

CAYUGA COUNTY

AGRICULTURE AND FARMLAND PROTECTION BOARD



COUNTY OFFICE BUILDING – 160 GENESEE STREET – AUBURN, NEW YORK 13201

(315) 253-1276

Monday, August 19, 2019

10:00 a.m.

5th Floor Conference Room
Cayuga County Office Building
Auburn, New York

MEETING AGENDA

- (1) Call to Order
- (2) Approval of Minutes – April 30, 2019
- (3) County Agricultural District Mandatory 8-Year Review
 - (a) Review results of public comment period and proposed modifications to district
 - (b) Consider resolution supporting proposed modifications to district
- (4) Other Business
- (5) Adjournment

DRAFT Minutes
Cayuga County Ag & Farmland Protection Board
Tuesday, April 30, 2019, 10:00 A.M.
5th Floor, Conference Room
Cayuga County Office Building
Auburn, NY 13021

Board Members Present:

Kelly Anderson, Chair (Cayuga County Real Property Services, Director)
Steve Lynch (Cayuga County Planning & Economic Development, Director)
Jason Cuddaback, *designee* (Chairperson of the Board of Directors CCSWCD)
Craig Culver (Farmer Representative)
John O'Connell, III (Farmer Representative)
Thane Benson (Farmer Representative)

Others present:

Kari Terwilliger (CCPED Staff to AFPB)

Absent:

Andrew Dennison (Cayuga County Legislator)
Jeff Ten Eyck (Agricultural Land Preservation Organization Representative)
Dennis Eckel (Agribusiness Representative)
Christopher Gross (Farmer Representative)

1. Call to Order

The meeting was called to order by Kelly Anderson at approximately 10:00 A.M. with a quorum of members present.

2. Approval of Minutes - February 6, 2019 meeting

Kelly Anderson asked the Board if they had reviewed the minutes from the February 6, 2019 meeting and if they had any questions, comments, or corrections to make. There were none. She asked if there was a motion to approve said minutes. **Steve Lynch made a motion that the minutes from February 6, 2019 be accepted as written. Motion seconded by Thane Benson. Motion carried.**

3. Town of Sterling NOI - Water District 2

Kelly Anderson asked Kari Terwilliger to review this agenda item with the Board. Kari asked if everyone had a chance to review the NOI materials that she had provided to them and if they had any questions. She reviewed the map provide by the engineer and the highlighting of active agricultural parcels in the proposed water district, at least according to the property class codes used by the local assessor. She also reviewed the two maps she prepared for the Board that better show the extent of the county agricultural district and an aerial image from 2015. She mentioned that according to the NOI, the Town should be willing to adopt a lateral restriction law, and explained what that was and how it applied to land in the County Agricultural District. She mentioned that unlike other communities recently, that this NOI did not mention contaminated well/ground water, but rather poor quality water. She also mentioned that the NOI stated that the Town's contractor would coordinate with landowners to mitigate any damage done to field drainage systems as necessary. She stated that according to the NOI the Town seems to be amenable to all of the things that the AFPB routinely asks for in their response letters for water and sewer projects. Kari then passed around a draft letter in response to the NOI and stated that it is basically the same letter that the Board usually sends. Kelly asked if anyone had any other comments or questions; hearing none, she asked for a motion on the matter. **John O'Connell, III made a motion for Kelly Anderson to sign the draft letter in response to the NOI and for Kari Terwilliger to send it to the Town of Sterling, C2AE, and Bob Somers at NYS Ag & Markets. Motion seconded by Craig Culver. Motion carried.**

4. Other Business

Kelly Anderson asked if anyone had any other business to discuss. Kari Terwilliger stated that she has been informed by staff at NYS Agriculture & Markets that the County's 8-Year review of the county agricultural district will begin on June 1, 2019. She stated that she and other staff from her department have begun printing maps and developing materials for the beginning of the process which is a 30-day public and municipal review period. She explained that all municipalities with land in the district will receive a packet with a current map, copy of the public notice, and other materials including a copy of the form that will be sent to farmers and one to request that property be removed from the district. She reminded the Board that while parcels may be added to the district annually during the month of March; that they may only be removed from the district once every 8 years when this review is conducted. Kari then briefly outlined the overall schedule for the review and said that she will be scheduling meetings with the Board as necessary throughout the process, but not likely until later this summer. She also stated that she will be sending copies of materials and summary of review activities to the Board to keep them apprised of the process.

Kelly mentioned that some Board members had been having trouble receiving attachments for meeting materials via email, and asked if Kari could create a subpage on the Planning Department website for the AFPB where meeting materials, agendas, and minutes could be posted. Kari stated that she could work on that.

Kari reminded the Board that they had supported a grant application by NYALT last year to host a workshop/resource fair for areas farmers with the intent of connecting retiring farmers to new and beginning farmers; and providing each group with the tools necessary to help with farmland transition. She stated that she is working with Amy Olney from NYALT, staff from both the Cayuga County and Seneca County CCE, and staff from BOCES and the Community College to coordinate and host this event in early August 2019. She said that once an agenda has been finalized she will share it with the Board.

5. Adjournment

Kelly Anderson asked if there was any further discussion or business to come before the Board. Hearing none, she asked for a motion to adjourn. **Steve Lynch made a motion to adjourn the meeting. Motion seconded by Jason Cuddaback. Motion carried. Meeting was adjourned at 10:35 A.M.**

Minutes prepared by Kari Terwilliger

Cayuga County Agricultural District 8-Year Review

CAYUGA COUNTY AGRICULTURE & FARMLAND PROTECTION BOARD

AUGUST 19, 2019

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Agenda

- ❖ Brief overview of Agricultural Districts in NYS & Benefits
- ❖ Overview of NYS Dept. of Ag & Markets 8-Year Review process for Ag Districts & County Ag District Policies
- ❖ Review results from 30-Day Public Comment Period and proposed changes to district boundaries
- ❖ Review and consider adoption of resolution recommending approval of the requested changes to the district by the County Legislature

What is an Agricultural District?

Agricultural Districts are formed under the provisions of the New York State Agriculture & Markets Law and are designed to protect farming from a variety of non-farm activities that can make farming more difficult and contribute to the conversion of farmland to non-farm uses.

Some benefits to farm operations located in a County Agricultural District include:

- ❖ The obligation of State agencies to encourage the maintenance of viable farming in agricultural districts;
- ❖ Limitations on the exercise of eminent domain;
- ❖ Limitations on the siting of solid waste management facilities on land dedicated to agricultural production;
- ❖ Local governments are required to avoid unreasonable restrictions in the regulation of farm operations when exercising their powers to enact and administer comprehensive plans, local laws, ordinances, rules and/or regulations;

Benefits Cont.

- ❖ Agricultural Land owners may be eligible for an agricultural property tax assessment and/or agricultural property tax exemption provided they comply with certain requirements of NYS Agriculture & Markets Law;
- ❖ Agricultural Land owners are protected from private nuisance lawsuits so long as they are adhering to sound agricultural practices as determined by NYS Agriculture & Markets and by requiring the disclosure to prospective buyers of real property that the property is in an or adjacent to an agricultural district.

8-Year Ag District Review Process

- ❖ Per NYS Statute- Process takes 300 days (prior to due date)
- ❖ Cayuga County Review is due March 27, 2020
- ❖ Starts with a 30-Day Public Review Period- was July 1, 2019 to August 1, 2019
- ❖ Town & Village Boards in the district were notified and asked for comments
- ❖ 1,542 farmland owners received review sheet to fill out & return to County
- ❖ County Planning Board and County Ag & Farmland Protection Board review and recommend changes to County Legislature
- ❖ County Legislature holds Public Hearing and adopts changes
- ❖ Final report sent to NYS Ag & Markets for final approval

County Policies for District

- ❖ As a matter of policy it is prudent to attempt to include in Agricultural Districts only those areas where agriculture is indeed the dominant (not necessarily exclusive) land use.
- ❖ Over the years district boundaries have been modified during the review process to achieve this goal.
- ❖ Often, excluded from districts are urbanized areas such as: villages and hamlets, developed lakeshore areas, public property such as schools, cemeteries and parks, etc.
- ❖ It has been the policy of Cayuga County to respect the wishes of individual property owners and include or exclude them from the district as they request.

Results of 30-Day Public Review

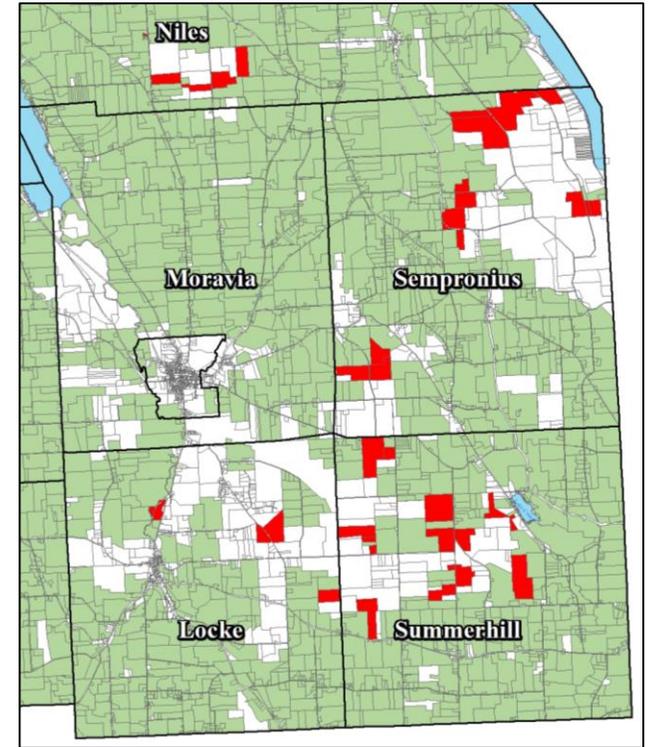
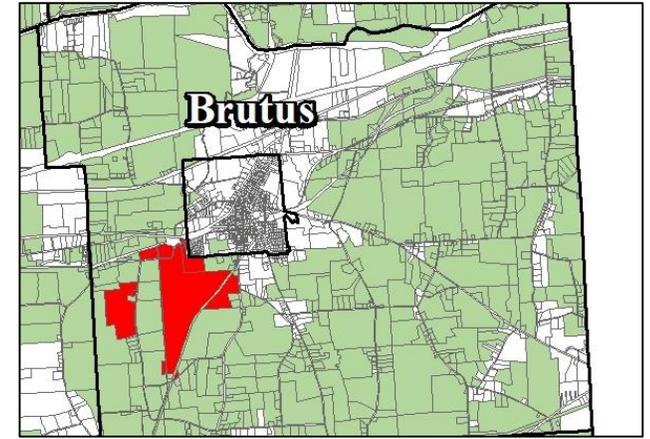
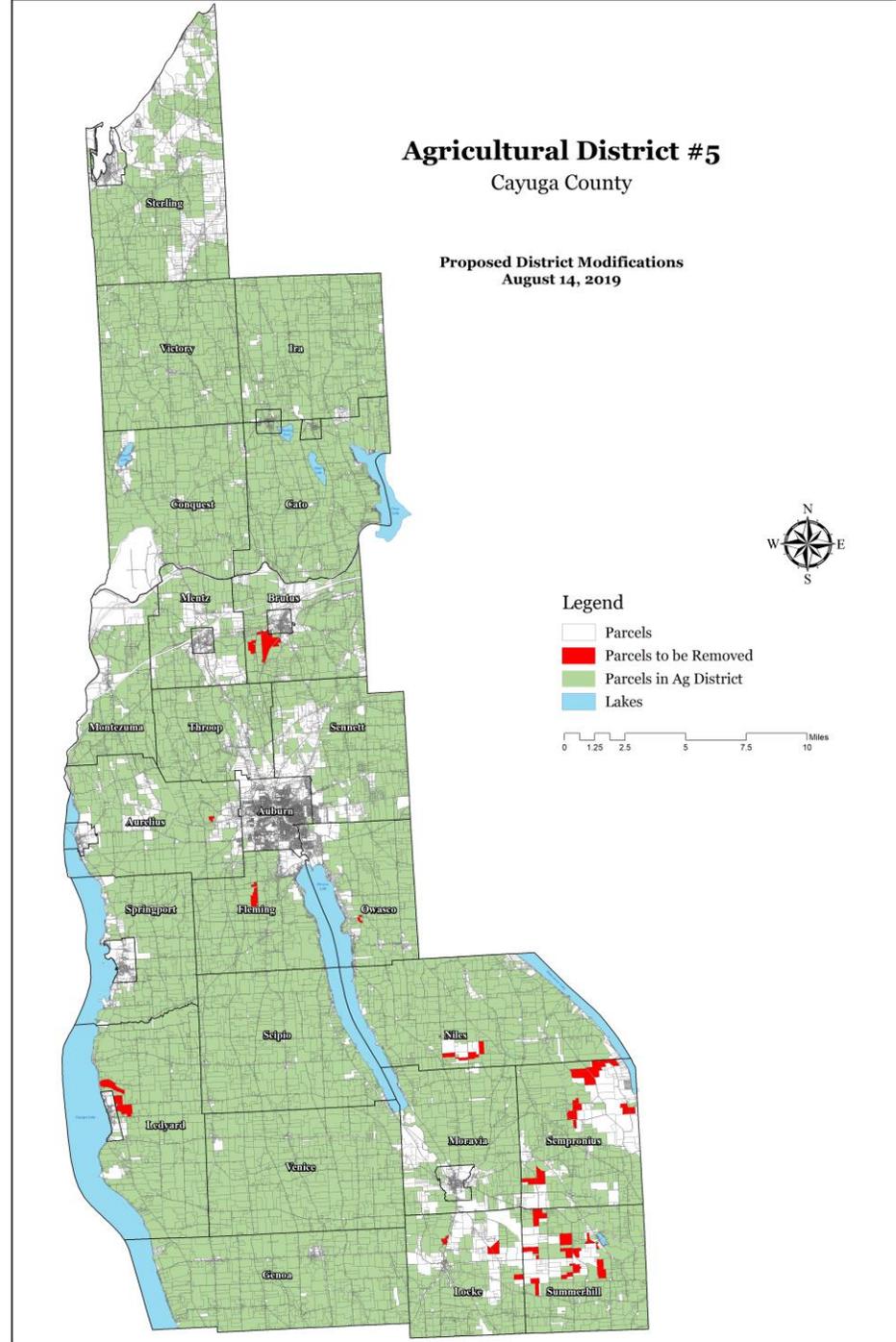
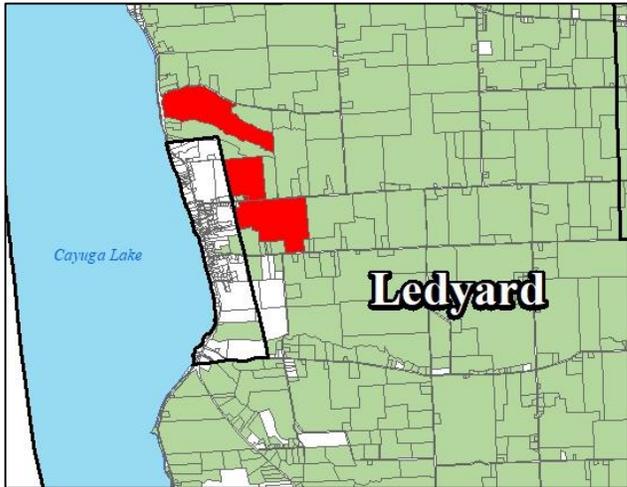
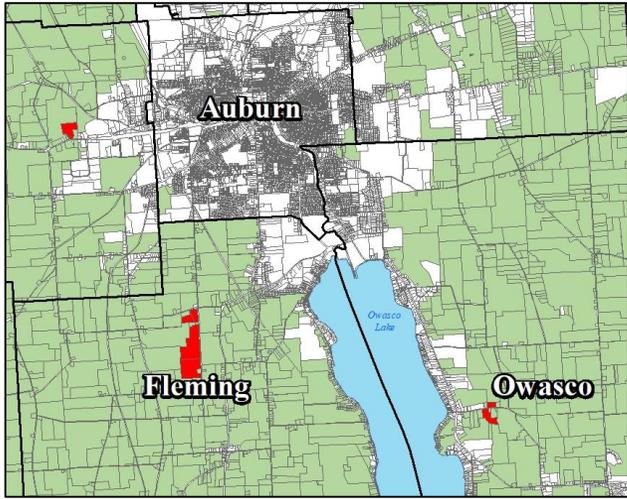
- ❖ There was an overall response rate of 43% for Agricultural District Review Sheets.
 - Information was provided for 1,734 of the 3,567 ag parcels included in the mailing.
- ❖ 50 parcels have been requested to be removed from the Agricultural District by 12 different landowners; totaling 3,678.49 acres
- ❖ No parcels have been requested to be added; and the County received no requests to add parcels during the annual inclusion period in March 2019
- ❖ If these modifications are approved, the final Agricultural District would have a total of 15,552 parcels and 360,002.99 acres
- ❖ If these modifications are approved, the final Agricultural District would still be predominantly viable agricultural land

TABLE 1: PARCELS REQUEST TO BE REMOVED

Municipality	# of Parcels	Total Acreage
Aurelius	3	24.77
Brutus	6	452.16
Fleming	4	139.10
Ledyard	3	395.41
Locke	4	212.92
Niles	6	238.69
Owasco	1	23.92
Sempronius	9	1,142.58
Summerhill	12	1,048.73
Village of Cato	2	0.21
TOTAL:	50	3,678.49

TABLE 2: DEATAILS FOR PARCELS REQUEST TO BE REMOVED

Prop. Code & Description	Municipalities	# of Parcels	Total Acreage
105- Agricultural Vacant Land in Production	Brutus & Owasco	2	107.92
112- Dairy Products	Ledyard	1	235.50
120- Field Crops	Brutus & Fleming	2	387.90
210- One-Family Year-Round Residence	Brutus	1	1.80
241- Rural Residence with Acreage (also used in ag production)	Fleming & Ledyard	2	225.30
242- Rural Residence with Acreage (recreational use)	Fleming	1	11.40
311- Residential Vacant Land	Brutus	1	1.15
312- Residential Vacant Land Including Small Improvement	Fleming	1	11.70
314- Rural Vacant Lots of 10 Acres or Less	Brutus	1	3.31
322- Residential Vacant Land Over 10 Acres	Brutus	1	23.70
330- Vacant Land Located in Commercial Area	Aurelius	1	0.36
710- Manufacturing and Processing	Aurelius	1	23.67
720- Mining and Quarrying	Locke	1	37.40
822- Electric Transmission Improvement	Ledyard	1	0.91
837- Cellular Telephone Towers	Locke & Niles	4	3.12
885- Gas Distribution Outside Plant Property	Aurelius	1	0.74
932- State Owned Land (other than forest preserve)	Locke, Niles, Sempronius & Summerhill	25	2,553.10
941- State Owned Reforested Land	Locke	1	49.30
962- County Owned Public Parks & Recreation Areas	Village of Cato	2	0.21
	TOTAL:	50	3,678.49



RESOLUTION NO. 01-2019

RECOMMENDATION FOR APPROVAL OF MODIFCATIONS TO THE CAYUGA COUNTY AGRICULTURAL DISTRICT

WHEREAS, in accordance with Article 25AA, §303-a of the New York State Agriculture and Markets Law Cayuga County is currently conducting the required Eight-Year Review of the Cayuga County Agricultural District also known as Cayuga County Consolidated Agricultural District No. 5; and

WHEREAS, the Cayuga County Department of Planning & Economic Development is coordinating this required review for the Cayuga County Legislature and as such has advertised and held the required 30-Day Public Review Period from July 1, 2019 to August 1, 2019; and

WHEREAS, Cayuga County Department of Planning & Economic Development staff presented proposed modifications to the Cayuga County Agricultural District which resulted from the 30-Day Public Review Period to the Cayuga County Agriculture & Farmland Protection Board on August 19, 2019; and

WHEREAS, the Cayuga County Department of Planning & Economic Development received 12 requests from landowners to remove 50 parcels which is a total of 3,678.49 acres of land from the Cayuga County Agricultural District as detailed in the report and table attached to and made part of this resolution; and

WHEREAS, the Cayuga County Agriculture & Farmland Protection Board has reviewed the proposed modifications to the Cayuga County Agricultural District as presented by Cayuga County Department of Planning & Economic Development staff; and the Cayuga County Agriculture & Farmland Protection Board supports the proposed modifications; and now, therefore be it

RESOLVED, that the Cayuga County Agriculture & Farmland Protection Board recommends to the Cayuga County Legislature the approval of the modifications to the Cayuga County Agricultural District as described above and in the attached report and table herein.

Questions?

- ❖ Any discussion
- ❖ Consider Resolution

RESOLUTION NO. 01-2019

RECOMMENDATION FOR APPROVAL OF MODIFCATIONS TO THE CAYUGA COUNTY AGRICULTURAL DISTRICT

Motion by: _____, Cayuga County Agriculture & Farmland Protection Board

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RESOLVED, that the Cayuga County Agriculture & Farmland Protection Board recommends to the Cayuga County Legislature the approval of the modifications to the Cayuga County Agricultural District as described above and in the attached report and table herein.

Second by: _____, Cayuga County Agriculture & Farmland Protection Board

Votes For: _____ Votes Against: _____

I HEREBY CERTIFY, THAT I HAVE COMPARED THE FOREGOING COPY OF A RESOLUTION DULY PASSED AND ADOPTED BY THE PLANNING BOARD OF CAYUGA COUNTY AT A MEETING HELD ON THE 19TH DAY OF AUGUST, 2019, WITH THE ORIGINAL RESOLUTIONM AND THAT THE SAME IS A TRUE AND CORRECT COPY AND TRASNCRIPT THEREOF, AND THE WHOLE THEREOF.

Kelly A. Anderson, Chair
Cayuga County Agriculture & Farmland Protection Board

DATED: August 19, 2019

Cayuga County Agricultural District 8-Year Review 2019-2020
Proposed Modifications to District Resulting from 30-Day Public Comment Period

Results of the 30-Day Public Review Period

- ❖ There was an overall response rate of 43% for Agricultural District Review Sheets.
 - Information was provided for 1,734 of the 3,567 agricultural parcels included in the mailing.
- ❖ 50 parcels have been requested to be removed from the Agricultural District by 12 different landowners; totaling 3,678.49 acres. See Table 1 and Table 2 below for details.
- ❖ If these modifications are approved, the final Agricultural District would have a total of 15,552 parcels and 358,533.35 acres
- ❖ If these modifications are approved, the final Agricultural District would still be predominantly viable agricultural land

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