

Appendix A

Summary of Public Participation

Project Timeline, Public Participation and Outreach

- July 25, 2013 First Steering Committee meeting at the County Office Building
- October 31, 2013 Second Steering Committee meeting at the SWCD
- November 13, 2013 First public input meeting at BOCES
- November 14, 2013 Second public input meeting at Moravia Central School
- November 19, 2013 Third public input meeting at Cato-Meridian Central School

Public Outreach for November meetings:

Meeting was publicized through legal notices published in local newspapers, notice posted on project website and County website calendar, over 2,000 postcards mailed to county residential addresses, notice in the Cornell Cooperative Extension's Ag Alerts! newsletter, notice sent to project email list, a letter was sent to each town government, notice given to the County Planning Board, notice given to County Legislators and State legislative officials, steering committee outreach to general public.

Other information:

86 individuals attended the three November public input meetings.

- December 12, 2013 Third Steering Committee meeting at the SWCD
- February 4 – 19, 2014 Series of seven focus groups, pre-registration required

Public Outreach for February Focus Groups:

Notice given at November public input meetings, notice posted on project website, notice sent to project email list, potential participants invited by steering committee members.

Other information:

44 Individuals attended the focus groups.

- March 13, 2014 Fourth Steering Committee meeting at the SWCD
- May 14, 2014 First draft of plan released for public review
- May 29, 2014 Public meeting to present first draft of plan, and a public hearing for public feedback on the plan held by the County Agriculture and Farmland Protection Board at BOCES

Public outreach for draft plan comments, May public meeting and May public hearing:

Draft release, meeting and hearing were publicized through legal notices published in local newspapers; draft and meeting date were posted on project website along with instructions on how to submit comments in writing and in person; over 2,000 postcards were mailed to County addresses; hardcopies were made available to the public at the county planning office and at each town government office; notice was sent to the project email list; notice was given to each town government; notice was given to the County Planning Board; notice was given to County Legislators.

Other information:

Four members of the public and three steering committee members attended the presentation and public hearing, in addition to a quorum of AFPB members. Two members of the public and two steering committee members gave comments at the hearing. Seven additional individuals submitted comments about the plan outside the hearing.

- July 22, 2014 Second draft released for review

Public notifications for second draft plan and August County Legislature public hearing:

Draft release and County Legislature public hearing were publicized through legal notices published in local newspapers; a hardcopy of the draft was made available to the public at the county planning office; notice was sent to the project email list; notice was given to each town government; notice was given to the County Planning Board; notice was given to County Legislators.

July 24, 2014	County Agriculture and Farmland Protection Board meeting at the County Office Building
August 26, 2014	County Legislature meeting and public hearing, Chambers of the County Legislatures
November 7, 2014	Plan approved by New York State Department of Agriculture and Markets

Other Timeline Notes

All meetings listed above, unless otherwise noted, were open to the public. The project website, www.cayugacounty.us/agplan, was launched in July, 2013 and was updated throughout the project timeline as meetings were scheduled and new information became available. Detailed information on what was discussed at the public meetings, public hearings, and focus groups is available on the project website and from the county planning department.

Participating stakeholder groups

1. Dairy farmers (certified organic and conventional)
2. Field crop farmers (certified organic and conventional)
3. Specialty crop farmers (vegetables, fruits, maple syrup, honey, wine, value-added products, certified organic and conventional)
4. Livestock farmers (beef, hogs, goats, chickens, certified organic and conventional)
5. Farmers' market managers
6. Owners of retail stores that sell agricultural products grown or raised in Cayuga County
7. Food processors
8. Other agriculture-related business owners
9. New and young farmers
10. Agencies and institutions that provide support or assistance to agricultural producers and business owners
11. Agricultural educators
12. Institutional food service directors
13. County, town and village government officials

Appendix B

Farmland Protection Suitability Analysis - 2014 County Criteria Full Methodology

Throughout New York State and the nation, farmland is being lost to other uses. This trend is also true in Cayuga County, but the rate, extent and reasons for this conversion varies a great deal from town to town. Many farmland protection suitability indices in New York State are based primarily on the criteria used by the New York State Department of Agriculture and Markets Farmland Protection Implementation Grant Program (FPIG), which prioritizes the protection of the most agriculturally valuable lands in a given geographic area that can also act as buffers for natural resources such as wetlands. Some development pressures, such as proximity to water districts and how much road frontage a parcel has, are also taken into account. In Cayuga County, previous analyses have accounted for the agricultural value of soils very well, but failed to adequately consider the development pressures and changes to land use patterns that are seen on the ground. The result of the FPIG-based suitability index is that the parcels deemed most suitable for protection almost exclusively reside in the southwestern portion of the county, with a small cluster of parcels deemed most suitable in the Towns of Owasco and Niles. It fails to recognize the somewhat greater development pressures that some agricultural lands face in the central and northern areas of the county due to changing land use patterns such as the increased commercial and residential development near Auburn and Interstate 90, and increased pressures that may be felt by agricultural lands near villages.

The 2014 suitability index accounts for Cayuga County-specific conditions such as the wide variety of viable agricultural soils present in the county and the localized land use changes that have been seen over the past ten years.

The 2014 Farmland Protection Suitability Index examines certain attributes of agricultural parcels in Cayuga County in order to assess their relative suitability for protection. It was designed to identify parcels that are agriculturally productive, at risk of conversion to non-agricultural uses, and that can also serve as protective buffers for important natural resources. *A low ranking in this index does not necessarily mean that the*

parcel is unsuitable for farming; it merely means that there may be other agricultural parcels that are more at risk of conversion and/or are more suitable as buffers to natural resources.

This new suitability index has a variety of practical uses for local and county officials, and for the development of local and county policies and programs. For example, the index may be used to inform towns on how to design their zoning districts to better protect their farmland that is both the most productive and the most vulnerable to conversion. The index may also be used to identify appropriate parcels to prioritize under the New York State Department of Agriculture and Markets Farmland Protection Implementation Grant (FPIG) program, which provides grants to compensate landowners who choose to sell the development rights to their agricultural lands.

The index was developed using data that are publicly available. ArcGIS and OpenOffice software were used for the analysis.

Step 1: Identify Agricultural Parcels

Not all land in Cayuga County is farmland, so the first step in developing a farmland protection suitability index is to identify those parcels that are used for agriculture. All parcels with a property class code in the 100's (all agricultural land uses) were included, as well as any parcel coded as 241 (defined as primarily residential, but used in agricultural production). For various reasons, some parcels without an agriculture-related property class code are nevertheless at least partially under agricultural use. To account for this, land cover data was assessed for all parcels with property class codes in the 200's, 300's, and 400's (all residential, vacant land and commercial land uses, respectively) to identify additional parcels with at least 7 acres of agricultural land cover. Land cover data for a subset of parcels were compared to aerial imagery to verify its accuracy. Finally, parcels owned by municipalities, government agencies or land trusts under any property class code were removed. A total of 4,730 agricultural parcels were identified.

Possible values: Not applicable

Step 2: Delineate Agricultural Soil Zones

Once the agricultural parcels used in this analysis were identified, they were loosely grouped into five agricultural soil zones using New York State Department of Agriculture and Markets soil ratings that are based primarily on differences in the inherent ability of soils to support crop production. In previous farmland protection suitability analyses, every agricultural parcel in the county was ranked against every other agricultural parcel in the county. Such analyses are not reliable, however, in a county such as Cayuga County where there is such wide variation in soil characteristics from one area to another. This step groups parcels that are similar to each other based on soil characteristics important to agriculture, allowing us to compare "apples to apples" and "oranges to oranges."

Possible values: Not applicable

Step 3: Determine the agricultural value of soils on each agricultural parcel

The total value of each soil type for each parcel was calculated by multiplying the per-acre agricultural assessment value of the soil type by the number of acres of that soil type for each parcel. These values were then added together for each parcel to get the total soil value, then divided by the total number of acres of each parcel to get the combined agricultural value per acre of the soils for each parcel. For each of the five soil zones, parcels were ranked between 1 and 5 relative to each other, depending on the total value of soils on each parcel.

Possible values: a range of 1-5, where 1= the parcel with the lowest agricultural value and 5= the parcel with the highest agricultural value

Step 4: Determine the percent of each parcel available for agriculture

Large parcels are not necessarily more suitable for agriculture; they may contain wetlands, woodlands, steep terrain or other features that render portions of the parcels unsuitable for farming. To account for

this, the percent of each parcel available for agricultural production was calculated using agricultural land cover data. For each of the five soil zones, parcels were ranked between 1 and 5 relative to each other, depending on the percent of each parcel available for agriculture.

Possible values: a range of 1-5, where 1= no portion of the parcel is available for agriculture and 5= the parcel with the highest portion of its acreage available for agricultural use

Step 5: Determine the linear feet of road frontage per acre

Some parcels are completely “landlocked” without any direct road access, while others have hundreds or thousands of feet of road frontage. Landlocked parcels are less likely to be converted to non-agricultural uses, such as residential or commercial uses, due to the challenge of securing adjacent property with road frontage and of securing a right-of-way. Conversely, properties with extensive road frontage may be at greater risk of conversion due to the relative ease of subdividing multiple parcels with adequate road access. Therefore, when assessing the degree to which agricultural parcels are at risk of conversion, it is important to not only identify parcels with road frontage versus those that are landlocked, but to also determine how much road frontage is available per acre for each parcel. For each of the five soil zones, parcels were ranked between 1 and 5 relative to each other, depending on the feet of linear road frontage per acre for each parcel.

Possible values: a range of 1-5, where 1= parcels with no linear feet of road frontage and 5= the parcel with the most linear feet per acre of road frontage

Step 6: Determine the proximity to public water districts

Ready access to public water can create pressure for non-agricultural development, such as housing, on or near agricultural lands. The distance from water districts was calculated using ArcGIS and assigned values, ranging from 1 for a parcel that is more than 1.5 miles from a water district, to 5 for a parcel that is inside or within a quarter mile of a water district.

Possible values: 1= more than 1.5 miles, 2= 1 to 1.5 miles, 3= 0.5 to 1 mile, 4= 0.25 to 0.5 mile, 5= 0 to 0.25 mile

Step 7: Determine the proximity to public sewer districts

Ready access to public sewer can create pressure for non-agricultural development, such as housing, on or near agricultural lands. The distance from sewer districts was calculated using ArcGIS and assigned values, ranging from 1 for a parcel that is more than 1.5 miles from a sewer district, to 5 for a parcel that is inside or within a quarter mile of a sewer district.

Possible values: 1= more than 1.5 miles, 2= 1 to 1.5 miles, 3= 0.5 to 1 mile, 4= 0.25 to 0.5 mile, 5= 0 to 0.25 mile

Step 8: Determine which parcels fall within the watershed of a surface public drinking water source (the Cayuga, Owasco, and Skaneateles Lakes watersheds)

Agricultural operations, especially those that employ sound environmental stewardship practices, are a preferable land use in protected watersheds than more intensive residential, commercial or industrial land uses. Maintaining open space in watersheds, whether under agricultural production or as natural lands, allows the water supply to be replenished easily and minimizes contamination of pollutants such as heavy metals, household and industrial chemicals, and some pathogens. Parcel data were compared to watershed delineation data to identify agricultural parcels that fall within the Cayuga Lake, Owasco Lake, and Skaneateles Lake watersheds.

Possible values: 1= is not in a protected watershed, 5= is in a protected watershed

Step 9: Determine the linear feet of stream and lake frontage per acre

Agricultural operations, especially those that employ sound environmental stewardship practices, serve as a better buffer to water resources such as streams and lakes than more intensive residential, commercial

or industrial land uses. All parcels within 50 feet of a stream or lake were identified and the length of water frontage was calculated. To account for relatively small parcels with a lot of water frontage versus a large parcel with relatively small amount of water frontage, the total length of water frontage for each parcel was divided by the parcel's acreage to get the total water frontage per acre. For each of the five soil zones, parcels were ranked between 1 and 5 relative to each other, depending on the length of water frontage per acre per parcel.

Possible values: a range of 1-5, where 1= no water frontage within 50 feet and 5= the parcel with the most water frontage relative to all other agricultural parcels within the agricultural soil zone

Step 10: Determine the proximity to wetlands

Agricultural operations, especially those that employ sound environmental stewardship practices, serve as a better buffer to water resources such as wetlands than more intensive residential, commercial or industrial land uses. All parcels within 200 feet of a wetland of 5 acres or more were identified and assigned values, ranging from 1 for a parcel that is more than 200 feet away from a 5-acre wetland to 5 for a parcel that contains a 5-acre wetland or is within 50 feet of one.

Possible values: 1= more than 200 feet, 2= 150-200 feet, 3= 100-150 feet, 4= 50-100 feet, 5= 0-50 feet

Step 11: Determine the proximity to farmland that is already protected or in process of being protected through the NYS Farmland Protection Implementation Grant (FPIG) Program

Farmland protection is most effective when large areas of land can be preserved. The higher the density of protected parcels in a given area, the stronger and more effective the protection efforts will be, whether parcels are protected or not. Agricultural parcels within 5 miles of a protected parcel or a parcel that is in the process of becoming protected through the FPIG program were identified and assigned values, ranging from 1 for a parcel that is 5 miles or more away to 5 for a parcel that is directly adjacent to or within 0.25 miles of one.

Possible values: 1= 5 or more miles, 2= 2-5 miles, 3= 1-2 miles, 4= 0.25-1 mile, 5= 0-0.25 mile

Step 12: Determine the percentage of surrounding land that is also farmland

Farmland is more likely to continue in active production if it is surrounded by other agricultural land, and becomes increasingly vulnerable to conversion as its neighbors are converted to other uses. For this step the density of agricultural lands within two miles of each agricultural parcel was calculated. For each of the five soil zones, parcels were ranked between 1 and 5 relative to each other.

Possible values: a range of 1-5, where 1= a parcel with no agricultural lands within 2 miles and 5= the parcel with the most number of agricultural parcels within 2 miles

Step 13: Identify parcels that are within the agricultural district

82% of the County's land area is within the Cayuga County Consolidated Agricultural District No. 5. Even so, not all parcels in active production or that are suitable for production are in the agricultural district. The FPIG Program favors parcels that are included in an agricultural district as it shows that the landowner is serious about protecting his/her land from outside pressures and has taken active steps to protect it. Parcel data was compared to agricultural district data to identify the handful of parcels that are not in the agricultural district. Parcels within the district were ranked a 5 while parcels that were not in the district were ranked a 1.

Possible values: 1= is not in the Cayuga County Agricultural District No. 5, 5= is in the Cayuga County Agricultural District No. 5

Step 14: Determine the size of each parcel

For many types of agricultural production, bigger blocks of farmland are more efficient to work with than smaller parcels. For each of the five soil zones, parcels were ranked between 1 and 5 relative to each

other, based on their size. Using the soil zones helps account for the variation of parcel sizes throughout the county; what may be considered a large parcel due to terrain and soil limitations in one part of the county may be considered a moderately sized parcel in a different part of the county.

Possible values: 1 to 5, parcels are grouped into quintiles so that the smallest 20% of the parcels within a soil zone are ranked a 1, and the largest 20% of the parcels within a soil zone are ranked a 5.

Step 15: Determine the proximity to protected natural lands including conservation and DEC lands, nature reserves and public parks

Agricultural operations, especially those that employ sound environmental stewardship practices, serve as a better buffer to natural resources such as forest stands than more intensive residential, commercial or industrial land uses. Parcels were assigned a rank from 1 to 5 depending on how close they are to natural conservation land such as state reserves and parks, county parks and natural lands conserved through land trusts.

Possible values: 1= 5+ miles from natural conservation lands, 2= 2-5 miles, 3= 1-2 miles, 4= 0.25-1 miles, 5=0-0.25 miles

Step 16: Determine proximity to major economic centers

Auburn is located in the approximate center of the county and is conveniently located near Rochester, Syracuse, Ithaca and Cortland. Like most other American cities today, these population centers are also where many employment opportunities can be found, but are not necessarily where workers choose to live. Many people opt to commute some distance to work, which can lead to sprawl and farmland conversions to residential uses especially along major transportation corridors. Parcels were ranked from 1 to 5 depending on how close they are to the nearest economic centers of Auburn, Syracuse, Ithaca, Cortland and Rochester. For each of the five soil zones, parcels were ranked between 1 and 5 relative to each other, depending on the proximity of the parcel to major economic centers.

Possible values: a range of 1-5, where 1= the parcel that is farthest from major economic centers and 5= the parcel closest to the most major economic centers

Step 17: Determine proximity to US Interstate 90 access points

Due to the convenience of accessing a major transportation corridor with ease, highway exits often trigger demand for housing and convenient amenities nearby. This step identifies parcels that are within 20 miles of the US Interstate 90 exit ramp, with a rank of 1 assigned to parcels that are over 20 miles from the exit ramp, and a rank of 5 assigned to parcels that are less than 5 miles from the exit ramp.

Possible values: 1= 20 miles or more, 2= 15-20 miles, 3= 10-15 miles, 4= 5-10 miles, 5= 5 miles or less

Step 18: Determine parcel density

There is no data available for the county that is at a detailed enough resolution to reveal variations in population density in a meaningful way. A reasonable approximation can be achieved by looking at parcel density, since residential parcels tend to be much smaller than parcels used for agriculture or even commercial purposes. This step counted the number of neighbor parcels of all types per square mile, going out to a 0.25 mile radius from each agricultural parcel. For each of the five soil zones, parcels were ranked between 1 and 5 relative to each other.

Possible values: a range of 1-5, where 1= the parcel with the lowest parcel density and 5= the parcel with the highest parcel density

Step 19: Determine density of subdivisions between 2003 and 2013

Subdivisions throughout the county can reveal changes in land use patterns over time. Clusters of subdivision activity may indicate development pressures and loss of farmland to other land uses, particularly housing. This step counted the number of subdivisions of all types per square mile that were

created between 2003 and 2013, going out to a 2 mile radius from each agricultural parcel. For each of the five soil zones, parcels were ranked between 1 and 5 relative to each other.

Possible values: a range of 1-5, where 1= the parcel with the lowest subdivision density and 5= the parcel with the highest subdivision density

Step 20: Create a Farmland Protection Suitability Index using an Analytical Hierarchy Process (AHP)

The Analytical Hierarchy Process (AHP) was used to rank the relative importance of the conditions above. AHP is a quantitative method for numerically ranking decision alternatives (in this case, each of the conditions described above) based on how well each alternative works to address the decision maker’s criteria, which for this analysis is to create a farmland protection suitability model that accounts for an appropriate balance between agricultural production value, conversion pressures, and natural resource protection.

Each condition was compared to every other condition, and using a simple mathematical solution, weights describing the relative importance of each condition were calculated (Table B-1). The weights were then used to calculate the farmland protection suitability rankings for the parcels in each of the agricultural soil zones identified earlier. The results for each soil zone were then combined to create a final county-wide farmland protection suitability map (Map 4-3, page 43).

Table B-1: Calculated weights for each variable

Step	Variable	Weight
15	Proximity to protected natural lands	1.00
11	Proximity to farmland that is protected through PDR or in the process of being protected	1.06
8	Within the watershed of a surface public drinking water source	1.09
13	Within the Cayuga County Consolidated Ag. District No. 5	1.47
3	Agricultural value of soils	2.21
4	Percent of parcel available for agriculture	2.51
14	Size of the parcel	3.62
5	Linear feet of road frontage per acre	3.72
7	Proximity to public sewer districts	3.77
12	Percentage of surrounding land that is also farmland	3.90
18	Density of parcels	3.95
9	Linear feet of stream and lake frontage per acre	4.69
10	Proximity to wetlands	4.77
6	Proximity to public water districts	4.85
19	Density of subdivisions between 2003 and 2013	6.31
17	Proximity to US Interstate 90 access points	6.88
16	Proximity to major economic centers	8.38

Appendix C

Town Land Use Policy Documents Summary

Farm-Friendly Audits of the Towns of Fleming, Moravia, Owasco and Victory

A detailed analysis of the impacts of land use laws on agricultural practices is called a “farm-friendly audit.” A typical farm-friendly audit is an analysis of a local municipality’s zoning, site plan and subdivision ordinances to determine the degree that the laws assist or deter a wide variety of farm-related uses. This type of analysis can also provide suggested improvements to better protect agricultural activities and valuable farmland from incompatible land uses. Included in this Appendix are farm-friendly audits of four towns in Cayuga County.

Because of the time required to complete an audit, the County Department of Planning and Economic Development was unable to evaluate all towns within the county. Instead, the towns of Fleming, Owasco, Moravia, and Victory were chosen to demonstrate the usefulness of such an evaluation. These towns were chosen because their locations within the county cover a wide range of land uses and development pressures; each had a comprehensive plan, a zoning ordinance and subdivision regulations; and based on the 2014 farmland protection suitability index, each has clusters of farmland that are highly suitable for protection. These evaluations are simply intended to demonstrate the content and usefulness of a farm-friendly audit, and are not intended as an endorsement or a condemnation of specific town land use laws.

Town Land Use Policy Documents

Town	Comprehensive Plan	Comprehensive Plan's Agriculture-Related Content	Agriculture and Farmland Protection Plan	Local Right-to-Farm Law	Zoning	Setback and Lot	Site Plan	Subdivision Law
Aurelius	2006	See town adopted agriculture and farmland protection plan.	2011		2008	None	1993 in Zoning; 2007 Draft	None
Brutus	2014 (Joint with Weedsport)	See town adopted agriculture and farmland protection plan. One goal of plan is to proactively support agriculture, with multiple implementation strategies. Entire chapter dedicated to agriculture and farmland protection.	2010	2011	2013	None	1992 in Zoning	2008
Cato	2007 (Joint with Ira)	See town adopted agriculture and farmland protection plan.	2010		1991	None	None	1991
Conquest	None	None			No	2000	None	None
Fleming	2001, Addendum in 2008	Vision Statement includes the protection of agricultural businesses from the negative impacts of development.			2007 Map; 2012	None	2005 in Zoning	2007
Genoa	2013	Includes recommendations related to two ag-related goals: 1) preserve the rural-agrarian character of the Town, 2) Support future viability of local agricultural practices			None	1988	None	None
Ira	2007 (Joint with Cato)	See town adopted agriculture and farmland protection plan.	2014		1997	None	1997 in Zoning	2001
Ledyard	2012	Chapter 8: Agriculture in the Town of Ledyard, but no ag-related implementation strategies included			2001	1971 (Superseded)	None	None
Locke	2010	Includes a background section on agriculture and several strategies to protect agriculture			None	2000 Draft	None	2001
Mentz	2012 Draft (Joint with Port Byron)	Identifies loss of farms as a concern. Several recommendations are included, such as a town agriculture and farmland protection plan, and specific changes to the town zoning ordinance to address subdivisions and changing agricultural uses.			2008 Zoning Map	None	None	1966
Montezuma	1989	None			1991	None	None	2011
Moravia	1987	Copy unavailable			1992	1992 in Zoning	None	1991
Niles	2010	Farmland protection included in vision statement. Includes recommendations related to two ag-related goals: 1) preserve the rural-agrarian character of the Town, and 2) support future viability of local agricultural practices.			None	1987	1995; 2000	1995
Owasco	2002	A stated goal is to encourage the continuation of agriculture in the Town. Includes tools and techniques to protect agriculture and recommended actions.			1988; 2002 Supplements; 2004 Map	None	1990 in Zoning	1977; 1990
Scipio	2011	Protecting its agricultural resources is included in the vision statement. Includes recommendations related to two ag-related goals: 1) preserve the rural-agrarian character of the Town, and 2) support future viability of local agricultural practices.			1990	None	None	None
Sempronius	None	None			None	1993	None	None
Sennett	2009	The vision statement describes the town as a residential community that supports agriculture. Four agriculture-related goals are outlined with implementation measures for each.			1997; 2009 Map	None	1990 in Zoning	1958
Springport	2013 draft	Vision Statement recognizes the town's strong agricultural sector as a part of its identity, and the need for growth that balances agricultural and waterfront needs. Identifies three goals specific to agriculture, including ensuring the viability of farms and improving linkages between farmers and non-farmers, and a comprehensive list of recommendations to reach those goals.			1991	None	1991 in Zoning	None
Sterling	2010 (Joint with Fair Haven); 1995	Includes a summary of the current state of agriculture in the town, and one recommendation to support agriculturally-oriented business retention and development and support county/town development of PDR programs.			1997; 2004 Map	None	1997	1999
Summerhill	2010	Includes several objectives and strategies related to agriculture, such as ensuring that agriculture remains a strong component of the town, create an explicit Right-to-Farm policy, and adopt clear policies and regulations that recognize the nature of agriculture and enhance the economic viability of agricultural enterprises.			None	1991	1991	None
Throop	2008	Chapter 7: Agriculture in the Town of Throop summarizes the current state of agriculture in the town, and includes 5 action items related to protecting agriculture, such as strengthening the agriculture zoning district, enacting a subdivision laws that would reduce impacts on agricultural uses, and proactively siting public infrastructure away from the Ag Zoning District.			2012	None	1996 in Zoning	None
Venice	None	None			None	None	None	None
Victory	1989; 2011 Draft	Vision states that Town values its diverse farming industry, and seeks to maintain its rural character by preserving agricultural land. Includes recommendations related to two ag-related goals: 1) preserve the rural-agrarian character of the Town (farm fields, woodlands, and historic landscapes), and 2) support future viability and growth of local agricultural practices.			1997 Map; 2001	None	None	1993

Review of the Town of Fleming Zoning Regulations with Respect to Their Impacts on Farms

Local Regulations Reviewed:

Town of Fleming Comprehensive Plan, January 2001

Town of Fleming Comprehensive Plan Addendum, May 2008

Town of Fleming Zoning Law, as amended through May 2013

Existing Farm-Friendly Provisions

Overall, the land use regulations in the Town of Fleming show a great deal of thought and consideration for the needs of agriculture. The Vision Statement in the Town's Comprehensive Plan (2001 and 2008 addendum) includes as the key focus area: "the protection of agricultural businesses... from the negative impacts of development." Some of the specific land use recommendations of the 2001 Comprehensive Plan appear to have been implemented in the Town's current zoning law. That land use plan called for one dwelling per 20 acres in the Agricultural zoning district, which appears to be achieved with the minimum lot size (§6-1.D. and A-1) and area allocation (§6-1.H.) provisions of the Zoning Law. This large acreage may minimize the incremental loss of farmland over time due to subdivision of larger lots for residential uses.

Another one of the most farm-friendly aspects of the Town of Fleming Zoning Law is the designated Agricultural (A) district, established with specific intent to preserve prime farmland, support agriculture, and avoid conflicts between agricultural and non-agricultural uses. The particular regulations for the A district do a good job of upholding this intent. The area allocation method (§6-1.H.), for example, is a well-considered balance between the need to preserve farmland and the desire of farmers to provide housing for family members or to raise capital by selling developable lots. Elsewhere in the Zoning Law, the regulation of signs appears to be sensitive to the needs of agricultural operations. The law explicitly allows several types of signs regularly used by farm and agricultural operations, including signs "advertising the sale of farm products, nursery products or livestock produced and raised on the premises" (§12-5.G.), signs indicating specialized crops (§12-5.H.), and off-premises signs directing visitors to a particular use (§12-7.B.). This last provision applies to all types of uses in the town, but is particularly needed for farm stands, farm markets, u-pick farms, or agri-tourism activities which depend on customers being able to find them but are often located off the main roads.

Potentially Cumbersome Provisions, and Recommendations

Despite the evident farm-friendly provisions, there is one aspect of the Zoning Law that is particularly cumbersome for farmers: agricultural operations and farming operations are not permitted in the Residential Transition (R-1) and Residential (R-2) districts. These districts comprise a significant portion of the town's land area, both of which appear to contain actively farmed parcels. These uses are presumably treated as legally non-conforming, a precarious status for fields and seasonal operations that might not be able to reasonably meet continuous use thresholds in the course of normal agricultural activity. Although the main purpose of these districts is not agriculture, the existing agricultural uses in these areas are likely to continue well into the future. Prohibiting these operations could result in pushing viable farm businesses out of the town.

Meanwhile, the Commercial (C) and Hamlet (H) districts allow farms stands (by right in both districts) and agricultural based businesses (by right in C, by special permit in H) but do not allow other agricultural uses. Allowing other agricultural uses, in particular allowing agricultural operations and farm operations, would enable existing and future farm businesses to maximize their viability by allowing them all means to generate revenue, especially since the H district seems to include existing crop fields.

It may be helpful to evaluate the Zoning Law with respect to the recommendations in the 2001 land use plan, which contained strong language in support of agricultural businesses: "An increasingly common component of economically viable farm businesses is diversification. This may include on-farm processing or sales of farm materials, agri-tourism, or other related activities. Such activities are expected to be *accommodated on farm properties throughout the town*, subject only to reasonable restrictions designed to minimize adverse impacts such as traffic safety" (emphasis added).

There are a number of uses allowed in the A district that potentially conflict with agriculture, either because they result in an intensive use or because they promote residential growth. These include schools, places of worship, and daycare. It may be helpful for the town to reconsider these uses in the A district and their potential impacts on agricultural activity.

Exemption from Performance Standards

§7-23.C. states that “agricultural uses within state-certified, county-managed Agricultural Districts *may* not be subject to the performance standards” (emphasis added) for noise, air pollution, waste, stormwater, etc. The choice of the word “may” can be interpreted as meaning that the town is able to choose whether or not agricultural uses are subject to these performance standards. Instead, the town could clarify under which circumstances farms would be subject to these standards, which would help ensure that the standards are not applied arbitrarily. Additionally, removing the words “within state-certified, county-managed Agricultural Districts” would extend this exemption to all agricultural uses and be more supportive of agriculture.

Review of the Town of Moravia Zoning and Subdivision Regulations with Respect to Their Impacts on Farms

Local Regulations Reviewed:

Town of Moravia Subdivision Law, 1991

Town of Moravia Zoning Law, 1992

Town of Moravia Zoning Maps, 1992

Zoning Law

The Town of Moravia Zoning Law was adopted in 1992. It created two districts, the General Occupancy District and the High Density District. This law is chiefly used to set minimum lot sizes, road frontage, front setbacks and adjacent lot setbacks. It does not require site plan review by the Planning Board but does require that a Codes Enforcement Officer enforce the law.

It is often useful for zoning regulations to include purpose statements for each district it designates, to explain in general terms the primary and secondary uses allowed in each and the intent of creating the district. This law does not include purpose statements for its districts, but it does include Section 1.03 Authority and Purpose, which states that the law was enacted “... in order to promote the health, safety, and general welfare of the inhabitants of the Town of Moravia; to secure safety from fire; to insure adequate spacing of septic systems; to insure the purity of ground water and drinking water supplies; to provide adequate light and clean air; and to avoid excessive concentration of population.” Protecting farmland is not a stated purpose of this law.

The General Occupancy District requires a minimum lot size of one acre, road frontage of 125 feet, front setbacks of 50 feet from the right of way and setbacks of 15 feet from adjacent lot lines. The High Density District requires a minimum lot size of half an acre, road frontage of 75 feet, front setbacks of 50 feet from the right of way and setbacks of 15 feet from adjacent lot lines.

The law does not restrict uses anywhere in the town. In some respects, this is advantageous for farmers in that they do not have to be concerned about restrictions on signs, farm stands or accessory uses. However, there are ways that the law can enable conflicts between agricultural and non-agricultural uses, for example, by allowing multiple-family dwellings, schools and strip malls in areas that are predominantly agricultural in nature.

The zoning law does not address the possibility for conflicts between uses and how to limit or avoid the impacts of adjacent non-compatible uses on farmland. One effective way that zoning laws can help prevent conflicts between different uses is to require buffer areas or landscape screenings between non-compatible uses.

Subdivision Law

The subdivision law does not allow for clustering of major subdivisions. This type of subdivision configuration would allow for smaller parcel sizes than what is allowed in the zoning ordinance, provided that those parcels are clustered together leaving most of the parcel as viable farmland. This would enable a property owner to capture the development value of the land while also allowing continued agricultural production activities on the most productive portions of the parent parcel.

The combination of a minimum lot size of one acre and a subdivision law that contains no provisions for clustered subdivisions can lead to conventional residential subdivision configurations that divide entire farmland parcels into one-acre lots rather than clustering new lots and reserving the remaining portion for continued agricultural use. This can result in the loss of productive farmland, especially since areas that tend to be attractive for development (for example,

land that is flat and that drains well) tend to also be good farmland.

Article 8.00 Design Standards in the subdivision law includes environmental considerations such as, “Areas with steep slopes, rock formations and similar features...” and requires that lot design with these features be approved by the Planning Board and certified by a licensed engineer as, “safe for occupation and not injurious to the environment by erosion, channeling of storm waters, creating risk of rock or soil slides or similar causes.” No consideration of soil quality for agricultural production is required in lot design. This opens up the possibility that property owners can subdivide in ways that unnecessarily removes prime agricultural land from production, either by creating building sites over prime farmland or by creating lots that are too inefficient to farm, either due to their size or configuration.

Similarly, section 8.01 of the subdivision law encourages applicants to offer designs that address peculiar problems with the site with respect to, “safety, smooth traffic flow, reduction of traffic and building congestion, safe highway access and driving, protection from fire, curtailment and control of water runoff and drainage and reduction of environmental damage.” Prime agricultural soils, soils of statewide importance, or farmland in active production are not included as a peculiar problem that warrants consideration.

Recommendations

Create purpose statements for each zoning district and state clearly which districts support agriculture as a primary use. Modify Section 1.03 to include a statement that protecting farmland is a purpose of the law. Consider prohibiting uses in primarily agricultural districts that are incompatible with agricultural activities, or incorporating site requirements such as buffering and screening techniques to minimize conflicts. Create a site plan review process that minimizes the loss of prime farmland; for example, by discouraging building a house in the middle of an agricultural parcel. Site plans should also take into account agricultural soils when considering the placement of new development on a parcel.

Incorporate agricultural considerations into the subdivision review process under the Design Standards section. Specifically, consider subdivision impacts on adequate road access to farm fields and how to ensure that the most productive farmland is kept intact and efficiently configured for farming.

Review of the Town of Owasco Zoning and Subdivision Regulations with Respect to Their Impacts on Farms

Local Regulations Reviewed:

Town of Owasco Comprehensive Plan, 2002

Town of Owasco Zoning Map, 2004

Town of Owasco Subdivision Law, 2004

Town of Owasco Zoning Law, May 2013

Chapter 150. Zoning

The Town of Owasco Zoning Law was adopted in 1988, and has been amended various times since then. It establishes three districts, the Residential District, the Agricultural/ Residential District, and the Lakeshore District. Purpose Statements for these districts are not provided. It also contains Environmental Protection Overlay Districts and provides for the creation of Planned Development Districts.

Very few agricultural primary uses are listed in Section 150-20. These include tilling of soil; keeping or raising livestock, small animals or poultry on farms, except that household pets shall be permitted in all districts; and greenhouses, provided that any retail sale of commodities associated with a greenhouse in the AR District shall be produced on the premises. These uses are only permitted in the AR District, except for tilling of soil, which is permitted in all three districts. Riding academies and boarding stables are also allowed as a primary use by special permit in the AR District. Only a single accessory agricultural use is listed, namely, drive-in stands not exceeding 40 square feet of gross floor area for the sale of farm, nursery or greenhouse products produced on the premises where offered for sale. The term, “drive-in stand” is not defined in Section 150-5 so it is unclear how it may differ from a “farm produce stand or seasonal roadside stand,” which is defined as, “Retail outlet, consisting of nonpermanent structure (movable and temporary), for the sale of agricultural products grown principally by the operator during the harvest season. (See also ‘farm market.’)”.

As stated in Section 150-19, “Any uses not expressly stated and permitted in Section 150-20 are prohibited in the Town of Owasco;” all other primary and accessory agricultural uses are prohibited. A simple interpretation of this ordinance

excludes many uses that would fall within the definition of agriculture stated in Section 150-5, such as: cultivating crops (tilling of soil is permitted, but tilling does not involve planting or plant cultivation); pasture; nurseries (greenhouses are included but nurseries are noticeably absent); apiculture; storage of farm equipment and feed; packing, storing, and processing agricultural products; and retail sale of agricultural products produced on the farm. The law also appears to restrict common accessory uses that are secondary to principal agricultural production activities, such as hosting public or private events and other agri-tourism activities such as u-picks, pumpkin patches, hay rides, tasting rooms, farm stays and farm tours, as well as educational programming.

It appears that the only option available to a farmer wishing to operate outside the narrow confines of the permitted uses table – for example, by processing a harvest to prepare it for market – would be to undertake the onerous and cumbersome process of establishing a PDD for his/her farm operation.

Recommendations

Rather than narrowly specifying the agricultural activities allowed and thereby putting farmers at a particular disadvantage by restricting many common and low-impact agricultural practices, consider defining the primary agricultural use more broadly by basing permitted uses, both primary and accessory, on the definition of agriculture given in Section 150-5, which is, “The use of land for agricultural production purposes, including tilling of the soils, dairying, pasture, animal and poultry husbandry, apiculture, arboriculture, horticulture, floriculture, viticulture, and accessory uses for packing, storing, processing and retail sale of products, provided that the operation of any such accessory uses shall be secondary to that of the principal agricultural production activities.”

Consider permitting farm produce stands or seasonal roadside stands that allow farmers to combine their products with neighboring farmers to offer a wider variety of products for sale. This would enhance the viability of farm enterprises in the community and provide a more efficient access by the buying public to a wider variety of offerings.

Chapter 126. Subdivision of Land

The potential of clustering subdivisions, or density averaging, was recognized by the 2002 Town of Owasco Comprehensive Plan, which states as a recommended action: “Encourage ‘density averaging’ in subdivision designs to minimize the impacts of new residential development on farmland (page 70).” However, while the various purpose statements and objectives in this chapter identify the preservation of the natural beauty and topography of the town and ensure appropriate development with regard especially to environmentally sensitive areas, they fail to mention the role that well-designed subdivisions and especially clustered subdivisions can play in protecting farmland. Further, “clustered development” is defined as, “A subdivision plat or plats approved pursuant to Section 278 of the Town Law of New York State whereby the Town Planning Board is authorized to modify certain provisions of Chapter 150, Zoning, of the Code of the Town of Owasco to provide an alternative method for the layout, configuration and design of lots, buildings and structures, roads, utility lines and other infrastructure, parks and landscaping *in order to preserve the natural and scenic qualities of open land* (emphasis added).” There is no mention of the importance of preserving agriculture and the role that clustered subdivisions can play in addressing that priority. This is generally the case throughout the chapter.

Recommendations

Consider incorporating language throughout this chapter that indicates the town’s priority of protecting viable agricultural land through well-designed subdivisions and particularly clustered subdivisions, as stated in the comprehensive plan. In particular, include language in the purpose statements and objectives that identifies the preservation of productive farmland as a priority. Also include a subsection in *Section 126-17. Specific required improvements* that requires the preservation of existing farms, prime agricultural soils and soils of statewide importance for all subdivisions. Section 126-17 should also provide for adequate field drainage to roadside ditches or culverts when land is subdivided, which is a problem that farmers are facing that was identified in the comprehensive plan (page 65).

Finally, there is no requirement stipulating compliance with New York Town Law Section 283-a: Coordination with agricultural districts program, which requires that an Agricultural Data Statement be submitted as part of a site plan review, special use permit, use variance or subdivision that would occur on a property within an agricultural district containing a farm operation or on a property with boundaries within five hundred feet of a farm operation located in an agricultural district. According to state law, the Agricultural Data Statement must be evaluated and considered in these reviews in terms of the possible impacts of the proposed project upon the functioning of farm operations within the agricultural district.

Review of the Town of Victory Zoning and Subdivision Regulations with Respect to Their Impacts on Farms

Local Regulation Reviewed:

Town of Victory Subdivision Regulations, December 1993

Town of Victory Zoning Map, December 1997

Town of Victory Zoning Law, as amended through December 2001

Town of Victory Comprehensive Plan, December 2011

Consideration for Agriculture in the Comprehensive Plan

The Comprehensive Plan for the Town of Victory contains language that is strongly supportive of agriculture. In the plan's Community Vision Statement (page 7), Victory is identified as a "rural community" that "values its diverse farming industry" and seeks to "maintain rural character by preserving agricultural land..." In the goals of the plan, there are two goals and a total of thirteen recommended actions devoted to preserving farmland and supporting the viability of agriculture.

Also in the goals of the plan, there are two recommended actions that address the farm-friendliness of the Town's land use regulations. Action 3.a. is to "review and rework existing land use regulations... for the protection of the community's farmland..." More specifically, action 3.d. calls for the Town to establish "easements and overlay districts to assure the preservation of... prime agricultural lands..."

It appears that the Town's Zoning Law, Zoning Map, and Subdivision Regulations have not been revised and reworked since adoption of the Comprehensive Plan. In other words, actions 3.a. and 3.d. have not yet been implemented. Revising the Town's land use regulations to implement these actions and achieve the community vision outlined in the Comprehensive Plan would be an important step in support of agriculture in Victory.

"Agricultural" Zoning District

Overall, the Town of Victory's Zoning Law is characteristic of a rural community and reflects a local landscape where farming and agriculture are dominant uses. For one, nearly all of the town is within the Agricultural/Residential (AR) zoning district. There are also some specific provisions of the law that address the particular needs of agriculture, including §604.M. which provides an exception to the law's one-dwelling-per-lot limit by allowing one or more farm worker dwellings to be located on a working farm.

§1100.A.(2) allows signs to advertise "sale of products grown or produced on the premises." This is an overly restrictive standard, as it is often necessary for agriculture-related retail activities to offer a mix of products from a number of farms to be profitable.

Despite these farm-friendly provisions, there are a number of areas where the Zoning Law could be revised to be more supportive of agriculture. First of all, the regulation lacks a zoning district that is established for and devoted to farming and agricultural uses. While the AR district does provide a zone for agricultural uses, by also allowing the full range of residential uses it can also lead to conflict between incompatible uses, such as intensive animal agriculture and estate homes, which could end up restricting the agricultural use. In addition, it is possible to establish a Planned Development District (PDD), subject to approval by the Town Board, anywhere in what is now the AR district, even on prime farmland.

Related to this problem, the districts in the existing Zoning Law do not include purpose statements. Instead, the purpose of a district must be guessed at from its name. Providing a purpose statement that defines the uses and characteristics for each district in the Zoning Law can help ensure that the purpose is maintained and the community's goals are achieved.

Creating an Agricultural District that clearly states agriculture and associated uses as its primary purpose and restricting non-compatible uses that may trigger intense development or conflicting uses is the most effective way to protect agriculture through zoning. Limiting incompatible uses would include restricting where a PDD could be located. Compatible residential uses could be permitted in the agricultural district, but a separate district should be established to provide a zone for residential uses. In this way, the purpose of the agricultural district can remain devoted to agriculture.

Definition of Agriculture

The Zoning Law contains no definition of farm- or agriculture-related terms. In fact, none of the uses listed in the use table have definitions. Without a definition, it is possible for someone to construe the meaning of these uses in ways that

are contrary to the intent of the law. For example, someone could construe “customary farm operations” (§504 table row 4) narrowly and argue that food processing or marketing of agricultural products, for example, are not permitted in the AR district. Likewise, someone could broadly construe “production, processing... of materials, goods or products” (§504 table row 53) and argue that farm-related food processing uses are only permitted in an Industrial PDD. Uses that should be defined to make sure that they include a broad range of agricultural uses and agricultural business uses include all of the agriculturally related uses in §504 table rows 1-8. Other uses that should be defined to make sure that they are not improperly applied to agricultural uses, such as farm markets or food distribution hubs, include “retail and commercial business” (§504 table row 37), “production, processing.. of materials, goods or products” (§504 table row 53), “research, experimental and testing laboratory” (§504 table row 54), “wholesale, storage, warehouse” (§504 table row 57), and “delivery and distribution center” (§504 table row 58).

Consideration for Agriculture in the Review Process

Article IX of the Zoning Law establishes the procedure for the Town Board to review proposed PDDs, while the Subdivision Regulations establish similar procedures for the Planning Board to review subdivisions, including cluster subdivisions. While addressing the preservation of natural and aesthetic elements, these procedures do not mention impacts on agricultural lands or uses as a consideration.

The purpose of PDDs (§900), the objectives of the PDD permitting process (§901), and the list of PDD plan requirements (§903.C) do not include consideration for the preservation of prime farmland or supporting the viability of agriculture. Specifically, proposals could be required to preserve viable farmland and prime soils, prevent incompatible uses, and require buffers around potentially conflicting uses such as residences.

Similarly for subdivision review, the review guidelines contain no explicit consideration of the impact on agriculture. The required elements of a preliminary plat (§6(a)) and final plat (§6(b)) can be expanded to include agricultural uses and soil potential on the site and surrounding areas. In particular, NYS Agriculture and Markets Law §305-a requires that an Agricultural Data Statement be provided for all subdivision applications located within 500 feet of a farm operation in an Agricultural District. The Agricultural Data Statement is essentially a list of farm operations in the surrounding area. Adding the Agricultural Data Statement to the list of plat requirements would also maintain consistency with state law. Consideration of the impact on agriculture could also be added to §7(e) which addresses detailed requirements that subdivision proposals preserve natural and aesthetic elements.

There is one provision of the Subdivision Regulations which gives direct consideration for agriculture, but this provision could be strengthened. One of the requirements for a simplified review of a subdivision proposal is that the “proposal presents no apparent impediments to the continuation of viable agricultural activity” within the state-certified Agricultural District (§3(b)4.a.). This could be improved by adding more specific standards for what is an impediment to viable agriculture. For example, proposals could be required to preserve viable farmland and prime soils, prevent incompatible uses, and require buffers around potentially conflicting uses, as mentioned above for PDD review. This provision could also be expanded to include impacts on agriculture even outside the state-certified Agricultural District.

Cluster subdivisions can be an effective way to allow for appropriate residential development while protecting prime farmland and ensuring uninterrupted farm operations. Unfortunately, §8 of the Subdivision Regulations lists no purpose or objectives for cluster subdivisions. Without a stated purpose and objectives, it may not be possible to adequately evaluate whether a proposed cluster subdivision meets the purpose of this provision in the regulations. These regulations should include a purpose statement that contains preserving viable farmland and prime soils, and then require that cluster subdivision proposals be shown to effectively advance this stated purpose.

Appendix D

Model Laws: Town and County Right-to-Farm Laws, Lateral Restrictions Law, Model Zoning for Roadside Stands and Farm Markets

These laws are included here as a model and a reference for Cayuga County and its local municipalities to consider in developing their own laws. They may be used as a starting point but should be modified and tailored to the specific needs of each community prior to adoption. The inclusion of these materials in this appendix does not imply that the Cayuga County Agriculture and Farmland Protection Board, the Cayuga County Legislature or any county departments endorse or support any specific language provided here.

Model Town Right-to-Farm Law from Yates County, New York

Model Right to Farm Law

Be it enacted by the Town Board of the Town of _____ as follows:

Section 1. Legislative Intent and Purpose

The Town Board recognizes farming is an essential enterprise and an important industry which enhances the economic base, natural environment and quality of life in the Town of _____. The Town Board further declares that it shall be the policy of this Town to encourage agriculture and foster understanding by all residents of the necessary day to day operations involved in farming so as to encourage cooperation with those practices.

It is the general purpose and intent of this law 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 agri-businesses, and to promote new ways to resolve disputes concerning agricultural practices and farm operations. In order to maintain a viable farming economy in the Town of _____, it is necessary to limit the circumstances under which farming may be deemed to be nuisance and to allow agricultural practices inherent to and necessary for the business of farming to proceed and be undertaken free of unreasonable and unwarranted interference or restriction.

Section 2. Definitions

1. "Farmland" shall mean land used in agricultural production, as defined in subdivision four of section 301 of Article 25AA of the State Agriculture and Markets Law.
2. "Farmer" shall mean any person, organization, entity, association, partnership, limited liability company, or corporation engaged in the business of agriculture, whether for profit or otherwise, including the cultivation of land, the raising of crops, or the raising of livestock.
3. "Agricultural products" shall mean those products as defined in section 301(2) of Article 25AA of the State Agriculture and Markets Law, including but not limited to:
 - a. Field crops, including corn, wheat, 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, llamas, ratites, such as ostriches, emus, rheas and kiwis, farmed deer, farmed buffalo, fur bearing animals, milk and milk products, eggs, furs, and poultry products.
 - f. Maple sap and sugar products.
 - 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. Short rotation woody crops raised for bioenergy.
 - j. Production and sale of woodland products, including but not limited to logs, lumber, posts and firewood.
 - k. Apiary products, including honey, beeswax, royal jelly, bee pollen, propolis, package bees, nucs and

queens. For the purposes of this paragraph, "nucs" shall mean small honey bee colonies created from larger colonies including the nuc box, which is a smaller version of a beehive, designed to hold up to five frames from an existing colony.

4. "Agricultural practices" shall mean those practices necessary for the on-farm production, preparation and marketing of agricultural commodities. Examples of such practices include, but are not limited to, operation of farm equipment, proper use of agricultural chemicals and other crop production methods, and construction and use of farm structures.
5. "Farm operation" shall be defined in section 301 (11) in the State Agriculture and Markets Law.

Section 3. Right-to-Farm Declaration

Farmers, as well as those employed, retained, or otherwise authorized to act on behalf of farmers, may lawfully engage in agricultural practices within this Town at all times and all such locations as are reasonably necessary to conduct the business of agriculture. For any agricultural practice, in determining the reasonableness of the time, place, and methodology of such practice, due weight and consideration shall be given to both traditional customs and procedures in the farming industry as well as to advances resulting from increased knowledge, research and improved technologies.

Agricultural practices conducted on farmland shall not be found to be a public or private nuisance if such agricultural practices are:

1. Reasonable and necessary to the particular farm or farm operation,
2. Conducted in a manner which is not negligent or reckless,
3. Conducted in conformity with generally accepted and sound agricultural practices,
4. Conducted in conformity with all local state, and federal laws and regulations including watershed regulations,
5. Conducted in a manner which does not constitute a threat to public health and safety or cause injury to health or safety of any person, and
6. Conducted in a manner which does not reasonably obstruct the free passage or use of navigable waters or public roadways.

Nothing in this local law shall be construed to prohibit an aggrieved party from recovering from damages for bodily injury or wrongful death due to a failure to follow sound agricultural practice, as outlined in this section.

Section 4. Notification of Real Estate Buyers

In order to promote harmony between farmers and their neighbors, the Town requires land holders and/or their agents and assigns to comply with Section 310 of Article 25-AA of the State Agriculture and Markets Law and provide notice to prospective purchasers and occupants as follows: "It is the policy of this state and this community to conserve, protect and encourage the development and improvement of agricultural land for the production of food, and other products and also for its natural and ecological value. This notice is to inform prospective residents that the property they are about to acquire lies partially or wholly within an agricultural district and that farming activities occur within the district. Such farming activities may include, but not be limited to, activities that cause noise, dust and odors." This notice shall be provided to prospective purchase of property within an agricultural district or on property with boundaries within 500 feet of a farm operation located in an agricultural district.

A copy of this notice shall be included by the seller or seller's agent as an addendum to the purchase and sale contract at the time an offer to purchase is made.

Section 5. Resolution of Disputes

1. Should any controversy arise regarding any inconveniences or discomfort occasioned by agricultural operations which cannot be settled by direct negotiation between the parties involved, either party may submit the controversy to a dispute resolution committee as set forth below in an attempt to resolve the matter prior to the filing of any court action and prior to a request for a determination by the Commission or Agriculture and Markets about whether the practice in question is sound pursuant to Section 308 of Article 25AA of the State Agriculture and Markets Law.
2. Any controversy between the parties shall be submitted to the committee within thirty (30) days of the last date of occurrence of the particular activity giving rise to the controversy or the date the party became aware of the occurrence.
3. The committee shall be composed of three (3) members from the Town selected by the Town Board, as the need arises, including one representative from the farm community, one person from Town government and one person mutually agreed upon by both parties involved in the dispute.
4. The effectiveness of the committee as a forum for the resolution of disputes is dependent upon full discussion and complete presentation of all pertinent facts concerning the dispute in order to eliminate any misunderstandings. The parties are encouraged to cooperate in the exchange of pertinent information concerning the controversy.
5. The controversy shall be presented to the committee by written request of one of the parties within the time limits specified. Therefore after, the committee may investigate the facts of the controversy but must, within twenty-five (25) days, hold a meeting at a mutually agreed place and time to consider the merits of the matter and within five (5) days of the meeting render a written decision to the parties. At the time of the meeting, both parties shall have an opportunity to present what each consider to be pertinent facts. No party bringing a complaint to the committee for settlement or resolution may be represented by counsel unless the opposing party is also represented by counsel. The time limits provided in this subsection for action by the committee may be extended upon the written stipulation of all parties in the dispute.
6. Any reasonable costs associated with the function of the committee process shall be borne by the participants.

Section 6. Severability Clause

If any part of this local law is for any reason held to be unconstitutional or invalid, such decision shall not affect the remainder of this Local Law. The Town hereby declares that it would have passed this local law and each section and subsection thereof, irrespective of the fact that any one or more of these sections, subsections, sentences, clauses or phrases may be declared unconstitutional or invalid.

Section 7. Precedence

This Local Law and its provisions are in addition to all other applicable laws, rules and regulations.

Section 8. Effective Date

This Local Law shall be effective immediately upon filing with the New York Secretary of State.

Steuben County, New York Right-to-Farm Law

COUNTY OF STEUBEN LOCAL LAW NO. THREE FOR THE YEAR 2001

A Local Law establishing the Right-to-Farm Law of Steuben County.

Be it enacted by the Legislature of the County of Steuben as follows:

RIGHT-TO-FARM LAW OF STEUBEN COUNTY

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Section 1: Title

This Local Law shall be known as the “Right to Farm Law of Steuben County.”

Section 2: Declaration of Policy and Purpose

It is hereby found and declared by the Legislature of the County of Steuben that agricultural lands are irreplaceable assets and that farming is an essential activity. Farming, as defined in this Right to Farm Law and by the New York State Department of Agriculture and Markets, reinforces the special quality of life enjoyed by citizens, provides the visual benefits of open space and generates economic benefits and social well being within the community. Therefore, Steuben County encourages sound agricultural practices and adopts this Law with the goal of promoting understanding and acceptance of the necessary day-to-day activities connected with agriculture.

It is the general purpose and intent of this local law to maintain and preserve the rural tradition and character of Steuben County, to permit the continuation of agricultural practices and the business of farming and initiation, and expansion of farms, and agricultural businesses. In recognition of the fact that there are many practices and activities which are inherent to and

necessary for the business of farming, it is the specific purpose and intent of this Local Law to attain the aforementioned goals and objectives by providing that such practices and activities may proceed and be undertaken free of unreasonable and unwarranted interference or restrictions.

The Legislature, in an effort to promote and foster a harmonious relationship between the residents of Steuben County, and to conserve, protect and encourage the development and improvement of agricultural land for the production of food and other products, hereby also declares that it shall be the policy of Steuben County to provide reasonable notice to prospective landowners that farming activities may occur on neighboring lands.

Section 3: **Definitions**

Unless specifically defined below, words or phrases used in this Local Law shall be interpreted so as to give them the meaning they have in common usage and to give this Local Law its most reasonable and effective application.

As used in this Local Law, the following terms shall have the meaning indicated.

Agricultural and Farmland Protection Board - Shall mean a board formally appointed by the County Legislature according to Article 25AA §302 of New York State Agriculture and Markets Law

Agricultural Advisory Committee – Shall mean a committee, formally appointed by the Town Board of any town in Steuben County, for the purpose of resolving right to farm disputes as provided hereunder. Such a committee shall be appointed on either an annual or ad hoc basis (or an existing committee can be designated to serve in that capacity) with such number of members as the Town Board shall determine, provided there are no less than three with at least one representative each from the farm and non-farm communities. All members, however, shall be knowledgeable regarding agricultural practices common to the Town. The decision to form such a committee shall be at the sole discretion of the Town Board.

Agricultural Land - Shall mean any single or multiple, contiguous or non-contiguous parcel or parcels that, together, represent all that real property within the boundaries of Steuben County currently used for agricultural farm operations or upon which agricultural practices are being utilized or upon which agricultural farm operations or agricultural practices may in the future be established or utilized.

Agricultural Farm Operations - Shall mean any person, organization, entity, association, partnership or corporation engaged in the business of agriculture or farming or agricultural practices, whether for profit or otherwise.

Agricultural Practices - Shall mean any activity connected with the raising of crops, livestock or livestock products as defined in Agriculture and Markets Law §301, subdivision 2, including but not 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 bio-energy.

Should there be a conflict between the definitions employed by New York State and those contained herein, such conflict shall be resolved in favor of the agricultural producer so as to include the enterprise as an agricultural practice.

Further, agricultural practices shall include any activity now permitted by law, engaged in by or on behalf of a farmer in connection with and furtherance of the business of agriculture or farming and shall include without limitation, the collection, transportation, distribution, composting and storage of animal and poultry waste; storage, transportation and use of equipment for tillage, planting, harvesting and marketing; transportation, storage and use of legally permitted fertilizers and limes, and insecticides, herbicides, and fungicides, all in accordance with local, State and Federal law and in accordance with the manufacturer's instructions and warnings; construction of farm structures and facilities, including farm wineries and other on-farm food processing, as permitted by local and State building code regulation; construction and maintenance of fences and other enclosure; and the use and/or maintenance of related pastures, idle or fallow land, woodland, wetland, farm ponds, farm roads and certain farm buildings and other structures related to the agricultural practices.

The following examples are intended to be illustrative of common agricultural practices covered within this definition, but are not inclusive:

1. Providing for the processing, wholesale and retail marketing, including U-pick marketing, and sales of the agricultural output of the farm and related products that contribute to farm income, including the sale at the owner's farm stand/market of agricultural products so long as at least fifty- percent (50%) of the annual gross sales of the farm stand/market have been grown on said farm.
2. Replenishing soil nutrients, including but not limited to the spreading of manure, compost, and applying approved chemical and organic fertilizers.
3. Using Federally approved products, in accordance with label instructions, as recommended by the New York Agricultural Experiment Station and the United States and New York Environmental Protection Agencies for the control of pests, predators, varmints, diseases affecting plants and livestock, and for the control of weed infestation.
4. Transporting large, slow-moving equipment over roads within the County, in accordance with local, State and Federal law and regulations.
5. Clearing of woods using accepted techniques, installing and maintaining vegetative and terrain alterations, and other physical facilities for water and soil conservation and surface water control.

The foregoing uses, activities and rights when reasonable and necessary for agricultural or horticultural production and when conducted in accordance with generally accepted agricultural practices, may occur on holidays, Sundays and weekends, by day or night.

Farmer - Shall mean any person, organization, entity, association, partnership or corporation engaged in the agricultural farm operation or agricultural practices as defined herein.

Farming - Shall mean the act of engaging in an agricultural farm operation and/or agricultural practices as defined herein.

Section 4: **Right to Farm**

Farmers, as well as those employed or otherwise authorized to act on behalf of farmers, may lawfully engage in agricultural practices on any agricultural farm operation within Steuben County at any and all such times and at all such locations as are reasonably necessary to carry on an agricultural farm operation or agricultural practice. In determining the reasonableness of the time, place, and methodology of such operation, due weight and consideration shall be given to traditional customs and procedures in the agricultural industry, advances resulting from increased knowledge or improved technologies, and whether or not the practice is legal and not causing off-site property damage or bodily harm.

Section 5: **Nuisance**

No agricultural practice or associated activity, conducted or maintained on a sound basis, in a manner consistent with management practices, such as those recommended by State and Federal agencies in conjunction with educational programs for farmers, or other agricultural practice, herein and hereafter referred to as the accepted custom and standard in the agricultural industry, shall be considered a public or private nuisance.

Section 6: **Interference Prohibited**

No person, group, entity, association, partnership, or corporation shall engage in any conduct or act in any manner so as to unreasonably, intentionally, knowingly, and/or deliberately interfere with, prevent, or in any way deter the practice of farming within Steuben County. No persons shall maintain a frivolous lawsuit for the within purposes.

Section 7: **Penalties**

An action to restrain or enjoin any violation of this Local Law may be brought in a court of competent jurisdiction by any aggrieved entity and/or Steuben County.

Section 8: **Local Government Advice and Dispute Resolution**

In offering local government advice and dispute resolution, the Steuben County Agricultural and Farmland Protection Board is available to provide support for or work with local Agricultural Advisory Committees in such way, as the local committee shall deem appropriate. In the event a municipality does not have an Agricultural Advisory Committee, that municipality may call on the Steuben County Agricultural and Farmland Protection Board for agriculturally related advice and/or assistance in the resolution of disputes.

In this capacity, the Steuben County Agricultural and Farmland Protection Board may temporarily expand its composition to acquire the expertise necessary to address the issues or concerns presented.

Section 8-a: **Resolution of Disputes**

Should any controversy arise regarding any inconveniences or discomfort occasioned by any agricultural operations or agricultural practices, as defined in **Section 3** of this Local Law, the parties may submit the controversy to the Town’s Agricultural Advisory Committee or, in the absence of a local committee, the Steuben County Agricultural and Farmland Protection Board, as set forth below in an attempt to resolve the matter prior to the filing of any court action or submission to the New York State Department of Agriculture and Markets pursuant to §308 of the Agriculture and Markets Law.

Any controversy between the parties may be submitted to the Town Agricultural Advisory Committee, or in the absence of a local committee, the Steuben County Agricultural and Farmland Board, whose decision shall be advisory only, within sixty (60) days of the date of the occurrence of the particular activity giving rise to the controversy or of the date a party writes to formally request a review.

The effectiveness of the Town Agricultural Advisory Committee and the Steuben County Agricultural and Farmland Protection Board as a forum for the resolution of disputes is dependent upon full discussion and complete presentation of all pertinent facts concerning the dispute in order to eliminate any misunderstandings. The parties are encouraged to cooperate in the exchange of pertinent information concerning the controversy.

The controversy shall be presented to the Town Agricultural Advisory Committee or, in the absence of a local committee, the Steuben County Agricultural and Farmland Protection Board, by written consent of one of the parties within the time specified herein. Thereafter, the Committee or Board may investigate the facts of the controversy, but must, within thirty (30) days, hold a public meeting pursuant to public notice to consider the merits of the matter and within twenty (20) days of the meeting render a written decision to the parties. At the time of the meeting both parties shall have an opportunity to present what each considers being pertinent facts.

The decision of the Town Agricultural Advisory Committee or the Steuben County Agricultural and Farmland Protection Board shall not be binding.

Section 8-b: **Local Government Advisory Support**

In the absence of a Town Agricultural Advisory committee, the Steuben County Agricultural and Farmland Protection Board is available to review local laws and advise town or village governments regarding potential negative impacts on the agricultural industry. Comments from the Steuben County Agricultural and Farmland Protection Board could be used by local governments to prevent ordinances from conflicting with normal farming practices as prescribed by Agriculture and Markets Law Article 25AA §305-a.

Section 9: **Notice to Prospective Neighbors/Notice of Farm Use**

Agricultural Data Statement: Steuben County will encourage and support local adoption of the agricultural data statement requirements as prescribed in NYS Agriculture and Markets Law Article §305-a subdivisions 2-4.

Agricultural Disclosure New Residential Development: For the purpose of giving due notice of nearby farming uses to proposed new residential areas adjacent to unimproved land being farmed or suitable therefor, Steuben County will encourage and support a local Planning Board requirement that any applicant for an adjacent major or minor subdivision, as a condition of approval of such application, to include a provision in each and every deed conveying all or any portion of the lands thereby subdivided, as well as on filed final subdivision maps, the following record notice to and waiver by grantees of such present or future proximate farming uses, which provision shall be made to run with the land.

“The grantee hereby acknowledges notice that agricultural operations exist throughout the town and that there are presently or may in the future be farm uses adjacent or in close proximity to the within described premises. The grantee acknowledges that farmers have the right to undertake farm practices which may generate dust, odor, fumes, noise, and vibrations associated with agricultural practices, and that these practices are permitted under the town or in the absence of a local right to farm law, Steuben County’s Right to Farm Law, and, by acceptance of this conveyance, the grantee does hereby waive objection to such activities.

The risk of any impact of these agricultural uses on the purchase of property is specifically to be borne by the purchaser of that property.

Agricultural Disclosure at Time of Property Transfer: Steuben County will implement and encourage local implementation of the agriculture disclosure requirement as prescribed in NYS Agriculture and Markets Law Article 25AA §310.

Section 10: **Conflict Clause**

Insofar as the provisions of this Local Law are inconsistent with the provisions of any other local law, rule or ordinance, the provisions of this Local Law shall supersede those found inconsistent and prevail.

Section 11: **Severability**

If any part of this Local Law is for any reason held to be unconstitutional or invalid, such decision shall not affect the remainder of this Local Law.

Section 12: **Effective Date**

This Local Law shall take effect immediately upon filing with the Secretary of State.

Model Lateral Restriction Law from New York State Department of Agriculture and Markets

New York State Department of Agriculture and Markets

Model Lateral Restriction Law

MODEL LATERAL RESTRICTIONS RESOLUTION

WHEREAS, the *[governing body of municipality]* has created the *[name of water district]* pursuant to Town Law for the express purpose of providing public water supply to residents along *[geographic extent of water district]*; and

WHEREAS, part of the land area within *[name of water district]* is also within *[name of Agricultural District]* and

WHEREAS, the Town Board has filed a Notice of Intent to Undertake an Action Within an Agricultural District to evaluate the impact of providing a source of public water supply within this area on lands within *[name of Agricultural District]*; and

WHEREAS, the New York State Department of Agriculture and Markets (“Department”) has expressed concern about the potential adverse impact that said public water supply is likely to have on agriculture within the Agricultural District,

NOW THEREFORE BE IT RESOLVED, that the Town Board, in recognition of the concerns that have been raised, hereby resolves to adopt the “Lateral Restriction - Conditions on Future Service” specified by the New York State Department of Agriculture and Markets as follows:

MODEL Lateral Restriction - Conditions on Future Service Law

The *[municipality]* imposes the following conditions, as warranted or recommended on the management of water/sewer lines located along *[location]* within an agricultural district:

1) The only land and/or structures which will be allowed to connect to the proposed waterline or sewer within an agricultural district will be existing structures at the time of construction, further agricultural structures, and land and structures that have already been approved for development by the *[municipality]* prior to the filing of the Final Notice of Intent by the *[municipality]*.

Land and structures that have been approved for development refer to those properties/structures that have been brought before the *[municipality]* where approval (e.g., subdivision, site plan, and special permit) is needed to move forward with project plans and the *[municipality]* has approved the action. If no local approval is required for the subdivision of land and/or the construction of structures, the *[municipality]* accepts the limitation under Public Health Law §1115 that defines a “subdivision,” in part, as “any tract of land which is divided into five or more parcels.” Water and/or sewer service will not be extended to the fifth and subsequent parcels where no local approval is required and the land is located within a county adopted, State certified agricultural district.

- 2) If a significant hardship can be shown by an existing resident, the lateral restriction to the resident's property may be removed by the *[municipality]* upon approval by the Department. It is the responsibility of the resident landowner to demonstrate that a hardship exists relative to his or her existing water supply or septic system and clearly demonstrate the need for public water or sewer service. The *[municipality]* shall develop a hardship application to be filed with the *[municipality]*, approved by the County Department of Health, and agreed to by the Department.
- 3) If it can be demonstrated to the Department's satisfaction that the landowner requested the county to remove his or her land from an agricultural district at the time of district review and the county legislative body refused to do so, lateral restrictions may be removed by the *[municipality]* if the Department determines that the removal of the restriction for the subject parcel(s) would not have an unreasonably adverse effect on the agricultural district.
- 4) If land is removed from a county adopted, State certified agricultural district and the district has been reviewed by the county legislative body and certified by the Commissioner for modification, lateral restrictions imposed by the *[municipality]* are no longer in effect for the parcels of land that have been removed from the agricultural district.
- 5) Hydrants and valve boxes must not be placed directly in agricultural fields.

The restriction on hookups would apply to non-agricultural structures for as long as the property is located within an Agricultural District.

Model Zoning for Roadside Stands and Farm Markets

New York Direct Marketing Association Model Zoning for Roadside Stands and Farm Markets

Permitted Uses

The following sections contain proposed language that would incorporate into a zoning ordinance, as permitted uses, roadside stands and farm markets. The language should be inserted into the district regulations for each zoning district within the community where roadside stands or farm markets exist, or are being considered as allowed uses.

Included in the proposed language are statements of purpose for each of the two types of markets. These statements provide the community's rationale for allowing the uses within the framework of their zoning regulations.

Roadside Stand

The purpose of a roadside stand is to allow farmers, who are actively farming, low cost entrance into direct marketing their farm products. It is characterized as a direct marketing operation without a permanent structure and only offering outdoor shopping. Such an operation is seasonal in nature and features on-farm produced as well as locally produced agricultural products, enhanced agricultural products and handmade crafts. Permitted activities include: the marketing of agricultural products, products that are agriculture-related, including specialty foods, gift items, mass produced items that reflect the history and culture of agriculture and rural America; crafts; pick-your-own fruits, vegetables and nuts; community supported agriculture (CSA)

Farm Market

The purpose of a farm market is to provide opportunities for actively producing farms to retail their products directly to consumers and enhance income through value-added products, services and activities. Permitted activities include: the marketing of agricultural products, products that are agriculture-related, including specialty foods, gift items, mass produced items that reflect the history and culture of agriculture and rural America; crafts; agricultural commerce, agricultural tourism, pick-your-own operation; community supported agriculture; bed & breakfast inn; farm vacations.

The following are allowed as accessory uses to the farm market operation: Petting zoo and animal attractions; children's games and activities; crop mazes; holiday-oriented activities; miniature golf course, incorporating farm themes; food service if growing any portion of the food served, such as vegetables with a deli, fruit in desserts, etc; horseback riding arenas

Definitions

Definitions are critical to ensuring clarity and uniformity in the interpretation of zoning regulations. Clear definitions can inoculate the community from legal actions related to their zoning regulations. At the same time they can protect the individual property owner by ensuring consistent and uniform application of the regulations. For this purpose the following definitions should be incorporated into the zoning ordinance when it is amended to allow roadside stands or farm markets.

Actively Producing Farm: Pursuant to Section 301, Sub. 4 of the Agriculture and Markets Law, the farm must have a minimum of 7 acres in production with \$10,000 in sales, or \$50,000 in sales if under 7 acres of land are in production. In addition, a predominance of the agricultural products being sold at the farm be New York State produced. This would be on an annual basis and would be determined by volume of product.

Agricultural Commerce: Additional enterprises permitted at farm markets to attract customers and promote the sale of agricultural products. These include, but are not limited to gift shops, on-farm brewery, Community Supported Agriculture, bakery, florist shop, garden center, nursery, ice cream shop, food processing where the predominant ingredient is grown by the market operator, cider mills, on-site artistry and pick-your-own operations.

Agricultural Products: Pursuant to Section 301, Sub. 2 of the Agriculture and Markets Law: Crops, livestock and livestock products, including, but not 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.

Agriculture-related products: items sold at a farm market to attract customers and promote the sale of agricultural products. Such items include, but are not limited to all agricultural and horticultural products, animal feed, baked goods, ice cream and ice cream based desserts and beverages, clothing and other items promoting the farm enterprise operating the farm market and agriculture in New York, value-added agricultural products, Christmas trees and related products and on-farm wineries.

Agricultural Tourism: Agricultural related tours, events and activities, as well as non-agricultural related activities used to attract people and promote the sales of farm produce and agricultural products. These tours, events and activities include, but are not limited to petting zoos, school tours, outdoor trails, corn mazes, hayrides, pony rides, group picnics, on- and off-site food catering services, musical events, craft shows, outdoor recreation. To be a permitted use, the farm must be actively producing agricultural products for sale. Farm markets where the seller is not actively producing agricultural products for retail sales will require a special use permit for agricultural tourism activities.

All-Weather Surface. Any roadway, driveway, alley or parking lot surface paved with crushed stone, asphalt, concrete or other pervious or impervious material in a manner that will support the weight of anticipated vehicular traffic in all weather conditions and minimize the potential for ruts, potholes or pooling of water.

Community Supported Agriculture: The retail sale of agricultural products to customers through a subscription paid in cash or labor, or a combination thereof

Enhanced Agricultural Products: An agricultural product that has been altered or processed in a way to increase its value to consumers and increase the profitability of the product to the farmer.

Farm Brewery: Facility for the production of malt liquors operated as a subordinate enterprise to a farm by the owner or owners of the farm on which it is located.

Farm Market: A permanent structure, operated on a seasonal or year-round basis, that allows for agricultural producers to retail their products and agriculture-related items directly to consumers and

enhance income through value-added products, services and activities.

Farm Vacation: Temporary residency on the premises by paying transient guests for the purpose of observing or participating in the ongoing activities of an agricultural operation and learning about agricultural life.

Farm Winery: any place or premises, located on a farm in New York State, in which wine is manufactured and sold, and is licensed by the State Liquor Authority as a farm or commercial winery.

Glare: Light emitting from a luminaire with intensity great enough to reduce a viewer's ability to see, and in extreme cases causing momentary blindness.

Handcrafted Item: An object that requires use of the hands, hand tools and human craft skills in its production, and which is usually not adaptable to mass production by mechanical means.

Pick Your Own Enterprise: A fruit or vegetable growing farm which provides the opportunity for customers to pick their own fruits or vegetables directly from the plant. Also referred to as a PYO.

Roadside Stand: A direct marketing operation without a permanent structure and only offering outdoor shopping. Such an operation is seasonal in nature and features on-farm produced as well as locally produced agricultural products, enhanced agricultural products and handmade crafts.

Seasonal Sign: any sign that is removed for three consecutive months. These signs must be removed whenever business is closed for seven or more consecutive days. Because seasonal signs will be removed for a minimum of three months at a time, size and quantity restrictions do not apply.

Design and Operations Standards

In addition to clear definition of what would constitute the permitted activities associated with a roadside stand or farm market, specific design and use standards governing the design and operations of such enterprises should also be incorporated into the zoning ordinance. Recommended standards include:

There shall be no sales of fuel and related products, tobacco products, alcoholic beverages except those listed under permitted uses, lottery tickets, vehicles or related products.

Food franchises are prohibited in any roadside stand or farm market operation.

To ensure public safety, roadside stands will be required to have off-street parking with an all weather surface and adequate ingress and egress with an area for turn-around.

There shall be one 10 x 20 parking area per 200 sq. ft. of selling and display area, with a minimum of 2 spaces. Parking spaces are exclusive of driveways and turnarounds. For the purpose of calculating the required number of parking spaces, production facilities, garden plots, planting beds and outdoor storage area opened to the public are excluded. Pick-your-own operations will require a greater number of off road parking spaces based on expected number of cars per day.

Parking: To ensure public safety, farm markets will be required to have off-street parking with adequate ingress and egress with an area for turn-around. A minimum of one 10 x 20 parking area per 200 sq. ft. of selling and display area, with a minimum of two spaces, shall be required. For the purpose of calculating the required number of parking spaces,

production facilities, garden plots, planting beds and outdoor storage area opened to the public are excluded. The above notwithstanding, adequate off street parking shall be provided. Parking spaces are exclusive of driveways and turnarounds. Entrances and exits onto roadways must have an all-weather surface. PYO operations will require a greater number of off- road parking spaces based on the expected number of cars per day. Overflow parking should be, minimally, grass covered.

Setbacks: Frontyard - 20 feet from the right of way line to front of sales area, excluding production facilities, garden plots, planting beds and outdoor storage areas open to the public. No parking is allowed within frontyard setback or within 20 feet of the edge of roadway, whichever distance is less.
Sideyard - 20 foot setback from property line.
Rear - 40 foot setback from property line.

Where a roadside stand or farm market is located on a separate parcel of land, maximum lot coverage by buildings shall be 30%. Total coverage, including parking areas, shall not exceed 70%.

Signs: Seasonal signs are allowed, but cannot be placed anywhere it would create a traffic hazard. All other town signage regulations may apply.

Lighting: No outdoor lighting shall produce glare beyond the boundary of the property. No rotating or flashing lights on advertising signage *shall be permitted*.

Buffers: Buffers shall be a minimum of 15 feet in width, and planted with plant materials reaching a minimum of 6' within 5 years and producing a continuous visual barrier, or alternately, include a solid fence or wall with a minimum height of 6'.

(Buffers are recommended in addition to any required setbacks if next door use is substantially different.)

Water: Potable water on site is required.

These rights and privileges extend to any active farm in any zoning district.

Appendix E

Reference Materials: Cost of Community Services Studies Factsheet; Is Your TOWN Planning a Future for Farms? A Checklist for Supporting Farms at the Town Level in New York

This information factsheet is accessible through the Farmland Information Center

AMERICAN FARMLAND TRUST · FARMLAND INFORMATION CENTER



FARMLAND
INFORMATION
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FACT
SHEET

COST OF
COMMUNITY
SERVICES
STUDIES



FARMLAND INFORMATION CENTER
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www.farmlandinfo.org



DESCRIPTION

Cost of Community Services (COCS) studies are a case study approach used to determine the fiscal contribution of existing local land uses. A subset of the much larger field of fiscal analysis, COCS studies have emerged as an inexpensive and reliable tool to measure direct fiscal relationships. Their particular niche is to evaluate working and open lands on equal ground with residential, commercial and industrial land uses.

COCS studies are a snapshot in time of costs versus revenues for each type of land use. They do not predict future costs or revenues or the impact of future growth. They do provide a baseline of current information to help local officials and citizens make informed land use and policy decisions.

METHODOLOGY

In a COCS study, researchers organize financial records to assign the cost of municipal services to working and open lands, as well as to residential, commercial and industrial development. Researchers meet with local sponsors to define the scope of the project and identify land use categories to study. For example, working lands may include farm, forest and/or ranch lands. Residential development includes all housing, including rentals, but if there is a migrant agricultural work force, temporary housing for these workers would be considered part of agricultural land use. Often in rural communities, commercial and industrial land uses are combined. COCS studies findings are displayed as a set of ratios that compare annual revenues to annual expenditures for a community's unique mix of land uses.

COCS studies involve three basic steps:

1. Collect data on local revenues and expenditures.
2. Group revenues and expenditures and allocate them to the community's major land use categories.
3. Analyze the data and calculate revenue-to-expenditure ratios for each land use category.

The process is straightforward, but ensuring reliable figures requires local oversight. The most complicated task is interpreting existing records to reflect COCS land use categories. Allocating revenues and expenses requires a significant amount of research, including extensive interviews with financial officers and public administrators.

HISTORY

Communities often evaluate the impact of growth on local budgets by conducting or commissioning fiscal impact analyses. Fiscal impact studies project public costs and revenues from different land development patterns. They generally show that residential development is a net fiscal loss for communities and recommend commercial and industrial development as a strategy to balance local budgets.

Rural towns and counties that would benefit from fiscal impact analysis may not have the expertise or resources to conduct a study. Also, fiscal impact analyses rarely consider the contribution of working and other open lands, which is very important to rural economies.

American Farmland Trust (AFT) developed COCS studies in the mid-1980s to provide communities with a straightforward and inexpensive way to measure the contribution of agricultural lands to the local tax base. Since then, COCS studies have been conducted in at least 151 communities in the United States.

FUNCTIONS & PURPOSES

Communities pay a high price for unplanned growth. Scattered development frequently causes traffic congestion, air and water pollution, loss of open space and increased demand for costly public services. This is why it is important for citizens and local leaders to understand the relationships between residential and commercial growth, agricultural land use, conservation and their community's bottom line.

COCS studies help address three misperceptions that are commonly made in rural or suburban communities facing growth pressures:

1. Open lands—including productive farms and forests—are an interim land use that should be developed to their "highest and best use."
2. Agricultural land gets an unfair tax break when it is assessed at its current use value for farming or ranching instead of at its potential use value for residential or commercial development.
3. Residential development will lower property taxes by increasing the tax base.

While it is true that an acre of land with a new house generates more total revenue than an acre of hay or corn, this tells us little about

SUMMARY OF COST OF COMMUNITY SERVICES STUDIES, REVENUE-TO-EXPENDITURE RATIOS IN DOLLARS

Community	Residential including farm houses	Commercial & Industrial	Working & Open Land	Source
Colorado				
Custer County	1 : 1.16	1 : 0.71	1 : 0.54	Haggerty, 2000
Sagauche County	1 : 1.17	1 : 0.53	1 : 0.35	Dirt, Inc., 2001
Connecticut				
Bolton	1 : 1.05	1 : 0.23	1 : 0.50	Geisler, 1998
Brooklyn	1 : 1.09	1 : 0.17	1 : 0.30	Green Valley Institute, 2002
Durham	1 : 1.07	1 : 0.27	1 : 0.23	Southern New England Forest Consortium, 1995
Farmington	1 : 1.33	1 : 0.32	1 : 0.31	Southern New England Forest Consortium, 1995
Hebron	1 : 1.06	1 : 0.47	1 : 0.43	American Farmland Trust, 1986
Lebanon	1 : 1.12	1 : 0.16	1 : 0.17	Green Valley Institute, 2007
Litchfield	1 : 1.11	1 : 0.34	1 : 0.34	Southern New England Forest Consortium, 1995
Pomfret	1 : 1.06	1 : 0.27	1 : 0.86	Southern New England Forest Consortium, 1995
Windham	1 : 1.15	1 : 0.24	1 : 0.19	Green Valley Institute, 2002
Florida				
Leon County	1 : 1.39	1 : 0.36	1 : 0.42	Dorfman, 2004
Georgia				
Appling County	1 : 2.27	1 : 0.17	1 : 0.35	Dorfman, 2004
Athens-Clarke County	1 : 1.39	1 : 0.41	1 : 2.04	Dorfman, 2004
Brooks County	1 : 1.56	1 : 0.42	1 : 0.39	Dorfman, 2004
Carroll County	1 : 1.29	1 : 0.37	1 : 0.55	Dorfman and Black, 2002
Cherokee County	1 : 1.59	1 : 0.12	1 : 0.20	Dorfman, 2004
Colquitt County	1 : 1.28	1 : 0.45	1 : 0.80	Dorfman, 2004
Columbia County	1 : 1.16	1 : 0.48	1 : 0.52	Dorfman, 2006
Dooly County	1 : 2.04	1 : 0.50	1 : 0.27	Dorfman, 2004
Grady County	1 : 1.72	1 : 0.10	1 : 0.38	Dorfman, 2003
Hall County	1 : 1.25	1 : 0.66	1 : 0.22	Dorfman, 2004
Jackson County	1 : 1.28	1 : 0.58	1 : 0.15	Dorfman, 2008
Jones County	1 : 1.23	1 : 0.65	1 : 0.35	Dorfman, 2004
Miller County	1 : 1.54	1 : 0.52	1 : 0.53	Dorfman, 2004
Mitchell County	1 : 1.39	1 : 0.46	1 : 0.60	Dorfman, 2004
Morgan County	1 : 1.42	1 : 0.25	1 : 0.38	Dorfman, 2008
Thomas County	1 : 1.64	1 : 0.38	1 : 0.67	Dorfman, 2003
Union County	1 : 1.13	1 : 0.43	1 : 0.72	Dorfman and Lavigno, 2006
Idaho				
Booneville County	1 : 1.06	1 : 0.84	1 : 0.23	Hartmans and Meyer, 1997
Canyon County	1 : 1.08	1 : 0.79	1 : 0.54	Hartmans and Meyer, 1997
Cassia County	1 : 1.19	1 : 0.87	1 : 0.41	Hartmans and Meyer, 1997
Kootenai County	1 : 1.09	1 : 0.86	1 : 0.28	Hartmans and Meyer, 1997
Kentucky				
Campbell County	1 : 1.21	1 : 0.30	1 : 0.38	American Farmland Trust, 2005
Kenton County	1 : 1.19	1 : 0.19	1 : 0.51	American Farmland Trust, 2005
Lexington-Fayette County	1 : 1.64	1 : 0.22	1 : 0.93	American Farmland Trust, 1999
Oldham County	1 : 1.05	1 : 0.29	1 : 0.44	American Farmland Trust, 2003
Shelby County	1 : 1.21	1 : 0.24	1 : 0.41	American Farmland Trust, 2005

SUMMARY OF COST OF COMMUNITY SERVICES STUDIES, REVENUE-TO-EXPENDITURE RATIOS IN DOLLARS

Community	Residential including farm houses	Commercial & Industrial	Working & Open Land	Source
Maine				
Bethel	1 : 1.29	1 : 0.59	1 : 0.06	Good, 1994
Maryland				
Carroll County	1 : 1.15	1 : 0.48	1 : 0.45	Carroll County Dept. of Management & Budget, 1994
Cecil County	1 : 1.17	1 : 0.34	1 : 0.66	American Farmland Trust, 2001
Cecil County	1 : 1.12	1 : 0.28	1 : 0.37	Cecil County Office of Economic Development, 1994
Frederick County	1 : 1.14	1 : 0.50	1 : 0.53	American Farmland Trust, 1997
Harford County	1 : 1.11	1 : 0.40	1 : 0.91	American Farmland Trust, 2003
Kent County	1 : 1.05	1 : 0.64	1 : 0.42	American Farmland Trust, 2002
Wicomico County	1 : 1.21	1 : 0.33	1 : 0.96	American Farmland Trust, 2001
Massachusetts				
Agawam	1 : 1.05	1 : 0.44	1 : 0.31	American Farmland Trust, 1992
Becket	1 : 1.02	1 : 0.83	1 : 0.72	Southern New England Forest Consortium, 1995
Dartmouth	1 : 1.14	1 : 0.51	1 : 0.26	American Farmland Trust, 2009
Deerfield	1 : 1.16	1 : 0.38	1 : 0.29	American Farmland Trust, 1992
Deerfield	1 : 1.14	1 : 0.51	1 : 0.33	American Farmland Trust, 2009
Franklin	1 : 1.02	1 : 0.58	1 : 0.40	Southern New England Forest Consortium, 1995
Gill	1 : 1.15	1 : 0.43	1 : 0.38	American Farmland Trust, 1992
Leverett	1 : 1.15	1 : 0.29	1 : 0.25	Southern New England Forest Consortium, 1995
Middleboro	1 : 1.08	1 : 0.47	1 : 0.70	American Farmland Trust, 2001
Southborough	1 : 1.03	1 : 0.26	1 : 0.45	Adams and Hines, 1997
Sterling	1 : 1.09	1 : 0.26	1 : 0.34	American Farmland Trust, 2009
Westford	1 : 1.15	1 : 0.53	1 : 0.39	Southern New England Forest Consortium, 1995
Williamstown	1 : 1.11	1 : 0.34	1 : 0.40	Hazler et al., 1992
Michigan				
Marshall Twp., Calhoun County	1 : 1.47	1 : 0.20	1 : 0.27	American Farmland Trust, 2001
Newton Twp., Calhoun County	1 : 1.20	1 : 0.25	1 : 0.24	American Farmland Trust, 2001
Scio Twp., Washtenaw County	1 : 1.40	1 : 0.28	1 : 0.62	University of Michigan, 1994
Minnesota				
Farmington	1 : 1.02	1 : 0.79	1 : 0.77	American Farmland Trust, 1994
Independence	1 : 1.03	1 : 0.19	1 : 0.47	American Farmland Trust, 1994
Lake Elmo	1 : 1.07	1 : 0.20	1 : 0.27	American Farmland Trust, 1994
Montana				
Carbon County	1 : 1.60	1 : 0.21	1 : 0.34	Prinzing, 1997
Flathead County	1 : 1.23	1 : 0.26	1 : 0.34	Citizens for a Better Flathead, 1999
Gallatin County	1 : 1.45	1 : 0.16	1 : 0.25	Haggerty, 1996
New Hampshire				
Brentwood	1 : 1:17	1 : 0.24	1 : 0.83	Brentwood Open Space Task Force, 2002
Deerfield	1 : 1.15	1 : 0.22	1 : 0.35	Auger, 1994
Dover	1 : 1.15	1 : 0.63	1 : 0.94	Kingsley, et al., 1993
Exeter	1 : 1.07	1 : 0.40	1 : 0.82	Niebling, 1997
Fremont	1 : 1.04	1 : 0.94	1 : 0.36	Auger, 1994
Groton	1 : 1.01	1 : 0.12	1 : 0.88	New Hampshire Wildlife Federation, 2001
Hookset	1 : 1.16	1 : 0.43	1 : 0.55	Innovative Natural Resource Solutions, 2008
Lyme	1 : 1.05	1 : 0.28	1 : 0.23	Pickard, 2000
Milton	1 : 1:30	1 : 0.35	1 : 0.72	Innovative Natural Resource Solutions, 2005

SUMMARY OF COST OF COMMUNITY SERVICES STUDIES, REVENUE-TO-EXPENDITURE RATIOS IN DOLLARS

Community	Residential including farm houses	Commercial & Industrial	Working & Open Land	Source
New Hampshire (continued)				
Mont Vernon	1 : 1.03	1 : 0.04	1 : 0.08	Innovative Natural Resource Solutions, 2002
Stratham	1 : 1.15	1 : 0.19	1 : 0.40	Auger, 1994
New Jersey				
Freehold Township	1 : 1.51	1 : 0.17	1 : 0.33	American Farmland Trust, 1998
Holmdel Township	1 : 1.38	1 : 0.21	1 : 0.66	American Farmland Trust, 1998
Middletown Township	1 : 1.14	1 : 0.34	1 : 0.36	American Farmland Trust, 1998
Upper Freehold Township	1 : 1.18	1 : 0.20	1 : 0.35	American Farmland Trust, 1998
Wall Township	1 : 1.28	1 : 0.30	1 : 0.54	American Farmland Trust, 1998
New York				
Amenia	1 : 1.23	1 : 0.25	1 : 0.17	Bucknall, 1989
Beekman	1 : 1.12	1 : 0.18	1 : 0.48	American Farmland Trust, 1989
Dix	1 : 1.51	1 : 0.27	1 : 0.31	Schuyler County League of Women Voters, 1993
Farmington	1 : 1.22	1 : 0.27	1 : 0.72	Kinsman et al., 1991
Fishkill	1 : 1.23	1 : 0.31	1 : 0.74	Bucknall, 1989
Hector	1 : 1.30	1 : 0.15	1 : 0.28	Schuyler County League of Women Voters, 1993
Kinderhook	1 : 1.05	1 : 0.21	1 : 0.17	Concerned Citizens of Kinderhook, 1996
Montour	1 : 1.50	1 : 0.28	1 : 0.29	Schuyler County League of Women Voters, 1992
North East	1 : 1.36	1 : 0.29	1 : 0.21	American Farmland Trust, 1989
Reading	1 : 1.88	1 : 0.26	1 : 0.32	Schuyler County League of Women Voters, 1992
Red Hook	1 : 1.11	1 : 0.20	1 : 0.22	Bucknall, 1989
Rochester	1 : 1.27	1 : 0.18	1 : 0.18	Bonner and Gray, 2005
North Carolina				
Alamance County	1 : 1.46	1 : 0.23	1 : 0.59	Renkow, 2006
Chatham County	1 : 1.14	1 : 0.33	1 : 0.58	Renkow, 2007
Henderson County	1 : 1.16	1 : 0.40	1 : 0.97	Renkow, 2008
Orange County	1 : 1.31	1 : 0.24	1 : 0.72	Renkow, 2006
Union County	1 : 1.30	1 : 0.41	1 : 0.24	Dorfman, 2004
Wake County	1 : 1.54	1 : 0.18	1 : 0.49	Renkow, 2001
Ohio				
Butler County	1 : 1.12	1 : 0.45	1 : 0.49	American Farmland Trust, 2003
Clark County	1 : 1.11	1 : 0.38	1 : 0.30	American Farmland Trust, 2003
Hocking Township	1 : 1.10	1 : 0.27	1 : 0.17	Prindle, 2002
Knox County	1 : 1.05	1 : 0.38	1 : 0.29	American Farmland Trust, 2003
Liberty Township	1 : 1.15	1 : 0.51	1 : 0.05	Prindle, 2002
Madison Village, Lake County	1 : 1.67	1 : 0.20	1 : 0.38	American Farmland Trust, 1993
Madison Twp., Lake County	1 : 1.40	1 : 0.25	1 : 0.30	American Farmland Trust, 1993
Madison Village, Lake County	1 : 1.16	1 : 0.32	1 : 0.37	American Farmland Trust, 2008
Madison Twp., Lake County	1 : 1.24	1 : 0.33	1 : .030	American Farmland Trust, 2008
Shalersville Township	1 : 1.58	1 : 0.17	1 : 0.31	Portage County Regional Planning Commission, 1997
Pennsylvania				
Allegheny Twp., Westmoreland County	1 : 1.06	1 : 0.14	1 : 0.13	Kelsey, 1997
Bedminster Twp., Bucks County	1 : 1.12	1 : 0.05	1 : 0.04	Kelsey, 1997
Bethel Twp., Lebanon County	1 : 1.08	1 : 0.17	1 : 0.06	Kelsey, 1992
Bingham Twp., Potter County	1 : 1.56	1 : 0.16	1 : 0.15	Kelsey, 1994
Buckingham Twp., Bucks County	1 : 1.04	1 : 0.15	1 : 0.08	Kelsey, 1996

SUMMARY OF COST OF COMMUNITY SERVICES STUDIES, REVENUE-TO-EXPENDITURE RATIOS IN DOLLARS

Community	Residential including farm houses	Commercial & Industrial	Working & Open Land	Source
Pennsylvania (continued)				
Carroll Twp., Perry County	1 : 1.03	1 : 0.06	1 : 0.02	Kelsey, 1992
Hopewell Twp., York County	1 : 1.27	1 : 0.32	1 : 0.59	The South Central Assembly for Effective Governance, 2002
Kelly Twp., Union County	1 : 1.48	1 : 0.07	1 : 0.07	Kelsey, 2006
Lehman Twp., Pike County	1 : 0.94	1 : 0.20	1 : 0.27	Kelsey, 2006
Maiden Creek Twp., Berks County	1 : 1.28	1 : 0.11	1 : 0.06	Kelsey, 1998
Richmond Twp., Berks County	1 : 1.24	1 : 0.09	1 : 0.04	Kelsey, 1998
Shrewsbury Twp., York County	1 : 1.22	1 : 0.15	1 : 0.17	The South Central Assembly for Effective Governance, 2002
Stewardson Twp., Potter County	1 : 2.11	1 : 0.23	1 : 0.31	Kelsey, 1994
Straban Twp., Adams County	1 : 1.10	1 : 0.16	1 : 0.06	Kelsey, 1992
Sweden Twp., Potter County	1 : 1.38	1 : 0.07	1 : 0.08	Kelsey, 1994
Rhode Island				
Hopkinton	1 : 1.08	1 : 0.31	1 : 0.31	Southern New England Forest Consortium, 1995
Little Compton	1 : 1.05	1 : 0.56	1 : 0.37	Southern New England Forest Consortium, 1995
West Greenwich	1 : 1.46	1 : 0.40	1 : 0.46	Southern New England Forest Consortium, 1995
Tennessee				
Blount County	1 : 1.23	1 : 0.25	1 : 0.41	American Farmland Trust, 2006
Robertson County	1 : 1.13	1 : 0.22	1 : 0.26	American Farmland Trust, 2006
Tipton County	1 : 1.07	1 : 0.32	1 : 0.57	American Farmland Trust, 2006
Texas				
Bandera County	1 : 1.10	1 : 0.26	1 : 0.26	American Farmland Trust, 2002
Bexar County	1 : 1.15	1 : 0.20	1 : 0.18	American Farmland Trust, 2004
Hays County	1 : 1.26	1 : 0.30	1 : 0.33	American Farmland Trust, 2000
Utah				
Cache County	1 : 1.27	1 : 0.25	1 : 0.57	Snyder and Ferguson, 1994
Sevier County	1 : 1.11	1 : 0.31	1 : 0.99	Snyder and Ferguson, 1994
Utah County	1 : 1.23	1 : 0.26	1 : 0.82	Snyder and Ferguson, 1994
Virginia				
Augusta County	1 : 1.22	1 : 0.20	1 : 0.80	Valley Conservation Council, 1997
Bedford County	1 : 1.07	1 : 0.40	1 : 0.25	American Farmland Trust, 2005
Clarke County	1 : 1.26	1 : 0.21	1 : 0.15	Piedmont Environmental Council, 1994
Culpepper County	1 : 1.22	1 : 0.41	1 : 0.32	American Farmland Trust, 2003
Frederick County	1 : 1.19	1 : 0.23	1 : 0.33	American Farmland Trust, 2003
Northampton County	1 : 1.13	1 : 0.97	1 : 0.23	American Farmland Trust, 1999
Washington				
Okanogan County	1 : 1.06	1 : 0.59	1 : 0.56	American Farmland Trust, 2007
Skagit County	1 : 1.25	1 : 0.30	1 : 0.51	American Farmland Trust, 1999
Wisconsin				
Dunn	1 : 1.06	1 : 0.29	1 : 0.18	Town of Dunn, 1994
Dunn	1 : 1.02	1 : 0.55	1 : 0.15	Wisconsin Land Use Research Program, 1999
Perry	1 : 1.20	1 : 1.04	1 : 0.41	Wisconsin Land Use Research Program, 1999
Westport	1 : 1.11	1 : 0.31	1 : 0.13	Wisconsin Land Use Research Program, 1999

Note: Some studies break out land uses into more than three distinct categories. For these studies, AFT requested data from the researcher and recalculated the final ratios for the land use categories listed in this table. The Okanogan County, Wash., study is unique in that it analyzed the fiscal contribution of tax-exempt state, federal and tribal lands.

American Farmland Trust's Farmland Information Center acts as a clearinghouse for information about Cost of Community Services studies. Inclusion in this table does not necessarily signify review or endorsement by American Farmland Trust.

COST OF COMMUNITY SERVICES STUDIES

For additional information on farmland protection and stewardship contact the Farmland Information Center. The FIC offers a staffed answer service and online library with fact sheets, laws, sample documents and other educational materials.

www.farmlandinfo.org
(800) 370-4879



AFT NATIONAL OFFICE
1200 18th Street, NW, Suite 800
Washington, DC 20036
(202) 331-7300
www.farmland.org



a community's bottom line. In areas where agriculture or forestry are major industries, it is especially important to consider the real property tax contribution of privately owned working lands. Working and other open lands may generate less revenue than residential, commercial or industrial properties, but they require little public infrastructure and few services.

COCS studies conducted over the last 20 years show working lands generate more public revenues than they receive back in public services. Their impact on community coffers is similar to that of other commercial and industrial land uses. On average, because residential land uses do not cover their costs, they must be subsidized by other community land uses. Converting agricultural land to residential land use should not be seen as a way to balance local budgets.

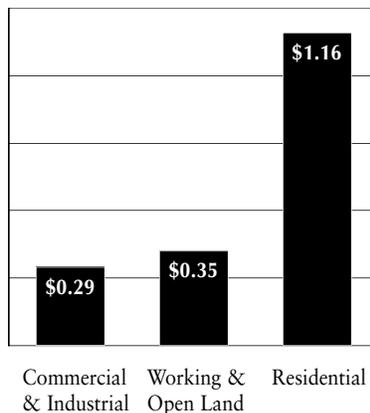
The findings of COCS studies are consistent with those of conventional fiscal impact analyses, which document the high cost of residential development and recommend commercial and industrial development to help balance local budgets. What is unique about COCS studies is that they show that agricultural land is similar to other commercial and industrial uses. In nearly every community studied, farmland has generated a fiscal surplus to help offset the shortfall created by residential demand for

public services. This is true even when the land is assessed at its current, agricultural use. However as more communities invest in agriculture this tendency may change. For example, if a community establishes a purchase of agricultural conservation easement program, working and open lands may generate a net negative.

Communities need reliable information to help them see the full picture of their land uses. COCS studies are an inexpensive way to evaluate the net contribution of working and open lands. They can help local leaders discard the notion that natural resources must be converted to other uses to ensure fiscal stability. They also dispel the myths that residential development leads to lower taxes, that differential assessment programs give landowners an "unfair" tax break and that farmland is an interim land use just waiting around for development.

One type of land use is not intrinsically better than another, and COCS studies are not meant to judge the overall public good or long-term merits of any land use or taxing structure. It is up to communities to balance goals such as maintaining affordable housing, creating jobs and conserving land. With good planning, these goals can complement rather than compete with each other. COCS studies give communities another tool to make decisions about their futures.

Median COCS Results



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

The FARMLAND INFORMATION CENTER (FIC) is a clearinghouse for information about farmland protection and stewardship. The FIC is a public/private partnership between the USDA Natural Resources Conservation Service and American Farmland Trust.

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.



AMERICAN FARMLAND TRUST'S *Planning for Agriculture in New York*

Total Your Score!

Your results...

Yes on 20-24

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

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.