Planning for Agriculture in New York:

A TOOLKIT FOR TOWNS AND COUNTIES

American Farmland Trust

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What we do

American Farmland Trust is the nation's leading conservation organization dedicated to saving America's farm and ranch land, promoting environmentally sound farming practices and supporting a sustainable future for farms. As the vital link among farmers, conservationists and policy-makers, we're focused on ensuring the availability of the land that provides fresh food, a healthy environment and lasting rural landscapes. Since our founding in 1980 by a group of farmers and citizens concerned about the rapid loss of farmland to development, we've helped to save more than 3 million acres of farmland and led the way for the adoption of conservation practices on millions more.

Our work in New York focuses on three areas:

- Protecting farmland from poorly planned development,
- Promoting environmental stewardship on farms, and
- Strengthening the economic viability of agriculture.

Through our research, educational programs and advocacy, AFT helps farmers, public officials and the public strengthen the future for farming in New York.

Acknowledgments

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SECTION FOUR:

Appendix

Resource materials located at specified website:

Background Information

- A Planners Guide to Community and Regional Food Planning: Transforming Food Environments, Facilitating Healthy Eating *www.farmlandinfo.org/index.cfm?function=article_view&articleID=37833*
- Northeast Center for Food Entrepreneurship at the New York State Food Venture Center *www.nysaes.cornell.edu/necfe/resource_main.html*
- Policy Guide on Smart Growth *www.planning.org/policy/guides/pdf/smartgrowth.pdf*
- Putting Smart Growth to Work in Rural Counties *www.ihda.org/admin/Upload/Files/90ca9ac4-c74b-4e31-b045-23345ecc5c2b.pdf*

Resource materials located on the CD that accompanies this guide:

Background Information

- Farmland Information Center, Fact Sheets
  - *Farmland Protection Policy Act*
  - *Farmland Protection Toolbox*

Related State Programs and Documents

- NYS Agricultural Assessment Program
- NYS, *Agricultural Environmental Management Program Annual Report*
- NYS Department of Environmental Conservation, *Open Space Planning Guide*
- NYS Department of State, *Guide to Municipal Land Use Controls*

County Guides to Agricultural Planning

- Onondaga County, *Municipal Reference for Agricultural Land Use Planning*
- Yates County, *Agricultural Planning Guide*

Making the Case for Planning for Agriculture

- American Farmland Trust, *Erie County: Farming on the Urban Edge*
- Farmland Information Center, Fact Sheet
  - *Cost of Community Services Studies*
  - *Why Save Farmland?*
- Broome County, *Agricultural and Farmland Protection Plan,* Why Agriculture Works for Broome County: The Top 10 Reasons
- *AEM Tier II Worksheet: Agriculture and the Community*
- Hudson Valley Greenway, *Saving Farmland With Development*

Agricultural Districts and Right-to-Farm Laws

Agricultural Districts

- Agriculture and Markets Law Section 303-a, Eight-Year Review Protocol
- NYS, Agriculture and Markets Law, Article 25-AA
- Farmland Information Center, Fact Sheet, *Agricultural District Programs*

Section 305-a – Local Ordinance Provision

- NYS Department of Agriculture and Markets, 305-a: *Local Laws and Agricultural Districts: How Do They Relate*
- NYS Department of Agriculture and Markets, 305-a Review Form
- NYS Department of Agriculture and Markets, 305-a Questionnaire for Start Up Farms
- NYS Department of Agriculture and Markets, Agricultural Districts 305-a Guidance Documents
  - Animal Control
  - Composting
  - Farm Markets
  - Farm Worker Housing
  - Greenhouses
  - Horse Boarding
  - Junkyard
  - Nutrient Management
  - Open Burning
  - Wetlands
  - Zoning
- NYS Department of Agriculture and Markets, Pipeline Construction Guidelines
- NYS Department of Agriculture and Markets, Wind Power Guidelines

Section 305-a – Agricultural Data Statements

- Saratoga County Agricultural Data Statement
- Sample Agricultural Data Statement

County and Town Right-to-Farm Laws

- Farmland Information Center, *Right-to-Farm Laws* Fact Sheet
- Yates County, Model Right-to-Farm Law
- Town of Charlton, Right-to-Farm Law
- Town of Eden, Right-to-Farm Law

Farm–Neighbor Relations

- New York Agricultural Mediation Program Brochure
- Saratoga County, *Are You Thinking About Moving to the Country?* Brochure
- Tompkins County, *Living in the Country Brochure*

Agricultural and Farmland Protection Plans

- NYS Department of Agriculture and Markets, Key Elements of a Municipal Plan
- 2010 Map of Towns Receiving Planning Grants
- NYS, Agriculture and Markets Law, Article 25AAA
- Town of Charlton, Agricultural and Farmland Protection Plan
- Town of Lima, Zoning Analysis and Recommendations
- Town of Brutus, Adopting Resolution
- Wayne County, Agricultural and Farmland Protection Plan

Comprehensive Plans

Town Agricultural Advisory Committees

- Town of Ithaca, Agriculture Committee
- Town of Eden, Agriculture Committee

LESA

- Farmland Information Center, *Land Evaluation and Site Assessment* Fact Sheet
- USDA Natural Resources Conservation Service, *Land Evaluation and Site Assessment Guidebook*
- Putnam County, *Agricultural and Farmland Protection Plan,* LESA System (p. 85–92)
- Town of Pittsford, Greenprint

Town Comprehensive Plans

- Town of Warwick, Comprehensive Plan (p. 7–9, 43–57)
- Town of Seneca, Comprehensive Plan (p. 5–8, 11–18, 39, 48–49, 59–67, 89–95)

Zoning

- NYS, Town Law, Section 278 – Cluster Development
- American Farmland Trust, *What About My Equity?*

State Laws and Documents

- NYS Department of State, *Guide to Planning and Zoning*
- New York Direct Market Association, *Model Zoning for Roadside Stands and Farm Markets*

Town Zoning Laws and Ordinances

- Town of Plainfield, Illinois, Zoning Code (excerpt)
- Town of Seneca, Zoning Code(p. 27–32)
- Town of Ithaca, Zoning Code (p. 34–43)
- Peach Bottom Township, Michigan, Zoning Code (excerpt)
- Alpine Charter Township, Michigan, Zoning Code (excerpt)
- Town of Washington, Zoning Code (excerpt)
- Town of Kinderhook, Zoning Code (excerpt)
- Skagit County, Washington, Zoning Code (p. 34–37)
- Town of Stuyvesant, Zoning Law
- Town of Milton, Zoning Code (excerpt)
- NYS, Town Law, Section 261-b – Incentive Zoning
- Town of Beekman, Zoning Code (excerpt)

Subdivision Ordinances

- Southern Tier Central Regional Planning & Development Board *Rural Design Workbook*
- Hudson Valley Greenway, *Saving Farmland With Development*
- Town Subdivision Laws
  - *Town of Caton, Subdivision Regulations*
  - *Town of Easton, Subdivision Law*

Local Property Tax Reduction Programs

- American Farmland Trust, *New York Agricultural Landowner Guide*
- NYS, Real Property Tax Law, Sections 483, 483-a and 483-c
  - *Agricultural Assessment for Rental Landowners*
  - *Agricultural Assessment Forms*
  - *Farm Building Exemption*
  - *Farm Worker Housing Exemption Forms*
- Farmer's School Tax Credit
- Historic Barns Tax Credit

Lease of Development Rights

- Town of Elma, Authorizing Legislation
- Town of Warwick, Agricultural Overlay District
- Town of Perinton, Conservation Easement Law
- Town of Perinton, Conservation Easement for Farming Purposes
- Town of Clifton Park, Conservation Easement Law
- Town of Southampton, Agricultural Overlay District and Agricultural Planned Development District

Purchase of Development Rights

- Farmland Information Center, Fact Sheets
  - *Agricultural Conservation Easements*
  - *Farm Transfer and Estate Planning*
  - *Installment Purchase Agreement*
  - *NYS Farmland Protection Program*
  - *Purchase of Agricultural Easements*
  - *Purchase of Agricultural Easememts: Sources of Funding*
  - *Status of Local PACE Programs*
  - *Status of State PACE Programs*
- NYS Department of Agriculture and Markets, Model Agricultural Conservation Easement
- Agricultural Stewardship Association, Agricultural Conservation Easement
- NYS, Environmental Conservation Law, Article 49 Section 3
- USDA Natural Resources Conservation Service, Farm and Ranch Lands Protection Program

Town Purchase of Development Rights

- Town of Warwick, Code (excerpt)
- Town of Riverhead, Community Preservation Act Law

County Purchase of Development Rights

- Jefferson County, PDR Feasibility Study
- Suffolk County, PDR Application
- Land Trust/County Memorandum of Understanding
- Cayuga County, Pre-Application for NYS Farmland Protection Implementation Grant
- Frederick County, Maryland, Option to Purchase Agricultural Land Preservation Easement
- Frederick County, Maryland, Agricultural Land Preservation Installment Purchase Agreement

Transfer of Development Rights

- NYS, Town Law, Section 261
- Farmland Information Center, *Transfer of Development Rights* Fact Sheet
- Resources for the Future, *How Well Can Markets For Development Rights Work?*
- Town of Riverhead, TDR Law
- Warwick Township, Pennsylvania, TDR Law
- Town of Lysander, TDR Law

Agricultural Economic Development

- Southern Maryland, Farm Viability Enhancement Grant Program Agreement
- Southern Maryland, Farm Viability Enhancement Grant and Agricultural Use Covenant (term easement)
- Loudon County, Virginia, Agritourism Brochure
- NYS Department of Agriculture and Markets, Guidelines for Review of Local Laws Affecting Small Wind Energy Production Facilities

Agricultural Economic Development Specialists

- Saratoga–Washington County, Agricultural Economic Development Educator
- Wayne County, Agricultural Development Specialist Position Description

Farmland Leasing

- Farm Rental Agreement Checklist
- Farmland Tenure and Leasing
- Managing Tenant–Landlord Relationships
- Peconic Land Trust, farmland lease
- *Agritourism (And More) in the Southtowns*

Infrastructure Planning

- Genesee County, Smart Growth Plan 2010 Review

Food and Health Policies

- Albany County, Local Food Purchasing Policy
- Woodbury County, Local Food Purchase Policy
- Missoula City and County, Montana, Joint Resolution establishing the Community Food and Agriculture Council

Educating the Public About Agriculture

- Genesee County, Decision Makers Tour Itinerary

A farm is lost to development every three and a half days in New York.

Find out what you can do.

You can help save New York farms and farmland.

BE AN ADVOCATE: **www.farmland.org/newyorkadvocate**

SUPPORT OUR WORK: **www.farmland.org/nydonate**

STAY CONNECTED: **www.farmland.org/newyork**

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Introduction

A growing number of New York communities recognize that farms and farmers should not be taken for granted. New Yorkers who understand the multiple benefits that agriculture contributes to their communities are speaking up about the need to support local farms. Farms are valued as a source of local food; for helping maintain lower property taxes; as generators of economic activity; as stewards of the state's natural resources and wildlife habitat; for preserving communities' rural heritage; and for providing the green space and scenic beauty that attract tourist dollars. New York communities want new growth and development—just not at the expense of farmers, farmland and long-term food security.

At the same time, more farmers recognize the existing or potential impacts of poorly planned development on their businesses. Rural communities in western and central New York and the North Country are increasingly becoming home to commuters from upstate cities or locations for second homes. The Hudson Valley and Long Island continue to experience some of the highest development pressure in the nation.

Some of the impacts of these trends are highly visible. Subdivisions and parking lots now cover former farm fields where "concrete was the last crop." But, many of the most significant effects of the fragmentation of New York's landscape are less visible. Farmland prices in more and more areas of the state have risen beyond farmers' purchasing ability. As a result, beginning farmers and farmers looking to expand their farms struggle to get access to land. Increasing development also contributes to conflicts on roadways between drivers of farm machinery and faster moving vehicles, as well as to disputes about farm practices between farmers and their new neighbors.

The loss of farms also jeopardizes the support system for agriculture in New York. Farm service providers such as veterinarians, feed dealers, farm equipment stores, slaughterhouses and others depend upon a strong base of farm customers. As farms are lost,

these critical service providers lose income and their future is weakened. The loss of these service providers makes it even more difficult for remaining farms to survive as they must travel farther to get critical supplies or services.

This publication is a toolkit for those New York communities that recognize the importance of local farms and want to take action to support them. It is an update to the 2005 version of American Farmland Trust's Guide to Local Planning for Agriculture in New York. The original guide focused on the roles that towns can play in pro-actively supporting local agriculture since towns have primary land use decision-making authority in suburban and rural areas of New York. Decisions made each week by thousands of New Yorkers who participate on town boards, planning boards and zoning boards of appeal combine with the decisions of individual landowners and state and federal policies to define New York's farming communities, economy and landscape.

The original guide analyzed ways that towns have supported agriculture using tools such as right-to-farm laws, zoning codes, comprehensive plans, subdivision ordinances, property tax reduction programs, and purchase and transfer of development rights. Profiles of more than 30 towns from New York and other states illustrate how these tools have been used to support agriculture.

The 2011 version of the guide also highlights the important roles that counties can play in affecting the future of agriculture. Through their economic development, public health and infrastructure policies, as well as support for the use of agricultural districts and purchase of development rights, counties can have a significant impact on local farms. This updated edition of the guide describes tools available to counties and profiles 38 counties that have taken local action to plan for agriculture.

Planning for Agriculture in New York: A Toolkit for Towns and Counties is intended as a resource for town and county officials, planners, economic development professionals, extension educators, farmers and other New York residents interested in maximizing the benefits to their communities of planning for agriculture. Chapters of this resource guide provide New York communities with a range of tools, case studies and resources to be successful. Topics addressed include:

- Making support for agriculture a community priority;
- Engaging farmers and rural landowners in community planning efforts;
- Evaluating current policies to determine their impact on farms;
- Developing policies that strengthen economic opportunities for local farms and protect irreplaceable farmland;
- Identifying resources for further support.

The guide includes a list of agencies and organizations that can serve as resources during the on-going process of planning for agriculture. The accompanying CD provides materials from profiled communities and additional resources.

Resources on CD are noted by this symbol.

Resources available online are noted by this symbol

SECTION ONE:

Planning for Agriculture

Why Plan for Agriculture?

Why plan for agriculture? This underlying question is of critical importance. Communities without compelling answers to this question will be challenged to motivate local officials and residents to take action to support local farms.

There are two fundamental parts to this question. First, local officials and non-farm residents may wonder why they should focus on farms in local policies. Given all of the issues facing communities, why should they give equal consideration to agriculture? Second, farmers and rural landowners may question whether planning and policy-making can or should be used to address issues facing agriculture.

One of the biggest challenges in engaging the public in planning for agriculture is conveying the message that farms should not be taken for granted. Too often, residents assume that farms will be in their communities forever. Motivating people to take action before a community's farms are lost is challenging but very important.

It is not surprising that many farmers are skeptical of local planning efforts. Some communities have treated farming as a temporary land use in comprehensive plans, zoning codes and other policies. In other cases, agriculture has not been recognized as a business or as a valuable long-term community asset. Farmer skepticism toward local efforts also may stem from concerns about the fairness of new land use policies and how such policies may affect their personal and business interests. Farmers may also be frustrated that local efforts may only have limited influence on national or international issues that are having a significant impact on their farms.

By developing compelling answers to the questions and concerns that residents and farmers may have about planning for agriculture, communities can increase the likelihood that their local planning efforts will be a success.

Making Support for Agriculture a Community Priority

The rationale for supporting farms and protecting farmland may differ in every community. However, the following arguments about the benefits of agriculture have frequently been used to generate local support for farming.

Economic: Farms provide jobs and support the local economy.

Farms are local businesses. They create jobs and support many other businesses by purchasing local goods and services. In 2007, New York farms sold more than $4.4 billion in farm products and spent $3.5 billion on production expenses, much of which stayed within New York. According to a 2001 report from Cornell University, farm and related food processors and service providers generate more than $23 billion each year in economic activity. Agriculture has been a dependable component of New York's economy for many years and will continue to be, if we invest in its future.

Fiscal: Farm and forest land require fewer community services and help maintain lower property taxes.

Development imposes costs on communities in the form of increased demand for schools, roads, water, sewer and other community services. Numerous Cost of Community Services studies and other analyses have shown that farm and forest land generate more local tax revenue than they cost in services. By comparison, residential development typically fails to make up for local costs with property tax revenue. The expression "cows don't go to school" is often used to relay the message that communities should consider the net impacts of new development on property taxes; converting agricultural land to residential land use should not be seen as a way to balance local budgets.

Health/Nutrition: Farms produce fresh local foods.

Locally grown food tastes better and is often healthier. Communities with local farms have ready access to farmers' markets, farm stands and other retail outlets that sell fresh local farm products, including fruits, vegetables, meats, dairy products and other items. Increased access to fresh fruits, vegetables and other nutritious foods is a strategy for combating child obesity and many of the public health challenges facing New York. In the future, the security of having a local food supply may become even more important to communities.

Scenic: Farms provide rural character and scenic landscapes.

Working farms help define the rural landscape that is attractive to many New Yorkers. By protecting cropland, pastures and forests, communities can retain their traditional sense of place and rural identity.

Tourism: Scenic working farms attract tourists and dollars to New York.

In addition to making New York a desirable place to live, farms help make the state a desirable place to visit. Wineries, u-pick farms and other agritourism establishments are direct draws for tourists. Working farms provide the scenery that is enjoyed by people on country drives and brings visitors to communities around the state.

Environmental: Well-managed farms help protect water quality and natural resources.

Farmers have been the stewards of the state's natural resources for generations. Farms maintain wildlife habitat, provide buffers for wetlands and waterways and protect recharge areas for aquifers and other environmental resources. The environmental benefits of farms have been well recognized by cities such as New York City and Syracuse, which have invested millions of dollars to conserve well-managed farms that protect drinking water quality and other natural resources in their watersheds.

Cultural: Farms connect us to our community heritage and historic places.

Farm buildings, rock walls, historic farm machinery, open fields and other elements of agriculture are important links to our farming heritage. By protecting farms, we ensure that future generations have the opportunity to visit local farms and learn more about agriculture. Many people also admire the values and work ethic represented by farmers and farm families.

Recreation: Some farms provide access for hunting, fishing and other outdoor recreational activities.

Not all farms allow public access, but many farmers, when asked, allow certain recreational pursuits such as hunting, fishing, snowmobiling, horseback riding or other activities on their land. Biking, running or walking along rural roads near farms also can be an enjoyable recreational experience for members of the community.

Those involved in planning for agriculture need to develop compelling arguments that can be used to motivate local officials and residents.

- Broome County, Agricultural and Farmland Protection Plan, Why Agriculture Works for Broome County: The Top 10 Reasons
- American Farmland Trust, Erie County: Farming on the Urban Edge
- Farmland Information Center, Why Save Farmland? Fact Sheet

The loss of New York farmland is largely driven by the migration of residents from cities into the suburbs and rural communities surrounding them, not by population growth.

The Threat:

Working Farmland Lost to Poorly Planned Development

New York's landscape has been changing for generations. Studies from 20 to 30 years ago documented the rise of new non-farm development and the potential impacts on agriculture. So why is it more important than ever that we take action now?

Non-farm development has been on the rise in New York for decades, but the scale, speed and distribution of recent development is significantly different. The most recent statistics from the United States Department of Agriculture indicate that roughly 47,700 acres of farmland were developed in New York between 2002 and 2007. This equates to roughly 9,000 acres of farmland per year or a farm every three and a half days.

The connection between the loss of farmland and challenges facing upstate New York cities was highlighted in study titled "Sprawl Without Growth: The Upstate Paradox," by Cornell University's Dr. Rolf Pendall and the Brookings Institution. This report determined that conversions of farmland and forests in New York have generally not been due to population growth. The study found that 425,000 acres of farm and forestland were developed between 1982 and 1997, resulting in a 30 percent increase in developed land during the period. At the same time, the population grew only by 2.6 percent. The study also highlighted that the movement of people out of upstate cities into the countryside was having a negative impact on city budgets and economies as well as contributing to the loss of farms.

Statistics about farmland loss don't capture the full impact of non-farm development on agriculture. New non-farm development may raise land values, which can prevent farm operations from expanding or limit opportunities for young farmers to purchase farms and land. Poorly planned development may also fragment blocks of land into pieces that are too small for commercial farm equipment, may discourage farm investment or may set the stage for costly conflicts about farming practices.

Engaging Farmers in Planning for Agriculture

Planning efforts can elicit varying reactions from farmers and rural landowners. For some farmers, local planning is an opportunity to directly influence the future of the community. For other landowners, local planning brings uncertainty, anger and mistrust.

Some farmers operate in communities that fail to make agriculture a priority, don't fully understand farms and modern farm practices or make decisions that undermine the future for farming. In those cases, it is easy to understand why farmers would not be supportive of local planning or other actions. In other settings, however, local community members appreciate farmers and consider the retention of farm businesses to be a priority. Farmer support for local planning is more likely in those situations.

Individual farmers and rural landowners may respond very differently to local planning efforts, depending on their own personal priorities. Farmers who perceive a strong future for agriculture may be more likely to support new policies that limit non-farm development or make economic investments in agricultural businesses. Farmers who plan to exit farming in the near future—whether due to age or business concerns—may be more likely to emphasize their interests as landowners and want to maximize their property values.

Since farmers have multiple interests in their property, their views on planning and land use issues will be influenced by various personal and business circumstances.

- As landowners, they are concerned about potential impacts on property values and equity
- As businesses, they are striving to keep their farm enterprises viable and profitable
- As taxpayers, they are interested in keeping property taxes low
- As residents and community members, they hope to keep their communities desirable for future generations

The priorities of different kinds of farms, whether wineries, organic farms, dairies, pig farms, orchards, etc., may differ as well. A community could be headed for trouble if it assumes that the interests of "agriculture" can be accounted for without considering the diversity of its local agriculture.

The following are suggestions for communities interested in engaging farmers and rural landowners in local planning efforts.

Engage farmers early in the process

In order to build local farmer and landowner support, it is crucial that you engage them early in the process. Getting farmer involvement may be a challenge, due to farmers' schedules, interests and concerns. Any meetings targeting farmers should be held at times, dates and locations that are compatible with farm operations. These schedules will likely differ depending on the type and scale of local farms. Determining farmer availability by contacting a few farmers prior to scheduling a meeting can help ensure that the event is better attended and more effective.

Some strategies for increasing farmer participation:

- Establish an agricultural advisory committee
- Hold farmer focus groups at times and locations convenient for farmers
- Invite local farm organizations to participate in the process
- Conduct surveys or interview individual farmers
- Identify the farm leaders in your community; personally invite them to get involved

Treat farms as both businesses and land uses

Farms play multiple roles in a community. They are businesses that support the local economy and provide jobs. At the same time, farms help to define a community's landscape and sense of place. Local planning efforts must focus on creating a supportive business environment for farmers as well as protecting farmland. Emphasizing one without the other will reduce the likelihood of a community's success in planning for agriculture.

Identify and cultivate leadership

Well-respected local farmers and public officials can help add legitimacy to the planning process and product. Spend time identifying the appropriate local leaders and cultivate their participation.

Balance community interests with private property rights

Planning requires a delicate balance of community priorities and the private property rights of individual landowners. Most landowners understand this need for balance but want to make sure that their private interests are treated fairly. The definition of "fairness" will differ by individual and community, but the planning process should seek solutions that strike this balance.

Even if all of the above suggestions are used, there will always be individuals who do not support efforts to plan for agriculture. However, a community with broad-based support for farm-friendly local planning will be better able to address such skepticism.

Make agriculture a priority in the community's vision for the future

Create a community vision that highlights the role for farms and farmers. Farmland is not just open space or vacant land. Agriculture requires people to manage the land and natural resources. This unique combination of people working with the land needs to be recognized and addressed in local plans and policies. Communities should include support for farms as part of their broader effort to protect rural character and open space. The unique needs of farmers and farm businesses must be considered in the planning process.

Top Myths in Planning for Agriculture

Barns are falling down in my town. That must mean agriculture is dead.

Farming is a business, and barns are built to fill specific business needs. Barns house livestock, crops and equipment. Maintaining their structures can be expensive. When farms go out of business or barns no longer bring a reasonable return on farmer investment, barns can begin to deteriorate. However, this does not mean that farming is dead. Agriculture, like other businesses, is constantly changing. While some barns may be falling down, others are being built to fill new farm business needs. Farms must constantly adapt to changing conditions in order to have a strong future.

Purchase of development rights is the only tool needed to support agriculture.

The purchase of development rights (PDR) is one tool that can be used to permanently protect land for agriculture. However, PDR will not solve all of the issues facing farming. Many strategies are required to ensure that farms and farmers continue to be a part of New York's landscape. Without complementary actions, PDR-protected farms can become surrounded by housing developments making it more difficult for farmers to operate.

When we talk about farms, we are really only talking about dairy farming.

Dairy farming represents the largest portion of New York's agricultural economy. However, New York farming consists of much more than just dairy. Farms in New York also produce fruits and vegetables, maple syrup, beef and other meats, Christmas trees, wool and other farm products. Greenhouses and horse farms are also an important part of the New York agricultural industry.

Increasing the minimum lot size for new houses to five acres will help protect farmland.

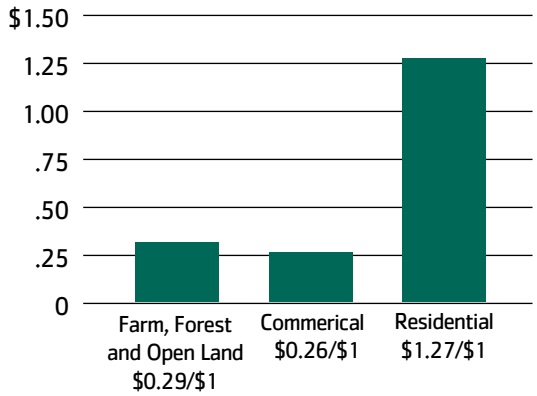
Increasing the minimum lot size for new houses to three, five or seven acres will not help protect land for farming. The resulting lots are often too small for larger, commercial farm vehicles and too large for many homeowners to actively manage. This zoning technique does reduce the density of new houses, but that should not be confused with protecting land for active farm use. The fixed ratio approach to zoning (described in further detail in Section Three, p36) is an alternative that towns can use. Fixed ratio zoning allows towns to make modest reductions in housing density while still keeping new houses on smaller building lots.

The Agricultural Districts Law prevents towns from regulating farms.

New York's Agricultural Districts Law permits the Department of Agriculture and Markets to intervene when local governments enact laws that unreasonably restrict farm operations in agricultural districts. This does not mean that local governments are powerless when dealing with farms. This important state law requires that local governments be reasonable in their approach. As a first step,

a local government should work with the farm community to address issues of concern. If this is not satisfactory, the local government should approach the Department of Agriculture and Markets to ensure that the proposed local law does not violate the Agricultural Districts Law. This process may take time and energy but will hopefully ensure that farmers' needs and community interests are addressed.

By keeping farms in our town, we are limiting our tax base.



Cost per dollar of revenue raised to provide public services to different land uses.

"Cows and corn don't go to school." This saying reflects the fact that while farmland pays less in property taxes than residences do, it requires significantly less in public services. Cost of Community Services studies from around the country have demonstrated that farm and forest land generate a net property tax "profit" while houses generally cause a property tax "loss" (due to the high cost of their associated public services). Thus, having farmland in a community can help maintain a lower demand for public services and keep property taxes lower. By maintaining a balance of land uses and by focusing growth in areas with access to underutilized infrastructure, communities can promote fiscal efficiency, preserve farmland and open space, and avoid other costs of sprawl.

Farms may be pretty to look at, but they don't impact New York's economy.

Agriculture has played a major role in New York's economy for centuries. While other businesses may move to the state for a period of time and then relocate, agriculture is a stable base for the state's economy. New York farms annually generate over $4.4 billion each year in farm sales and are directly linked to agricultural service-providers and food manufacturers that generate an additional $18.6 billion each year in sales. With the right support, farms will continue to play an important role in New York's economy for years to come.

Cluster developments and the transfer of development rights (TDR) are the perfect farmland protection tools.

The clustering of new houses is an important technique for conserving natural resources and reducing the footprint of new housing. However, it has limitations when applied to farmland protection. A cluster development can concentrate new neighbors near an actively managed farm field or farm operation. It doesn't take many residential clusters, even on relatively small parcels, to start to interfere with farm viability. Pro-active steps must be taken to ensure that the clustered development does not generate future conflicts between nearby farmers and their new neighbors.

TDR programs are complex tools that have been used effectively in other states but with limited success in New York. TDR must directly address complex issues, such as property tax impacts, zoning variances and real estate markets, to be successful. Remember, there are no easy "silver bullets" for protecting farmland. A combination of strategies and tools will be most effective in sustaining agriculture—and all of its many benefits—in your community.

SECTION TWO:

Supporting Local Farms

Principles of Planning for Agriculture in New York

From Suffolk County to St. Lawrence County, New York has a tremendously diverse population, landscape and agricultural industry. Some towns and counties have thriving real estate markets and large tax bases, while other communities have experienced less development pressure and have smaller tax bases. Some have complex land use laws managed by planning professionals, while other communities have no comprehensive plans, zoning laws or planning staff.

This diversity makes it impossible for any single program or policy to be appropriate for every New York town or county. However, there are general principles of "planning for agriculture" that should fit nearly every community. The tools used to achieve these objectives may differ, but the broad objectives are similar, as are the underlying issues facing farms throughout the state.

The following five elements of planning for agriculture should be addressed by New York towns and counties interested in supporting local farms.

1) Encourage public appreciation for local agriculture.

A common understanding of agricultural issues and awareness of the value of farms should be at the core of local policies. This does not happen automatically. It must be actively sought and reaffirmed on a regular basis. Communities should educate themselves about the economic, property tax, environmental, historical and quality of life benefits provided by local farms.

2) Strengthen economic opportunities for farms and related businesses.

Farms are businesses and are closely linked to many other parts of a local economy. Many New Yorkers have jobs that are connected with farms such as electricians, carpenters, farm equipment dealers, bankers, food processors and truck drivers. It is critical that farms be treated as local businesses and receive the marketing and economic development assistance that other local industries receive. Additionally, towns and counties should ensure that local land use, public health and other codes are farm-friendly and support opportunities for local farmers and related businesses.

3) Encourage the long-term viability of farming and food production.

Planning for agriculture requires thinking about the future and identifying long-term needs of local farms. Developing an agricultural and farmland protection plan or an agricultural economic development strategy requires a community to develop a vision for the future of local agriculture. A next generation of farmers and farm workers is necessary to carry the vision forward, so communities must incorporate education and workforce development into their plans. Protecting the land base and caring for the soils are also necessary to ensure that farms remain viable and productive.

4) Support positive relationships between farmers and others in your community.

Community understanding of agriculture is the first step in avoiding conflicts between farmers and non-farmers. It is important that public officials such as a town assessor, code enforcement officer, sheriff, county planner and others understand the specific needs and standards that apply to local farms. Additionally, it is critical that the public demonstrate its support for local agriculture and that actions be taken to mitigate potentially costly conflicts between farmers and other community residents.

5) Protect agricultural land and keep it actively farmed.

Not all land is created equal for farming. Communities should have a clear idea of priority farming areas where they want to support agriculture over the long-term. They should then take action to keep such lands in active agricultural use. It is important that towns and counties seek to retain blocks of farmland that will support a range of farm businesses and avoid siting non-farm infrastructure in priority farming areas.

Is Your COUNTY Planning a Future for Farms?

A Checklist for Supporting Farms at the County Level in New York

Encourage Public Appreciation for Agriculture

Does your county…

☐ YES ☐ NO

…support farm festivals, fairs and other events that encourage public appreciation for agriculture? Most New Yorkers did not grow up on a farm, and many have never visited a farm. Giving people a chance to learn about farming and celebrate local farms is an important, and enjoyable, learning experience!

☐ YES ☐ NO

…host tours, farmer forums or events aimed at educating local, state and federal officials about agriculture? Public officials are key players in deciding the future of farming in New York. It's important that these leaders have the chance to learn about agriculture and better understand how they can support farming in their role as community leaders.

☐ YES ☐ NO

…regularly distribute information about agriculture to the media? The media is a key ally in educating the public about the importance of agriculture and issues facing local farmers. Providing statistics, perspectives and resources to local media can generate informed coverage of agricultural issues.

☐ YES ☐ NO

…support efforts to educate children about their food and how it is grown? Educating kids about eating healthy food is critical to solving many public health problems and ensuring that future generations appreciate the importance of local farms.

☐ YES ☐ NO

…celebrate excellence in local agriculture? The contributions made by farmers to the local economy, environment and community are often overlooked. Awards, media events and other efforts to recognize these contributions help encourage local farmers, while reinforcing the many benefits that agriculture provides to New York communities.

☐ YES ☐ NO

…provide resources to municipalities about local agriculture? Counties can provide important data, maps and other information to towns that are looking for information. Cost of Community Services studies, economic reports, land use maps and other resources that are provided by counties can help municipalities make informed decisions.

Strengthen Economic Opportunities for Farmers and Related Businesses

Does your county…

☐ YES ☐ NO

…treat farms as businesses? Agriculture supports thousands of jobs across New York. Food processors and other agribusinesses are also critical parts of the state's economy. These farm and food businesses should be treated like other sectors of the economy and provided with business planning services, financing and other incentives to retain and expand jobs in these industries.

☐ YES ☐ NO

…support "buy local" campaigns that encourage people to purchase food and farm products produced nearby? Consumers can have a big impact on the bottom line of many farmers by choosing to buy local farm products. Buy local marketing campaigns can educate people about the benefits of local products and how they can be purchased.

☐ YES ☐ NO

…facilitate connections between farmers and area restaurants, schools, hospitals and other institutions? Public and private institutions that

purchase local farm products can make a real difference in the farm economy due to the scale of their purchasing power. Encouraging, or requiring, local food purchasing by institutions can help keep food dollars in a community and magnify the impact of this spending.

☐ YES ☐ NO

...incorporate agritourism into tourism promotions? Farms are not only a beautiful part of New York's scenic landscape, many also offer enjoyable experiences for families and tourists. U-pick farms, corn mazes, pumpkin patches, horse riding, wine tasting and other on-farm experiences should be marketed along with other area tourism activities.

Encourage Long-term Viability of Farming and Food Production

Does your county…

☐ YES ☐ NO

...support agricultural education programs such as FFA, 4-H and other workforce development programs for farmers and farm workers? Such programs not only teach young people important leadership skills, they ensure a skilled workforce for area farms and related businesses.

☐ YES ☐ NO

...make agriculture a priority in local and regional economic development strategies? Too often, agriculture is overlooked as a major component of the economy in New York. Local and regional economic development strategies should make farm and food jobs a priority and identify strategies for retaining existing jobs and expanding new jobs in these sectors.

☐ YES ☐ NO

...encourage farmers to participate in New York's Agricultural Environmental Management program and other environmental stewardship programs? Farmers manage roughly seven million acres of land in New York—roughly 25 percent of the land in the state. Encouraging environmentally sound stewardship of soil, water and other natural resources will encourage a healthy environment and better opportunities for future generations of farmers.

☐ YES ☐ NO

...have a current agricultural and farmland protection plan and annually review progress towards accomplishing its recommendations? Currently, 50 New York counties have developed agricultural and farmland protection plans to direct county action in support of local farms and protecting irreplaceable farmland. However, these plans shouldn't sit on a shelf! Counties should keep them up-to-date and make an ongoing commitment of time and resources to implementing them.

Support Positive Relationships Between Farmers and Others in Your Community

Does your county…

☐ YES ☐ NO

...support trainings and dialogue about agricultural issues among assessors, code enforcement officers, sheriff, police and other local staff that interact with farmers? Farming has unique circumstances that frequently require alternative rules, regulations or approaches than other businesses and land uses. Public officials need to understand these unique circumstances and applicable regulations and apply them fairly to farm businesses.

☐ YES ☐ NO

...support New York's Agricultural Districts program and update districts on a regular basis? The Agricultural Districts program is one of New York's oldest farmland protection tools, and it provides important right-to-farm protections to New York farmers. Counties should keep districts current and use the renewal process as an opportunity to engage local officials about issues facing farmers in these districts.

☐ YES ☐ NO

...offer trainings for town boards, county legislators and others about the Agricultural Districts law and its "unreasonably restrictive local ordinance" provision? New York's Agricultural Districts law requires that local governments not be unreasonably restrictive

in regulating farmers operating in state-certified agricultural districts. The New York State Department of Agriculture and Markets (NYSDAM) has developed guidance for local governments about how this standard applies to a variety of topics related to agriculture. Local governments are well-advised to use these guidance documents and contact NYSDAM prior to adopting new regulations that could impact agriculture.

☐ YES ☐ NO

...encourage municipal governments to make agriculture a priority in local comprehensive plans, zoning ordinances and other land use plans? Thoughtful siting of new houses and developments, buffers between new houses and neighboring farms, and other planning measures can help prevent future conflicts between farmers and neighbors.

☐ YES ☐ NO

...have a right-to-farm law? Local right-to-farm laws can be an important statement in support of agriculture, while also establishing strategies for preventing and addressing conflicts between farmers and non-farm neighbors. These laws can reinforce protections provided by New York's Agricultural Districts program, while offering additional planning and dispute resolution measures that can prevent misunderstandings from becoming expensive conflicts.

Protect Agricultural Land and Keep It Actively Farmed

Does your county…

☐ YES ☐ NO

...educate farmers and landowners about estate and farm transfer planning? The process of transferring a farm from one generation to another is a complicated endeavor. Without proper planning, the transfer process can result in unnecessary taxes, family conflict or other complications that can push a farm into being developed.

☐ YES ☐ NO

...pro-actively steer new water, sewer and road infrastructure towards cities, villages and hamlets and away from priority farming areas? Building such infrastructure in farming areas sends a strong signal that farming has a limited future and that new non-farm development is expected. If infrastructure expansions are necessary, be sure to establish mitigation measures, such as lateral restrictions, to limit the spread of development on productive farmland.

☐ YES ☐ NO

...help farmers and landowners who want to permanently protect their land? Since the 1970s, New York counties have played an important role in protecting farms from being lost to development. Some counties have provided funding to purchase conservation easements on farms, while others have facilitated such projects in partnership with local land trusts and municipalities. While the approach may differ, all county governments can help ensure that farmland is protected for future generations.

☐ YES ☐ NO

...act as a resource for planning and zoning boards? County governments can be a key ally for municipal governments that are considering zoning, subdivision or other codes related to agriculture. Counties can provide maps, statistics and other resources to support informed decision-making at a local level.

Total Your Score!

Your results...

Yes on 20–23
Congratulations! You've accomplished a great deal in supporting local farms. But, don't stop now. Issues facing agriculture are always changing—stay diligent!

Yes on 15–19
Your county has made important progress. Keep engaging farmers and others in doing more to support local agriculture.

Yes on 10–14
You clearly value local farms but haven't done everything necessary to support them. Look again at the benefits farms provide to your county and redouble your efforts to support agriculture.

Yes on 5–9
It's time to get going! Your county has many opportunities to do more in support of farming.

Yes on 0–4
Your county has a long way to go in supporting agriculture. But, it's better to start now than never at all! Engage local farmers and begin to take action.

Is Your TOWN Planning a Future for Farms?

A Checklist for Supporting Farms at the Town Level in New York

Encourage Public Appreciation for Local Agriculture

Does your town…

☐ YES ☐ NO

…have any visible demonstration of the value of local farms? Does your town support a fair, an apple festival or other farm events? When agriculture is visible to the public, residents will better understand the benefit of having farms in town.

☐ YES ☐ NO

…publicize where to go to get advice and assistance on farm questions? Towns should help connect farmers with local, state and federal agricultural and conservation organizations that can serve as resources.

☐ YES ☐ NO

…recognize the property tax benefits of farmland and support tax policies that are fair to farmland owners? While farmland may provide less tax revenue per acre than other land uses, it also requires significantly less in local services. Cost of Community Services studies in more than 15 New York towns have demonstrated that farmland generally pays more in taxes than it receives in local services. By comparison, residences generally require more in local services than they pay in taxes. Has your town considered adopting agricultural assessment values for fire, library or other service districts as a means of demonstrating that farmland requires fewer public services?

Strengthen Economic Opportunities for Farms and Related Businesses

Does your town…

☐ YES ☐ NO

…allow agricultural uses in more than one zoning district? Agricultural businesses are not the same as other commercial development. Some towns confine agricultural businesses to the commercial zone only, while other towns prohibit such uses in the commercial zone. Farm enterprises often are hybrids of several different uses. Ordinances and regulations should allow farm business flexibility.

☐ YES ☐ NO

…allow flexibility in regulations to accommodate the unusual needs of agricultural businesses? Does your town have appropriate regulations for farm retailers such as expanded hours of business, temporary and off-site signs, parking near pick-your-own fields, or on street parking? The land use impact and off-site impact of a seasonal farm business can be much less than that of a full-time retail business. Pick-your-own operations or Christmas tree farms may have a hard time staying viable in a town that treats farms like all other retailers.

☐ YES ☐ NO

…allow farm stands to sell produce purchased elsewhere? Many towns have rules that require a certain percentage of farm stand produce to be grown on the farm. The basis for allowing a farm stand shouldn't be limited to how much is grown on the farm but should also consider what benefits the farm provides to the town in terms of open space, wildlife habitation, watershed purification and natural resource protection.

☐ YES ☐ NO

...allow rural businesses compatible with agriculture in farming areas? Home-based occupations such as farm machinery repair shops, sawmills and other rural businesses can help farm families make ends meet. They can also provide an economically viable alternative to selling farmland for development.

☐ YES ☐ NO

...have business infrastructure that supports modern farms? Modern farming operations require services, as do other businesses. To support farm businesses, towns should ensure that telephone, electric and other wires are high enough to prevent accidents with farm equipment. They also should make snowplowing on roads leading to dairy farms a priority so that milk trucks can collect milk easily and should maintain good culverts and drainage systems to help move water away from farm fields. Towns should also check their roads and bridges to determine whether they can handle tractor-trailers, which are commonly used to provide goods and services to farms.

☐ YES ☐ NO

...act as a resource for information about property tax reduction programs aimed at farmers and other farmland owners? Local governments and New York state have developed a number of programs aimed at reducing property taxes for farmers and other owners of farmland. Does your town encourage the use of New York's Agricultural Assessment and Farm Building Exemption programs and the Farmers' School Tax Credit?

Encourage the Long-Term Viability of Farming and Food Production

Does your town…

☐ YES ☐ NO

...have a detailed section on agriculture in the town's comprehensive plan? The comprehensive or master plan is the big picture view for the future of the town. Does your town's comprehensive plan refer to "maintaining rural character" but overlook agriculture as the primary component? Consider having a town-appointed committee profile local farms to demonstrate the economic, cultural and environmental benefits of agriculture. Agriculture shouldn't be an afterthought!

☐ YES ☐ NO

...have policies aimed at limiting the impact of new development on productive farmland? Does your town have strategies for limiting the footprint of new development? Creative site planning can accommodate new development while limiting the loss of your town's best farmland.

☐ YES ☐ NO

...require buffer zones between farmland and residential uses? The old saying "good fences make good neighbors" has a modern corollary that says, "good buffer zones make new neighbors into good neighbors." New development should not place the burden on existing farms to give up boundary land as a buffer zone between agricultural and residential areas. New residential development should provide for its own buffer zone and/or landscape plantings for screening when necessary.

☐ YES ☐ NO

...have an "agricultural zone" that limits the impacts of new development on farms? Does your town have a strategy for managing new development in agricultural zones in a way that supports agriculture over the long term? Many towns in New York have zoning ordinances with "agricultural zones" that permit scattered development next to farms—a recipe for future conflict.

Support Positive Relationships Between Farmers and Others in Your Community

Does your town…

☐ YES ☐ NO

...have farmers serving on local planning boards, zoning boards or local economic development committees? Having farmers serve on town committees is one of the most effective ways for

towns to incorporate agricultural concerns into local land use or economic development plans. Town Law Sect. 271(11) permits towns with state agricultural districts to allocate planning board seats to farmers. Agricultural advisory committees can also be established to provide guidance to a town.

☐ YES ☐ NO

...have a consistent approach for local procedures that deal with agriculture? Town boards, planning boards and zoning boards have different responsibilities, but a common regulatory outlook is possible. Update your comprehensive plan to reflect the value that agriculture contributes to your town's quality of life through open space, wildlife habitation, watershed purification and natural resource preservation. Establish, as a policy, that agriculture is beneficial to your town and fairness will follow.

☐ YES ☐ NO

...work to pro-actively address trespassing on farmland? When people trespass on farmland, crops, fields and infrastructure can be damaged. Communities can help protect public safety and prevent needless farm losses by pro-actively addressing trespassing problems.

☐ YES ☐ NO

...properly assess specialized agricultural structures? Has your town assessor received training on assessing farmland and farm buildings? Specialized structures such as silos, milking parlors and permanent greenhouses depreciate in value over time. If your town frequently overvalues agricultural structures, this can have a chilling effect on all types of farm investment.

☐ YES ☐ NO

...have planning tools that are supportive of New York State Agricultural Districts? The Agricultural Districts Law, which was enacted in 1971, is one of New York's oldest farmland protection tools. Agricultural districts provide important right-to-farm protections to farmers. Does your town incorporate the boundaries of agricultural districts into your zoning maps and other local land use policies?

☐ YES ☐ NO

...have policies to mitigate conflicts between farmers and non-farm neighbors? A local right-to-farm law expresses a community's support for agriculture. It can also prevent unnecessary lawsuits between farmers and non-farm neighbors by referring conflicts to mediation before the courts are involved. Cornell Cooperative Extension, Soil and Water Conservation Districts, the New York State Agricultural Mediation Program and other groups can serve as partners in addressing conflicts before they grow into painful disputes or expensive lawsuits.

Protect Agricultural Land and Keep It Actively Farmed

Does your town…

☐ YES ☐ NO

...identify areas where it wants to support agriculture over the long term? Do you know where the best agricultural soils are located in your town? The USDA Natural Resources Conservation Service (NRCS) and Soil and Water Conservation Districts can be important partners in identifying productive agricultural soils. Soil data combined with other information can help towns identify priority farming areas where they want to support agriculture over the long term.

☐ YES ☐ NO

...have policies aimed at retaining large blocks of farmland that are able to support a variety of farm businesses? Farmers don't want to be an "island in a sea of development." Has your town developed policies to keep large blocks of land in agricultural use over the long term? Larger areas of farmland provide greater opportunities for farms to adapt to changing market conditions. Retaining such blocks helps to ensure a future for farming.

☐ YES ☐ NO

...limit expansion of infrastructure in areas where it wants to support agriculture over the long term? Extending water and sewer lines through farmland should be done with caution. Providing these services without accompanying planning measures can accelerate the loss of farmland. Focusing water, sewer and other services in already developed areas can help limit the development of a town's best farmland.

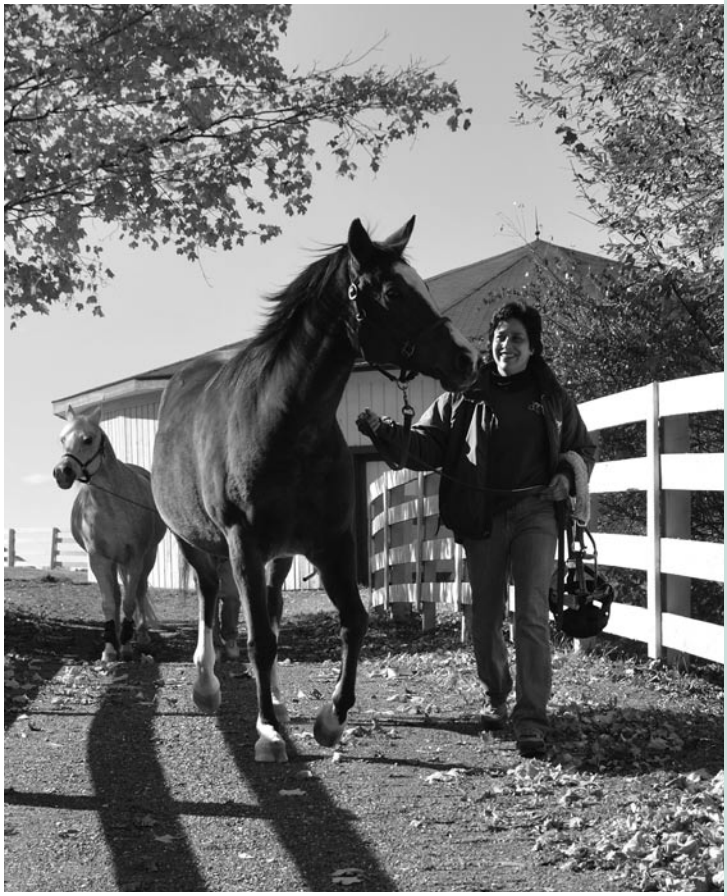
☐ YES ☐ NO

...have a strategy for protecting its best farmland?

Once your town identifies its priority farming areas, complementary land use policies should be developed to encourage the retention of that land in continued agricultural use. General language about agriculture in a comprehensive plan isn't good enough. Work with farmers to turn the ideas expressed in your comprehensive plan into specific policies to retain your town's best farmland.

☐ YES ☐ NO

...encourage the use of conservation easements on farmland? Does your town support applications to the state or federal government to purchase agricultural conservation easements on local farms? Have you considered providing funding for acquiring conservation easements on farmland? Agricultural conservation easements can be used to protect the natural resource base for agriculture. Once a conservation easement is recorded on farmland, the land will permanently be kept available as a resource for future generations of farmers.



Total Your Score!

Your results...

Yes on 20–24

Your town is very active in supporting a future for faming!

Yes on 15–19

Your town knows that farmers are good neighbors who provide lots of benefits to your quality of life, but you may need help in pro-actively supporting them.

Yes on 10–14

Careful! Your town may be less supportive of farms than you think—even unfriendly, perhaps inadvertently.

Yes on 5–9

It's time to get to work on understanding farmers in your town and how you can help support their business and land use needs.

Yes on 0–4

Yours is not a farm friendly town, but there is still hope. Seek help immediately from farmers, farm groups and related organizations.

This questionnaire was developed based upon a section of *Preserving Rural Character through Agriculture,* written by Gary Matteson for the New Hampshire Coalition for Sustaining Agriculture.

SECTION THREE:

The Toolkit

Section 3 summarizes a menu of tools that towns and counties can use to support local farms. The tools include:

- Agricultural districts and right-to-farm laws
- Agricultural and farmland protection plans
- Comprehensive plans
- Zoning ordinances and laws
- Subdivision ordinances
- Local property tax reduction programs
- Purchase of development rights
- Transfer of development rights
- Agricultural economic development
- Infrastructure planning
- Food and health policies
- Public education

Each section begins with an overview of the tool, followed by a brief assessment of its benefits and drawbacks. The tool sections conclude with case study communities and/or other sample materials. Brief case study descriptions in this section are accompanied by supporting documents on the accompanying CD or at noted websites.

The case studies were selected from New York and other states to best represent the tool concepts. However, the case study materials should be considered examples and not models necessarily. Communities considering using one of the tools should carefully review the sample materials and make appropriate changes to ensure a sound fit with their specific needs.

Question	Tools to Consider
How can we encourage public appreciation for local agriculture?	Agricultural and Farmland Protection Plan; Comprehensive Plan; Public Education
How can we strengthen economic opportunities for farms and related businesses?	Agricultural and Farmland Protection Plan; Zoning Law; Tax Reduction Programs; Agricultural Economic Development; Food and Health Policies
How can we encourage the long-term viability of farming and food production?	Agricultural and Farmland Protection Plan; Agricultural Districts and Right-to-Farm Protections; Comprehensive Plan; Tax Reduction Programs; Purchase and Transfer of Development Rights; Agricultural Economic Development; Infrastructure Planning; Food and Health Policies; Public Education
How can we support positive relationships between farmers and others in our community?	Agricultural and Farmland Protection Plan; Agricultural Districts and Right-to-Farm Protections; Public Education
How can we protect agricultural land and keep it actively farmed?	Agricultural Districts and Right-to-Farm Protections; Agricultural and Farmland Protection Plan; Zoning Law; Subdivision Ordinance; Purchase and Transfer of Development Rights; Infrastructure Planning

Agricultural Districts and Right-to-Farm Laws

Agricultural Districts

New York's Agricultural Districts Law, Article 25-AA of the Agriculture and Markets Law (AML), was enacted in 1971 to help keep farmland in active agricultural production. An agricultural district can be developed when a group of interested landowners—who collectively own at least 500 acres—submit a proposal to their county requesting the formation of a district.[1] By late 2010, 242 county-level agricultural districts had been formed, encompassing nearly 23,266 farms and almost 8.6 million acres of land.

Farmers and rural landowners enrolled in state-certified agricultural districts receive important "right-to-farm" protections. These protections include:

Definition of Agriculture: Provides authority to the commissioner of the New York State Department of Agriculture and Markets (NYSDAM) to determine whether land uses are agricultural in nature.

Local Ordinance Provision: Provides protection against local laws that unreasonably restrict farm operations. Under this authority, NYSDAM has proactively worked with local governments to prevent the enactment of unreasonably restrictive local laws. Farmers are guarded from unreasonably restrictive zoning codes and ordinances regarding farm worker housing, manure management and other farm practices.

Agricultural Data Statements: Requires the filing of an agricultural data statement for certain land use determinations within 500 feet of a farm operation located in an agricultural district. The statement must include information about the proposed project and be included with the application for municipal approval. The clerk of the local board must mail a notice of the application to the owners of land associated with neighboring farm operations identified in the statement. The local board is required to evaluate and consider the statement in its review of possible impacts of a project on nearby farm operations. No further review by the county agricultural and farmland protection board or NYSDAM is required.

Notice of Intent (NOI): Requires analysis of proposed public projects that may impact farms in agricultural districts. A preliminary NOI and a final NOI, including a detailed agricultural impact statement, must be filed before public funds are spent on certain non-farm projects in an agricultural district. These statements describe short- and long-term impacts of the project on agriculture, alternatives to the proposed project and possible mitigation measures. Once completed, preliminary notice and final NOIs must be reviewed by NYSDAM and the county Agricultural and Farmland Protection Board (AFPB).

Sound Agricultural Practices: Offers limited protection from private nuisance claims. Provides authority for the commissioner of NYSDAM to review specific cases and issue an opinion as to whether a farmer is conducting an agricultural practice that is "sound." Four basic questions guide the determination of whether a practice is sound:

- Is the practice legal?
- Does the practice cause bodily harm or property damage off the farm?
- Does the practice achieve intended results in a reasonable and supportable way?
- Is the practice necessary?

A farmer can use a NYSDAM opinion to defend against private nuisance actions. Sound agricultural practice opinions offer a defense to private nuisance actions when the land involved is in an agricultural district or, if the land is outside of an agricultural district, when the land involved is used in agricultural production subject to an agricultural assessment.

Disclosure Notices: Requires a landowner in an agricultural district to provide a prospective buyer with a disclosure notice prior to signing a purchase contract. The notice aims to advise property buyers about the sights, sounds, smells and other aspects of modern agricultural practices before they purchase property in a farming area.

In addition to right-to-farm protections, the Agricultural Districts Law also provides *Ad Valorem* limitations for land used primarily for agricultural production within an agricultural district. This provision limits the taxation of farmland for certain municipal improvements such as sewer, water, lighting, non-farm drainage, solid waste disposal or other landfill operations. Land used primarily for agricultural production within an agricultural district can only be taxed if the fees were imposed prior to the formation of the district or if farm structures benefit directly from the service of an improvement district. A half-acre lot around any dwelling or non-farm structure is subject to applicable fees as well.

Benefits of Agricultural Districts

- Are voluntary and popular with farmers
- Support a favorable operating environment for farms
- Help stabilize large blocks of land to keep farming viable

Drawbacks of Agricultural Districts

- Do not prevent conversion of enrolled land
- Have several provisions that are reactive rather than pro-active
- May lose non-farm support for the program as right-to-farm protections are exercised

The state's Agricultural Districts Program is a partnership effort between NYSDAM, county governments and AFPBs, and landowners. While the state is responsible for providing the right-to-farm protections, counties are responsible for designating land to be included in agricultural districts; reviewing districts every eight, 12 or 20 years; evaluating notice of intent filings; and overseeing other aspects of agricultural district implementation within their jurisdiction.

Towns can also be involved in supporting agricultural districts. Options for towns include:

- Complementing the principles of the Agricultural Districts Law as well as the location of parcels enrolled in agricultural districts in local plans and policies;
- Requiring copies of agricultural data statements for proposed land use determinations within 500 feet of farm operations in state certified agricultural districts;
- Providing information to farmers and rural landowners about agricultural districts and supporting the enrollment or re-enrollment of land into districts.

- AML Section 303-a, Eight-Year Review Protocol
- New York State Agriculture and Markets Law, Article 25-AA
- Farmland Information Center, *Agricultural District Program* Fact Sheet
- NYSDAM, Local Laws and Agricultural Districts: How Do They Relate
- NYSDAM, 305-a, Review Form
- NYSDAM, 305-a, Questionnaire for Start-Up Farms
- NYSDAM, Agricultural Districts 305-a Guidance Documents:
  - Animal Control
  - Composting
  - Farm Markets
  - Farm Worker Housing
  - Greenhouses
  - Horse Boarding
  - Junkyard
  - Nutrient Management
  - Open Burning
  - Wetlands
  - Zoning
- NYSDAM, Pipeline Construction Guidelines
- NYSDAM,Wind Power Guidelines
- Sample Agricultural Data Statement
- Saratoga County, Agricultural Data Statement

Agriculture and Markets Law (AML) Section 305-a:

Review of Unreasonably Restrictive Local Ordinances

Town governments considering the adoption of local laws that impact farm operations in agricultural districts should understand the important connection between state agricultural districts and local policy-making. AML Section 305-a allows the commissioner of NYSDAM to review local laws and determine if they are unreasonably restrictive of farms operating in agricultural districts.

When reviewing such measures, the commissioner may consider:

- If the requirements adversely affect the farm operator's ability to manage the farm operation effectively and efficiently;
- Whether the requirement could impact production options and affect farm viability;
- If the requirement will cause a lengthy delay in the construction of new farm building or implementation of a practice;
- What compliance will cost a farm operation;
- Whether less onerous means are available to achieve the locality's objective;
- If the local law addresses a threat to public health or safety.[2]

In situations where a local law is deemed unreasonably restrictive, NYSDAM will notify the local government and try to negotiate a resolution. If rejected by the municipality, the commissioner of NYSDAM can bring action or issue an order to enforce this provision of the AML.

Fortunately, most issues are resolved before NYSDAM has to take action under the AML. Local governments often recognize that the types of issues considered by NYSDAM when reviewing local ordinances should also be considered by local governments interested in creating a supportive business environment for farmers.

For communities interested in taking pro-active steps to address the business and land use needs of farms, agricultural districts and the state's AML are important complements—not antagonists—to local decision-making.

CASE STUDY

Ulster County, New York: Eight-Year Agricultural District Reviews

For their eight-year agricultural district reviews, the Ulster County Planning Department and Cornell Cooperative Extension showcase local agricultural businesses to the County Legislature. Photos and other documentation of the farms requesting to join the district are included in a full presentation to the legislative body. This is an example of using a "teachable moment" to involve and educate local officials about the farms in their towns and counties.

CASE STUDY

Erie County, New York: Eight-Year Agricultural District Reviews

In the past, when conducting an eight-year review, a staff person for the Erie County Department of Environment and Planning contacted town supervisors in the agricultural district under review. Town supervisors were encouraged to sponsor an agricultural bus tour and luncheon for local and county officials and AFPB members. The county staff person handled the tour logistics, while the towns paid for the bus and luncheon. Tour attendees visited agricultural businesses in the district, enjoyed lunch at one of the host farms and participated in a public meeting to review the agricultural district.

County and Town Right-to-Farm Laws

County and town right-to-farm laws are aimed at maintaining a supportive operating environment for farmers by limiting conflicts between farmers and non-farm neighbors. These local laws can supplement the New York State Agricultural Districts Law and the right-to-farm protections that it provides to farmers operating in agricultural districts.

Typically, local right-to-farm laws document the importance of farming to a town and notify non-farm rural residents that generally accepted agricultural practices are to be expected in farming areas. In doing so, such laws can provide farm families with a sense of security in knowing that farming is a valued and accepted activity in their community.

Additionally, local right-to-farm laws can establish dispute resolution processes to mediate conflicts and avoid expensive legal battles. Agricultural advisory committees or ad hoc dispute resolution committees can help mediate such problems and help the parties involved find a mutually acceptable resolution.

The New York State Agricultural Mediation Program (NYSAMP) can also be a resource for communities interested in mediating conflicts between farmers and non-farm neighbors. NYSAMP works through the statewide network of Community Dispute Resolution Centers and can provide mediators trained in resolving disputes involving agricultural issues.

Benefits of Local Right-to-Farm Laws

- Help maintain a supportive operating environment for farms
- Publicly support agriculture
- Can guide future town policies and decisions
- Supplement the New York State Agricultural Districts Law
- Are relatively inexpensive

Drawbacks of Local Right-to-Farm Laws

- May have limited impact unless the law and dispute resolution process are widely promoted
- Do not directly prevent farmland conversion

- Farmland Information Center, *Right-to-Farm Laws* Fact Sheet
- Yates County, Model Right-to-Farm Law
- New York Agricultural Mediation Program Brochure
- Saratoga County, *Are You Thinking About Moving to the Country?* Brochure
- Tompkins County, *Living in the Country* Brochure

CASE STUDY

Albany County, New York: Right-to-Farm Law Process

At the end of 2004, the Albany County Legislature passed a resolution requesting the Department of Economic Development, Conservation and Planning work with the County AFPB and Cornell Cooperative Extension to develop a right-to-farm law in order to support and promote agriculture in the county. Over the next year and a half the AFPB met 10 times to formulate and draft a law. It surveyed 13 towns and counties with right-to-farm laws, solicited input from local towns and county farmers, and received a broad base of input. During the next year all comments were received and incorporated, including input from the NYSDAM. In 2007, the Albany County Legislature passed the law with broad engagement of the farm community and understanding of agriculture's value to the county.

- Albany County, Right-to-Farm Law, www.albanycounty.com/departments/edcp/default.asp?id=1942
- American Farmland Trust Webinar, www.farmland.org/programs/states/ny/Putting-Right-to-Farm-Laws-to-Work.asp

CASE STUDY

Wyoming County, New York: Right-to-Farm Law

The Wyoming County Board of Supervisors passed a right-to-farm-law in 2008, and held the official signing at the Wyoming County Fair—a showcase for agricultural products and projects. Wyoming County's right-to-farm law defines farms, agricultural products and generally accepted agricultural practices, as well as establishes a process for dispute resolution.

Disputes will be addressed on the town level by a committee appointed by the town board unless no such town committee exists. In such instances, the County Agricultural Advisory Resolution Committee, comprised of the Wyoming County AFPB members plus one non-farm county planning board member, will make advisory decisions about farm disputes. Decisions can be appealed to the New York State Commissioner of Agriculture.

Wyoming County's right-to-farm law also requires that a written disclosure notice be provided to all prospective real estate buyers in agricultural districts alerting them to the fact that they are considering the purchase of real estate in an area that may have sights, sounds and smells normally associated with agricultural businesses.

- Wyoming County, Right-to-Farm Law, www.wyomingco.net/Board/laws/2008/Local%20Law%205%202008%20-%20Adopted.pdf

CASE STUDY

Town of Charlton, Saratoga County, New York: Right-to-Farm Law

The town of Charlton established a right-to-farm law in 1996. The purpose of the law is "to maintain and preserve the rural traditions and character of the town; to permit the continuation of agricultural practices; to protect the existence and operation of farms; to encourage the initiation and expansion of farms and agribusinesses; and to promote new ways to resolve disputes concerning agricultural practices and farm operations."

The law is well integrated with the state Agricultural Districts Law. It adopts many of the state law's definitions and incorporates references to appropriate sections of the state law.

The right-to-farm law also stipulates that the real estate disclosure notice required under the Agricultural Districts Law be attached to a purchase and sale contract at the time an offer to purchase is made. The real estate disclosure notice also must be included in building permits and on plats of subdivisions submitted for approval. Lastly, the legislation specifies a local process for resolving agricultural disputes that works with both parties as well as experts from NYSDAM, Cornell University, Cornell Cooperative Extension, United States Department of Agriculture Natural Resources Conservation Service, and Soil and Water Conservation Districts.

- Town of Charlton, Right-to-Farm Law

CASE STUDY

Town of Eden, Erie County, New York: Right-to-Farm Law

The town of Eden passed a right-to-farm law in 2001 to "reduce the loss… of agricultural resources by limiting the circumstances under which farming may be deemed a nuisance and to allow agricultural practices inherent to and necessary for the business of farming to… be undertaken free of unreasonable and unwarranted interference or restriction."

Similar to the law passed by the town of Charlton, the legislation cites the state Agricultural District Law's definitions and establishes a farmer's right to conduct agricultural practices if those practices meet certain standards. The legislation also establishes an informal, local process for resolving disputes between farmers and non-farmers.

The legislation further requires that the intent and purposes of the law be taken into consideration by the town in processing applications for rezoning, site plan approval or special use permit within one mile of a farm. Appropriate and reasonable conditions consistent with the purposes of the right-to-farm law may be prescribed as part of this review including requiring the filing of real estate disclosure notices.

- Town of Eden, Right-to-Farm Law

Agricultural and Farmland Protection Plans

Agriculture and Markets Law

The 1992 Agricultural Protection Act, established under Article 25-AAA of the Agriculture and Markets Law, gave authority to the New York State Department of Agriculture and Markets (NYSDAM) to encourage counties to work with farmers to promote local initiatives that help strengthen the economic vitality of agriculture and protect valuable farmland. Since then, fifty counties have sought and received grant funding of up to $50,000 to develop Agricultural and Farmland Protection Plans (AFPPs) to guide local action in support of agriculture.

In 2006, Article 25AAA was amended to make towns eligible for grants to develop municipal plans. This change was noteworthy as towns have significant land use decision-making authority and can be a key ally in supporting agriculture. As of July 2010, 63 towns have been awarded grants of up to $25,000 to develop municipal plans.

Benefits of Agricultural and Farmland Protection Plans

- Outline strategies for local governments to support agriculture and protect farmland
- Provide a benchmark for measuring success in supporting agriculture
- Engage a broad audience in creating a vision for agriculture, building support for local action and developing a plan

Drawbacks of Agricultural and Farmland Protection Plans

- Require resources and leadership for plan implementation to have a positive effect on local agriculture
- Require time and money be dedicated to developing a plan

Municipal Agriculture and Farmland Protection Plans

NYSDAM has developed a list of suggested "key elements" for municipalities developing plans.

- Establish an agriculture plan steering committee that includes farmers and agricultural support businesses
- Outline a public participation program to engage farmers and the public
- Develop a table of contents, or scope of work, with the steering committee and consultant
- Include key content in the plan as required by state law and local needs
- Develop recommendations as well as an executive summary and implementation matrix to help put good ideas into action
- Follow necessary steps to get the plan reviewed and approved

Towns have the flexibility of developing plans that reflect local needs and conditions. However, there are common themes that are frequently found in the recommendations of many municipal plans:

- Establish a town agriculture committee to act as a voice for local farmers and spearhead plan implementation
- Develop or strengthen a right-to-farm law to demonstrate local support for agriculture
- Revise zoning codes and other ordinances to ensure they support farms, farm markets and related enterprises
- Promote local farms and encourage residents and tourists to "buy local"
- Create a local purchase of development rights (PDR) program to help permanently protect farms from development
- Encourage water and sewer lines and new development in hamlets and villages and away from productive farmland

- Sample municipal agricultural and farmland protection plans: www.farmlandinfo.org/new-york/.
- Information about municipal AFPP grants: www.agmkt.state.ny.us.

- NYSDAM, Key Elements of a Municipal Plan
- 2010 Map of Towns Receiving Planning Grants
- New York State, Agriculture and Markets Law, Article 25-AAA

CASE STUDY

Town of Charlton, Saratoga County, New York: Agricultural and Farmland Protection Plan

The town of Charlton had one of the first municipal AFPPs in the state to be adopted and approved. Charlton's AFPP contains the statutorily required elements of a plan but has the unique flavor of the community. After evaluating existing conditions in the town and compiling input from farmers, local officials and interested residents, a set of strategies was developed to guide the town in supporting agriculture and protecting farmland.

- Town of Charlton, Agricultural and Farmland Protection Plan

CASE STUDY

Town of Lima, Livingston County, New York: Zoning Analysis and Recommendations

Agriculture Committee members in the town of Lima chose to complete an in-depth analysis of zoning regulations as a component of their AFPP process and to develop recommendations for more agriculture-friendly zoning laws. This decision occurred partly because the town was due to update its zoning, but also because the farm community had expressed a need for a revised code more supportive of the agricultural businesses that are the foundation of the local economy. Subsequently, an agricultural zoning expert reviewed the town code and recommended changes that are currently being incorporated into new zoning regulations.

- Town of Lima, Zoning Analysis and Recommendations

CASE STUDY

Town of Brutus, Cayuga County, New York: Agricultural and Farmland Protection Plan Approval

In January of 2010, the Town Board in Brutus approved an AFPP that had been developed over a two-year period. The adopting resolution contained a brief history of the process, approved the plan, and established an Agricultural Advisory Committee to assist with implementing the plan. Although the process of developing an AFPP is valuable, implementation of the recommended strategies is the end goal for a plan. Establishing an agricultural committee when the plan is approved ensures that an entity is charged with responsibility for taking action on the strategies developed to support agriculture.

- Town of Brutus, Adopting Resolution

County Agricultural and Farmland Protection Plans

In 2009, Article 25-AAA of the Agriculture and Markets Law was amended to allow counties with AFPPs more than 10 years old to apply for up to $50,000 to update the plan. Erie County, with an original AFPP from 1996, was the first county to apply for and be awarded state money for its plan update.

The development of county AFPPs has spurred important accomplishments across New York, including:

- Retention or expansion of agricultural districts and adoption of county right-to-farm laws;
- Development of county and regional agricultural economic development programs with dedicated agricultural development staff positions;
- Creation of county PDR programs, including county sources of funding;
- Establishment of detailed plans for managing water lines and other infrastructure to limit development in priority agricultural areas;
- Delivery of public education events, publications, Web sites and other resources to educate the public and elected leaders about the importance of agriculture and challenges facing local farmers;

- Expansion of farm-to-school programs that educate children about farming and food production.

CASE STUDY

Wayne County, New York: Agricultural and Farmland Protection Plan

Wayne County's AFPP was approved by the Commissioner of Agriculture in 1997. Since the plan's development, the County Agricultural Development Board, in partnership with the Agricultural Economic Development Specialist (a position created as an outgrowth of the plan), have implemented many of the plan's recommendations.

These recommendations were drawn from the following areas:

- Agritourism Plan
- County Comprehensive Plan
- Farm Labor
- New Farmer Program
- PDR Program
- Property Tax Reform
- Resource Booklet
- Staffing for Agricultural Projects – Use of Retired Experts and Volunteers
- Staffing for Agricultural Projects – Agricultural Economic Development Specialist
- Training for Town, Planning and Zoning Boards in Agricultural Issues
- Video on Wayne County Farming
- Wayne County Farm Marketing Logo
- Zoning for Farm Business Uses

Although New York State is currently providing funding to counties to update plans, Wayne County has chosen to move ahead with writing a plan for the next decade without using state funds.

- Wayne County Agricultural and Farmland Protection Plan

CASE STUDY

Orange County, New York: Agricultural Economic Development Strategy

In 2004, the Orange County AFPB undertook an update and expansion of its 1996 AFPP (the first plan approved in New York). The updated plan focused more closely on options for economic development in agriculture while still protecting farmland. As Orange County agriculture has transitioned from predominantly commodity based agriculture to new opportunities in direct marketing and agritourism, it was important to address the changing needs of the industry. Key objectives of the strategy include:

1. Improving the understanding among government leaders and the public of agriculture's importance as a key economic engine and important community asset;
2. Improving the profitability and economic viability of the agricultural sector;
3. Enhancing the agribusiness support infrastructure;
4. Enhancing access to markets for local agricultural products;
5. Developing the capacity for more value-added production activity.

In 2009, the AFPB instituted a local grants program for agriculture designed to promote innovations in small commercial agricultural operations; support farmers' efforts to gain certification in areas such as organic farming, third party food safety or other qualifications that would increase marketing options; and for professional development programs. This is direct implementation of the Agricultural Economic Development Strategy.

- Orange County, Agricultural Economic Development Strategy: www.orangecountygov.com/orgmain.asp?storyID=1673&orgID=144&storytypeID=1&sid=
- Orange County, grant program: www.orangecountygov.com/documentView.asp?docID=6037

Comprehensive Plans

The foundation for local planning efforts, a comprehensive plan represents a community's vision for its future as well as a road map for how it wants to get there. The development of a comprehensive plan can be a challenging but beneficial opportunity for discussion and debate about the future. Most often, towns develop comprehensive plans, but there are counties that have developed comprehensive plans as well.

Comprehensive plans often include:

- A vision statement describing a community's long-term goals;
- Maps identifying different natural and community resources, infrastructure and land uses;
- Research regarding a town's citizens, land uses, businesses and natural resources;
- Feedback from citizens via surveys, public meetings, focus groups and other public participation vehicles;
- Recommendations to achieve a community's stated objectives.

Agriculture is often treated favorably in comprehensive plans. Sections regarding open space, natural resources or the environment describe the role of farms in defining a community's landscape. Other sections connect the value of farm buildings, rock walls and pastoral landscapes to a town's history and heritage. Some comprehensive plans even depict the importance of farms to a town's economy, jobs and businesses.

Unfortunately, few comprehensive plans capture the full range of benefits that farms bring to a community or the unique nature of farms as both businesses and land uses. Too often comprehensive plans do not go beyond flowery language describing the scenic benefits of farms to identifying specific recommendations to address agriculture's unique business and land use needs. For these reasons, many comprehensive plans fail to prepare a locality to work proactively to create a future for local farms.

Benefits of Comprehensive Plans

- Engage farmers and non-farmers in discussions about a community's future
- Set the stage for future town efforts to support local farms
- Articulate the reasons why a town should support agriculture
- Are less expensive than some other farmland protection tools

Drawbacks of Comprehensive Plans

- Involve a lengthy process that can drain personal, financial and political resources and reduce enthusiasm for plan implementation
- Lack a meaningful impact without subsequent town actions

Drafting a Comprehensive Plan

The development of a comprehensive plan is an important opportunity to engage community residents in thinking about the future. Farmers and rural landowners should be involved early in the process, so that the final plan represents the interests and concerns of farmers.

Agricultural Advisory Committees

One way to engage farmers and agricultural landowners is by establishing a town agricultural advisory committee. Such a committee can be an important forum for making sure that the unique needs of agriculture are integrated into the comprehensive plan.

The group can help:

- Analyze issues facing farms and farmland in the town;
- Articulate the benefits provided by local farms and the challenges they face;
- Identify strategies for supporting the business and land use needs of local farms.

CASE STUDY

Town of Ithaca, Tompkins County, New York: Agriculture Committee

The town of Ithaca formally created an Agriculture Committee in 1992. The committee acts as a resource to town boards in their local decision-making and provides information on state and national legislation that affects agriculture.

The committee includes up to eight members appointed by the town board. Committee officers are appointed by the board after committee recommendation. In 2004, the size of the committee was expanded to nine members due to growing interest among local farmers. In 1999, Ithaca created an Agricultural Land Preservation Advisory Committee to advise the town on its purchase of development rights (PDR) program. The Agricultural Land Preservation Advisory Committee has five members including two members from the town's Agriculture Committee.

- Town of Ithaca, Agriculture Committee

CASE STUDY

Town of Eden, Erie County, New York: Agricultural Advisory Committee

In 1994, the town of Eden created an Agricultural Advisory Committee to ensure the continued viability of agriculture within the town and provide feedback from the farm community to the town board, planning board and other town bodies. The committee is comprised of five members of the local agricultural community. Ex officio members of the committee include a member of the planning board, the chair of the board of assessors, a representative from Erie County Farm Bureau and a town board member.

The committee advises the town on agricultural districts, proposed zoning changes or developments, and county, state and federal legislation. It also acts as a forum for communication between the farm community, the town of Eden and the Erie County Agricultural and Farmland Protection Board (AFPB).

- Town of Eden, Agricultural Advisory Committee

Surveys

Surveys of farmers and agricultural landowners are another way to get input from the farm community. While surveys don't offer a forum for discussion, they can be used to obtain important background information and provide a representative sampling of opinion. Topics that are well-suited to surveys soliciting input from farmers and landowners include:

- Acreage owned and/or rented by farmers
- Nature of the farm business (wholesale vs. retail, types of market outlets, types of commodities produced)
- Short- and long-term plans for the farm business
- Challenges facing local farmers and rural landowners
- Participation in existing town, county, state or federal programs
- Interests in possible town policies or programs
- Opinions on current town policies or programs

Focus Groups and Other Strategies

A third option for engaging community residents is to coordinate focus groups or meetings targeting input from specific audiences such as residents or farmers and rural landowners. Any meeting involving farmers should be held at times, dates and locations that are compatible with farmers' work schedules, which will likely differ depending upon the type and scale of farm operations in the community. Getting feedback from a few farmers prior to scheduling can help increase attendance at an event.

Content of a Comprehensive Plan

Local governments interested in providing meaningful support for farms should specifically incorporate such support into the vision, objectives and goals of their comprehensive plans. This can often be achieved by having a section that profiles the importance of local farms and captures their unique status as businesses and land uses.

Support for farms and farmland protection should also be integrated into other community objectives as appropriate. For example, sections about community goals in regard to conserving open space, maintaining lower property taxes, protecting historical or natural resources, or supporting local businesses should consider the role farms play in achieving these broader community objectives.

Identifying Priority Agricultural Resources

One of the first steps in planning for agriculture is identifying where a community wants to support agriculture over the long-term. An analysis of

agricultural resources can be simple or complex depending on a community's interests and available resources.

Mapping of a community's agricultural resources typically focuses on an analysis of soil types and other natural resource, land use and community criteria. Some of the characteristics may include:

- Soil quality
- Location of state certified agricultural districts within the town
- Concentrations of farm parcels and/or farm operations
- Proximity to water or sewer lines or to existing hamlets, villages, cities or other growth inducing factors
- Proximity to natural features such as streams and wetlands or other community amenities such as parks

Identifying priority farming areas can be an enlightening process, since it requires communities to look at land use issues from an agricultural perspective. Many non-farm residents, including town board and planning board members, are often unaware of the location of the best agricultural soils in their community. United States Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS), Soil and Water Conservation Districts and county planning departments can be helpful resources for identifying local soils and other geographic information.

CASE STUDY

Land Evaluation and Site Assessment System

NRCS has established the Land Evaluation and Site Assessment (LESA) system to encourage sound natural resources and land use decisions. LESA is a numeric rating system designed to take into account both soil quality and other factors affecting a site's importance for agriculture. Questions that the LESA system can help answer include:

- What land should a city, town or county designate in its comprehensive plan or zoning ordinance for long-term continuation in agricultural use?
- What farms should be given highest priority for purchase of development rights?
- Is a proposed highway project going to impact high-quality farmland?
- Which site among development alternatives would least impact agricultural land?

The Land Evaluation (LE) component of the LESA system uses a 1 to 100 scale to rank soils for agricultural productivity. The Site Assessment (SA) criteria identifies numerous social, geographic and economic factors that affect land use decision-making, such as proximity to urban centers, level of agricultural investments and agricultural infrastructure.

Local communities play an important role in identifying SA factors and weighing their importance. When scoring systems from each component are completed, a combined score for each parcel is determined to provide a systematic and objective procedure to rate and rank sites for agricultural importance.[3]

Some communities have used a formal LESA system for identifying priority farming areas. Other towns use the principles outlined in a LESA system to develop their own techniques. "Greenprints" or open space ranking systems are examples of local prioritization systems that have used concepts consistent with LESA systems.

- Farmland Information Center, *Land Evaluation and Site Assessment Fact Sheet*
- USDA NRCS, *Land Evaluation and Site Assessment Guidebook*
- Putnam County, Agricultural and Farmland Protection Plan, LESA System

Greenprint for the Future

*The **Greenprint** provides a rational guide for directing preservation efforts to the most significant resources.*

— PROJECT PLANNER JOHN BEHAN

In 1990, the town of Pittsford faced a land use crisis. The steady loss of farmland threatened to end this central New York town's once thriving agriculture. Only 12 farms remained in town.

When planners projected that Pittsford would be "built out" within a decade, town officials and citizens decided to tackle their land use issues head-on. They drafted *Greenprint for the Future*, which mapped out the town's most valuable open land and outlined strategies for its protection. Having determined that their current zoning was ineffective at preserving farmland, Pittsford planners recommended purchasing agricultural conservation easements on more than 1,000 acres. This was supported by a fiscal impact study that showed it would be cheaper to buy easements instead of paying for municipal services on all that development.

After adopting an updated comprehensive town plan in 1995, Pittsford's town board appointed a committee to develop a rating formula to evaluate the town's remaining land resources. Consultants inventoried and evaluated more than 3,600 acres, paying close attention to which agricultural, ecological, historic and scenic land resources should be a priority for protection. The highest-rated land parcels were identified in *Greenprint*, which recommended preserving 60 percent of the town's remaining open land. In 1996, the board unanimously approved $9.9 million in bonds to purchase agricultural conservation easements on seven farms, totaling 1,100 acres.

By engaging the community in the *Greenprint* planning process, town leaders were able to create a sense of cooperation in the face of potentially heated issues. "There has been no real controversy—only community debate," said town supervisor Bill Carpenter. "We have been able to bring all residents along on this issue. It's critical to have a process that allows the community to come to consensus."

- Town of Pittsford, *Greenprint*

Understanding Local Farms

Information gathering about farms should not stop at mapping a community's agricultural resources. Related data regarding the economic, social, fiscal and environmental impacts of farms can provide a better overall understanding of how communities benefit from agriculture. Cost of Community Services studies, meetings of agricultural advisory committees, farmer focus groups and local surveys can help demonstrate the full range of benefits provided by farms.

- Farmland Information Center, Cost of Community Services Fact Sheet

Recommendations in a Comprehensive Plan

If a community has goals regarding agriculture, it makes sense to have recommendations to help achieve these goals. The recommendations should address the unique business and land use needs of agriculture and how a locality can help farms address their needs. Recommendations involving farms should not only be anchored in an agricultural section. As appropriate, the needs of local farms should also be integrated into related sections—on business, open space and the environment, community infrastructure planning, property taxes, housing, town history and heritage, and other areas.

CASE STUDY

Town of Warwick, Orange County, New York: Comprehensive Plan

The town of Warwick's commitment to agriculture is reflected in its comprehensive plan. The plan's summary states, "Warwick is and should remain primarily a residential and agricultural community… The *Comprehensive Plan* is a reflection of the goal for preservation of the natural beauty of Warwick and its rural quality of life."

The plan has a specific section regarding agriculture that outlines the following community objectives:

- Support the economic viability of farming;
- Create incentives for landowners to maintain land in agricultural use, keeping it affordable so new farmers can begin farming;

- Preserve as many of the operating farms as possible;
- Preserve the agricultural heritage of the town;
- Discourage incompatible nearby land uses that have the potential to place burdensome pressures on farming activities.

Warwick's comprehensive plan also takes the important step of integrating agricultural interests into sections regarding residential growth and business development.

- Town of Warwick, Comprehensive Plan

CASE STUDY

Town of Seneca, Ontario County, New York: Comprehensive Plan

Seneca is located in southeastern Ontario County in one of the most fertile farming regions of the state. The town's 2002 update to its comprehensive plan reflects the important role that agriculture plays in the community. According to the plan, "The loss of agricultural land and open space can have a negative impact on the economy of the town as well as destroying the rural character that makes the town of Seneca a desirable place to live. By updating the 1962 Master Plan, the town is taking a proactive approach to controlling development and ensuring that the rural character of the town is preserved."

Seneca takes the further step of integrating agricultural interests into sections regarding community character, land use, economic development and transportation.

- Town of Seneca, Comprehensive Plan

Zoning

Zoning ordinances and laws touch upon agriculture in a variety of contexts. Zoning laws can specify where and how farms and related agricultural businesses can operate in a community. Zoning laws may also help to define whether and how farmland may be developed into other uses.

Many New York towns have zoning ordinances that define "agricultural" or "rural" zones where agriculture is a permitted use along with many other residential, commercial and/or industrial uses. However, many of these ordinances are descriptive of current (or past) conditions and are not necessarily prescriptive of desired future circumstances. Unless other significant planning measures are undertaken, the standards of agricultural zones will permit the fragmentation of farm landscapes, increasing the likelihood of conflicts between farm operations and new, nearby non-farm neighbors.

A good zoning ordinance is not necessarily the end of the story. Because property owners may be granted variances from the zoning ordinance under certain conditions by a zoning board of appeals (ZBA), it is important to ensure that the ZBA understands the ramifications of its decisions for agriculture.

Zoning laws or agricultural zoning districts intended to support farms and protect farmland often have some of the following objectives:

- Support a farm-friendly business environment;
- Stabilize larger blocks of agricultural land;
- Reduce the likelihood of future conflicts between farmers and non-farm neighbors by managing new development patterns and providing for growth in appropriate areas;
- Prevent the conversion of the town's most productive farmland or the division of the land into tracts that are too small to farm profitably;
- Keep land more affordable for farmers to purchase.

- New York State, Department of State *Guide to Planning and Zoning*

How Zoning and Planning Measures Relate to New York State Agricultural Districts

Town governments considering new zoning or other planning measures should understand the important connection between New York agricultural districts and local policy-making. Agricultural districts were first developed by the state in the 1970s to help provide a supportive business environment for farming. Farmers operating in locally created agricultural districts receive important state protections from private nuisance lawsuits, new public projects that may impact farms and unreasonably restrictive local ordinances.

This latter provision, New York State Agriculture and Markets Law (AML) Section 305-a, allows the commissioner of the New York State Department of Agriculture and Markets (NYSDAM) to review local laws and determine if they are unreasonably restrictive of farm operations in agricultural districts.

When reviewing such measures, the commissioner considers:

- If the requirements adversely affect the farm operator's ability to manage the farm operation effectively and efficiently;
- Whether the requirement could impact production options and affect farm viability;
- If the requirement will cause a lengthy delay in the construction of new farm building or implementation of a practice;
- Compliance costs for a farm operation;
- The availability of less onerous means to achieve the locality's objective;
- If the local law addresses a threat to public health or safety.4

In situations where a local law is determined to be unreasonably restrictive, NYSDAM will notify the local government and try to negotiate a resolution. If rejected by the municipality, the commissioner of NYSDAM can bring an action or issue an order to enforce this provision of the AML.

The key issue in this determination process: what is reasonable? Towns clearly have the authority to institute reasonable requirements on farm operations in agricultural districts if they are acting to protect public health or safety. Fortunately, most differences of opinion between town governments and NYSDAM are resolved without legal action by NYSDAM to enforce the AML.

Benefits of Using Zoning to Create a Supportive Business Environment

- Is popular with farmers and rural landowners
- Supports important business needs of farm operations

Drawbacks of Using Zoning to Create a Supportive Business Environment

- May draw criticism from non-farm residents if new farm businesses or compatible non-farm businesses don't conform to their perception of agriculture
- Has limited direct impact on farmland conversion in areas experiencing high development pressure
- Draws criticism from residents who don't believe zoning will serve their interests

Zoning Techniques: Creating a Supportive Business Environment

In order to be successful, farm businesses need a supportive operating environment just as other businesses do. They need market and business development assistance, financing, infrastructure and other support services. However, these needs are complicated by the unique roles of farms and farmers in the town's economy, landscape and community. In addition, agriculture's direct connection with the landscape, the seasonality of farm businesses and other aspects of farming add complexity to these issues.

Towns should understand the needs that farms share with other businesses as well as the needs that are unique to existing agricultural businesses and those that are likely to evolve over time. Both farms and farm support businesses, such as veterinary, repair shops or farm machinery dealers, should be considered. The following are strategies that towns can adopt to help create a supportive business environment for farming.

Using a Broad Definition of Farming

New York has a tremendously diverse agricultural industry. The state is a national leader in the production of milk, apples, grapes, vegetables, horticultural products and other farm commodities. In addition, the agricultural industry is frequently changing as farmers adapt to new market and operating conditions. As globalization continues to accelerate, it is likely that the rate and extent of change within the agricultural industry will increase as well. These changes may include the production of different agricultural products or adoption of new production practices.

One example of this change is the increasing use of greenhouses or other temporary structures for the production of vegetables, fruits, horticultural products or livestock housing. While these structures may not conform to some traditional views of a farm, they are valuable to producers as they are a cost-effective means for increasing control of growing conditions, which is of great importance in New York given the state's varied and often challenging weather conditions.

These definitions may need to be slightly modified for a town zoning code. However, including such broad and well-understood definitions of farms can give existing farmers or new farmers the flexibility to adapt to new conditions.

Purposes of an Agricultural Zoning District and Permitted Uses

The "purpose" of a specific zoning district describes the rationale behind the district's designation. It is the foundation upon which the district's terms and conditions should be based. A zoning district intended to support farms should clearly state this emphasis within its purposes

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CASE STUDY

Town of Ulysses, Tompkins County, New York: A-1 Agricultural Zoning District

The Zoning Law adopted in 2007 by the town of Ulysses incorporates right-to-farm language directly in the regulations for the A-1 Agricultural zoning district. According to Article V, Section 501, of the Zoning Law, the purpose of the A-1 Agricultural zoning district is to "protect the agricultural production resources of the Town of Ulysses…."

Section 502 reads: "In the A1–Agricultural District, agriculture shall be the primary land use. Within the District, any agricultural practice determined to be a sound agricultural practice by the New York State Commissioner of Agriculture and Markets pursuant to Article 25-AA, Section 308, including but not

Section 301 Definitions of Farming

How "farming" is defined in zoning and other town ordinances must be broad to encompass the diversity and rapid evolution of farming. Section 301 of the New York State AML provides a well-understood and broadly supported definition:

Farm operation: "means the land and on-farm buildings, equipment, manure processing and handling facilities, and practices which contribute to the production, preparation and marketing of crops, livestock and livestock products as a commercial enterprise, including a 'commercial horse boarding operation'... Such farm operation may consist of one or more parcels of owned or rented land, which parcels may be contiguous or noncontiguous to each other."

The statute further defines:

Crops, livestock and livestock products shall include but not be limited to the following:

a. Field crops, including corn, wheat, oats, rye, barley, hay, potatoes and dry beans.
b. Fruits, including apples, peaches, grapes, cherries and berries.
c. Vegetables, including tomatoes, snap beans, cabbage, carrots, beets and onions.
d. Horticultural specialties, including nursery stock, ornamental shrubs, ornamental trees and flowers.
e. Livestock and livestock products, including cattle, sheep, hogs, goats, horses, poultry, ratites, such as ostriches, emus, rheas and kiwis, farmed deer, farmed buffalo, fur bearing animals, milk, eggs and furs.
f. Maple sap.
g. Christmas trees derived from a managed Christmas tree operation whether dug for transplanting or cut from the stump.
h. Aquaculture products, including fish, fish products, water plants and shellfish.
i. Woody biomass, which means short rotation woody crops raised for bioenergy, and shall not include farm woodland.

The section also recognizes that the equine industry is an important and growing part of New York agriculture. It defines a commercial horse boarding operation as:

"an agricultural enterprise, consisting of at least seven acres and boarding at least ten horses, regardless of ownership, that receives ten thousand dollars or more in gross receipts annually from fees generated either through the boarding of horses or through the production for sale of crops, livestock, and livestock products, or through both such boarding and such production. Under no circumstances shall this subdivision be construed to include operations whose primary on site function is horse racing."

limited to practices necessary for on-farm production, preparation and marketing of agricultural commodities, such as the operation of farm equipment; proper use of agricultural chemicals and other crop protection methods; direct sale to consumers of agricultural commodities or foods containing agricultural commodities produced on-farm; and construction and use of farm structures, shall not constitute a private nuisance."

Towns would be well-advised to make accommodations for mobile homes used on the farm for worker housing. Many farms need to have their workforce located in close proximity, given the long and varied hours of farm work. In addition, many fruit, vegetable and dairy farms employ migrant laborers who require on-site housing. Zoning codes that accommodate the need for farm-worker housing can help farmers address challenging labor issues.

Towns may wish to allow additional uses in an agricultural zoning district while having slightly greater control over where and how such uses are sited. This could be achieved by requiring special use permits. Special use permits can allow a town to evaluate the specific merits of a proposal to determine if it is compatible with farming, agriculture and the other purposes of an agricultural zoning district.

Supporting Direct Market Farm Businesses

Direct marketing is an important business strategy for some farmers. While farm stands, u-pick operations and other farm retail facilities are similar in concept to other retail establishments, there are important differences. Direct farm retail is often seasonal and limited in scale. Farm retail marketing facilities typically support broader farm businesses that provide scenic farmland and other amenities to the community.

At the same time, some farm retail operations reach an operation level on par with other

commercial retailers. These farm markets can have traffic flow, parking requirements, and breadth of products akin to small groceries or convenience stores. Additionally, some farmers are embracing agritourism and developing new on-farm experiences that stretch the boundaries for what are commonly considered farm uses.

Some questions that a town might ask when trying to determine the appropriate standards to apply to a farm market or agritourism facility include:

- Are the sales and other activities proposed at the site related to a broader agricultural operation?
- Are at least 25 percent of the products sold at the facility produced by the owner/operator?
- Is the facility open year-round?
- Does the facility offer extended hours of operation?
- Will the facility sell fuel and related products, tobacco, alcohol not produced in New York, lottery tickets or other products usually associated with more traditional retail establishments?[5]

Because many farms are not in prime commercial locations, advertising is critical for farm stands and markets that sell directly to consumers. Towns should review their local laws regarding on- and off-site signs to make appropriate accommodations for seasonal signs for farm retailers. By demonstrating flexibility in this area, towns can support farm viability by helping farmers reach new customers.

- New York Farmers Direct Market Association, *Model Zoning for Roadside Stands and Farm Markets*

Supporting Business Opportunities Compatible with Agriculture

Modern farm families often have at least one member working outside of the farm. They may rely on non-farm jobs for health insurance or a steady, dependable salary. While many of these jobs occur away from the farm, some non-farm business opportunities may also take place in the home or in other buildings located on the farm. Non-farm business opportunities can provide important income to farm families. When farmers and rural landowners have flexibility in establishing compatible businesses, they may feel less pressure to sell land for development.

Some issues that towns may consider when evaluating the compatibility of a new business use or commercial building with agriculture include whether:

- The use will be of a nature, intensity, scope, size, appearance, type and quantity conforming to the existing personal or agricultural structures;
- New commercial buildings will be located in a way that minimizes negative impact on future operations and expansion of agricultural uses and does not interfere with current agricultural operations or displace farm or forestry storage, use, or functions;
- The use is related to agriculture, forestry or open spaces;
- The business will be conducted primarily by persons who reside on the farm or members of the farm family or farm employees;
- The use is subordinate to the farm operation. Subordination is based on the proportion of land and structures employed by the rural enterprise to those employed directly in the agricultural or forestry enterprise as well as the amount of time and resources the farmer diverts from the agricultural or forestry operation to the rural enterprise;
- The proposed use is not excessively more valuable than existing structures that would make the subsequent sale of the farm to a bona fide farmer unlikely.

Zoning Techniques: Stabilizing the Agricultural Land Base

Zoning laws can be used not only to provide a supportive business environment for farming, but also to help stabilize the agricultural land base. Zoning can help towns manage new development and minimize the effects of development on local farms.

Zoning laws with farm-friendly objectives are often called "agricultural zoning" or "agricultural protection zoning" and involve a variety of zoning approaches or techniques. This variety of zoning is generally applied to farming areas and is designed to restrict uses or densities of non-farm uses that are seen as incompatible with farming.

Benefits of Using Zoning to Stabilize the Agricultural Land Base

- Is a relatively easy concept to understand and administer
- Is comparatively inexpensive for the public to implement
- Can be implemented quickly when compared with other farmland protection tools
- Can be flexible, changing as local conditions evolve
- Is well-suited to more rural communities with lower development pressure

Drawbacks of Using Zoning to Stabilize the Agricultural Land Base

- May reduce land values and decrease landowners' equity in land
- Can be politically difficult to set lot sizes and use restrictions that provide meaningful support for sustained agricultural use
- Setting minimum lot sizes, such as one residential unit per five acres, may result in parcels of land that are "too big to mow but too small to farm"
- May create a market for larger acreage "farmettes" in areas with high levels of development pressure if a lower density lot size (such as one residential unit per 20 acres) is set without other restrictions. While the resulting parcels could potentially be farmed, the agricultural use of such large rural lots could be threatened when non-farmers are willing to pay higher land values than farmers can afford. [6]

Minimum Lot Size

The minimum lot size approach to agricultural zoning sets a minimum acreage requirement for subdivisions and new development. Ideally, the minimum acreage requirement should approximate the size of a farm field that is economically viable for continued agricultural use. In the western United States, the acreage required for a viable ranch might be hundreds of acres. On the East Coast and in parts of the Midwest, however, the minimum lot size required for profitable, field-based agricultural use tends to range from 20 to 40 acres.

The minimum lot size approach is one of the simplest zoning techniques. However, this technique can be difficult to use to effectively stabilize the agricultural land base. It requires setting the minimum lot size high enough to generate parcels that can be used for most field-based farm operations. The minimum lot size approach has also been criticized for being exclusive and limiting the availability of affordable housing.[7]

Many New York towns use this approach in agricultural zones, setting the minimum lot size at roughly two to five acres. Unless combined with other restrictions, however, this type of minimum lot size zoning reduces the density of new development while doing little to protect land for farming. In fact, the resulting larger lots may consume available land resources more quickly, thus accelerating the conversion of farmland. For this reason, the minimum lot size approach has had little success in limiting the development of farmland in New York.

CASE STUDY

Town of Plainfield, Illinois: Zoning Code

The town of Plainfield, Illinois, sets a minimum lot size of 40 acres per residential unit in its "agricultural district." The law is fairly simple to understand and administer. Such a law is most likely to be applicable in areas with large blocks of agricultural land and lower development pressure.

- Town of Plainfield, Illinois, Zoning Code (excerpt)

Density Averaging (Fixed Ratio or Area-Based Allowance)

The density averaging, or fixed ratio, approach to zoning sets a fixed density for permitted residences within an agricultural zone. This contrasts with the minimum lot size approach, where the desired density is achieved by setting a corresponding minimum lot size. For example, if the desired residential density were one residence per 20 acres, the minimum lot size approach would set a minimum lot size at 20 acres. Thus, a 100-acre parcel could yield five 20-acre parcels.

By comparison, the density averaging approach identifies the desired density but does not use the minimum lot size as the principal strategy for achieving this result. Instead, the density averaging approach determines the number of residences permitted per parcel. For example, if the desired density is determined to be one residence per 20 acres, a 100-acre parcel could have five residences. A community might further

specify a required minimum lot size of 1 acre (to comply with health department requirements) and a maximum lot size of 2 acres. Instead of creating five 20-acre parcels as established by the minimum lot size approach, the density averaging approach could yield five 2-acre lots and one 90-acre lot.

When combined with a maximum lot size requirement for new residential development, the density averaging approach can be a powerful tool for retaining larger blocks of farmland while allowing limited residential development. This approach is similar to cluster zoning or conservation subdivisions in that it concentrates new development on smaller pieces of land. However, cluster zoning or conservation subdivisions may be better suited to larger subdivisions given the more complex planning requirements.

One of the challenges in administering a density averaging zoning law is recording how many residences or subdivisions have been permitted for each parcel. Without the proper tracking of this information, parcels of land that had already "used up" their allowed residential subdivisions could be further developed. Communities may want to augment the information submitted in subdivision plats with a master map or other creative measures to ensure that this important information is retained when town boards, planning boards and zoning boards of appeal change membership. The town of Milton, New York, requires the following notation on final plats when the subdivision approval required that a portion of the property remain undeveloped: "This plat was created under the open space incentive option of the Town of Milton Zoning Code, and any further subdivision of these lots is hereby prohibited."

CASE STUDY

Town of Seneca, Ontario County, New York: Agricultural Zoning District

The town of Seneca adopted an update to its zoning code in 2004. The code includes an "agricultural zoning district" meant to:

> "…preserve existing agricultural lands in the town and protect the rural character of the area that reinforces the special quality of life enjoyed by residents in Seneca…. The creation of the Agricultural Zoning District illustrates the Town's commitment to farming as a preferred use in these districts and shall protect existing agricultural areas from suburban and urban development, encourage the continuation of agriculture, reduce land use conflicts and preserve open space and natural resources."

The agricultural zoning district permits one subdivided lot with one single-family dwelling for each parcel greater than five acres. The density standards permit a maximum density of one unit if under 50 acres and one unit per 50 acres if over 50 acres. For example, a 25-acre parcel would be allowed one subdivision. This would create two lots with opportunities for a single-family home on each. A 60-acre parcel would be allowed two subdivisions that could create three lots. In either case, subdivided lots must be at least 45,000 square feet and have 150 feet of road frontage.

Seneca and Ontario County use a computerized real property system that allows them to document permitted subdivisions. This tracking is important to prevent the further development of parcels that have already used their permitted rights.

- Town of Seneca, Zoning Code

CASE STUDY

Town of Ithaca, Tompkins County, New York: Zoning Code

The town of Ithaca's zoning law has density averaging elements but permits more concentrated residential development. The zoning law sets a minimum lot size of one acre and a maximum lot size of two acres for non-farm lots in its agricultural zone (with special exceptions when required by the Tompkins County Health Department). In addition, the desired residential density is set at one residential unit per seven acres. The town planning board has the authority to require clustering of the non-farm lots as a condition of subdivision approval. Some of the criteria that may be applied when siting the clustered units:

- Clustered lots should avoid prime agricultural soils, defined as Class I and Class II by the United States Department of Agriculture Natural Resources Conservation Services or similar or successor agency;

- Clustered lots should not interfere with natural drainage patterns;
- To the extent reasonably possible, subdivisions shall be approved in a manner that maintains the largest amount of contiguous acreage for open space or agricultural use.

While the town of Ithaca permits fairly concentrated residential development, its zoning law has received criticism from farmers and farm groups. Their arguments include concerns about reductions in landowner equity as well as the process used to develop the new law.

- Town of Ithaca, Zoning Code

Sliding Scale

"Sliding scale" zoning can be used to set the desired level of residential densities and subdivisions, depending upon the original parcel size, rather than a fixed ratio for all size parcels. Thus, fewer acres are required per residential unit or subdivision for smaller parcels in comparison to larger parcels. The sliding scale is used to promote the retention of larger farm parcels while allowing for limited residential development.

The sliding scale approach has been used by several Pennsylvania townships in an effort to retain blocks of farmland that support a range of agricultural businesses. While sliding scale zoning can help achieve this goal, it is more complex to administer than minimum lot size zoning, which can lead to confusion among landowners.

CASE STUDY

Peach Bottom Township, Pennsylvania: Zoning Code

Peach Bottom Township established an agricultural zone in its zoning ordinances to "permit, protect and encourage the continued use of land for agricultural purposes." The township uses a sliding scale approach to agricultural zoning that allows for dwelling at density of one acre per unit on small parcels to 44 acres per unit on very large tracts of land.

Peach Bottom Township has also established a maximum lot size for new residential subdivisions; the standard maximum lot size is one acre for a new residence unless the land cannot feasibly be farmed. To determine whether a parcel can feasibly be farmed, the standards are:

- Soil quality;
- The existence of "features of the site such as rock too close to the surface to permit plowing, swamps, the fact that the area is heavily wooded, or the fact that the slope of the area exceeds 15 percent";
- The "size or shape of the area suitable for farming is insufficient to permit efficient use of farm machinery."

Parcels that contain land of low quality for agricultural use may have more than one acre subdivided for residential use.

- Peach Bottom Township, Pennsylvania, Zoning Code (excerpt)

CASE STUDY

Alpine Charter Township, Michigan: Zoning Code

Alpine Charter Township has also developed a sliding scale approach to agricultural zoning. This local law was "intended to ensure that land areas within Alpine Charter Township, which are well suited for production of food and fiber, are retained for such production, unimpeded by the establishment of incompatible uses which would hinder farm operations and irretrievably deplete agricultural lands."

Size of Parcel	# of Permitted Lot Splits for Non-Farm Dwellings	Ratio of Acres/Lot Split for Smallest Parcel in Category
10 acres or less	0	0
Greater than 10 acres to 20 acres	1	10/1 (For 10.1 acres)
Greater than 20 acres to 40 acres	2	10/1 (For 20.1 Acres)
Greater than 40 acres to 80 acres	3	13.3/1 (For 40.1 Acres)
Greater than 80 acres	4	20/1 (For 80.1 Acres)

Because it does not control maximum lot sizes for non-farm dwellings, Alpine Charter Township's approach to sliding scale zoning could create competition among farmers and non-farmers for larger lots, if the zoning is used in a town experiencing high development pressure. This issue could be remedied by instituting a maximum lot size for non-farm dwellings or by other site planning requirements.

- Alpine Charter Township, Michigan, Zoning Code (excerpt)

Overlay Zones or Districts

Overlay zones are used to augment a town's zoning by instituting additional development standards or by establishing incentives for parcels that have certain characteristics. Agricultural overlay zones are often applied to parcels that meet some or all of the following criteria:

- Minimum parcel size
- High quality agricultural soils
- Capacity for continued agricultural use
- Located in a NYS certified agricultural district
- Located in specific zoning districts

Parcels in overlay zones may be permitted additional agriculture-related or compatible rural business uses. These parcels may also be subject to additional development guidelines that conserve key agricultural resources and limit the impacts of new development on nearby agricultural uses.

CASE STUDY

Town of Washington, Dutchess County, New York: Zoning Code

The town of Washington has established an "agricultural protection overlay district" applying to parcels in specific zoning districts that:

- Are greater than 10 acres;
- Have at least 50 percent of the soils deemed prime farmland soils or farmland soils of statewide importance as established by the United States Department of Agriculture;
- Are located in a New York certified agricultural district.

In addition to the uses permitted in the underlying zoning district, additional uses are permitted in the overlay district including roadside farm stands, employee housing for farm workers and agriculture-related service or commercial uses.

The town planning board may require that new residential developments of three or more lots within the agricultural protection overlay district comply with the town's cluster requirements found in its subdivision code. Residential structures sited for parcels in this overlay district should be located:

- On the least fertile agricultural soils and in a manner that maximizes the remaining area for agricultural use;
- In locations least likely to block scenic views;
- Within woodlands or on the edges of open fields;
- On the soils most suitable for subsurface sewage disposal;
- In a manner that provides buffers between house lots and farm operations.

In addition, the planning board may require a 75-foot buffer with either fast-growing native trees and shrubs or naturally existing vegetation between residential and agricultural uses.

- Town of Washington, Zoning Code (excerpt)

CASE STUDY

Town of Kinderhook, Columbia County, New York: Prime Overlay District

The town of Kinderhook's zoning code includes a Prime Farmland Overlay (PFO) district designed to protect its prime farmland soils and to prevent non-agricultural uses from negatively impacting continuation of farming. The PFO creates standards for residential subdivisions, site plans and special use permits within the overlay district, including:

- Mandatory use of conservation subdivision design standards that require that at least 50 percent of the total parcel area be designated as permanent open space;
- Siting and design that avoids development on prime soils, as well as on areas with steep slopes, wetlands, or where road access problems may exist;
- Establishment of minimum buffer areas between new residences, commercial or industrial development and agricultural uses, and protections for existing hedgerows between uses.

The district also requires that new non-farm buildings be sited in a way that has the least negative impact on agricultural soils and farm operations. Buffers of at least 200 feet are also required between new residences and agricultural parcels in the overlay

district. The buffer must be placed upon properties proposed for subdivision. Additionally, major subdivisions are required to have 30-foot vegetative buffers that are located 20 feet from the boundary with any agricultural parcels.

- Town of Kinderhook, Zoning Code (excerpt)

Setback Requirements

Setback requirements help guide the location of new buildings within approved building lots. Setbacks can help reduce the likelihood of conflicts between neighbors and increase the compatibility of new development with surrounding land uses. Large setbacks from the road are sometimes promoted as a means of maintaining "rural character." While minimum setbacks of 100 to 200 feet or more from a road do ensure a longer sight line to new buildings, they can also encourage or even require that new houses be sited in the middle of farm fields rather than on the edge of fields.

CASE STUDY

Skagit County, Washington: Zoning Code

Skagit County's code requires specific dimensional standards and siting criteria so new buildings are sited in a manner that minimizes the impact on farms. Skagit County requires a 35-foot minimum front setback as well as a 200-foot maximum setback from public roads. This requirement is intended to prevent the siting of new houses in the middle of productive farmland. The siting criteria states, "The siting of all structures in the Agricultural–Natural Resource Lands district shall minimize potential impacts on agricultural activities," to be achieved by siting structures on the edge of a property, either adjacent to the road or an interior lot line.

This type of approach works especially well when a new home is sited on property adjacent to an existing home. By requiring a new home to be placed in close proximity to an existing home or homes, the town can encourage the retention of the largest areas of farmland and create buffers between houses and nearby farm operations.

- Skagit County, Washington, Zoning Code

Cluster Zoning

The clustering of new residential subdivisions encourages the concentration of new residences in a portion of a property while keeping a piece or pieces of a property undeveloped. This technique is also called conservation subdivision or open space development design. Cluster zoning aims to produce subdivisions that retain critical farmland, natural areas and other open spaces while accommodating new development.

From an agricultural perspective, cluster subdivisions can concentrate new houses in woods or on less productive soils while keeping more productive acreage available for farming. This can be an appealing way of keeping the most productive cropland available for farming while accommodating new development.

However, important issues must be debated when considering cluster subdivision standards. Some farmland protection supporters question the compatibility of cluster subdivisions with nearby farm operations. Tom Daniels, a professor at the University of Pennsylvania, describes clustering in the following way: "The problem with cluster zoning is that most places that use it allow a fairly high density of one dwelling per two [acres] or one to three or five acres. At those densities, the result is likely to be clustered sprawl. Moreover, the remaining farmland will probably be used for low-value crops such as hay because animal agriculture with its manure smells is not very compatible with nonfarm neighbors and their kids and dogs."[8] Communities considering clustering as a tool to retain farmland will need to grapple with these concerns and integrate strategies for limiting conflicts between farmers and new nonfarm neighbors. Requiring appropriate buffers and right-to-farm disclosure notices as part of the final subdivision approval may help address these issues.

Additional issues to consider:

- Will the clustering provision be mandatory or voluntary?
- If you choose the voluntary approach, what incentives will you provide to encourage clustering? (Some incentives might include additional permitted residences, a streamlined approval process with reduced fees, or reduced road frontage requirements or road standards.)
- Who will own the open land that can not be developed?

- Will you require a conservation easement on the open land to keep it permanently available for farming?
- Will the clustered residences require public water or sewer, today or in the near future? If so, can this be accommodated in a way that will not accelerate the conversion of additional farmland?

CASE STUDY

Town of Stuyvesant, Columbia County, New York: Zoning Law

The town of Stuyvesant uses an incentive-based approach to encourage the clustering of new housing and the retention of prime farmland. Landowners proposing cluster subdivisions on parcels greater than 10 acres can receive a density bonus of one additional lot for each 10 acres of buildable area. The density bonus is in addition to the standard number of lots permitted under the town code. To be considered a cluster subdivision, 50 percent of the parcel must be permanently protected for conservation purposes including agriculture, forestry, ponds, passive recreation or recreational uses such as wooded parks, hiking trails, bridle paths or other uses having a low impact on the environment. In addition, if landowners agree not to create building lots or other development on lands containing prime or statewide important soils, they are eligible to receive an additional building lot per 10 acres of prime farmland that is proposed for permanent conservation.

- Town of Stuyvesant, Zoning Law

CASE STUDY

Town of Milton, Saratoga County, New York: Zoning Code

The town of Milton offers an "open space incentive option" that gives the town planning board the ability to increase the maximum density in the town's R2 zoning district in return for permanent open space protection. The provision allows the planning board to increase the number of permitted residences by 50 percent on properties greater than 10 acres as long as 50 percent of the original land becomes permanently protected open space. The town makes decisions about proposals for open space incentive options based upon its Rural Development Design Guidelines and the town's desire to conserve open space resources, including existing farms and land suitable for agricultural use.

- Town of Milton, Zoning Code (excerpt)

Incentive Zoning

New York State Town Law Section 261-b authorizes towns to offer incentives or bonuses to developers if they advance "the town's specific physical, cultural or social policies." Such benefits may include the provision of open space, affordable housing, recreational facilities, day care or elder care facilities, infrastructure improvements, drainage improvements or the construction of cultural amenities.

Towns are further authorized to accept payment in lieu of suitable community benefits if the provision of such benefits is not feasible or practical.

To be successful, incentive zoning ordinances must articulate clear expectations for the benefits that will be received by both the developer and the public. Both sides must receive something of perceived equal value to make such a system work well.

- New York State, Town Law, Section 261-b, Incentive Zoning

CASE STUDY

Town of Beekman, Dutchess County, New York: Zoning Code

The town of Beekman passed an incentive zoning provision in 2001. The law authorizes the town board to grant zoning incentives "to property developers to encourage the provision of certain community benefits or amenities such as parks, open space, public active and passive recreational opportunities and other physical, social or cultural benefits or amenities that are in compliance with the town comprehensive plan."

One of the benefits that could be provided by a developer includes the "permanent conservation of natural areas or agricultural lands." In exchange, a developer could receive an increase in permitted residential density or reductions in requirements for non-residential development (decreased minimum lot area, setbacks or increased impervious lot coverage, floor area ratios, building heights or other standards).

The town law further describes the process and standards to be used in evaluating projects put forth for consideration under this provision of the zoning law.

- Town of Beekman, Zoning Code

Subdivision Ordinances

Subdivision ordinances govern the division of larger parcels into smaller pieces of land. These laws provide a town planning board with the authority to review and make decisions about proposed subdivisions to protect public interests and to ensure that new subdivisions don't accelerate flooding and erosion, traffic problems, noise pollution and other negative impacts to the town.[9]

Subdivision ordinances often require a plat or sketch that depicts the proposed location and dimensions of new roads and lots and other landscape features. These features may include wetlands, floodplains, large trees and other natural resources, or improvements such as utility lines and easements, archeological sites, sewers, sidewalks, street lighting, etc.

From an agricultural perspective, subdivision ordinances can require the review of the potential impacts of new subdivisions on productive farmland and nearby farm operations. They also can stipulate design standards that help reduce the potential impacts of new subdivisions on farms and farmland.

- Southern Tier Central Regional Planning & Development Board, *Rural Design Workbook*
- Hudson Valley Greenway, *Saving Farmland with Development*

Benefits of Subdivision Laws

- Support informed town decision-making
- Help limit the impacts of new subdivisions on nearby farm operations
- Can steer new development away from productive farmland
- May reduce likelihood of future farm/neighbor conflicts

Drawbacks of Subdivision Laws

- May not prevent farmland conversion
- Have limited ability to prevent future farm/neighbor conflicts
- May be opposed by landowners who dislike land use regulations

Subdivision Review Process

The subdivision review process allows a town planning board to understand a proposed subdivision, its compatibility with community interests, and potential problems that might be posed by the subdivision. Towns can use this process to gather information from the proposal's sponsor to better understand how the project may impact local farms. However, to review subdivisions effectively, it is important that towns have review criteria specific to agriculture.

Some criteria that towns can require developers to address in proposed subdivision applications:

- Consistency with the town's comprehensive plan
- Compatibility with New York certified agricultural districts in the town
- Identification of growth-inducing aspects of the project that may require additional public services or have future impacts on community interests
- Analysis of potential impacts to:
  - Prime, statewide important or other productive agricultural soils
  - Nearby farm operations (with an emphasis on farm buildings and infrastructure, particularly livestock) and the viability of commercial

agriculture in the town
- On and off-site drainage patterns, particularly field tiling and ditching
- Historic structures and sites
- Visual character of the area
- Capacity of existing roadways, fire protection, and other public services such as water and solid waste disposal
- Traffic generated and compatibility with local roadways
- Land values and land speculation

Towns should also require copies of agricultural data statements for land use determinations affecting property within 500 feet of a farm operation in a state certified agricultural district. Notice of intent (NOI) filings (for public projects) can also be required to better ascertain the impacts of projects proposed in agricultural districts. NOI filings are reviewed by county agricultural and farmland protection boards and the New York State Department of Agriculture and Markets (NYSDAM). Towns can require copies of these comments to obtain further insight into potential impacts of proposed public projects on agriculture.

Subdivision Standards

Subdivision or design standards integrate the information gathered as part of the review process with landowners' interests and community priorities. Ideally, they ensure that proposed subdivisions are well-designed, promote the orderly development of infrastructure and mitigate environmental impacts. Subdivision design standards can be used to steer new development or infrastructure away from productive farmland. They also can require that measures are taken to prevent future conflicts with nearby farm operations.

Locating New Infrastructure Creatively

One strategy for encouraging the retention of productive farmland is to guide the siting of infrastructure such as utility lines, driveways and service laterals. Utility lines can be placed on less productive land or buried below plow depth. Driveways can be sited on the edge of farm fields rather than through the middle. Shared driveways can be used to limit the number of roadways that bisect farm fields. Towns can require that service laterals are buried.

Siting New Residences

Towns can help retain the most productive land for farming by encouraging the siting of new houses in wooded areas or on less productive soils. By siting structures on the edge of a property and near existing structures, towns can help reduce the footprint of nonfarm construction.

Additional considerations should be made regarding the proximity of new houses to farm buildings and the proximity of infrastructure (particularly livestock housing) to neighboring properties, given the dominant wind and weather patterns. The thoughtful siting of new homes in areas located "upwind" from livestock housing or in places screened from prevalent wind patterns can help reduce complaints about the smells, sounds and sights of nearby farms.

Another design consideration is the location of existing field tiling and ditching. Such infrastructure improvements drain water from farm fields and increase their productivity. New development that interrupts the flow of water from neighboring farm properties may create headaches for neighboring farmers and impact the productivity of their land. Towns should plan new subdivisions in a way that is compatible with existing field drainage patterns.

Field access to neighboring farm properties should also be considered in subdivision plans. Subdivisions that site new houses along roadways and leave farmland with restricted access may significantly limit opportunities for the land to be actively used for agriculture. This is an important consideration given the increasing size of commercial farm equipment, which may need wider access routes.

Reduced road frontage requirements and road/driveway standards are other design incentives for creatively siting new houses in ways compatible with agriculture. By reducing building costs and administrative fees or by providing opportunities for new houses to be creatively sited, towns can encourage landowners to adopt town design principles.

However, the "flag lots" or other creative subdivisions that may result must be carefully sited to make sure they do not accelerate the conversion of farmland. Some New York communities have specifically prohibited these types of subdivisions because they have been used to develop farmland or other

undeveloped land on parcels without sufficient road frontage. Communities must clearly state their expectations and priorities in subdivision laws so that creative design approaches do not have unintended consequences. Communities also must be sure that the language in their design standards is not vague, giving landowners and design professionals clear direction as they develop their plans. Clear, concise standards also benefit planning boards by limiting variations in interpretation, ensuring uniform application and providing protection against successful court challenges.

Conservation Subdivisions

Conservation subdivision laws are similar in concept to cluster zoning ordinances. Both concentrate new development on certain parts of a parcel to protect key resources on other parts of a property.

Conservation subdivision ordinances often describe an alternative subdivision process that prioritizes the identification and protection of key resources such as active farmland, wetlands and waterways, historic areas, wildlife habitat, etc. This process contrasts with the traditional subdivision approach of siting new houses and roads first and then identifying key resources that would be protected by a site plan. By identifying key resources first, the conservation subdivision process can be used to site new houses and roads in a manner that minimizes impacts to farmland and other natural resources.

CASE STUDY

Town of Caton, Steuben County, New York: Subdivision Regulations

The town of Caton's subdivision regulations include a step-by-step conservation subdivision design process and cluster development provision with the purpose "to encourage flexibility of design and land conservation and to develop land in such manner as to preserve the natural and scenic qualities of open lands while reducing the construction and maintenance costs of infrastructure."

A traditional subdivision plan can be submitted for major subdivisions (five or more lots) only if it is demonstrated that a traditional layout would be most beneficial to the community and compatible with the site. Otherwise, a cluster development is required that retains 50 percent of the land as undeveloped open space. The ordinance further describes the process to be used for developing the sketch for the proposed subdivision. These conservation subdivision steps include:

1. Identify primary conservation areas
2. Identify secondary conservation areas
3. Identify potential development area
4. Locate house sites
5. Align streets and trails
6. Draw in the lot lines

This process makes conservation the first priority in the subdivision process rather than the last. The regulations require applicants to develop an improvements construction plan that articulates the location of new infrastructure, the location of parks or other open space, landscaping plans and other aspects of the subdivision.

- Town of Caton, Subdivision Regulations

Buffers

Buffers are a popular strategy for reducing conflicts between new residents and nearby farm operations. Buffers on the edges of residential subdivisions are generally as small as 30 feet to as large as 600 feet. They are kept undeveloped to screen out the sights, sound and smells from nearby farm operations. Tree or shrub plantings can be required to further reduce the movement of dust and sounds. Fencing can also be required to minimize trespassing on nearby farm property.

For new subdivisions proposed on open land—pastures, cropland, etc.—landscaping plans can be required as a condition of final subdivision approval with occupancy certificates withheld until the plan is implemented. Tree plantings and other landscaping improvements can then help screen air movement and limit conflicts involving nearby farm practices.

In all cases, buffers should be required as part of new residential subdivisions. They should not restrict farm operations on neighboring properties. This practice allows farmers to retain productive use of as much of their land as possible, while ensuring that a new subdivision is as compatible as possible with nearby land uses.

While buffers can play an important role in screening new subdivisions from nearby farms, it is unrealistic to expect that they will prevent all farmer/neighbor conflicts. Some communities take the additional step of requiring that right-to-farm disclosure notices are filed with final subdivision plans or distributed with occupancy certificates for new residences in a subdivision.

CASE STUDY

Town of Easton, Washington County, New York: Subdivision Law

The town of Easton has a multi-stage subdivision process that begins with a pre-application conference. At this conference, the applicant has the opportunity to discuss the subdivision, the town's subdivision process and the compatibility of the proposed subdivision with Easton's comprehensive plan and agricultural districts. Applicants must provide the required subdivision application forms as well as a copy of an agricultural data statement (as required by New York State Agricultural Districts Law for land use determinations affecting property within 500 feet of a farm operation located in an agricultural district).

Minor subdivisions (four or fewer lots) undergo a two-step process, while major subdivisions (five or more lots) have a three-step process. The process for both scales of subdivision then moves to sketch plan review. The sketch plan must include the location of the sketch plan in relation to agricultural districts and also contains the agricultural data statements.

If a landowner submits a formal application, the planning board must determine whether the proposed action is subject to State Environmental Quality Review (SEQR) review procedures. In making determinations of significance and identifying areas of environmental concern, the planning board reviews submitted documents as well as maps of land enrolled in agricultural districts. In addition, the town has added to the list of "Type I actions" any "unlisted action that includes a non-agricultural use occurring wholly or partially within an agricultural district…which involves the physical alteration of one or more acres and/or exceeds 10 percent of any threshold established for Type I actions in SEQR, whichever is lower."

For projects that require the filing of an environmental impact statement, the town of Easton requires an agricultural element when the proposed action is located within or contiguous to an agricultural district. The agricultural element requires a description of the short- and long-term impacts on agriculture, alternatives to the proposed action and mitigation measures to minimize adverse impacts on farm enterprises. In addition to a thorough subdivision review process, the town of Easton stipulates design standards or subdivision policies that are supportive of agriculture. They include:

- Utilities should generally not be brought across agricultural land. If necessary, alternatives should be considered including alternative user locations, rerouting utility lines or subsurface installation to ensure that such facilities are not damaged by farm equipment.
- Subdivisions of more than 12 lots should be phased to safeguard the quantity and quality of ground water. Six lots shall be the maximum number of lots approved at any one time.
- Disclosure notices must be given to new recipients of land in a subdivision approved by the town.
- Driveways should not bisect agricultural land in a manner that will disrupt cropping patterns or remove agricultural land from crop production.
- For new subdivisions of open land creating four or more lots, the subdivider shall submit and implement a landscaping plan to reduce the transmission of noise, dust, glare and other undesirable effects from neighboring properties.
- Buffers should be included in residential subdivisions as a means of reducing the likelihood of conflicts with nearby farm operations. Buffer distances will be decided on a case by case basis but should generally be between 30 ft and 600 feet wide. Further mitigation measures may be considered including the reduction of the number of lots in the proposal and/or the locating of lots in a manner that provides a more protective buffer.

- Town of Easton, Subdivision Law

Local Property Tax Reduction Programs

Cost of Community Services Studies

Farmland is a critical asset for farm businesses. However, its purchase and maintenance require a significant investment for farmers. Property taxes are an additional burden for farmers that increase the cost of doing business. They can also create financial hardships for rural landowners who rent land to farmers. In a worst-case scenario, high property taxes can force landowners to sell their land because they can't afford to pay them.

The use of property taxes to fund local services, such as town and county governments and schools, can seem inequitable because farms and forestland generally receive fewer local services than they pay for through property taxes. Cost of Community Services (COCS) studies conducted by AFT and others around the country have analyzed local revenues and expenditures by land use to determine their impacts on local budgets.

COCS studies have consistently shown that farm and forest land generate more public revenues than they receive in public services. These lands may generate less tax revenue than new residential development, but they typically cost communities significantly less in public services. By comparison, residences require greater public costs, principally because of local school expenditures. Therefore, the net tax impact of farm and forest land on a community is positive while the net effect for residences is negative.

COCS studies can help dispel the myth that converting farmland will lower local property taxes. While COCS studies are not meant to judge the overall public good or merits of any land use, they can be an effective tool for a community interested in understanding the impacts of various land uses.

- Farmland Information Center, *Cost of Community Services Studies* Fact Sheet

There are several state programs available to help reduce property taxes on actively managed farm and forest land, including:

- Agricultural Assessment Program
- Farm Building Exemptions
- Farmers' School Tax Credit
- Forest Land Exemptions
- Replanted or Expanded Orchards or Vineyards

Town efforts to supplement state tax relief programs can be an important component of local strategies that support farm operations and protect farmland.

Benefits of Local Property Tax Reduction Programs

- Reduce operating costs for farm operations
- Help bring property taxes in line with public services required by farm and forestland
- Are popular with farmers and rural landowners

Drawbacks of Local Property Tax Reduction Programs

- Shift property tax burden to other taxpayers or revenue sources
- Do not typically provide permanent protection to farmland
- Can encourage land speculation by reducing carrying costs prior to a landowner selling property for development

Acting as a Resource for Landowners

Providing information about existing property tax reduction programs is one simple way for towns and counties to help reduce the property tax burden on farmers and rural landowners. A variety of tax relief programs are available in New York, but they can be difficult for landowners to understand. Towns can act as a resource for landowners by having information about available programs easily accessible at town halls and by promoting the programs in town newsletters and on town Web sites. Such a simple effort could help farmers and rural landowners save thousands of dollars in property taxes each year.

- American Farmland Trust, *New York Agricultural Landowner Guide*

Providing Appropriate Assessments for Farm Buildings and Structures

Farm buildings and related structures are an integral part of farm operations. Since agricultural structures have unique purposes, they often cannot be easily transformed for other uses. Farm buildings can be expensive to construct but often depreciate rapidly. Towns may find it challenging to establish appropriate assessments for farm buildings. Town assessors should seek special training from Cornell Cooperative Extension, the New York State Office of Real Property Services or other agencies about the assessment of farm structures to ensure that farm building assessments are fair and accurate.

Adopting Agricultural Assessment Values for Service Districts

New York's Agricultural Assessment Program provides "use value" assessment for actively managed farmland meeting the eligibility requirements. Agricultural assessment allows farmland to be taxed for its agricultural value, rather than its market (non-farm development) value. Enrolled properties receive agricultural assessment for town, county and school taxes.

The governing body of a fire protection or ambulance district may adopt a resolution stating that agricultural assessment values should be used to determine the taxes levied by that district. Such a measure ensures that farmland is taxed at its current, non-speculative value, recognizing that farmland generally requires fewer public services and should be taxed appropriately.

- New York State, Real Property Tax Law Sections 483, 483-a and 483-c
- New York State, Office of Real Property Services:
- Agricultural Assessment for Rental Landowners
- Agricultural Assessment Forms
- Farm Building Exemption
- Farm Worker Housing Exemption Forms
- New York State, Department of Taxation and Finance:
- Farmers' School Tax Credit
- Historic Barns Tax Credit

Lease of Development Rights

Lease of development rights (LDR) or term easement programs reduce property tax assessments on land protected by term conservation easements. Authorized by Section 247 of the General Municipal Law, these programs have been used to stabilize farmland and other undeveloped areas by reducing property tax assessments in exchange for term deed restrictions. Such programs can be an important complement to existing property tax reduction programs, especially for part-time farmers or other rural landowners who do not qualify for agricultural assessment and other existing programs.

In New York, the most common form of LDR has been town programs that reduce property tax assessments by 25 to 90 percent for landowners willing to sign five- to 25-year deed restrictions on property meeting minimum acreage requirements. They do not permanently protect land for farming, but they can help stabilize broad areas of a community, giving towns and landowners more time to develop other farmland protection strategies. Due to differing opinions about towns' legal authority to enact such programs, some towns have sought state authorizing legislation that clarified their ability to develop an LDR program.

LDR programs often draw interest from landowners with small farm acreages or from part-time farmers. Larger, commercial farmers often are already benefiting from existing state and local tax reduction programs, such as the agricultural assessment program and Farmers' School Tax Credit. While further property tax reduction may be of interest to full-time farmers, the restrictions may outweigh the additional benefits. However, town LDR programs often help to retain rented farmland and open spaces that serve as buffers between farms and nearby residences. In this way, LDR programs can benefit all farmers in a given town.

- Town of Elma, Authorizing Legislation

Benefits of LDR

- Helps stabilize broad areas of a community
- May be attractive to landowners preferring term agreements to permanent commitments
- Provides "breathing room" for communities experiencing rapid land use change
- Reduces property tax burden for farm landowners who may not qualify for agricultural assessment or other state property tax reduction programs

Drawbacks of LDR

- Does not permanently protect land
- Can create the perception that a town is subsidizing land speculation and landowners will receive a "windfall" at the end of the term
- Requires property tax shift or other incentives that can be expensive
- Requires on-going monitoring and enforcement

LDR Options

Some localities have experimented with additional benefits or standards to make LDR programs more attractive to landowners and/or improve their effectiveness. For instance, California's Williamson Act program has a "rolling" rather than a fixed term. The length of the term continues to roll forward until a participating landowner decides to withdraw from the program, at which point the term of the agreement begins to decrease until it expires. For example, if a landowner signs a 10-year rolling term agreement in 2000, the 10-year term continues to roll forward each year. If the landowner indicates that he/she wishes to withdraw from the program in 2005, then the landowner's term commitment would end in 2015 (i.e., the year of withdrawal notice plus the 10-year term).

Other programs have required that town governments receive a "right of first refusal" authority on properties enrolled in LDR programs. This gives a town the right to match purchase offers on participating properties. This authority may not prevent the sale of a property, but it can provide leverage to a town if key properties come up for sale during the term of their agreement.

Several New York towns, such as Southampton and Warwick, have instituted LDR programs with additional incentives: the expedition of limited development proposals on enrolled properties, the retention of current zoning standards for enrolled properties and grant-writing assistance to help farmers acquire agricultural economic development funds. By offering incentives that may interest commercial farmers in LDR, towns can provide term protection to additional farmland.

Additional Considerations

LDR programs often involve simpler deed restrictions than PDR programs, in part because towns want to reduce program complexity and transaction costs. This can be justified because the agreements are not permanent, and simple programs are more attractive to landowners and easier to administer. However, towns must have a clear understanding of the permitted uses of properties and the actions that constitute a violation. For instance, can participating landowners build barns and other agricultural structures? Can they subdivide their property? Can they store vehicles or other items on land subject to the agreements? By having clear policies on such issues, towns can help prevent future misunderstandings and make the program easier to administer.

Towns also need to develop penalties significant enough to discourage violations and dispel the perception that they are subsidizing land speculation. By having relatively minor penalties for the conversion of enrolled land, towns may encourage more people to participate in LDR programs but do little to discourage the loss of farmland to new development. Town LDR programs without penalty provisions may fail to achieve their stated goals or be subject to criticism by taxpayers. Funds generated by LDR penalties can be dedicated to future town efforts that permanently protect farmland and other open space.

CASE STUDY

Town of Perinton, Monroe County, New York: Conservation Easement Law

The town of Perinton established a "Conservation Easement Law" in 1976. The law does not set a minimum acreage for LDR enrollment but stipulates that a "parcel must be suitable for further

development so that the limitation on development during the easement time period provides a benefit to the town." In exchange for commitments of five to 25 years, the town reduces property tax assessments on enrolled properties by 25 to 90 percent.

- Town of Perinton, Conservation Easement Law
- Town of Perinton, Conservation Easement for Farming Purposes

CASE STUDY

Town of Clifton Park, Saratoga County, New York: Conservation Easement Law

In 1996, the town of Clifton Park adopted a "Conservation Easement Law" with the intent of providing for "the acquisition of interests or rights in real property for the preservation of historic buildings and landmarks and open space…." Owners of historic buildings or landowners with a minimum of 15 acres per lot (or 7.5 acres each for any two adjoining lots) can apply to the town's program. In exchange for 15- to 25-year commitments to not develop the land, the town reduces the property tax assessments of participating landowners by 80 to 90 percent.

- Town of Clifton Park, Conservation Easement Law

CASE STUDY

Town of Southampton, Suffolk County, New York: Agricultural Overlay District and Agricultural Planned Development District

The town of Southampton, located on the east end of Suffolk County, developed an "agricultural overlay district" and "agricultural planned development district" (PDD) to encourage the business of farming and protect productive farmland for agricultural purposes.

The agricultural overlay district defines program eligibility and targets the protection of some of the most productive soils in New York. Parcels of at least 10 acres located in the overlay district are eligible for the program. Parcels enrolled in a 10-year agricultural easement are subject to the following standards:

- No development other than uses related to agricultural production are permitted on the property during the 10-year term (unless the landowner applies for and receives permission to terminate the agreement).
- At least 150 days prior to the termination date, the town of Southampton will exercise a right of first refusal option to purchase the development rights (PDR) or fee title to the property. If the landowner and town are not able to agree on terms within 30 days of the offer, the landowner may develop the property in accordance with the agricultural PDD requirements. A three-year window is provided for submittal of a development application consistent with the agricultural PDD conditions.
- The landowner may submit a letter of interest during the 10-year period and request an appraisal to determine the PDR value on the property. The town will make an offer in 120 days and the landowner can accept or refuse the offer without violation of the agricultural PDD.
- During this 10-year period, the landowner receives a commitment that the permitted density of development will remain fixed.
- The town will assist landowners of enrolled parcels in obtaining federal, state, county or local monies for agricultural production, marketing and economic development.

This type of program may be of particular interest to landowners in communities that are considering changes in the permitted density of development, because LDR enrollment will fix density ratios for the term of the agreement. In addition, the program allows towns to stabilize broader areas while acquiring local funds to purchase development rights or developing other permanent solutions.

- Town of Southampton, Agricultural Overlay District and Agricultural Planned Development District

Purchase of Development Rights

Purchase of Development Rights (PDR), also known as purchase of agricultural conservation easements (PACE), is a voluntary approach to farmland protection that compensates landowners for permanently protecting their land for agriculture. In general, landowners possess a variety of rights to their property, including the right to use water resources, harvest timber or develop their property consistent with local regulations. Some or all of these rights can be transferred or sold.[10]

PDR programs essentially pay landowners to extinguish their rights to develop their land. Landowners retain other ownership rights to the property. The property remains on the tax rolls, and its taxable value should be based upon these remaining rights.

PDR programs place a deed restriction, commonly known as a conservation easement, on the property. In most cases, conservation easements are permanent agreements tied to the land that apply to all future owners. These binding agreements permit specific government agencies (federal, state, county, municipal) and/or qualified private, nonprofit organizations to have the right to prevent nonfarm development or activities that could interfere with present or future agricultural use on the property.

The goal of agricultural conservation easements is to protect land to help support the business of farming and conserve productive soils for future generations of farmers. Land subject to an agricultural conservation easement can still be farmed or used for forestry, recreation and other uses compatible with agricultural activities. Since agriculture is constantly evolving, agricultural conservation easements typically provide opportunities for farmers to construct new farm buildings and farm worker housing or to change commodities or farm practices.

In general, the value of a permanent conservation easement equals the fair market value of a property minus its restricted value, as determined by a certified real estate appraiser. For example, if the full market value of a parcel of farmland is $400,000, but the land is worth $100,000 when protected, then the farmer would typically be paid the difference of $300,000 for selling the development rights. PDR is popular with many landowners in part because the payment is financially competitive with development offers.

- Farmland Information Center, Fact Sheets
  - *Agricultural Conservation Easements*
  - *Farm Transfer and Estate Planning*
  - *Installment Purchase Agreements*
  - *Purchase of Agricultural Conservation Easements*
  - *Purchase of Agricultural Conservation Easements, Sources of Funding*
  - *PACE: Status of Local Programs 2010*
  - *PACE: Status of State Programs 2010*
- New York State, Farmland Protection Program
- New York State Department of Agriculture and Markets, Model Agricultural Conservation Easement
- Agricultural Stewardship Association, Agricultural Conservation Easement
- New York State, Environmental Conservation Law Article 49 Section 3

Benefits of PDR programs

- Protect farmland permanently, while keeping it in private ownership
- Are voluntary programs
- Allow farmers to transform land assets into liquid assets that can be used for other purposes
- Can protect a variety of agricultural and natural resources
- Help keep agricultural land affordable for farmers

Drawbacks of PDR programs

- Are expensive
- Are difficult to fund adequately; demand for the programs is usually far greater than available funds
- Will not protect some important farms that choose not to participate

- Are complex and time consuming
- Require an ongoing investment of time and resources to monitor and enforce conservation easements

Issues to Consider in Developing Local PDR Programs

PDR programs can be an important "carrot" to counterbalance the "stick" of land use regulations. This is especially true in communities experiencing high development pressure, where there is a need for farmland protection alternatives that are financially competitive with development proposals. PDR programs can allow communities to permanently protect significant blocks of land as a resource for local farms. This protected land will also be a community resource, providing local food, rural character and cherished scenic landscapes.

However, PDR programs are not a panacea. They will not solve all of the problems that challenge local farms. The programs are often expensive, and PDR program implementation takes considerable time and requires specific knowledge and skills.

Towns debating whether to start or support a PDR program should consider the following:

What types of land do you want to protect? How will you determine your priorities?

Due to the voluntary nature of PDR programs, landowners largely determine which properties end up enrolling. However, towns can benefit from having a ranking system, map or other plan that guides local farmland protection priorities. A local prioritization strategy can add legitimacy to PDR efforts, ensure that limited public funds are spent strategically, and address landowner or resident questions about the rationale for project selections.

The specificity of a ranking system will differ by community. Some communities use their comprehensive plans to help focus PDR programs. Other towns create a priority ranking system and farmland protection map that ranks each farm property in the community. Realistically, the comprehensiveness and complexity of a local strategy should be balanced by the community's available time and resources. Because PDR programs tend to be landowner driven, properties identified on local maps may never be protected. Towns that spend years identifying, prioritizing and analyzing may lose opportunities for actual farmland protection.

How will projects be funded?

This question presents one of the most significant challenges for towns that want to establish PDR programs. Purchase of development rights is attractive because it offers a significant financial incentive for landowners. However, communities often are faced with significant landowner interest as well as rising real estate prices. Without a consistent source of PDR funding, local programs can be stifled and may make slower progress than originally anticipated.

Some of the traditional funding sources for local PDR programs in New York include:

- New York State, Farmland Protection Program
- United States Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS), Farm and Ranch Lands Protection Program (FRPP) [11]
- Town bonds
- Town property taxes
- Town real estate transfer taxes

All of the above funding sources have benefits and drawbacks. The state and federal programs provide grants to eligible governments, which is an attractive option for local governments since the grants can bring hundreds of thousands of dollars to local projects. The downside to the state and federal programs is that they are currently significantly oversubscribed and require cost-share funds.

New York State Farmland Protection Program

Established in 1996, New York's Farmland Protection Program provides grants to eligible counties and towns (with approved farmland protection plans) to permanently protect land for agriculture. The grants can provide up to 75percent of the funds needed to purchase the development rights on farmland and will match a landowner bargain sale dollar for dollar up to 87.5 percent of the cost.

After the New York State Department of Agriculture and Markets (NYSDAM) issues a request for applications, proposals are ranked and scored. Priority is given to projects that preserve viable

agricultural land in areas facing high development or conversion pressure. Priority also is given to land that buffers a significant public natural resource. Some of the specific evaluation criteria include:

- Number of acres preserved
- Soil quality
- Percentage of total farm acreage available for crop production
- Proximity to other conserved farms
- Level of farm management demonstrated by current landowner
- Likelihood of the property's succession as a farm if ownership changes

Federal Farm and Ranch Lands Protection Program (FRPP)

The 1996 Farm Bill established FRPP to provide funding to purchase development rights on productive farm and ranch land. FRPP provides up to 50 percent of a farm's development rights value. However, the matching 50 percent of project funds must be acquired prior to submittal of an application to FRPP. The 2008 Farm Bill significantly increased FRPP funding so that almost $200 million per year can be allocated per year from 2008 to 2012.

- USDA NRCS, Farm and Ranch Lands Protection Program Fact Sheet

Town Funding Sources

In general, local funds provide the opportunity to protect significant blocks of farmland at a scale that can't be achieved solely through state or federal grants. However, local taxpayers must pay for bonds and property taxes. Some landowners will oppose local PDR programs because they do not want to support an expense that is paid for through property taxes.

Town real estate transfer taxes can be an attractive source of funding for local PDR programs, since the funds are generated by the sale of real estate, not property taxes. However, towns in New York must be authorized by the state to enact local real estate transfer taxes. Such "Community Preservation Act" authority has been provided to six towns on the eastern end of Long Island, one in western New York, and select towns in the Hudson Valley.

Who will administer projects? Who will hold and monitor conservation easements?

PDR projects are complex and time-consuming. They require expertise in real estate transactions and an understanding of the nuances of conservation easements. Towns must determine who will be involved in grant writing, project administration, legal reviews as well as on-going monitoring and stewardship activities.

Town governments often collaborate with private land trusts that can act as partners in PDR program implementation. A land trust is a nonprofit organization that—as all or part of its mission—actively works to conserve land by undertaking or assisting direct land transactions. Most land trusts are primarily involved in the purchase or acceptance of donations of land or conservation easements. Working with local governments, land trusts can assist in negotiating conservation easements and completing other aspects of funded projects. In addition, land trusts can hold conservation easements and undertake ongoing monitoring and stewardship responsibilities.

What are agricultural conservation easements?

In general, a conservation easement is a legal agreement between a landowner and a land trust or government agency. Conservation easements are typically used to permanently limit uses of the land in order to protect conservation values. Agricultural conservation easements are one type of conservation easement. They typically limit subdivision, non-farm development and other uses that are inconsistent with agriculture. However, agricultural conservation easements often permit commercial development related to a farm operation, such as the construction of farm buildings. While some agricultural conservation easements require soil and water conservation plans, most do not restrict farm management practices, allowing farmers to adapt and change practices as needed.

Landowners retain title to their property and can still farm, rent their land or use the property as collateral for acquiring a loan. Farmers are usually allowed to limit public access to their property, unless they agree otherwise. Some of the important issues to consider when drafting agricultural conservation easements:

- *Easement purpose*. The primary purpose usually involves supporting the continued agricultural use of the property and protecting productive agricultural soils.
- *Construction of agricultural buildings*. Farms typically need flexibility in the construction of new farm buildings so that existing farms can adapt and new farmers have opportunities to get into the business.
- *Residential construction*. Consideration should be given to allowing for the construction of farm worker housing. In addition, landowners may be interested in options for limited residential construction for family members, etc.
- *Non-agricultural uses such as forest management, rural enterprises and recreation*. Non-farm income opportunities can help keep farm families profitable and on the land. However, the impacts of non-farm activities on the farm operation must also be considered.

CASE STUDY

Town of Warwick, Orange County, New York: PDR Program

The town of Warwick's 1999 Comprehensive Plan strongly recommended the establishment of a local PDR program. In 2000, a majority of town voters approved a ballot initiative authorizing the expenditure of $9.5 million for the acquisition of open space and development rights.

In 2001, Warwick formally reconstituted its agricultural advisory board to oversee the implementation of the town's PDR program. The board is charged with soliciting applications from landowners, educating landowners, monitoring enrolled properties (or making provisions for monitoring), reviewing permission requests from enrolled properties and overseeing other aspects of the program. In 2001, the town also established an "agricultural and open space preservation fund" with specific guidelines for its use, an application ranking procedure and a process for submitting applications to NYSDAM for cost-share assistance on PDR projects.

In 2006, the town adopted the Community Preservation Project Plan to address the issue of protecting farmland. An outgrowth of the plan was the Community Preservation Project Fund, which generates income through a 0.75 percent real estate transfer tax to purchase development rights on agricultural land. Since then Warwick has acquired, or is in the process of acquiring, the development rights on 13 farms encompassing 2,300 acres.

- Town of Warwick, Code

CASE STUDY

Town of Riverhead, Suffolk County, New York: Community Preservation Fund Law

New York State Town Law Section 64-E permits five towns in Long Island's Peconic Bay region to develop "community preservation funds" that protect farmland, natural areas and other open space. The five towns, including Riverhead, are given the authority to enact up to a two percent real estate transfer tax with proceeds going to the dedicated community preservation fund. The transfer tax can only be enacted after a majority vote by the town board and a local referendum. A portion of each residential sale price is deducted prior to the application of the transfer tax to minimize the burden on affordable housing.

The town of Riverhead has used the authority granted by the state to establish its own Community Preservation Fund Law. The law defines the purpose of the town fund, its administration and defines procedures for the application of the two percent real estate transfer tax. The law further describes how the fund will be used for land conservation and stewardship purposes.

From April 1999 through 2010, Riverhead's Community Preservation Fund generated over $33 million and enabled the acquisition of conservation easements on 1,700 acres. This funding has been critical to conservation efforts in an area experiencing extremely high development pressure.

According to the Peconic Land Trust, since the enactment of the Community Preservation Fund Law, 6,000 acres have been protected in the Peconic Bay region. In 2006, voters in all five townships approved a referendum to extend the collection of the two percent real estate tax from 2020 to 2030. In April 2009, a referendum calling for additional financial oversight to the Community Preservation Fund was also passed.

In addition, as of July 2008 three other towns in the Peconic Bay region—Southampton, East Hampton and Shelter Island—enacted tax exemption policies that apply to first-time home-buyers as well as certain nonprofit corporations.

- Town of Riverhead, Community Preservation Act Law

CASE STUDY

Town of Clarence Greenprint and Town of Marilla, Erie County, New York

The town of Clarence experienced a rapidly growing population—a 30 percent increase between 1990 and 2000—and its residents were concerned over loss of open space and farmland. These concerns prompted passage by Clarence residents of a $12.5 million bond act in 2002.

Subsequently, the town developed the Clarence Greenprint with a mission "to preserve and protect ecologically significant landscapes, valuable agricultural resources, aesthetic beauty, and the rural character of the town, while maintaining a stable tax base and managing growth." Since then, the Western New York Land Conservancy has worked with Clarence to contact landowners, rank parcels and draft conservation easements. To date, 802 acres of farmland have been protected either by outright purchase or by placement of a conservation easement on the land.

In the nearby town of Marilla, farmers and members of the Conservation Advisory Board were concerned that sprawling residential development radiating out from the city of Buffalo would lead to conversion of significant farmland. The town board committed money from the town general fund to leverage additional funding from New York State and the federal FRPP program to purchase development rights on farmland. These local investments and leveraged funds have enabled the permanent protection of more than 770 acres of agricultural land.

CASE STUDY

Jefferson County, New York: PDR Feasibility Study

Forty percent of Jefferson County's land base in 2006 was in active agricultural use, and $106 million of farm products were sold by the county's farmers. The economic significance of the industry and the quantity of land used by agriculture were driving factors in the Agricultural and Farmland Protection Board's (AFPB) decision to undertake a PDR Feasibility Study. A Work Group representing agricultural organizations, the county, economic development organizations, and land use interests led the process and hired American Farmland Trust to conduct the study. Work group meetings, public meetings and one-on-one farmer meetings resulted in a list of recommendations for the county to implement as it moved forward with a PDR program.

The county established progressive goals through the feasibility study including:

- Through 2035, promote a "no net loss" goal for land in agricultural districts by retaining approximately 187,000 acres as a critical mass of agricultural land.
- Through 2035, protect 20 percent of current productive acreage for agriculture.

- Jefferson County, PDR Feasibility Study

CASE STUDY

Suffolk County, New York: Farmland Protection Program

Suffolk County was the first municipality in the nation to permanently protect farmland by purchasing development rights on the land. Since its inception in 1974, the Suffolk County Farmland Protection Program has protected 9,669 acres of land, limiting its use to agricultural production and compatible uses. Over $200 million of state, federal and local money through grants, appropriations, bonds and real estate transfer taxes have funded these purchases.

- Suffolk County, PDR Application
- Suffolk County Publication, Greenhouse Structures on Protected Farmland, www.suffolkcountyny.gov/upload/planning/pdfs2/reports/2009/greenhouse_guidelines_08.pdf

CASE STUDY

Washington County, New York: Land Trust/County Partnership for PDR Program

Washington County's 1996 Agricultural and Farmland Protection Plan recommended a study of the feasibility of using purchase of development rights (PDR) as an effective tool to protect farmland in the area. Subsequently, the feasibility study recommended the use of PDR and led to the county partnering with a local

land trust, Agricultural Stewardship Association (ASA), to develop and administer a PDR program.

Per a Memorandum of Understanding (MOU), the county and ASA have designated the division of responsibility for choosing farms for the program, writing applications to New York State, performing the tasks needed to close a project once a farm is awarded money and receiving the money from the state for disbursement to the farmer.

For the past four years, ASA has partnered with Rensselaer County in a similar manner. An MOU designates responsibilities of the two entities and the conditions for ASA to be paid by Rensselaer County for managing the county's PDR Program. The past 13 years of success with these valuable partnerships has resulted in over 10,000 acres of permanently protected farmland in the two-county region.

- Land Trust/County Memorandum of Understanding

CASE STUDY

Cayuga County, New York: PDR Program

Since 2001, Cayuga County has secured funding to protect 7,380 acres of highly productive farmland on 13 farms. Funding to protect these farms has come from the New York State Farmland Protection Program and the federal FRPP.

Due to tremendous interest from area farmers, the Cayuga County Agricultural and Farmland Protection Board (AFPB) established a pre-application process to determine the farms to submit for funding each year. Early in the year, farmers can attend a workshop to learn about the program and then submit a pre-application to the Cayuga County Department of Planning and Economic Development. The Department uses a scoring format, developed by the AFPB, to rank all pre-applications and sends those rankings on to the AFPB for final selection.

- Cayuga County, Pre-Application for NYS Farmland Protection Implementation Grant

CASE STUDY

Frederick County, Maryland: Critical Farms Program

Frederick County launched the Critical Farms Program in 1995 to preserve prime farmland and to help full-time farmers purchase farmland. Applicants to the program earn more than half of their income from farming, and no less than 75 percent of the acreage they want to purchase has to be zoned as agricultural or conservation. Before applying to the program, farmers must have a farm under contract of sale.

On farms accepted into the program, the county buys a five-year option on a conservation easement for 75 percent of the appraised easement value. The easement value is set at 70 percent of the fair market value. In exchange, farmers are required to apply to one of Maryland's state PACE programs. If the applicant is successful in selling an easement to either state program, the farmer must repay the county the full amount of the option price. If the farmer fails to sell the easement within the option period, the farmer must repay the option amount, within 60 days including interest, or the county places a conservation easement on the property. Because this process usually takes about five months, the county can act quickly to protect important farms that would otherwise be sold for nonagricultural purposes. The process to sell an easement through a PACE program generally takes from 12 to 18 months.

The Critical Farms Program receives $250,000 per year through general county revenue. This covers the cost of appraisals and personnel. When conservation easements are sold to the state, reimbursements from the state PACE program go back to the county's Critical Farms Program. At the beginning of 2010, Frederick County had invested $8.1 million since the program began in 1995 and had earned back $3.7 million. As of 2009, the County had assisted 27 farmers with acquiring 3,383 acres of farmland. Seven of those farms, 883 acres, had options they were trying to sell to a state PACE program.

- Frederick County, Maryland, Option to Purchase Agricultural Land Preservation Easement

CASE STUDY

Frederick County, Maryland: Installment Purchase Program

Frederick County has been using an Installment Purchase Program (IPP) to acquire easements on farmland since 2002. The IPP allows the county to

leverage existing funds to purchase more easements than through traditional lump-sum-easement purchase programs by allowing the county to spread out payments over 10 or 20 years. The IPP is used only for easements that the county purchases independently without help from a state PACE program.

Installment Purchase Agreements (IPAs) spread out payments for conservation easements so that landowners receive semi-annual, tax-exempt interest over a term of years, typically 10 to 20. The principal is due at the end of the contract term. Under Frederick County's IPP, upon approval by the county and agreement by the landowner, the county invests in a Zero Coupon Bond that will mature to the full value of the easement at the end of a term of the landowner's choosing. (Currently the county is considering eliminating the option for a 10-year term in order to extend its buying power and to better leverage funds.)

Interest payments on the easement value are made through the term and are exempt from federal and state income tax. At the end of the term the seller of the easement receives the full principal amount, which allows for deferral of capital gains tax until that time. Landowners can liquidate their IPA prior to the end of an agreement or can transfer it to heirs. The IPP is funded from recordation tax revenues. As of 2009, 94 properties on 14,649 acres had been preserved by the IPP.

- Frederick County, Maryland, Agricultural Land Preservation Installment Purchase Agreement

CASE STUDY

Boulder County, Colorado: Purchase of Land in Fee and Lease Agreements

The Boulder County Parks and Open Space Department's mission includes preserving open space and protecting natural and agricultural resources. For 30 years, agricultural lands have been protected by the county by purchasing development rights and placing a conservation easement on the land (the farmland stays in private ownership), or by purchasing the farmland in fee. The county prefers purchasing development rights because it is less costly and does not require future management of the land. But, there are landowners who prefer to sell land outright. When the county does purchase the land in fee, a conservation easement is placed on the land, and, in the past, the land was then either sold or leased. More recently, the county has chosen to retain ownership and lease the land to farmers in order to maintain an available and affordable source of farmland.

Approximately 175 producers are on the waiting list for county-owned agricultural land. After an informational meeting about the property, interested individuals submit bid packets, which include a description of how they intend to use the land. This review process has ensured that county-owned agricultural land is leased to bona-fide farmers. Most of the county's leases are crop-share leases. The county agrees to pay some of the expenses up front in exchange for a share of the harvest. Crop-share leases require extensive documentation and typically do not net as much as cash leases, however, the county offers crop-share leases to support local producers.

Leases are for one year with two additional one-year options to renew. During those three years the property does not go out to bid, allowing the tenant a stable three-year planning period. On organic farms, the property goes out to bid after four years. The county invests in and helps to maintain the property and is able to fund infrastructure improvements and general maintenance without needing to realize a quick return on investments. In order to help the county meet the commissioners' directive to increase acreage of land in organic production, tenants who are transitioning to organic production pay 50 percent less in rental payments. These farmers can also opt for a longer, five-year lease.

Originally, funding for the program came from annual county appropriations but then changed to funding from sales and use taxes. This revenue stream has been used to back the issuance of $280 million in bonds. In 2009, $1 million of income was generated from county-held agricultural leases that helped offset program costs. As of mid-2009, 26,154 acres of agricultural land were owned by the county and leased to producers, and more than 31,000 acres were privately owned but under county-held easements.

- Boulder County, Colorado, Open Space Lands, www.bouldercounty.org/openspace/about_us/acquisitions.htm

Transfer of Development Rights

A transfer of development rights (TDR) program is another planning tool that can be used to generate funds for farmland protection. Unlike purchase of development rights (PDR) or lease of development rights (LDR) programs that depend largely on public funds, TDR programs establish parameters under which the private sector pays for land conservation.

TDR programs require the designation of "sending" and "receiving" areas in order to transfer development from one part of a community to another. Sending areas are the parts of a community that will be the focus of land conservation efforts. Receiving areas are the focus of more concentrated development. A TDR program defines the location of these areas and creates standards that will govern this density transfer.

When applied to farmland protection, TDR programs transfer development away from agricultural areas to other parts of the community. TDR programs work best in places with large blocks of productive farmland, since it can be difficult to establish meaningful sending areas in fragmented farm landscapes.

Benefits of TDR Programs

- Provide alternate source of funding to protect farmland
- Complement PDR programs and other conservation options that rely on public funds
- Are voluntary

Drawbacks of TDR Programs

- Depend on real estate market for land protection, so must have demand from both sending and receiving areas
- Can be difficult to identify receiving areas interested in and capable of handling more intense development

- Require staff and resources to manage effectively
- Raise property tax concerns if sending and receiving areas are in different taxing jurisdictions
- Are complex programs, taking time to explain to public and landowners

New York State Town Law 261-a states that the purpose of TDR programs is "to protect the natural, scenic or agricultural qualities of open lands, to enhance sites and areas of special character or special historical, cultural, aesthetic or economic interest or value and to enable and encourage flexibility of design and careful management of land in recognition of land as a basic and valuable natural resource."

The law requires towns to identify specific sending and receiving "districts" in accordance with a comprehensive plan. The town board must prepare a generic environmental impact statement prior to the designation of these areas.

Land in sending districts must be permanently protected by conservation easements that meet the standards described in New York's Environmental Conservation Law Article 49 Title 3. Towns must develop certificates of development rights for individuals or entities making transfers; the certificates are then recorded with the county clerk.

State law also permits towns to develop development rights "banks" that retain or sell development rights. Development rights banks can play an important role, particularly in beginning programs. It may be difficult for landowners interested in selling development rights to find corporations or individuals who want to buy development rights. A town development rights bank can act as a "middleman," acquiring the development rights from interested landowners and then selling them to developers.

TDR programs have been effective farmland protection tools in other parts of the country. To date, they have had limited success in New York outside of a multi-town program that has been used to protect land in the Long Island Pine Barrens. TDR programs have been a challenge to implement in New York because of the state's town level planning structure, challenges in developing viable markets for the purchase and sale of credits, and the complexity of establishing and running effective TDR programs.

TDR programs also require towns to be firm in their approach to variance requests. Developers must believe that they have to pay in order to build at higher densities, a belief that can be difficult to cultivate if towns frequently offer area variances. For TDR programs to be effective, members of town leadership—including the supervisor, town board, planning board and zoning board of appeals—must understand and agree with the intent and requirements of a TDR program.

TDR still has potential in New York. Communities are looking at all available options for raising funds for land conservation, including opportunities to leverage private money. To be successful in using TDR, towns must develop a broad base of support for action and directly address the barriers that have slowed the use of TDR in New York.

- New York State, Town Law Section 261
- Farmland Information Center, *Transfer of Development Rights* Fact Sheet
- Resources for the Future, *How Well Can Markets For Development Rights Work?*

CASE STUDY

Town of Riverhead, Suffolk County, New York: Transfer of Development Rights Law

The town of Riverhead's TDR law states that its purpose is "to implement the land use policies set forth in the town of Riverhead Comprehensive Plan with specific references to the preservation of agricultural lands, the support of the existing agricultural industry and the necessary and appropriate economic development of the community."

The law establishes the town's "agricultural protection zoning use district" as the sending area. A combination of residential and commercial zoning districts act as receiving areas. The ordinance describes the process through which a landowner can apply to sell development credits to the town (for properties in the sending area). It further explains how the "preservation credits" are to be allocated and establishes the process for their redemption in receiving areas.

The credit allocation differs for each zoning district. For example, the "hamlet residential zoning use

district" permits a lot yield as determined by the planning board with a maximum density of one lot per 40,000 square feet of land area. The "business center zoning use district" permits a density yield of 1,500 square feet of floor area per preservation credit up to a maximum of 0.3 floor area ratio.

The planning board is given the complete authority to administer the TDR Program. It operates with the assistance of the town planning department staff.

- Town of Riverhead, TDR Law

CASE STUDY

Town of Warwick, Orange County, New York: Zoning Code and the Transfer of Development Rights

According to the town of Warwick's zoning code:

"The transfer of development rights (TDR) makes it possible to limit development in one area (called the "sending district") where there is an important resource, such as active farmland or significant open space, and transfer those development rights to another area (called the "receiving district") where there are little or no impediments to higher density, such as areas adjacent to the Town's three village centers, where public water and sewer are available or planned, or in the Town's five hamlets, where central services are available or have the potential to become available."

The town's zoning code establishes a process by which development rights can be transferred from parcels enrolled in the town's Agricultural Overlay District to specific zoning districts identified by the town's comprehensive plan as future settlement areas. The code also permits the sending of development rights to parcels in villages within the town. Such intergovernmental transfers require approval by both town and village governments.

The code also stipulates a formula for determining the development rights available for transfer. Parcels enrolled in the town's Agricultural Overlay District can use the higher density allowed by the town's 1989 zoning code (as compared to the lower density permitted by the code updated in 2001).

CASE STUDY

Warwick Township, Pennsylvania: Transfer of Development Rights Law

The township of Warwick, Pennsylvania, has enacted a TDR program that designates its agricultural zone as a sending area for development rights and allocates each farm in the agricultural zone one TDR credit for every two acres of farmland. Farmers can voluntarily sell these TDR credits to the town at fair market value. Subsequently, the town will sell them to developers interested in being permitted to increase impervious surface coverage in the township's campus industrial zone (the town's receiving area).

Warwick Township has spent $100,000 dollars on the program, and Lancaster County has invested $2.7 million. Since the program's inception in 1993, over 280 TDRs have been sold and almost 2,000 acres have been permanently protected.

- Warwick Township, Pennsylvania, TDR Law

CASE STUDY

Town of Lysander, Onondaga County, New York: Transfer of Development Rights Law

In 1991, the town of Lysander adopted a Land Use Plan that recommended the use of TDR and PDR as a smart growth management strategy. In 2004 the town conducted a TDR feasibility study focusing on the potential protection of three farms. The following year, the town was awarded just over $1 million from the New York State Farmland Protection Program to implement the first phase of the program.

As of July 2010, the town was working on completing the final stages of securing a conservation easement on the three farms identified in the feasibility study. Development rights will be purchased on these farms with the state funds and subsequently sold at public auction. The program is designed to be self-sustaining after the initial development rights sale.

- Town of Lysander, TDR Law
- www.townof lysander.org
  Code of the Town of Lysander

Agricultural Economic Development

Farms are both a land use and business. Agriculture has been the anchor for communities that have depended upon farms for generations as the foundation of their economy. Farms often spend most of their money at other local businesses, which results in further economic activity. According to the United States Department of Agriculture (USDA), farms in New York sold more than $4.4 billion in farm products and spent $3.5 billion in 2007 on buying seed, animal feed, fertilizer, fuel, electric and other supplies and services.

Agriculture also contributes directly to New York's economy through the economic impact of the sale, processing and distribution of agricultural products and services. Agriculture contributes indirectly to other economic sectors, such as the tourism industry, while adding to the quality of life of state residents.

Holy Cow!

The Pennsylvania Center for Dairy Excellence estimates that the annual economic impact of dairy farming is $13,737 per dairy cow.[12] At this rate, the economic impact of New York's 619,000 dairy cows is $8.5 billion annually![13]

Establishing policies and programs that support the viability of farms can have a direct effect on the strength of local economies. Agricultural economic development comes in many forms and can support the viability of many types of farms—large and small, conventional and organic, commodity and direct market. Strategies must be tailored to local conditions and frequently updated as the factors influencing the farm economy are diverse and can differ depending upon location, commodities and other circumstances.

Agricultural economic development at the local level can be challenging. Many forces at state, national and international levels affect the viability of farming. Issues such as low milk prices, cheap imports of apple juice concentrate, national immigration policy and other major challenges facing agriculture are difficult to directly address locally.

However, local governments can have an important influence on the viability of farming in New York. Counties can support local farms by creating a supportive business environment and strategically assisting farms and related businesses in pursuing new opportunities. Examples of local activities may include staffing for agricultural programs, holding farm events, publicizing the benefits of farms, encouraging local food purchases and supporting larger economic development projects with a focus on agriculture.

Including agriculture in county planning efforts can help ensure that infrastructure development and other large-scale development does not adversely impact farms. Additionally, celebrating agriculture as part of a community's or region's heritage as well as its current identity can educate and inform consumers about what is required to produce their food and fiber.

Benefits of Agricultural Economic Development

- Increases profitability of farms
- Maintains actively farmed land
- Improves overall condition of local economies
- Strengthens on-farm investment decisions

Drawbacks of Agricultural Economic Development

- Takes time to realize increase in farm profitability
- May not readily engage mainstream economic development interests
- Does not permanently protect farmland

Business Planning and Development

Business planning is a must for anyone beginning or looking to strengthen a business. Too often, new farmers forget that, although farming revolves around raising plants or animals, it is a business and should be treated accordingly. Counties can help by publicizing general business planning courses or offering trainings designed specifically for farmers. New farmers and transitioning farmers particularly benefit from developing a business plan to guide decisions. Trainings can also be specific to a type of farming that may be prevalent in the county or that may require special consideration.

CASE STUDY

Southern Maryland, Farm Viability Enhancement Grant Program

In 2000, Maryland instituted a voluntary tobacco buy-out program to transition farmers out of tobacco production. In southern Maryland, an agricultural development commission was set up to assist farmers with the transition. One program developed by the commission was the Farm Viability Enhancement Grant Program (FVEGP) which provides business planning assistance to transitioning farmers. Farmers who develop plans can apply for FVEGP grant funds to implement portions of their business plan. Grants range from $20,000 to $40,000. Farmers receiving a grant must agree to a term easement keeping land in agricultural production for a 10- to 20-year term, with term length tied to the dollar value of the grant.

A total of 26 farms have participated in the program, and, as of 2009, it had protected 19,000 acres of farmland with term easements. Because the program is regional in nature, the business planning resource people involved (from Cooperative Extension, universities, business planners) are varied and give farmers a strong pool of experts from which to learn.

- Southern Maryland, Farm Viability Enhancement Grant Program Agreement
- Southern Maryland, Farm Viability Enhancement Grant and Agricultural Use Covenant (term easement)

CASE STUDY

Genesee Valley/Finger Lakes Horse Farm Business School, New York

Cornell Cooperative Extension of Ontario County annually offers a series of business management workshops, trainings and networking events for part-time and full-time horse farm owners. While the focus is on business management, the series is specific to aspects of the horse industry: boarding, breeding, training, casual horse ownership. Taught by farm professionals, college faculty and Cornell Cooperative Extension specialists, the series offers training about equine law, liability, insurance, horse tourism, labor management, appraisals and horse business management.

- Genesee Valley/Finger Lakes Horse Farm Business School, http://cceontario.org/temp2.asp?id=horse-farm

CASE STUDY

Jefferson/Madison County, New York: Dairy Profit Teams

In 2007, the Jefferson County Agricultural Development Corporation received funding from the New York Farm Viability Institute and the New York State Center for Dairy Excellence to implement a pilot program on 14 dairy farms in Jefferson and Madison counties. Each farm in the pilot assembled a team made up of some combination of banker, feed salesperson, veterinarian, nutritionist, Cooperative Extension educator, herdsperson and farm owner. These teams advised business planning decisions and assisted with establishing measurable goals to increase productivity and profitability on the farm. Twelve jobs were created on these 14 farms during the pilot phase and 80 percent of the participating farms increased profitability and on-farm investment. The success of the pilot led to $24,000 of funding from the Jefferson County Industrial Development Agency (IDA) to institute a full county-wide program, and led to development of a statewide dairy profit team program offered by the Center for Dairy Excellence.

- Jefferson/Madison County, Dairy Profit Teams, www.nyfvi.org/default.aspx?PageID=2272&ProjectID=33, www.nyfvi.org/default.aspx?PageID=2354

Marketing Programs

As public interest in purchasing local food continues to increase, counties can help farmers meet this demand by encouraging direct market opportunities. In recent years, New York State law has been amended to allow on-farm sales of wine and liquor when they are produced on site. These legislative changes have created new value-added markets for fruit and vegetable farms.

An indication of the growing interest in locally grown and produced foods is the documented 16 percent rise from 2009 to 2010 in the number of farmers markets in the U.S. Counties can support farmers markets by providing flexibility in health codes for food tastings and other activities that attract customers to the market.

Marketing programs can take many forms. "Buy local" campaigns can educate consumers about the benefits of purchasing local food and can help identify farm stands, farmers markets and other venues that sell local products. Counties can assist farmers with marketing logistics and advertising or attract new farmers to a county to build a critical mass of farms and farmers to maintain industry strength.

CASE STUDY

Jefferson County, New York, and Northern and Central New York: Come Farm With Us

The Jefferson County Agricultural Development Corporation launched its "Come Farm With Us" program to promote Jefferson County farms and encourage buyers from outside the area to relocate and farm in the county. Farms for sale are listed on the organization's Web site along with contact information for buyer follow-up. Since the Web site's inception, over 20 new farms have been attracted to the county. Information about financial resources, borrowing options and business planning tools are included on the Web site as well.

A few years after Jefferson County began the program, Come Farm With Us expanded to include an additional seven counties in northern and central New York. Well over 65 farms connected to the program have transferred ownership. Advertising has occurred throughout the Northeast and includes an international effort in Canada and the Netherlands.

- Jefferson County, www.comefarmwithus.com
- Come Farm with Us, www.comefarmwithus.org (8 counties)

CASE STUDY

Loudoun County, Virginia: Office of Rural Economic Development

Loudoun County, Virginia, 25 miles from Washington, D.C., formed the Office of Rural Economic Development (Office of RED) in 2001, a division of the county's Department of Economic Development, to develop agricultural marketing and agritourism programs in the county. The Office of RED assists farmers with farm business planning, develops farm tours and guides to farm products, and promotes the county's wine trail and equestrian industry.

The "Loudoun Farms" Web site is the focal point for information about agritourism in the county. Collaboration between the Office of RED, Loudoun Convention and Visitors Association, Loudoun Valley Home Grown Markets Association, and Piedmont Environmental Council have led to significant growth in agritourism and direct marketing of farm products. From 2001 to 2007 total direct-to-customer sales of products grew by 525 percent, according to the Office of RED. In 2008, nearly 200,000 tourists visited Loudoun wineries and farmers markets.

- Loudon County, Virginia, Agritourism Brochure
- Loudon Farms, www.loudounfarms.org

CASE STUDY

New York State: County Bounty Programs

Columbia County Bounty's mission is to "promote and support networking connections between local agricultural producers and culinary businesses." It provides local food and farm information via a Web site, database and map; hosts a Taste of Columbia County Bounty dinner; links chefs with farmers; and promotes local food to consumers. This successful model has been replicated in other Hudson Valley counties.

Central New York County Bounty is dedicated to getting local food to consumers in the region.

Member farms relay to Bounty staff which produce and food products (made from at least 25 percent local foods) are available for sale each week. Staff upload this information onto the Bounty Web site, and customers can place orders online and have them delivered to their doorstep or pick them up at a central distribution site. This program is funded by a number of foundations, county economic development departments, Cooperative Extension offices, and the New York Farm Viability Institute.

- Columbia County, www.columbiacountybounty.com
- Central New York bounty, http://cnybounty.com/about_us.php

CASE STUDY

New York State: Pride of New York

The Pride of New York Program was developed by the New York State Department of Agriculture and Markets (NYSDAM) to encourage the sale of agricultural products grown, and food products processed, within New York. The program's membership includes farmers and processors, retailers, distributors, restaurants and related culinary and support associations.

- Pride of New York, www.prideofny.com

Developing Market and Processing Infrastructure

County economic development agencies assist industry and businesses with financing, site development, infrastructure, and taxes. Agriculture can benefit from the same support. Communities that facilitate agricultural economic development projects capture both the value of the raw farm product to the local economy and the value of processing that product locally. And with these projects, counties also improve the long-term viability of their farms.

CASE STUDY

Eden, New York: Eden Valley Growers Cooperative

For over 50 years, the highly successful Eden Valley Growers Cooperative has marketed vegetables and flowers grown by its member farms. In the late 1990s, Eden Valley Growers was in need of a vacuum cooler to improve post-harvest quality and the marketability of their produce. Cooperative members organized a meeting with local and state elected officials, Cornell Cooperative Extension and Cornell University Department of Agricultural Engineering staff.

An agreement was reached whereby the Eden Valley Growers paid $125,000 toward the cooler purchase, and the Erie County and Niagara County IDAs shared the remaining cost, with Erie County paying $85,000 and Niagara County paying $40,000. Within the next five years, the reverse amounts were to be spent by the two counties on another joint agricultural economic development project. It was also agreed that the vacuum cooler could be used by any New York state grower at the same cost as to an Eden Valley Cooperative grower.

A few years later the Erie County IDA shared the expense of two additional cooler purchases with Eden Valley Growers: a hydro cooler and an air cooler. These relatively low investments by the county led to improved product quality and allowed the Cooperative an opportunity to increase market share—an element for success needed by any type of business.

- Eden Valley Growers Cooperative, www.edenvalleygrowers.com/index.php3

CASE STUDY

Kingston, Ulster County, New York: Farm to Table Co-packers

Farm to Table Co-packers is a contract packaging facility in the Hudson Valley offering an incubator kitchen for product development. Assistance with creating the kitchen came from the Hudson Valley Agribusiness Development Corporation and the Small Business Development Center of Kingston. The facility is a benefit to local farmers who can take the next step and process and sell their farm products themselves, or have ready markets with others who are doing so locally. With a processing line, bakery, test kitchen, refrigeration space and multiple loading docks, the facility is versatile enough to offer a real advantage to local entrepreneurs.

- Farm to Table Co-packers, http://farm2tablecopackers.com

CASE STUDY

Genesee County, New York: Genesee Valley Agri-Business Park

Two hundred acres of "shovel-ready" land in Genesee County are actively being marketed to food processors, agri-business firms and bio-energy firms. The agri-business park is located near the O-AT-KA Milk Plant in Batavia and offers significant processing capacity for the abundant raw agricultural products available in western New York. Prior to being designated an agri-business park, the land was farmed. Removing the land from production was considered a reasonable trade in order to increase agricultural processing capability and create an additional market for western New York farms products. Municipal water and sewer are available on site, as well as gas and a rail line. Genesee County indicates that this is the first agri-business park of its kind in New York dedicated solely to agricultural processing and renewable energy development. Owned by a public–private partnership between affiliates of the Genesee County Economic Development Center (GCEDC) and Farm Credit East, the Park is administered by the GCEDC.

- Genessee Valley Agri-Business Park, www.gcedc.com/pdf/industries/agri_business.pdf

CASE STUDY

Burlington County, New Jersey: Community Agricultural Center

Over the past 25 years, the Burlington County Farmland Preservation Program has permanently protected over 50,000 acres of farmland. In 2004, the Burlington County Community Agricultural Center was established to further expand efforts to protect viable farmland and support farms.

The Community Agricultural Center goals are to: "support the local agricultural economy by creating new markets for local producers, foster awareness and appreciation of the benefits provided by agricultural land and the importance of protecting it, and to provide residents with a source for fresh, healthy and affordable food." Included at the Center are a farmers market, community garden and Community Supported Agriculture (CSA) farm.

The Center is located on a protected farm with a retrofitted barn to accommodate the farmers market and preserved farm structures for historical purposes. Sixty community garden plots are rented each year with a growing waiting list, and plans are underway to develop another community garden. The CSA sells 200 shares to local residents and the farmers market has grown from nine to 17 farm vendors. The collaborative efforts of the county's divisions of Farmland Preservation, Parks, and Cultural Affairs and Tourism have created success for the Community Agricultural Center.

- Burlington County Community Agriculture Center, www.co.burlington.nj.us/pages/pages.aspx?cid=631

CASE STUDY

Cayuga County, New York: Saratoga Cheese

Saratoga Cheese, a start-up specialty cheese manufacturing plant, is building a $41 million plant in Cayuga County, New York, in the midst of a plentiful supply of local milk. The Cayuga County IDA was instrumental in guiding the process and providing incentives to Saratoga Cheese to locate in the county. It assisted with locating land, making sure that infrastructure needs of the plant were available, and acted as a conduit for state and federal funds for planning and development. One of Saratoga Cheese's stated company values is "stabilizing and raising the income of dairy farmers by providing them with a value-added milk market." For dairy farmers in the region, this ready market for fluid milk will boost their ability to sell their product.

- Saratoga Cheese, www.saratogacheesecorporation.com/

CASE STUDY

Jefferson County, New York: Great Lakes Cheese Plant

Adams, New York, held its first Cheddar Cheese Festival in the summer of 2010 in celebration of the grand opening of the newly expanded Great Lakes Cheese Company plant. The milk from 40,000 cows in Jefferson and eight nearby counties is contributing to a $600 million economic impact in the region. Thirteen new jobs were created with the plant expansion.

- Great Lakes Cheese Company, www.greatlakescheese.com

CASE STUDY

Columbia County, New York: Golden Harvest Farm Vodka Distillery

Adding value to the apples grown at Golden Harvest Farm meant amending state law to create a farm distillery license so that vodka and other spirits could be processed and sold on-site at the farm. The Hudson Valley AgriBusiness Development Corporation's (HVADC) "Incubator Without Walls" program located the necessary capital to begin the project. The still was purchased with $50,000 from the equipment loan fund of the Columbia Economic Development Corporation, and a few years later the first bottles of "Core" vodka were available for sale. With fruit from other nearby farms, additional spirits are being produced and sold locally. And as an added bonus, these innovative products have attracted new customers to Golden Harvest Farm's retail store.

- Harvest Spirits, www.harvestspirits.com/index2.html
- Hudson Valley Agribusiness Development Corporation, www.hvadc.org

New Farmer Programs

New farmers are necessary for agriculture to continue in any community, and new farmers come from a variety of backgrounds. Some are the next generation of a farm family, while others are young and new to agriculture but eager to make a living by farming. New farmers may also be retired or second career adults looking to try a new and rewarding lifestyle and job.

Counties can assist new farmers with locating land to buy or lease, training people in production and/or business methods, and assisting with financing options. In areas with consumers clamoring for locally grown foods, new farmers may be interested in starting niche farm businesses on smaller acreages and direct marketing their farm products to urban residents. County assistance in establishing these types of farms can mean that farmland near urban areas remains active and provides needed green space and fresh, local produce.

The Cornell Small Farms Program administered by Cornell Cooperative Extension, offers a host of resources and events to support small farmers. Its Web site has information and lists course offerings of interest to small farmers.

- Cornell Small Farms Program, www.smallfarms.cornell.edu

CASE STUDY

Columbia County, New York: Farmer–Landowner Match Program

In order to assist new and existing farmers with their search for affordable land to farm, the Columbia Land Conservancy (CLC) began a free local program to match farmers and agricultural landowners to people searching for land to farm. This program began in early 2009 and to date has resulted in six connections between farmers and landowners.

People looking for land and those with land available submit a two-page application to CLC. A database tracks all available land and potential farmers via ID numbers. Interested parties are able to receive contact information from CLC by providing the ID number.

The program also offers farmland leasing workshops and trainings at which participants learn how to successfully negotiate a lease.

- Columbia Land Conservancy Farmer–Landowner Match, Application Form, www.clctrust.org/farmer_landowner_Match_Application.htm
- Farmland leasing information and sample documents: www.landforgood.org/leasing/resource.php

CASE STUDY

Chatham County, North Carolina: Growing Small Farms

Chatham County's "Growing Small Farms" program primary goal is to increase farming profitability and sustainability through improved management, production and marketing. The Chatham County Agricultural Extension Agent manages the program and has developed a Web site for small farms, hosts workshops, makes 200–250 farm visits per year, and participates in list serves to share valuable information.

The Web site has grown to more than 300 pages and receives more than 200,000 visitors each month.

An average of 70 people attend each workshop that is offered. In both 2007 and 2008, 80 percent of program participants increased farm income through new or expanded farm enterprises, production methods, or markets.

- Growing Small Farms, www.ces.ncsu.edu/chatham/ag/SustAg/index.html

CASE STUDY

New York, New York: New Farmer Development Project

The New Farmer Development Project (NFDP) originated in 2000 in New York City to help immigrants with farm experience locate and operate their own farms in nearby areas of New York, New Jersey and Pennsylvania. More than 130 immigrants, from countries such as Columbia, Dominican Republic, Ecuador, and Mexico, have graduated from NFDP's La Nueva Siembra training program and sell farm products at over 40 farmers markets; 16 graduates and their families now own farms. The NFDP was founded by the New York City Greenmarket and Cornell Cooperative Extension but now includes numerous other partners and funders.

- New Farmer Development Project, www.grownyc.org/greenmarket/nfdp

Renewable Energy

New York's agricultural economy is constantly changing, so local agricultural development programs need to explore innovative opportunities to increase profitability. Renewable energy generation is a new and growing avenue for farms to remain viable. Counties can serve an important role by educating farmers about on-farm energy generation and efficiency opportunities, assisting renewable energy businesses with locating and establishing renewable energy generation facilities, and serving as a link between energy businesses and the farm community.

Regulations for on-farm energy production and larger scale commercial wind, gas and other energy generation are extensive. The NYSDAM offers guidance about siting and mitigation standards for energy generation and transmission projects.

- NYSDAM, Guidelines for Review of Local Laws Affecting Small Wind Energy Production Facilities
- NYSDAM, Construction Projects Affecting Farmland, www.agmkt.state.ny.us/AP/agservices/construct.html

CASE STUDY

Town of Perry, Wyoming County, New York: Cooperatively Managed Methane Digesters

The town of Perry has one of the highest concentrations of dairy cows in New York. Dairy farms are a major force in the town's economy, and they help define the landscape and quality of life. At the same time, the farms produce large amounts of manure, and the odor has lead to conflicts between farmers and residents of the village of Perry.

The town decided to assist local dairy farms in developing on-farm infrastructure that could process dairy manure and generate electricity for farms to use and sell back to electric companies. The town worked with Wyoming County Cornell Cooperative Extension to conduct a feasibility study that evaluated whether to develop a large, shared digester or to build digesters on individual dairy farms.

The town then hired a grant writer to develop and submit grant applications to the New York State Energy Research and Development Authority (NYSERDA) and the USDA. Awards of $833,000 from NYSERDA and $285,000 from USDA were used to construct a digester on each of two dairy farms. A plan to build a shared digester is currently on hold.

In total, the town spent approximately $20,000 for grant writing and project management services as well as the town supervisor's time in overseeing the project. This investment will likely be paid back many times over. The local dairy farms benefit from the new on-farm infrastructure that helps to reduce electricity costs and assists with manure management. In addition, the new methane digesters help reduce manure odors and decrease the likelihood of conflict between the farms and non-farm neighbors.

CASE STUDY

Cayuga County, New York: Community Methane Digesters

As of 2010, Cayuga County had two different community methane digesters in development. The Cayuga Regional Methane Digester Facility, managed by the Cayuga County Soil and Water Conservation District (SWCD), is under construction and will be the first municipal regional digester in the U.S. to use a hydraulic mixing technology—a technology that has had a long history in Europe.

Once the digester is fully operational, manure from local farms and other organic waste products will be transported via truck to the digester at the SWCD office. The digester will process 39,000 gallons of manure daily and produce biogas that will be used to generate electricity for the SWCD headquarters, the Cayuga County Public Safety Building and the Cayuga County Nursing Home. Liquid fertilizer and composted solids are byproducts that will be returned for use on the participating farms. It's anticipated that the electricity cost savings to the county could be as high as $100,000 annually.

The Cayuga County Department of Planning and Economic Development has supported the development of a second community digester that will collect biogas from a network of individual farm methane digesters. Biogas will be transported to a single industrial site through a gas pipeline. Electricity will be generated from the collected biogas and will be used to attract food processing plants and other industrial ventures to the area.

- Cayuga Regional Methane Digester, www.co.cayuga.ny.us/soilcon/articles/spring09news.pdf

CASE STUDY

Orleans County, New York: Western New York Energy LLC, Ethanol Plant

The first ethanol plant built in the Northeast was established in the Town of Shelby, Orleans County, in 2007. The Orleans County IDA was instrumental in coordinating the plant's siting, including acquiring land adjacent to a rail spur, managing remediation of that land, applying for and managing grants for road reconstruction, negotiating with taxing authorities (county, town, and school district) for tax incentives, receiving Empire Zone designation, and serving as lead agency for the State Environmental Quality Review (SEQR) process.

The value of this plant to the agricultural economy has been significant. Twenty million bushels of corn are processed annually, with at least 30 percent coming from western New York, resulting in fuel grade ethanol, distillers grains (that are marketed to western New York livestock producers for feed), crude corn oil that is manufactured into biodiesel, and food grade carbon dioxide that is used for beverage carbonation and other food uses.

- Western New York Energy LLC, www.wnyenergy.com

Agricultural Economic Development Specialists

Professional staff to lead agricultural economic development efforts are important resources for supporting local farms. An agricultural economic development specialist, or similar staff person, can manage efforts to implement a county Agricultural and Farmland Protection Plan, assist with business planning and marketing efforts and help oversee other programs to strengthen the future for farm and food businesses, such as a farmland protection program. Multi-county or regional positions are an option for making such positions affordable and effective.

CASE STUDY

Agricultural Development Specialists

After the completion of the Wayne County Agricultural and Farmland Protection Plan in 1998, the County Board of Supervisors funded an agricultural development specialist to serve as the point person for plan implementation. Since that time, the agricultural development specialist has spearheaded the protection of 3,400 acres of farmland, development of an IDA microenterprise loan program and regular hosting of agricultural events. Currently, the agricultural development specialist is working with the Wayne County Agricultural Development Board to update its Agricultural Development Plan for the next decade.

In 2000, the Jefferson County Board of Supervisors provided $100,000 for the establishment of an agricultural coordinator position and an agricultural development committee to "assist in the retention, growth, and promotion of Jefferson County's agricultural industry." They worked together to establish the Jefferson County Agricultural Development Corporation that provides guidance to the agricultural coordinator.

Also in 2000, Saratoga and Washington counties jointly funded an agricultural economic development position. The counties matched $25,000 that was awarded from the NYSDAM Farmland Viability Program. The state senators representing each county secured an additional $10,000 each to fund the position. The agricultural economic development specialist splits his/her time between the two counties and has an office in each county but is employed by Cornell Cooperative Extension.

- Saratoga–Washington County, Agricultural Economic Development Educator
- Wayne County, Agricultural Development Specialist Position Description

- Jefferson County, Agricultural Coordinator position description, www.comefarmwithus.com/AgCorrJobDescription.htm?B3=Ag+Coordinator+Job+Description

Roles for Towns

Towns can play important roles in improving the viability of local farms. While towns frequently have more limited economic development resources than county governments or state agencies, they can help promote local farm products, encourage opportunities for farmers to sell directly to local consumers and support other agricultural economic development initiatives.

Some towns own farmland that they choose to lease to farmers. This can keep land affordable for all farms and can be particularly beneficial to new farmers who may not have the financial resources to purchase land to begin farming. A conservation easement can be placed on the land to ensure that it will always be available for agricultural use in the town.

Additionally, towns can ensure that local zoning codes and other regulations are not overly restrictive of farms and related businesses. Older codes and laws may severely restrict farmers looking to grow food in greenhouses, develop farm stands or markets, process local foods or take other steps to enhance their profitability.

- Farm Rental Agreement Checklist
- Farmland Tenure and Leasing
- Managing Tenant–Landlord Relationships
- Peconic Land Trust farmland lease

- Land Leasing, www.landforgood.org/leasing/resource.php

CASE STUDY

Southtowns of Erie County, New York: Sowing the Seeds for Southtowns Agribusiness

In southern Erie County, seven municipalities—four towns and three villages–formed the Southtowns Community Enhancement Coalition to collaborate on shared opportunities. The coalition's first undertaking was a tourism study and strategy that identified agritourism as a prime opportunity for tourism development.

The Southtowns Coalition subsequently contracted with the University of Buffalo Regional Institute to survey farmers in their region to gauge interest in agritourism businesses. This effort resulted in *Sowing the Seeds for Southtowns Agribusiness: An Assessment of Farms and a Plan for the Future* that includes an action plan for agritourism development. The first step in implementing the action plan was the recent release of a brochure, *Agritourism (And More) in the Southtowns,* which identifies local farms, farm markets and public visit offerings, as well as other tourist destinations.

- *Agritourism (And More) in the Southtowns*

Infrastructure Planning

Infrastructure planning can be used to support the farm economy and steer new development away from farmland into existing hamlets and villages. Like other industries, farms and agribusinesses require access to well-functioning and affordable infrastructure. Farms are energy intensive businesses. Access to affordable electricity and other fuels reduces farm operating costs, thereby improving farm profitability.

The agricultural industry also depends on sound roads and bridges to move machinery and to send and receive shipments of products. Many farm shipments are sent by tractor-trailer, requiring transportation infrastructure that can handle heavy loads. Public drainage systems, such as road ditches, also provide important benefits to farms. Well-managed drainage systems help move water from fields, improving their productivity.

At the same time, towns can help direct non-farm development into hamlets, villages and cities by planning the scale and location of new or expanding infrastructure. Transportation, water or sewer infrastructure allows for denser development patterns and often reduces the cost of new development. Some infrastructure expansion into farming areas may encourage the conversion of farmland and send the signal that agriculture has a limited future in a given area.

Benefits of Infrastructure Planning

- Can support farm business viability and reduce farm costs
- Is a non-regulatory approach for steering development away from farmland

- Supports fiscally responsible approach to community development

Drawbacks of Infrastructure Planning

- Fails to prevent development that does not require public infrastructure
- May be compromised by infrastructure extensions for "health and safety"
- Requires on-going political commitment to be effective
- Requires significant construction and on-going maintenance expense to provide infrastructure needed by farms

Agricultural Infrastructure Needs

The modern agricultural industry relies on the dependable movement of farm products to markets. Farm goods are often perishable, so their quality may diminish or they may become unusable if delivery is delayed for hours or days. In particular, dairy farms require daily access to milk trucks, year-round. Delays in snow plowing can prevent milk trucks from accessing farms, forcing farmers to dispose of their milk. Such a loss can hurt a farm's bottom-line and ability to remain profitable. Farms also rely on the efficient delivery of products from service providers.

The following are suggested actions for towns interested in supporting the infrastructure needs of local farms:

- Make sure that roads and bridges can handle the size and weight of modern farm vehicles, including dump trucks, tractor trailers and other large cultivating, spraying and harvesting equipment.
- Post signs on town roads frequently used by farm vehicles and distribute informational material about the presence of farm vehicles on town roads. By taking a proactive approach to reducing conflicts between farm vehicles and other motorists, towns can prevent accidents and save lives. For more information and educational materials about slow moving vehicles, contact the New York Center for Agricultural Medicine and Health at 800-343-7527, ext. 239, or www.nycamh.com.
- Provide infrastructure (water, sewer, electric, roads, rail) in appropriate areas to encourage food processing, renewable energy or agribusiness development that will help support and retain farms by providing markets for local farm products.
- Make snow-plowing near dairy farms a local priority, since delayed plowing for farmers can lead to the loss of perishable products and important income.
- Work with local farmers, economic development organizations and others to understand and address the electricity needs of local farms (especially three-phase electric). Also engage farmers in evaluating alternative energy production systems including wind power and methane digesters.
- Actively maintain town ditching systems so that farm fields have adequate drainage. Work with town planning boards to ensure that field tiling and ditching systems aren't damaged by new developments, which could reduce the productivity of nearby farmland.

Steering Non-Farm Infrastructure Away from Priority Farming Areas

Growth-inducing infrastructure, such as major roadways and water or sewer lines, can accelerate the conversion of farmland if not carefully sited and managed. Towns and counties can help retain farmland, by focusing infrastructure in hamlets, villages and cities. This is also a fiscally responsible approach to managing limited local, state and federal budgets. The extension of infrastructure throughout a town or county requires significant up-front construction costs and demands costly on-going maintenance. By focusing such infrastructure away from priority farming areas, towns can help maintain lower taxes and reduce threats to farmland.

If non-farm infrastructure needs to be extended through farming areas, steps should be taken to mitigate the potential negative impacts on nearby farmland and farm operations. Such steps may include:

- Using the Agricultural Districts program Notice of Intent process to help guide road, water or sewer decisions;

- Establishing lateral restriction policies on new water or sewer extensions;
- Developing mitigation fees designed to protect farmland near new non-farm infrastructure;
- Constructing traffic calming measures on rural roadways to reduce accidents between farm machinery and vehicles;
- Creating overpasses, tunnels or other access systems for farm vehicles to ensure continued farm access to fields bisected by major roadways.

CASE STUDY

Town of Marilla, Erie County, New York: Waterline Restrictions

In 1996, the town of Marilla adopted new waterline restrictions in its zoning ordinance. The new policy restricts the construction and connection of water main laterals and service connections to less than four inches in the town's agricultural zoning district. This new policy greatly limits the construction of major new subdivisions in the agricultural part of town, steering larger developments away from farms.

CASE STUDY

Town of Easton, Washington County, New York: Infrastructure Standards

The town of Easton's Subdivision Law institutes several infrastructure standards intended to ensure compatibility between new development and the town's farm operations and infrastructure capacity. The requirements include:

- Subdivision approvals state that the town has no responsibility to build or maintain a new water supply or maintain sewage facilities for a new subdivision;
- Utility lines should not be brought across farmland to new subdivisions. If necessary, utility lines should be buried to below plow depth;
- Subdivisions of more than 12 lots should be phased to safeguard the quantity and quality of ground water. Six lots are the maximum number of lots approved at any one time.

CASE STUDY

Genesee County, New York: Smart Growth Plan

In 2001, the Genesee County Legislature adopted a Smart Growth Plan to minimize the impacts of additional growth and development that would otherwise occur as a result of the extension of water service.

The county set up a process in which it worked with town governments to identify "development areas" within the county. The county committed to providing public water within these areas from the county-funded portions of the county's water system. Access to the county-funded portion of the county water system by properties outside of the development areas would be controlled to ensure compatibility with the county's smart growth objectives.

Once general development areas were delineated, county staff met with representatives of each municipality and the public to review the plan and the development areas. Input from these meetings was integrated into the final plan adopted by the county Legislature. The Smart Growth Plan further describes a system for reviewing requests for hook-ups outside of the development areas and for bi-annually reviewing the location of development areas and the overall plan.

The Genesee County Smart Growth Plan is one of New York's best examples of a community proactively planning for new development while placing a high priority on farmland protection and supporting its agricultural industry. The close integration of the county's infrastructure plan with its agricultural districts program and other county priorities helps reduce the likelihood that new infrastructure will accelerate non-farm development and create future conflicts for farm operations.

- Genesee County, Smart Growth Plan 2010 Review Report
- Genesee County Smart Growth Plan, www.co.genesee.ny.us/dpt/planning/smartgrowth.html

Food and Health Policies

Health and nutrition issues are of increasing concern for the American public. For example, according to the 2007 National Health and Nutrition Examination Survey, obesity now affects 17 percent of all children and adolescents in the United States—triple the rate from just one generation ago.[14] American children are at a heightened risk for elevated blood pressure and cholesterol, diabetes and becoming obese adults. Child obesity also has a real financial impact with an annual cost estimated at $3 billion.

Improving the availability of fresh, healthy, local foods is a beginning step in addressing these concerns. Expanding the availability of nutritious foods can also create new opportunities for local farmers looking to grow these foods. As New York is a national leader in the production of more than 20 fruits, vegetables and dairy products, there are abundant opportunities to grow nutritious foods.

Protecting farmland can be a critical element of long-term food security, as high-quality soils are needed to grow food. According to a recent Cornell University study, New York's 7 million acres of farmland could feed only 6 million people—roughly 30 percent of the state's population.[15] Thus, land resources are a critical constraint in providing long-term food security for New Yorkers.

A small but growing number of local governments are establishing food purchasing policies that encourage buying local food for use in public institutions. Other communities are working to re-establish local "food systems" that will have the same positive result—an increase in the availability of healthy, local food and greater market opportunities for local farmers. Food systems are a holistic approach to describing the processes involved in feeding people: growing, harvesting, processing, packaging, transporting, marketing, consumption and disposal of food.

Benefits of Food and Health Policies

- Increase availability of nutritious, local foods
- Improve economic viability of local farms
- Address a growing public health concern

Drawbacks of Food and Health Policies

- Do not permanently protect farmland
- Can be difficult to change food purchasing and distribution systems
- Can be challenging to source local foods with tight public budgets
- May not change eating habits

CASE STUDY

New York State Council on Food Policy

In 2007, the Governor created the New York State Council on Food Policy (NYS CFP)by Executive Order. The council's membership is composed of 21 members appointed by the Governor, including agency leaders from the departments of Agriculture and Markets, Health, Empire State Development Corporation, Office for the Aging, Education, and the Consumer Protection Board.

The NYS CFP was created to support agriculture and ensure that all New Yorkers have access to safe, affordable, nutritious food. Four key areas were identified by the council for further research and examination:

1. Maximize participation in food and nutrition assistance programs
2. Strengthen the connection between local food products and consumers
3. Support efficient and profitable agricultural food production and food retail infrastructure
4. Increase consumer awareness and knowledge about healthy eating and improve access to safe and nutritious foods

- New York State Council on Food Policy, www.nyscfp.org

CASE STUDY

Albany County, New York: Local Food Purchasing Policy

In 2009, the Albany County Legislature unanimously passed a resolution tasking the Albany County Purchasing Agent to purchase local food products for Albany County Residential Healthcare Facilities and the Albany County Correctional Facility. The target for food products to be purchased from local sources is to be set with the assistance of the New York State Commissioner of Agriculture. The Albany County Legislature cited economic, environmental and health concerns as rationale for this policy.

- Albany County, Local Food Purchasing Policy

CASE STUDY

Woodbury County, Iowa: Local Food Purchasing and Organic Food Procurement Policy

Woodbury County's "Local Food Purchase Policy" is intended to increase regional income, offer incentives for job creation, attract economic investment and promote the health and safety of its citizens. The policy has two principal elements: a property tax rebate for farmers converting from conventional to organic farming practices and a mandate that the county should purchase locally grown food, with preference given to organically grown food. The Organics Conversion Policy, adopted before the Food Policy, provides a commitment of $50,000 per year from the county for five years to fund property tax rebates for farmers willing to convert from conventional to organic farming practices.

The Local Food Purchase Policy has the potential to shift $281,000 in annual food purchases to a local farmer-operated cooperative, which should spur increased production and processing. Local food is defined as food grown or raised within 100 miles of Sioux City, Iowa. The county is charged with determining the added cost of purchasing locally, if any, and comparing that to the financial benefits to the local agricultural economy and of potentially lower health costs.

- Woodbury County, Local Food Purchase Policy

CASE STUDY

Missoula County, Montana: Food and Agriculture Coalition

A Community Food and Agriculture Council (CFAC) was established in Missoula County in 2005 to provide an umbrella organization for groups dedicated to working toward a local food system. The CFAC promotes sustainable agriculture through proactive policy advocacy and works closely with both the city and county on land use planning decisions.

The CFAC has two standing committees: the Land Use and Agricultural Viability Committee, which focuses on policies affecting county farm and ranch lands, and the Food Access and Consumption Committee, which is charged with working with farmers markets, strengthening farm-to-restaurant connections and promoting local foods consumption. The Food Access Committee has established an EBT system at county farmers markets, while the county now incorporates the Land Use Committee into the subdivision review process when potential conversion of agricultural lands exists.

- Missoula City and County, Joint Resolution establishing the Community Food and Agriculture Council

CASE STUDY

New York City: Health Bucks

Since 2005, the Health Bucks program has been administered by New York City District Public Health offices to encourage fruit and vegetable purchases by food stamp recipients. Individuals who spend $5 worth of food stamps at a farmers market receive a $2 Health Buck coupon that can be used to purchase fruits and vegetables at specific farmers markets in the city. Health Bucks can be tracked through serial numbers back to the originating farmers market, community-based organization or site. The participating farmers market vendors and community groups are trained to collect and redeem Health Bucks. The Health Department monitors all participating sites throughout the season to ensure the program is functioning properly and provides a list of suggested practices to promote higher redemption rates. Program supporters include: the New York State Department of Health and Department of Agriculture and Markets, Human Resources Administration and community-based farmers markets and organizations participating in the Health Bucks program.

- New York City, Health Bucks Map of Participating Markets, www.nyc.gov/html/doh/downloads/pdf/cdp/cdp-health-bucks-map.pdf

CASE STUDY

Orange County, New York: Gleaning and Food Security Program

The Orange County Gleaning and Food Security Program helps harvest thousands of pounds of produce that is not marketable due to physical blemishes for distribution to people in need in Orange County and other areas of the Hudson Valley. Volunteers are organized to field glean, package and transport fruits and vegetables. Fresh venison is also provided by farmers who have acquired landowner nuisance permits to legally shoot deer on their farms. A group of volunteers transports the carcasses to butchers and distributes the donated meat. The gleaning program is funded through the Hunger Prevention and Nutrition Assistance Program (HPNAP) through a grant to Cornell Cooperative Extension for program coordination and administration.

CASE STUDY

Cayuga County, New York: Local Foodshed Mapping

The Cayuga County Planning Department assisted the towns of Ira and Cato with development of a joint comprehensive plan in 2008. An outcome of this process was the creation of an interactive online map that includes the location of agricultural suppliers, food distributors, wholesalers, retailers and the farms that produce food. Farmers and agricultural business owners are encouraged to identify their location on the local foodshed map. This is the first phase of a larger effort to interactively map these entities across the county to educate residents and policy-makers about where food is coming from and where it is going in an effort to better inform public policies.

- Cayuga County, Local Foodshed Mapping, http://co.cayuga.ny.us/townofcato/agplan

Educating the Public About Agriculture

A generation or two ago, most Americans either had a relative, close friend or neighbor who farmed. Today, less than 2 percent of the population is involved in agriculture and many people have never visited a farm.

Farm tours and events are one way that towns and counties can help educate the public about agriculture and agricultural practices. Including public officials in these events, and even holding separate tours and events for them, has the added value of educating community decision-makers. Policy-makers who have visited farms, talked to farmers and understand the value of farms are much more likely to take into consideration the potential impact that their decisions can have on farming.

Benefits of Educating the Public About Agriculture

- Provide opportunity that many people will not have otherwise
- Inform policy-making
- Build public and decision-makers support for agriculture
- Increase local consumer base for direct market farm operations
- Improve farm viability

Drawbacks of Educating the Public About Agriculture

- Is time consuming for farmers already under significant time constraints when the weather is good—the ideal time for farm tours and events
- Raises safety issues when having the public visit farms
- May present farms as entertainment and not necessarily showcase farms as businesses

CASE STUDY

Ontario County, New York: Agriculture's Adventure Trail Web Site

In 2003, the Ontario County Agricultural Enhancement Board, Ontario County Tourism, Cornell Cooperative Extension, and the County Department of Planning partnered to develop an *Agventure* brochure highlighting agriculture in the county and identifying agricultural enterprises of interest to visit. From the brochure, a Web site was developed to expand the amount of information offered and to reduce printing and updating expenses. The county has dedicated approximately $11,000 to $12,000 to the project, including development of the brochure, Web design and upkeep. The partners have provided in-kind services as well.

This comprehensive Web site includes information on farmers markets, seasonal produce, farms and agritourism events in the area, farm awards and programs, resources for starting farming in the county, information about the land and climate of the area, and important agricultural FAQs.

- Ontario County, New York, Agriculture Adventure Web site, www.fingerlakesagriculture.com

CASE STUDY

Saratoga County, New York: Sundae on the Farm

Since 1996, Saratoga County's "Sundae on the Farm" has hosted thousands of people each June who are eager for an opportunity to visit a real, working farm—an opportunity not many people receive. Cornell Cooperative Extension of Saratoga County leads a volunteer committee of representatives from the county Farm Bureau, American Farmland Trust, the host town and host farm, and others in planning the event, which is located at a different farm each year. Attendees take a hay wagon ride tour of the farm, visit agricultural exhibits and a farmers market, enjoy special children's activities and eat food—especially ice cream sundaes! Thanks to support from agricultural organizations in the county, the 3,000 people who attend annually do not pay a fee to participate (there is a charge for food). The annual operating budget for the event is approximately $5,000. Agricultural organizations and farms in the county also donate the use of tractors, wagons and other items to make the event possible.

CASE STUDY

Genesee County, New York: Decision Makers Tour

Since 1989, the Genesee County Chamber of Commerce Agricultural Committee, in collaboration with Cornell Cooperative Extension, the Soil and Water Conservation District, and the county Farm Bureau, has hosted the "Decision Makers Tour" of Genesee County agricultural businesses. Local officials, farmers, students and the public take buses to farms and agribusinesses in the county to learn about agricultural issues that affect the community. The tour also showcases the impacts that local decisions have on agricultural businesses. Approximately 100 people attend each year. The event is funded by the collaborating organizations.

- Genesee County, Decision Makers Tour Itinerary

CASE STUDY

Town of Clifton Park, Saratoga County, New York: Farm Fest

For 18 years, the Town of Clifton Park has hosted "Farm Fest"—a fall weekend when the public is invited to visit host farms for tours, demonstrations, entertainment and food. The town of Clifton Park and sponsoring businesses provide financial support for these free farm events. "Farm Fest" is a fun, inexpensive way for families to enjoy fall activities on farms, learn about the different kinds of farms that operate in Clifton Park, and experience a bit of the town's heritage and character.

CASE STUDY

Wyoming County, New York: Pride of Wyoming County Agricultural Dinner and Good Neighbor Award

Each spring, the Wyoming County Chamber of Commerce coordinates the "Pride of Wyoming County Agricultural Dinner" to bring farmers and their neighbors together to celebrate local agriculture. Over 70 local businesses and organizations provide support for the dinner. Cornell Cooperative Extension and the county Farm Bureau sponsor the 'Good Neighbor Award' that is given to a county resident(s) involved in the community who presents a positive image of the agricultural industry, demonstrates civic responsibility, and pursues responsible environmental practices. Past winners have been involved in agricultural organizations such as 4-H and the Holstein Association, engaged the non-farming community through education and hands-on activities, and demonstrated environmentally friendly farming techniques.

CASE STUDY

Chautauqua County, New York: Lake Erie Concord Grape Belt Heritage Association

In late 2004, the nonprofit Concord Grape Belt Heritage Association was formed to promote tourism and agricultural economic development in the Lake Erie grape growing region of Western New York and Northern Pennsylvania. With over 30,000 acres of grape vineyards on 840 farms, six major juice/wine processors and over 20 wineries, this area is the largest grape growing region in the U.S. outside of California and Washington. The Lake Erie Concord Grape Belt is a 60-mile long, few-miles wide strip along the Eastern Lake Erie shoreline.

Two years later, state legislation was passed that designated the area as New York's 19th Heritage Area and the first with an agricultural emphasis. Within four years of the original legislation, a Management Plan was required to secure permanent designation. This 130-page report was submitted to the State Office of Parks, Recreation and Historical Preservation in 2010.

The Concord Grape Belt Heritage Association is responsible for managing the Heritage Area and for overseeing implementation of the Management Plan. The Association's budget is small, $25,000–$35,000, and has been funded through grants and a membership of approximately 150. A volunteer Executive Director and Board presently manage the Association with no paid staff.

Currently, a Concord Grape Discovery Center, designed to boost agritourism in the area, is nearing completion of Phase 1, which was funded with an upstate revitalization grant of $1.05 million. Another $500,000 must be raised to complete work on the Center. Signage along the NYS Thruway will direct visitors to the Grape Discovery Center once it is operational.

- Chautauqua County, New York: Lake Erie Concord Grape Belt Heritage Association, www.concordgrapebelt.org

Pulling It All Together

Communities interested in supporting local farms will need to evaluate all of the available tools and then select the ones that fit best. The benefits of any given option must be weighed against the drawbacks. This can, and likely will, be a challenging process. These decisions must regularly be revisited as farming and the broader economy and landscape in which it exists continue to rapidly evolve. The following guidelines are for communities engaged in evaluating the tools for supporting the business and land use needs of farms.

No single tool will solve all of the challenges that New York farmers face.

Farms must deal with a complex array of challenges—fluctuating prices for farm products, rising business costs, labor concerns and competition for land among others. No single tool will be able to address all of the needs of local farmers. Communities should develop a package of policies and programs that complement each other and address different agricultural concerns.

The appropriate mix of tools differs by community.

New York's agricultural industry, communities and landscapes are tremendously diverse. This diversity is one of the state's strengths, but it may make it difficult to replicate the policies used in one town or county in another community. Towns and counties must evaluate their own priorities and circumstances to select the tools and policies that best fit their needs.

Communities are often most effective when "sticks" are balanced with "carrots."

Regulatory policies, or "sticks," have distinct advantages. They are comparatively inexpensive to implement, can be adopted fairly quickly and can address community interests. However, regulations also may place a significant burden on private landowners and their personal rights. Many communities find that a mix of regulatory policies and incentive-based programs is most effective in balancing community and private interests and achieving long-term success.

An ongoing commitment is required to be successful.

Local planning requires an ongoing commitment of resources. Land use trends, markets for farm products and other community circumstances will continue to change over time. This ongoing change will require communities to regularly update plans, consider new programs and have a dialogue between farmers and local governments. This long-term commitment of time, energy and resources can be difficult but will be necessary in order for communities to find success.

Local planning should be supported by state and federal policies.

Even the most committed local governments will not be successful in supporting their farms without complementary state and federal policies. State and federal policies regarding agriculture, land use, transportation, trade, immigration and other policies can significantly influence farm viability and local land use trends. Communities should make their local priorities and policies known to state and federal officials and seek their assistance in supporting them.

Endnotes

[1] Kirsten Ferguson, Jeremiah Cosgrove and Teri Ptacek, *Action Guide: Agricultural and Farmland Protection for New York,* (Saratoga Springs, N.Y.: American Farmland Trust, 1999), 10.

[2] NYSDAM, *Local Laws and Agricultural Districts: Guidance for Local Governments and Farmers.* Available on the CD that accompanies this Guide.

[3] James Pease and Robert E. Coughlin, *Land Evaluation and Site Assessment: A Guidebook for Rating Agricultural Lands, Second Edition* (Ankeny, Iowa: Soil and Water Conservation Society, 2001).

[4] NYSDAM, *Local Laws and Agricultural Districts: Guidance for Local Governments and Farmers.* Available on the CD that accompanies this Guide.

[5] Broome County Agricultural and Farmland Protection Board, *Agricultural Planning Guidelines.* October 2001, 12.

[6] American Farmland Trust, *Saving American Farmland: What Works (*Northampton, Mass.: American Farmland Trust, 1997), 50.

[7] American Farmland Trust, *Saving American Farmland: What Works,* 59.

[8] Tom Daniels, *When City and Country Collide: Managing Growth in the Metropolitan Fringe*. (Washington, D.C.: Island Press, 1999), 219.

[9] John Nolon, *Well Grounded: Primer for Local Officials and Citizens* (White Plains, N.Y.: PACE Land Use Law Center, 1998).

[10] Farmland Information Center, *Purchase of Agricultural Conservation Easements* fact sheet (2008) and Kirsten Ferguson, Jeremiah Cosgrove and Teri Ptacek, *Action Guide: Agricultural and Farmland Protection for New York*, (Saratoga Springs, N.Y.: American Farmland Trust, 1999), 26–30.

[11] For more information about these programs, see David Haight, Diane Held and Doris Mittasch, *New York Agricultural Landowner Guide* (Saratoga Springs, N.Y., 2009).

[12] Pennsylvania Center for Dairy Excellence, *Cash Cow Brochure,* 2006.

[13] National Agricultural Statistics Service, 2009 New York Annual Summary Bulletin, p. 40.

[14] *The Childhood Obesity Epidemic: Threats and Opportunities,* Center for Disease Control and Prevention, www.cdc.gov , September 2010.

[15] Christian J. Peters, , Jennifer L. Wilkins and Gary W. Fick, *Testing a Complete-Diet Model for Estimating the Land Resource Requirements of Food Consumption and Agricultural Carrying Capacity: The New York State Example* (Cambridge, England: Cambridge University Press, Renewable Agriculture and Food Systems, 2007) 22(2), 145-153.

Resources

American Farmland Trust
Farmland Information Center
www.farmlandinfo.org
(800) 370-4879

New York Office
www.farmland.org/newyork
(518) 581-0078

American Planning Association
Metro Chapter
www.nyplanning.org
(646)963-9229

Upstate New York Chapter
www.nyupstateplanning.org/

Cornell Community and Rural Development Institute
www.cardi.cornell.edu
(607) 255-9510

Cornell Cooperative Extension
www.cce.cornell.edu

County and Regional Planning Agencies
www.dos.state.ny.us/lg/lut-county_planning_agencies.html

Land Trust Alliance of New York
www.landtrustalliance.org/community/northeast/northeast
(518) 587-0774

New York Farm Bureau
www.nyfb.org
(800) 342-4143

NY FarmLink
www.newyorkfarmlink.org
(800) 547-3276

NY FarmNet
www.nyfarmnet.org
(800) 547-3276

New York Planning Federation
www.nypf.org
(800) 366-6973

NYS Agricultural Mediation Program
http://nysamp.com/
(866) 669-7267

NYS Association of Counties
www.nysac.org
(518) 465-1473

NYS Association of Towns
www.nytowns.org
(518) 465-7933

NYS Department of Agriculture and Markets
www.agmkt.state.ny.us
(800) 554-4501

NYS Department of State, Division of Local Government Services
www.dos.state.ny.us/lgss/index.htm
(518) 474-4752

NYS Department of Taxation and Finance Taxpayer Assistance Bureau
www.tax.state.ny.us
(800) 225-5829

NYS Office of Real Property Services
www.orps.state.ny.us
(518) 591-5232

NYS Soil and Water Conservation Committee
www.nys-soilandwater.org
(518) 457-3738

USDA Natural Resources Conservation Service
www.ny.nrcs.usda.gov
(315) 477-6504

American Farmland Trust

No Farms No Food®

77% of America's fruits, vegetables and dairy products are grown near metro regions, on farmland that is in the path of development. In New York, a farm is lost to development every three and a half days. Losing this land threatens our ability to grow local food, protect our drinking water and keep local economies strong. America's farms produce so much more than food.

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or contact **(518) 581-0078 • newyork@farmland.org**

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