**LU3.** **Avoid Agricultural and Forested Land Conversion**

The objective of this strategy is to maintain and protect the State’s potential for carbon sequestration on agricultural and forested lands through avoided conversion. There is a land use regulatory policy tool that is extremely effective and can be implemented at the local zoning/subdivision level with assistance from model local laws and Regional Planning entities. Much loss of ag and forest lands happens as rural lands transition to residential development, which frequently creeps along house lot by house lot at a steady pace along rural roadways, going unnoticed by local regulators. As farmers retire, and land is sold off, eventually the impacts on the remaining farm operations are farm operations incompatibilty with the new residential neighborhoods. With a subdivision tool in place as an overlay, **CSD (Conservation Subdivision Design)**, every major subdivision of land is tempered with 50% conservation of the most sensitive lands of that parcel. The tool is extremely effective because it identifies and protects agricultural soils, forests, stream corridors, or ecologically rich areas. It is simple to use, retains landowner development rights, and protects lands in perpetuity through a standard conservation easement that removes development rights from the identified lands. Certain conservation-compatible uses are allowed on those lands, and development of the remainder of the parent parcel is kept compact, to allow for the 50% conservation.

We have been working to, and have developed, a model CSD law for rural Central New York municipalities. It was adopted in Cayuga County following adoption of a comprehensive Plan. I presented the tool at our Syracuse-Onondaga County Planning Agency annual symposium, and we are hoping to have more opportunities to work with municipalities to get these tools implemented at the local level. The outreach and education work is critical to getting this done.

Another effective conservation tool is **Fixed Ratio {Density Averaging) Zoning**, a Zoning and subdivision concept where density is calculated by number of lots permitted based on acreage (e.g., 1 lot for each 10 acres). Similar to CSD, the permitted lot sizes are much smaller: 1 to 2 acres or minimum required for on-lot septic. This permits small scale low density rural subdivision by landowners and can preserve large tracts of agricultural or forested lands.

For **Renewable Energy Regulations (under Section 94-c**), local land use regulations must be clear, i.e. where such development is permitted, including prohibition on use of highest quality agricultural soils, and have clear design and operating standards. **Renewable Energy Regulations for commercial** wind energy systems are considered generally compatible with agriculture. Commercial scale solar can present issues including competition for high quality farmland, so should be located on inactive farmland, unimproved pasture or other lands with a decommissioning plan to fully restore site.

**Non-commercial Renewable Energy Regulations solar and wind renewable energy systems** are appropriate accessory uses to agricultural operations and should be permitted as such in zoning codes;

* Protected uses under the "use of land, buildings, structures, equipment" language in the NYS definition of farm operation
* Permitted by right with building, other relevant permits.

**Lu5 Mapping, Research, Planning, and Assistance**

• Develop a **statewide conservation framework**: DEC should develop a statewide conservation

framework245 that incorporates current, accurate spatial data on critical ecosystems (terrestrial and

aquatic), including priority ecosys…

• **Assist local governments to create land-use policies**:246 DOS, DEC, and the Legislature should

assist county and local governments to create land-use policies, land conservation programs, and

smart growth strategies that prioritize and protect (YES!) wetlands, forests, grasslands, stream buffers,

and other natural areas (such as the statewide authorization of Community Preservation Act;

training and support on use of CRRA model local laws, comprehensive planning language,

zoning, and other conservation planning approaches; and funding for Conservation Advisory

Committees and Environmental Management Councils). Key stakeholders should include

regional and county planning commissions, counties, municipalities, conservation NGOs, and

SWCDs.

**Provide conservation incentives to landowners**: The State should enhance and create

landowner incentives and other techniques to conserve and restore tidal and non-tidal wetlands,

forests, grasslands, and natural areas and utilize living shoreline and nature-based solutions (such

as tax abatement programs, tax incentives, land conservation programs, and PES).

• **Research and monitor carbon storage and sequestration potential**: The State should fund

research, analysis, and monitoring to determine carbon storage and sequestration potential of tidal

and non-tidal wetlands, submerged aquatic vegetation, forests, and other priority natural areas, to

increase understanding of mitigation opportunities and to establish siting protocols and priorities

for conservation and restoration.

• **Support the development of local natural resource inventories**: State agencies, such as DEC,

DOS, and/or AGM, should provide funding to further development of natural resource

inventories, critical barriers, and other local and regional smart growth planning and decision making

resources (such as maps to identify suitable reforestation locations. We have done this, mapping “potential conservation lands” for each of 5 CNY Counties, and developed individual municipal mapping for several municipalities that expressed interest in having these maps. The maps locate all parcels and all sensitive lands from steep slopes and forested lands to ag districts, wooded wetlands and aquifers. This mapping is a companion piece to CSD and Fixed Ratio Zoning and can be prepared for any municipality at a scale they can use.

**LU9. Regional and County Planning and Technical Assistance** Yes, so many resources are shared across municipal boundaries.

Regional and county planning should guide future growth, redevelopment, and conservation at the multi-municipal scale. There should be facilitation and support of collaborative multi-municipal smart growth comprehensive planning at the county and regional scales to inform and guide land-use decisions,

including designation of priority development areas and priority conservation areas. While land use

zoning, which determines final land use and development decisions, falls within the jurisdiction of

municipalities, this broader regional lens is necessary to inform those local decisions to serve broader land use goals that transcend municipal boundaries--i.e., regional economies, daily travel patterns and

transportation systems, housing needs (particularly the availability of permanent affordable housing to

meet the entire region’s needs and avoid displacement and gentrification, as highlighted by the CJWG)

hydrologic functions, open space preservation, and ecosystem health, among others.

**LU12. Accelerate Transit-Oriented Development,** In conjunction with CSD, or Fixed Ratio Zoning, TOD can be an even more powerful tool than it is on its own in reshaping development and conservation.

Smart Growth planning should accelerate mixed-use, mixed-income TOD, with an emphasis on E-TOD,

around key transit hubs served by rail and bus rapid transit. While land use patterns generally take time to shift and produce measurable climate results, TOD can be expedited with State support given its defined geographic scope and focus; TOD also produces more measurable GHG reduction outcomes. The CJWG recommended a statewide program to plan and develop E-TOD.

**LG4. Community Clean Energy Initiatives**

This strategy connects homes, businesses, and community institutions with clean energy products and

services through CCA programs, microgrids, district systems, and community-scale campaigns to

encourage adoption of innovative technologies to generate savings for consumers in an equitable manner.

• Encourage the adoption of clean technologies: NYSERDA should work with community

stakeholders to promote community-scale campaigns to encourage the adoption of clean

technologies to generate value and savings for consumers.

There are particular “beasts” of CO2 emissions release that need to be addressed at the community/neighborhood level: gas lawnmowers and leaf blowers (and the extensive lands dedicated to them). There are existing excellent, proven, durable electric landscape maintenance power tools: mowers, weed whackers, leaf blowers, chain saws that can replace the intense carbon emitting tools that are ubiquitous in our communities. This needs to be a campaign and incentivized push to transition to electric power tools. Residential emissions from gas power tools is a very large area of potential GHG reduction the state can make with a strong push. Stop the bleeding gas lawn mowers and leaf blowers!

**Statistics for Gas Power Lawn Mowers**

Well over 5 million gas powered mowers are still sold in the U.S. every year. A typical gas mower, for instance, can emit the same amount of VOCs and NOx -- key precursors to smog -- in an hour as a typical car driven 45 miles, according to the EPA.

|  |
| --- |
| **FACT:** Americans burn 800 million gallons of gas each year trimming their grassy yards, according to the EPA**FACT:** One gas mower running for an hour emits the same amount of pollutants as eight new cars driving 55 mph for the same amount of time, according to the Union of Concerned Scientists |

The replacement of every 500 gas mowers with non-motorized mowers would spare the air

* 212 pounds of hydrocarbons
(smog ingredient)
* 1.7 pounds of nitrogen oxides
(smog ingredient)
* 5.6 pounds of irritating particles 1,724 pounds of carbon dioxide

**Payment for Ecosystem Services (PES)** when aligned with water quality goals has the potential to

protect water quality while aiding the struggling agricultural economy. University of Vermont Gund

Institute’s white paper issued September 2019 highlights that to support economic viability for farmers

with a PES program that is voluntary, flexible, and equitable will incentivize innovative and sustainable

agricultural land management that provides multiple ecosystem services (for nutrient and/or GHG

reductions). Yes!

**“SylvoPasture”** This is great!