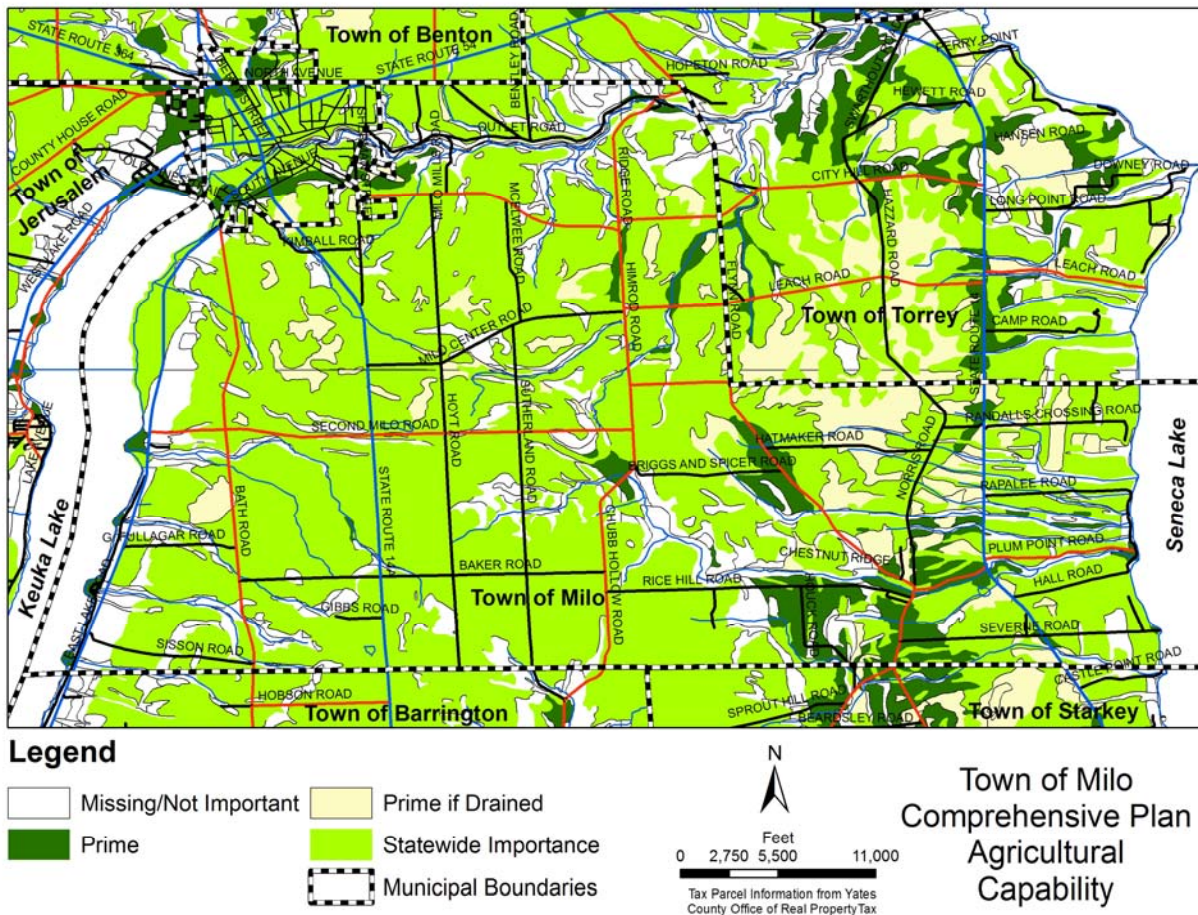


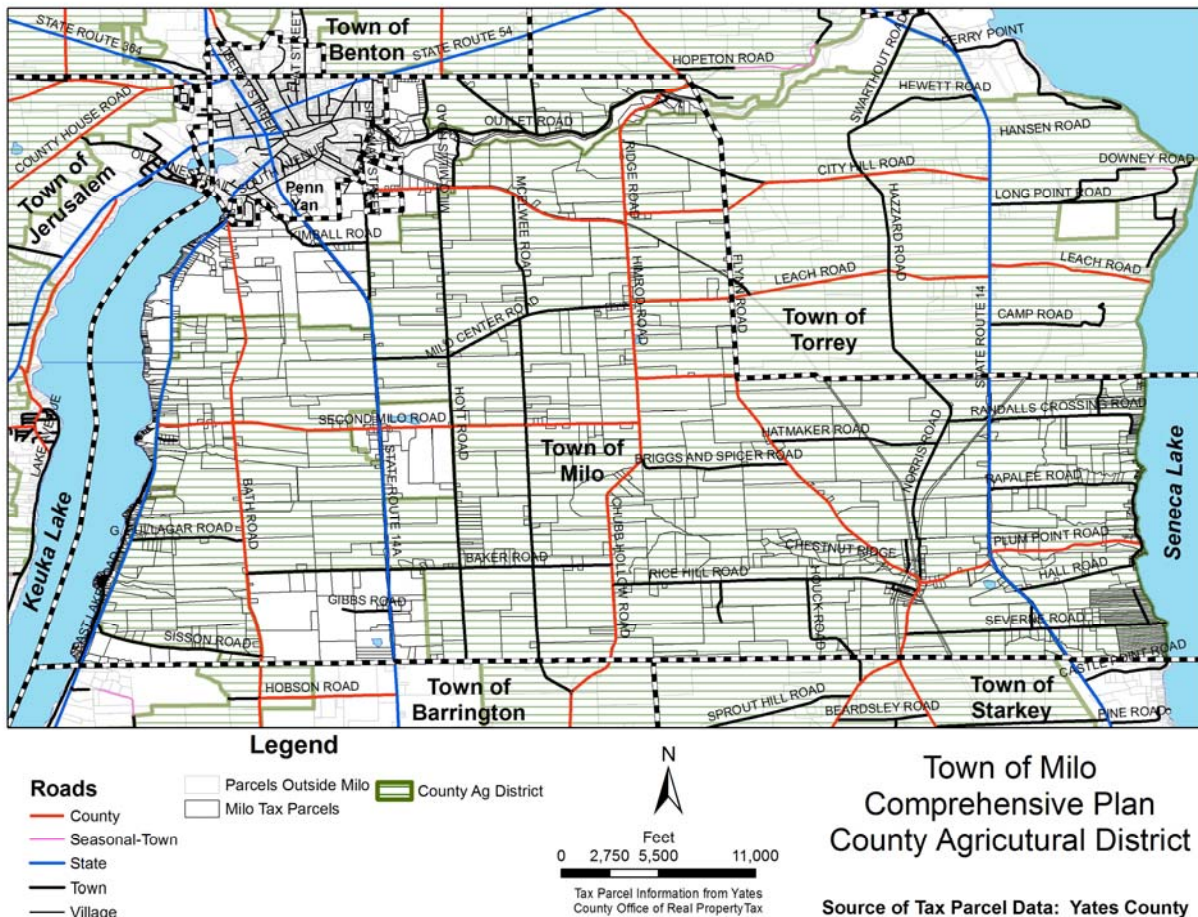
V. AGRICULTURE AND RURAL AREAS

In December of 2007 the Town's existing Agricultural Advisory Board began meeting to work with the consultant on the agricultural component of the Comprehensive Plan. Members of the Board include Councilman Dale Hallings, Howard Hoover, Russell Hunt, and Harry Lewis. The Committee began its work reviewing some of the physical characteristics of the Town. The Town of Milo is blessed with some significant soil resources. While only 8% of the world's soils are considered prime for agricultural reasons, approximately 72% of the Town of Milo's soils are ranked as prime, with approximately another 9% considered prime if drained, according to the current soil survey of Ontario and Yates County, published in 1948. In short, only about 19% are not considered prime. It should be noted that it is likely that an even larger percentage of the Town would be considered prime if the soil survey information provided by the USDA Natural Resource Conservation Service were updated to modern soil classification system. Approximately 10% of the soil types listed in the soil survey of Ontario and Yates County are not recognized in the modern classification system. For the purpose of this analysis, these were lumped into the 'not prime soil' category. The following map depicts the soil ranking of prime, prime if drained, of statewide importance, and not prime.



MAP 17: Soil Classification for Agricultural Use, USDA Natural Resource Conservation Service

The Agriculture committee recognized the impact of the Yates County Agricultural District. Property within the County Agricultural District cannot contain rules that unduly burden agricultural activities. It also, in combination with a right to farm law, requires the purchasers of non agricultural property to be alerted of the existence of agricultural activities prior to purchase, along with the fact that farms and farmers cannot be found guilty of creating a nuisance when they are involved in normal agricultural activities (as those are defined by the New York State Department of Agriculture and Markets). Finally, the benefits to farmers include reduced agricultural land assessments on properties of 10 acres or more that produce at least \$10,000 worth of agricultural products. The following map depicts the properties that are currently within the County Agricultural District:



MAP 18: Yates County Agricultural District

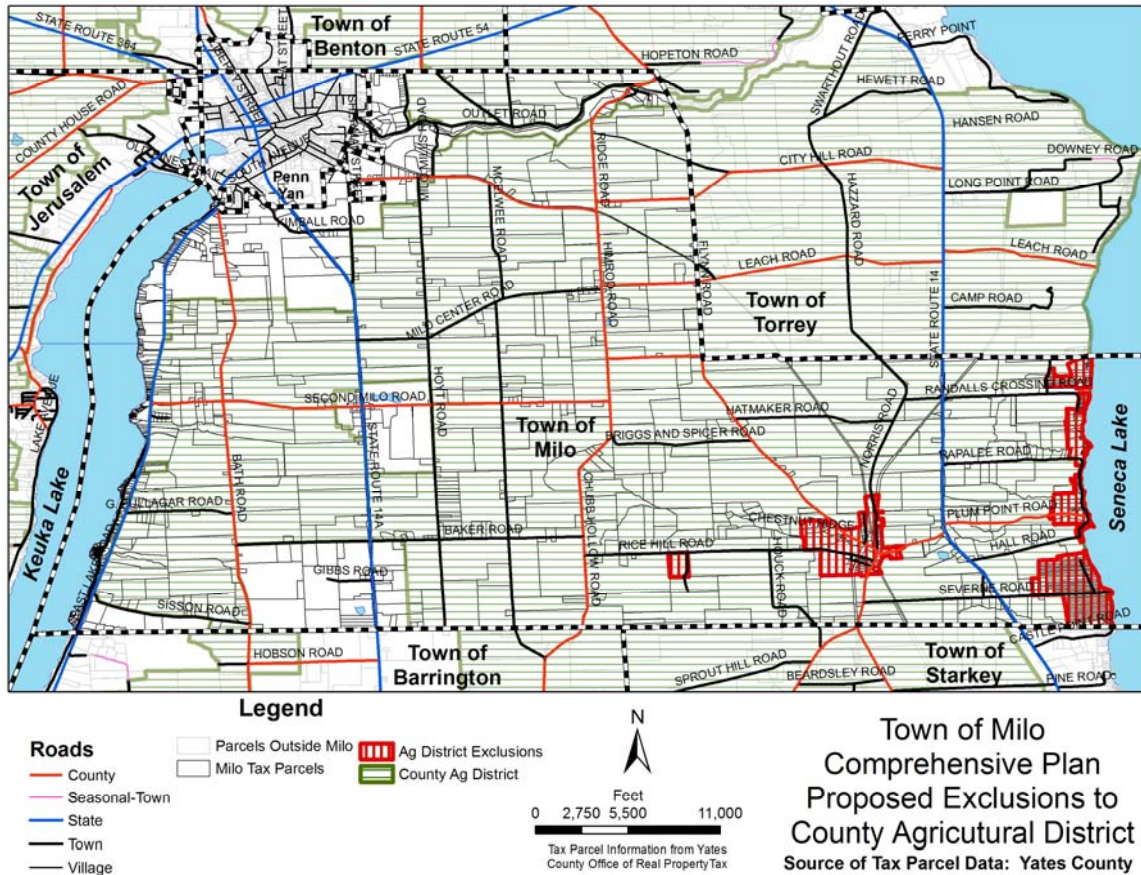
At the same time, the County Agricultural District also makes it much harder for the town to create special districts, such as sewer, water, and drainage, to name a few. Proposals for the creation of such districts are subject to review and comment from the County Farmland Protection Board and subject to review by the New York State Department of Agriculture and Markets (hereinafter referred to as 'Ag & Markets'). Ag & Markets, in reviewing a proposed improvement district, is empowered to prohibit future non-agricultural hookups to such districts within the limits of a County Agricultural District. Thus, it is very important for the Town to

ensure that denser residential areas of the Town are not within County Agricultural Districts. The Agriculture Committee made the following recommendation and analysis:

A. County Agricultural District Review

1. Recommendation:

- a. Residential property fronting on Seneca Lake and the hamlet of Himrod should be removed from the County Agricultural District. See Map 19 below:

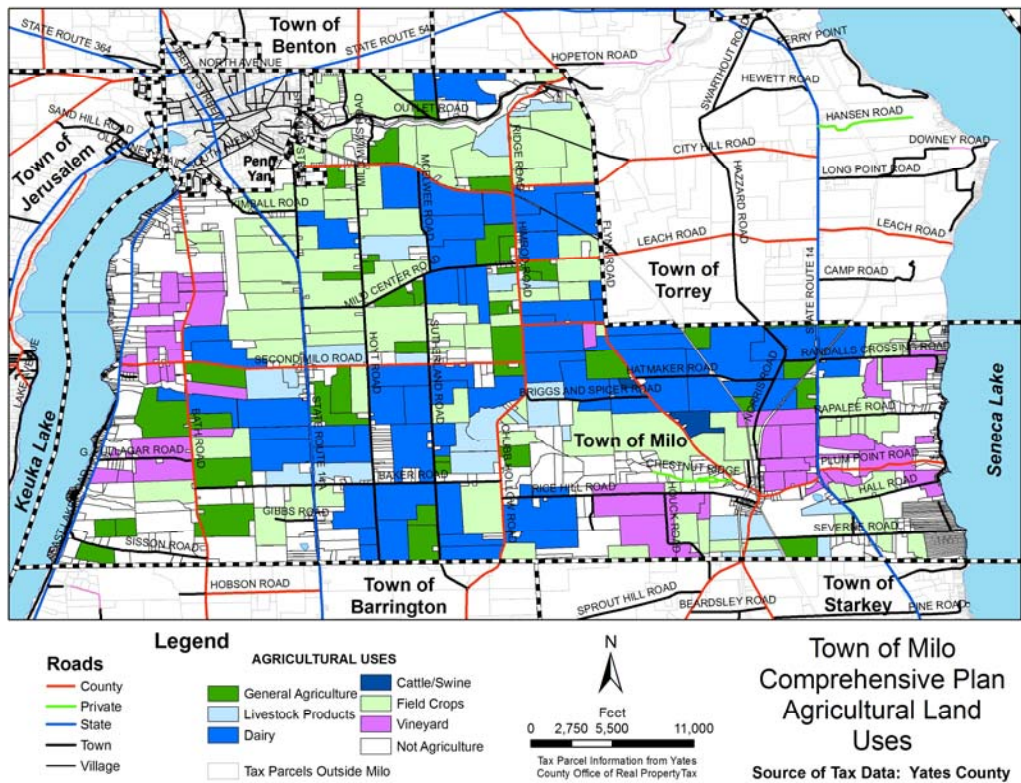


MAP 19: Recommended Changes to County Agricultural District

- b. Other Town owned property, such as the Town gravel mine and former landfill, should also be removed from the County Agricultural District.
 - c. The Town should request these changes at the next 8-year review of the County Agricultural District by Yates County that is scheduled for 2009-2010.
 - d. Areas that are active agriculture should remain within the County Agricultural District.
2. Issue generation
- a. These areas are not agricultural.
 - b. These areas of the town have a density of residential development:
 - 1.) Presently requiring water service
 - 2.) In the future potentially requiring:
 - a.) Waste water service
 - b.) Drainage districts

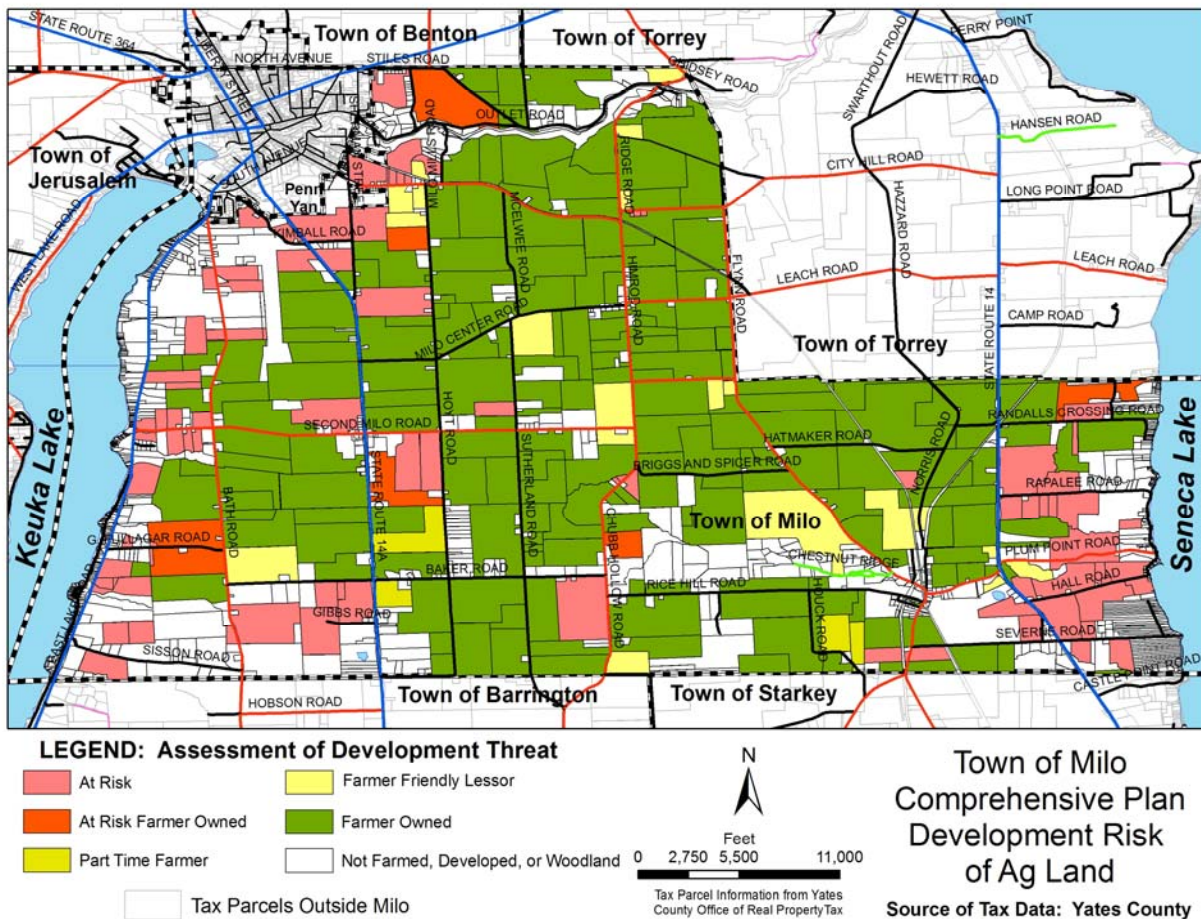
- c.) Other municipal service districts.
- c. The Town has experienced the delays the additional review by the County and Ag & Markets creates during the recent creation of the water district serving Seneca Lake shoreline properties and the hamlet of Himrod.
- 3. Reasoning
 - a. Removing these areas from the County Agricultural will simplify the creation of needed special improvement districts to supply municipal infrastructure
 - b. There is little, if any, property that is proposed to be removed from the County Agricultural District that is more than 500 feet from an active agricultural operation within the County Agricultural District. Thus, prior to purchase, people purchasing properties within the areas proposed to be removed from the County Agricultural District will still be notified of the protections afforded agricultural operators.

The Committee then considered the present extent and types of agriculture currently occurring in the town. The map below was developed categorizing each whole parcel into a single use. The Committee reviewed the data from the real property tax roll and refined it based on a review of aerial photography and their personal knowledge. The map is a fairly accurate record of the types and location of the various types of agricultural activities occurring in the town. As expected, there are many acres dedicated to vineyards, and for the most part these are concentrated on the slopes overlooking Keuka and Seneca Lakes. There is a significant amount of land devoted to dairy operations, much of which (but not all) reflects the local Mennonite population.



MAP 20: Agricultural Land Uses in the Town of Milo

The Committee then reviewed ownership patterns of the property in agricultural use. The intent was to learn what portions of agriculturally used land was owned by farmers, rented to farmers by farmer friendly owners, and properties considered at risk (many of which were rented to farmers but the Agriculture committee felt were hold the property for development). The committee also identified properties that were farmed by small, part time farmers. They felt that part time farmer owned property was at a greater risk of development than farmer owned, but not as much as investor owned properties. Except for areas adjacent to the Village of Penn Yan, the vast majority of at risk property identified is property that has potential views of either Keuka or Seneca Lake. It is important to note that this same area is vital to the signature ‘character’ agricultural land use, vineyards, which is equally important to area tourism. Continued conversion of land in this area to residential development, no matter how environmentally conscious that development may be in minimizing impacts on lake water quality, threatens the signature character of the area and its ability to attract tourists. The map below depicts the results of this effort.



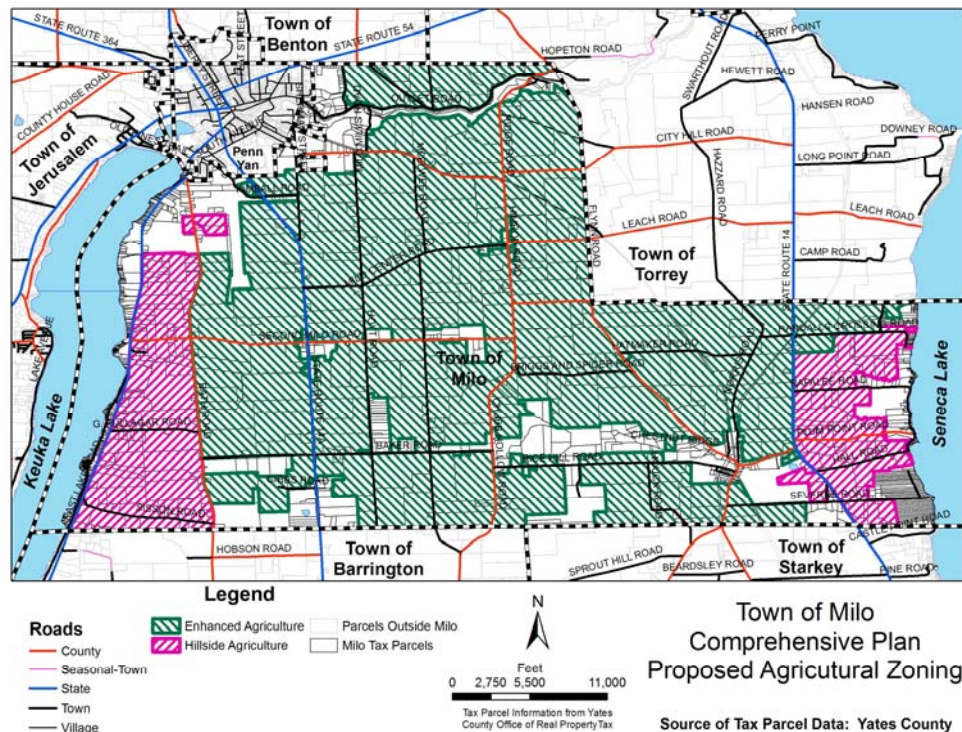
MAP 21: Ownership of Agricultural Land Used in the Town of Milo

The Committee then considered land use and zoning issues related to Agriculture. They came to the conclusion that the soil resources of the town, combined with the viability of existing agriculture in the town, combined with the ability of agricultural operations to preserve the rural character of the Town that is so important to residents, merited crafting zoning that more clearly

supports and enhances agriculture. The result of these discussions resulted in the following recommendations

B. Enhanced Agriculture Zoning

1. Recommendation: Within Zoning, the Town should define an ‘Enhanced Agriculture Zone’ where Agriculture is the preferred use with the intent of preserving both the agricultural soil resources and rural character of the Town.
 - a. The Town should switch from a large minimum lot size to a density standard for new residential construction in the ‘Enhanced Agriculture Zone.’ The Town of Seneca’s, Ontario County, Agricultural Zoning model should be adapted to use in the Town. Residential housing density in this area should average about 1 house for every 40 to 50 acres. This should be controlled not by requiring large lot sizes, but by specifying that only lots of 100 acres or more can be subdivided for uses other than agricultural.
 - 1.) Lots under 40 or 50 acres should not be allowed to be subdivided. One residential unit may be permitted on such a lot. Additional housing units providing housing for the owners and/or agricultural workers shall be allowed.
 - 2.) Lots of 80-100 acres may have only one lot for residential purposes divided from the parent parcel.
 - 3.) Lots of more than 80-100 acres may have 1 residential subdivision lot for the first 40-50 acres, and one additional residential unit for each unit of 40-50 acres of the lot over 80-100 acres.
 - b. The boundaries of the ‘Enhanced Agriculture’ should conform roughly to those shown on Map 22 below.



MAP 22: Proposed Agricultural Zoning in the Town of Milo

- c. Whole parcel planning with an eye to preserving the agricultural viability of fields and agricultural operations should be required as part of subdivision and site plan review for new residential and farm building construction.
 - d. Agriculture should be the primary principal use within the district. Setbacks of homes, tree plantings, and other amenities associated with residential land uses should be set at levels that enhance adjoining agricultural use. For example:
 - 1.) Large shade trees should be set back a sufficient distance from property lines to ensure that they do not impact field crops.
 - 2.) Pools should be setback from property lines and located so that dust and debris from harvesting activities does not impact them. During the application for construction of a pool in such areas, non farmers should be notified of the potential impact by adjacent agricultural activities such as harvesting, and they should be required to sign an acknowledgement that the residential owner bears the responsibility of any damage or inconvenience resulting from normal agricultural activities on such pool or the use thereof.
 - e. Multiple residences should be allowed on single parcels with a site plan review by the Planning Board to ensure that properties can be subdivided in the future in a conforming manner.
 - f. Auxiliary businesses related to agriculture should be permitted. These uses should
 - 1.) Provide a service to agriculture.
 - 2.) Sell agricultural products or crafts produced on the premises
 - 3.) Ancillary sales of products not produced on site, but related to the main business should be allowed as long as it is not the primary portion of the business. For example, a farm implement repair shop should be able to sell lubricants, or a quilt shop selling cloth and thread.
 - 4.) Have primarily employees that are the owners or the immediate family of the owners of the related agricultural business. A limit of 4 employees shall not be family members.
 - 5.) Be ancillary to an agricultural use of the property.
 - 6.) Be limited in size to a 2,500 square foot building.
 - 7.) Design standards for such uses should be established to ensure that the character of the buildings used protects the rural character of the area. These should emphasize 'farm like' buildings, including gambrel roofs, wood siding, and a rustic appearance.
2. Issue Generation
- a. Existing zoning in agricultural areas of the town:
 - 1.) Requires large lots that tend to disrupt efficient shape and use of farm fields. This tends to destroy the rural character and convert more land from agricultural production than smaller lots.
 - 2.) Gives no preference for locating new residences on soils that are not significant for agriculture.
 - 3.) Lists residences as a principal use, making it as preferable as agriculture.
 - 4.) Provides numerous rules for dividing land for residential use, but little or no rules for enhancing agricultural use of property.
 - 5.) Requires a separate lot for each residence, even if the new residence is farm related. This is a major issue for agricultural operations that use farm laborers

and for the resident Mennonite population that prefers to keep retired members on the farm close to their relatives and community.

- b. There are significant areas of the town where agricultural land is not at risk for development, and existing owners and agriculture operators have made along term commitment to continuing agriculture.
- c. There is a need for housing for agricultural workers and owners and their families. Mennonite owned farms are characterized by providing housing for retired family members.
- d. Ancillary businesses supply important revenue to family owned farms. Their size needs to be limited and their appearance subject to design standards to ensure that the rural character of the agricultural district is protected.

3. Reasoning

- a. The agricultural value of the soils in the Town of Milo is so significant that they merit protection.
- b. Many members of the agricultural community, both Mennonite and not, have made a long-term commitment to the preservation of agriculture within the Town.
- c. Creating a density standard while reducing required lot sizes would consume less agricultural land and preserve the low residential density.
- d. Whole parcel farm planning will preserve the maximum agricultural use of a property while allowing a density of residential development that preserves the character of the Town's rural, agricultural community. Such development also allows the agricultural landowner access to capital when needed, and the ability to remove unproductive land and the taxes thereon from farm ownership.
- e. Many agricultural operations rely on farm labor. At the same time many of the local resident Mennonite population will reach retirement age in the coming years, and will desire to continue to live in the agricultural area while turning over the agricultural operations to younger members of the community. While the location of such housing should be part of whole agricultural parcel planning, and should be located so as to be able to be subdivide in the future, as long as the parent parcel is large enough there is no reason for the Town to require that each residence be on a separate lot.
- f. Rules for setbacks of non-agricultural uses and other zoning rules should be written to favor agriculture as the primary principal use in this district.
- g. The Town cannot prohibit the establishment of reasonable residential housing for agricultural workers within the confines of a County Agricultural District.
- h. Design standards for ancillary businesses are important to maintain the rural character residents and tourists desire.

C. Special Hillside Agriculture Zoning

- 1. Recommendation: A special zoning district should be established for the areas of the town overlooking Keuka and Seneca Lake where the land use is characterized by a mix of agriculture including a higher component of vineyards than the rest of the agricultural areas of the town. See the Map 22 above, under B. Protected Agriculture.
 - a. Allow a mix of vineyard and other agricultural, winery, and scattered (low density) single-family residential uses.

- b. Alert residents in this district of the special needs of both vineyard operations as an agricultural use and of wineries for tourist attraction, sales, and special event hosting.
 - c. Clear standards should be established for:
 - 1.) The density and lot sizes for residential development.
 - 2.) Public access to wineries.
 - 3.) Special events hosting, such as live music, festivals, and party hosting (such as, but not limited to wedding receptions).
 - d. The Town of Seneca's, Ontario County, Agricultural Zoning model should be adapted to use in the Town. Residential housing density in this area should average about 1 house for every 20 to 25 acres. This should be controlled not by requiring large lot sizes, but by specifying that only lots of 40 acres or more can be subdivided for uses other than agriculture.
 - 1.) Lots under 40 acres should not be allowed to be subdivided. One residential unit can be developed on such lots.
 - 2.) Lots of 40 acres may have only one lot for residential purposes divided from it.
 - 3.) Lots of more than 40 acres may have 1 residential subdivision lot for the first 40 acres, and one additional residential unit for each unit of 20 acres of the lot over 40 acres.
 - e. The rules established for additional residences for farm owners and farm workers as described under the "Enhanced Agriculture" recommendations in A. above should also apply to this district.
 - f. Whole parcel planning should be done for new development.
 - g. Erosion control plans should be required for new construction disturbing more than 1,500 square feet of surface area.
 - h. Site plan review by the Planning Board should be required for non-agricultural related activities disturbing more than ½ acre, and for non-agricultural activities disturbing more than 800 sq. ft. within 20 feet of a permanent or intermittent stream draining directly to Keuka or Seneca Lake.
2. Issue Generation
- a. Much of the land currently in vineyard production in the Town is considered at risk, and increasing residential development is occurring in this area.
 - b. Proximity of vineyards to the finger lakes is important to ensure the performance of vineyards and the preservation of the rural atmosphere of the hillside area that is important to residents and the tourism industry
 - c. Vineyards and wineries can be productive on smaller lots than other types of agriculture.
 - d. Wineries need to diversify their business to ensure their economic viability. Hosting of special events can be an important component in their business plan.
 - e. The rural character of the area and high value lake views create high land values and taxes for vineyard and winery owners.
 - f. The views and beauty of this rural area are threatened by over overdevelopment.
 - g. Site plan review, including erosion control, for non-agricultural development is important to protect the water quality of Seneca and Keuka Lakes.
3. Reasoning

- a. Allowing wineries a reasonable number of special events and establishing rules for public access and noise will ensure their economic viability and preserve the character of the rural area.
- b. Increased residential development of the area needs to be controlled so that density does not increase to a point where
 - 1.) The lack of public utilities (sewer & water) does not result in reduced ground water quality.
 - 2.) It threatens the rural character and beauty of the area upon which local land values and wineries depend.
 - 3.) It threatens the ability of vineyard growers to manage their land for agricultural use.
 - 4.) It threatens the ability of wineries to diversify their business and host a reasonable number of special events.
- c. The extension of public utilities (infrastructure) to this area would require a high density of development that would destroy the rural character of the area.
- d. The water quality of Seneca and Keuka Lakes is important for their use as drinking water reservoirs, water contact recreation, and for maintaining the aesthetic resource important for local residents and tourists.

D. Non Agricultural Areas

1. Recommendation:

- a. The hamlets of Second Milo, Milo Center, and Himrod should be zoned Hamlet Residential, reflecting their character and mixed land uses.
- b. Other non-agricultural areas of the town remote from the lakefront should be zoned as rural/conservation areas with low residential density permitted.

2. Issue Generation

- a. The 3 hamlets in the town have diverse lot sizes and residents, and have a unique character that differs significantly from modern 'subdivision' type residential development.
- b. The character of the hamlets is not supported by the current zoning, which requires larger and more uniform lot sizes, as well as a segregation of uses.
- c. Public utilities are generally not present in the hamlets.
- d. The hamlets are islands of historical development surrounded by agricultural areas of the Town.
- e. There are several ravine, near stream areas within the town that are used for recreational purposes primarily, and also provide significant forest cover, such as the along the Keuka Lake trail and the Himrod Conservation Society.

3. Reasoning

- a. There has been very little growth surrounding the hamlets over the last 30 years. This appears to be due to a number of factors, including
 - 1.) Existing zoning that is contrary to the historic character of the hamlets.
 - 2.) The lack of public infrastructure
 - 3.) The lack of public amenities, such as recreational spaces in the hamlets.
 - 4.) The desire of the public for larger lots and smaller homes in areas remote from the lakefront or without a lake view.