land Use Plan specified it has consulted the Farmland Protection Plan to ensure conformance with the provisions to enhance the viability of agriculture in Tompkins County and preserve the agricultural base.

On page 5 of the adopted Tompkins County Agricultural Farmland Protection Plan, the Farmland Protection Board specifically stated that “land use controls to preserve farmland will not provide an effective mechanism to maintain its farmland base and agricultural industry, and that such farmland protection strategies are not viable at this time in most areas of the County”.

I don't believe the proposed land use plan meets the direction of the County Legislature nor the farm industry.

Fredrick A. Hudson  
June 17, 2004