ERIE COUNTY AGRICULTURAL DISTRICTS
EIGHT-YEAR REVIEW & DISTRICT CONSOLIDATION REPORT

2022 REPORT

FROM:	ERIE COUNTY AGRICULTURAL & FARMLAND PROTECTION BOARD
TO:	ERIE COUNTY LEGISLATURE
PURSUANT TO:	SECTION 303-A OF THE AGRICULTURE AND MARKETS LAW

OVERVIEW

In accordance with the Erie County Agricultural District Consolidation Framework, which was adopted by the Agricultural and Farmland Protection Board on October 24, 2012 and approved by the New York State Department of Agriculture and Markets on November 19, 2012, and then amended by the Agricultural and Farmland Protection Board on September 21, 2016, the following districts will be consolidated during the eight-year review into one district:

Alden Newstead Agricultural District No. 1
Amherst Agricultural District No. 17
Clarence Newstead Agricultural District No. 14
Lancaster Alden Agricultural District No. 16

The consolidated district will be known as the North Agricultural District.

Requests to add or remove land from these Districts were also entertained during this eight-year review and consolidation.

DISTRICT DESCRIPTION

The Alden Newstead Agricultural District, which contains properties in the Town of Alden and Newstead, was initially certified in November 1972 and is undergoing its seventh eight-year review. The present district contains approximately 16,593.67 acres.

The Amherst Agricultural District, which contains properties in the Towns of Amherst and Grand Island, was initially certified in April 1983 and is undergoing its sixth eight-year review. The present district contains approximately 2,696.85 acres.

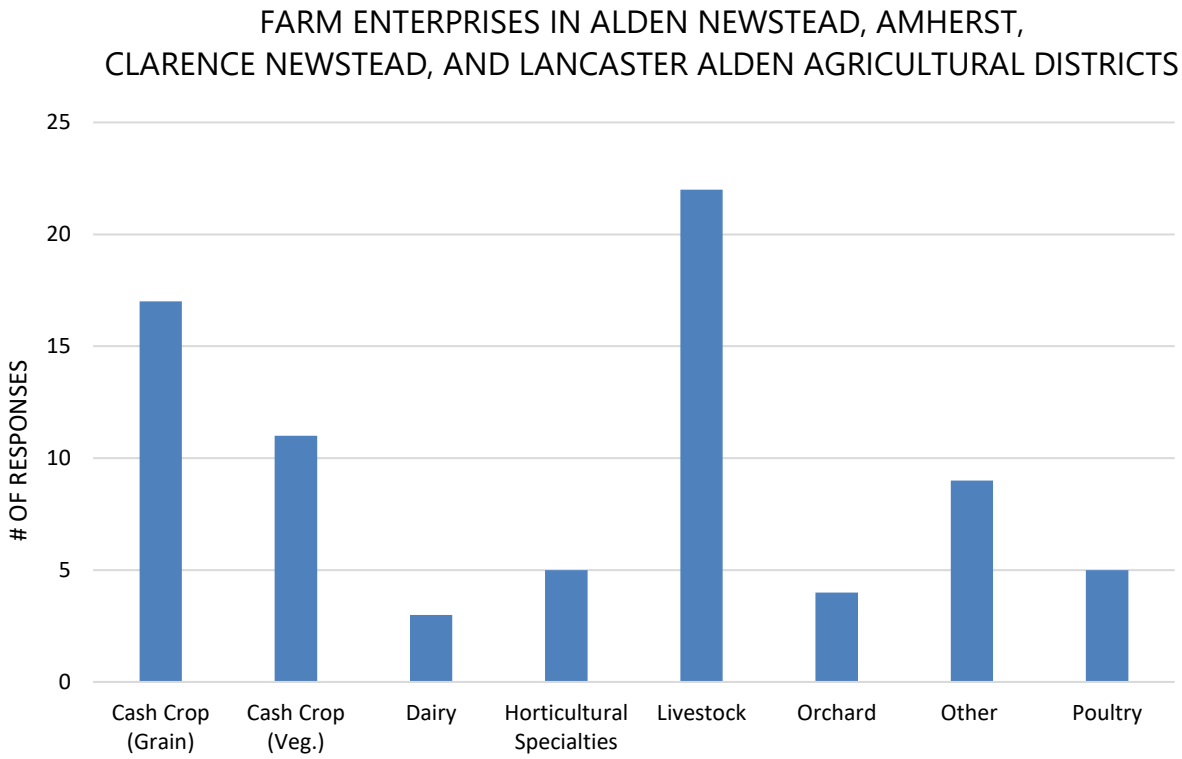
The Clarence Newstead Agricultural District, which contains properties in the Towns of Clarence and Newstead, was initially certified in April 1980 and is undergoing its sixth eight-year review. The present district contains approximately 29,926.22 acres.

The Lancaster Alden Agricultural District, which contains properties in the Towns of Lancaster and Alden, was initially certified in April 1983 and is undergoing its sixth eight-year review. The present district contains approximately 9,355.62 acres.

In the summer of 2022, surveys were mailed to all property owners with land enrolled in the above-mentioned Agricultural Districts. These surveys requested information about their operation and allowing them to make modifications to their lands' status. Of the 4,741 sent out, 574 (12%) were returned. Of those returned, 159 indicated the land was in agricultural use.

NATURE AND STATUS OF FARMING AND FARM RESOURCES

Of the approximately 58,572.36 acres in the Alden Newstead, Amherst, Clarence Newstead, and Lancaster Alden Agricultural Districts, 4,649 acres were reported as owned or rented, with 10,667 acres in cropped land. The survey results show a variety of farming enterprises within the Districts.



Soil classifications in the Districts are predominantly prime, prime if drained, or of statewide importance.

The Districts are primarily located in rural and developing policy areas of Erie County as defined by the Framework for Regional Growth. Rural policy areas experience limited development pressure while developing policy areas experience some development pressure. Small portions of the Districts, in Grand Island, are located within the developed policy area. These areas include contiguous blocks of development served with public sewer, water, and transportation infrastructure.

Erie County Sewer Districts #4 and #5 extend into the Towns of Alden of Clarence, but service is scarce within the Agricultural Districts.

EXTENT TO WHICH COUNTY AND LOCAL COMPREHENSIVE PLANS, POLICIES, AND OBJECTIVES ARE CONSISTENT WITH AND SUPPORT THE DISTRICT

Framework for Regional Growth

The *Framework for Regional Growth* was adopted as Erie County's land use plan. The *Framework* regards the Towns of Newstead and Alden as primarily rural policy areas. The *Framework* also regards the Towns of Clarence and Lancaster as predominantly part of the developing policy area, though a small amount of each town is considered part of the rural policy area. The Towns of Amherst and Grand Island are mostly within the developed policy area, with a smaller portion of each town located in a developing policy area.

The *Framework* seeks to minimize water and sewer infrastructure extensions into the developing and rural areas of the county, and aims to halt the conversion of agricultural lands. These goals are in accordance with the goals and intent of the State Agricultural Districts Program.

Agricultural and Farmland Protection Plan

Erie County's Agricultural and Farmland Protection Plan (AFPP) was approved by the Erie County Legislature and adopted in March 2013. It recognizes the importance of agricultural land within Erie County as a preferred land use, due to its importance to resource conservation, the preservation of open space, and the economic contributions to Erie County.

The Erie County Agricultural and Farmland Protection Plan creates innovative strategies to guide the County to identify and protect agricultural land with development pressure, support new farms and attract new farmers to Erie County, identify strategies to increase the financial viability of agriculture in the County, connect rural and urban farmers with consumers and new markets, and increase accessibility of healthy, local food for consumers.

Right-To-Farm Legislation

The Erie County Legislature adopted a County Right to Farm Law effective January 1, 2001. This law recognizes the importance of agriculture in Erie County and alerts prospective buyers of property adjacent to or within an agricultural district to the impacts of agricultural practices (specifically odors, noise, dust, etc.). The disclosure notice to be signed at the time of contract sale is also a part of the County law. The Towns of Alden, Clarence, Grand Island, Lancaster, and Newstead have enacted right-to-farm laws, recognizing agriculture as an important part of their economy. The Town of Amherst has not enacted a right-to-farm law, but recently completed an Agriculture and Farmland Protection Plan recommending a right-to-farm law be enacted.

Local Comprehensive Plans

The Alden Newstead Agricultural District includes land in the Towns of Alden, Newstead, and to a lesser extend land from the Town of Clarence. The Amherst Agricultural District includes land from the Towns of Amherst and Grand Island. The Clarence Newstead Agricultural District includes land from the Town of Clarence and Newstead. The Lancaster Alden Agricultural District includes land from the Towns of Alden and Lancaster.

The comprehensive plans for the above-mentioned towns all exhibit language that is supportive of the Erie County Agricultural and Farmland Protection Plan. Common themes and objectives between the comprehensive plans, as well as the Agricultural and Farmland Protection Plan, include items such as the preservation of agricultural land and open space, and that future growth areas be located away from established agricultural operations.

EXTENT TO WHICH THE DISTRICTS HAVE ACHIEVED THEIR ORIGINAL OBJECTIVES

The Alden Newstead Agricultural District No. 1, the Clarence Newstead Agricultural District No. 14, Lancaster Alden Agricultural District No. 16, and the Amherst Agricultural District No. 17 have met their intended goal, and in conjunction with the other Agricultural Districts within Erie County, formed the foundation for the County's future actions towards agricultural protection and enhancement.

DEGREE OF COORDINATION BETWEEN LOCAL LAWS, ORDINANCES, RULES AND REGULATIONS

All of the Towns containing lands in the Alden Newstead, Clarence Newstead, Lancaster Alden, and Amherst Agricultural Districts currently enforce a zoning ordinance or law.

In the Alden Newstead Agricultural District, lands fall predominantly within the Residential-Agricultural and Rural Agricultural zoning districts, which are designed to accommodate primarily agricultural and rural residential uses.

In the Amherst Agricultural District, lands fall predominantly within the Residential Agricultural, and Agriculture Residential zoning districts, which are designed to accommodate primarily agricultural and rural residential uses. A portion of the District in the Town of Alden is located in the Residential R-1 zoning district, the purpose of which is to provide for low-density single-family detached residential development.

In the Clarence Newstead Agricultural District, lands fall predominantly within the Agricultural – Floodzone and Agricultural and Rural Agricultural zoning districts, which are designed to accommodate primarily agricultural and rural residential uses.

In the Lancaster Alden Agricultural District, lands fall predominantly within the Residential Agricultural, and Agriculture Residential zoning districts, which are designed to accommodate primarily agricultural and rural residential uses. A portion of the District in the Town of Alden is located in the Residential R-1 zoning district, the purpose of which is to provide for low-density single-family detached residential development.

RECOMMENDATIONS

Three modifications requests were received, requesting the removal of four parcels from the District. No requests to add land to the Districts were received. See attachments 1-4 for request details. Based upon the findings of this report, it is recommended that the AFPB **remove** the Delzer, Lotter, and Yoder parcel from the District.

It is also recommended that the Alden Newstead Agricultural District No. 1 be modified through the addition of all parcels in the Amherst Agricultural District No. 17, the Clarence Newstead Agricultural District No. 14, and the Lancaster Alden Agricultural District No. 16. The result of the proposed modification will be the consolidation of the aforementioned districts into the North Agricultural District.

LIST OF ATTACHMENTS

1. Application #1 (application, map, photo)
2. Application #2 (application, map, photo)
3. Application #3 (application, map, photo)
4. Application Matrix
5. Survey Results
6. Framework for Regional Growth – Planning Policy Areas Map
7. Existing Erie County Agricultural Districts Map
8. Alden Newstead, Amherst, Clarence Newstead, and Lancaster Alden Agricultural Districts Map
9. Agricultural District Consolidation Plan Map
10. Agricultural District Consolidation Plan Grid

ATTACHMENT 1

1

Agricultural District Modification Form: Submission #72

The **View** page displays a submission's general information and data.

▶ SUBMISSION INFORMATION

▼ START HERE

Do you own property in the Alden Newstead, Clarence Newstead, Lancaster Alden, and/or Amherst Agricultural District?
Yes

Are you adding or removing property from the Alden Newstead, Clarence Newstead, Lancaster Alden, and/or Amherst Agricultural District?
Yes

▼ LANDOWNER INFORMATION

Owner Name
Samuel L Yoder

Mailing Address
9427 Chestnut Ridge Rd
Middlepoirt, New York. 14105

Phone
7164406976

Email
yodersly4@gmail.com

▼ RENTER CONTACT INFORMATION (IF APPLICABLE)

Renter Name
{Empty}

Renter Address
{Empty}

Renter Phone
{Empty}

Renter Email
{Empty}

▼ PROPERTY DESCRIPTION

SBL

- **SBL (Tax Parcel ID):** 18.00-4-16.1
  Street Address: none
  Town: Clarence
  Acres: 50.69
  Agricultural Assessment (Y/N): N
  Add or Remove from District?: Remove

▼ FARM DESCRIPTION

Total Number of Acres Owned
50.69

Total Number of Acres Farmed/Cropped
0

Total Number of Acres Rented
0

On your last tax return, did you have over $1,000 in agriculture-related income?
No

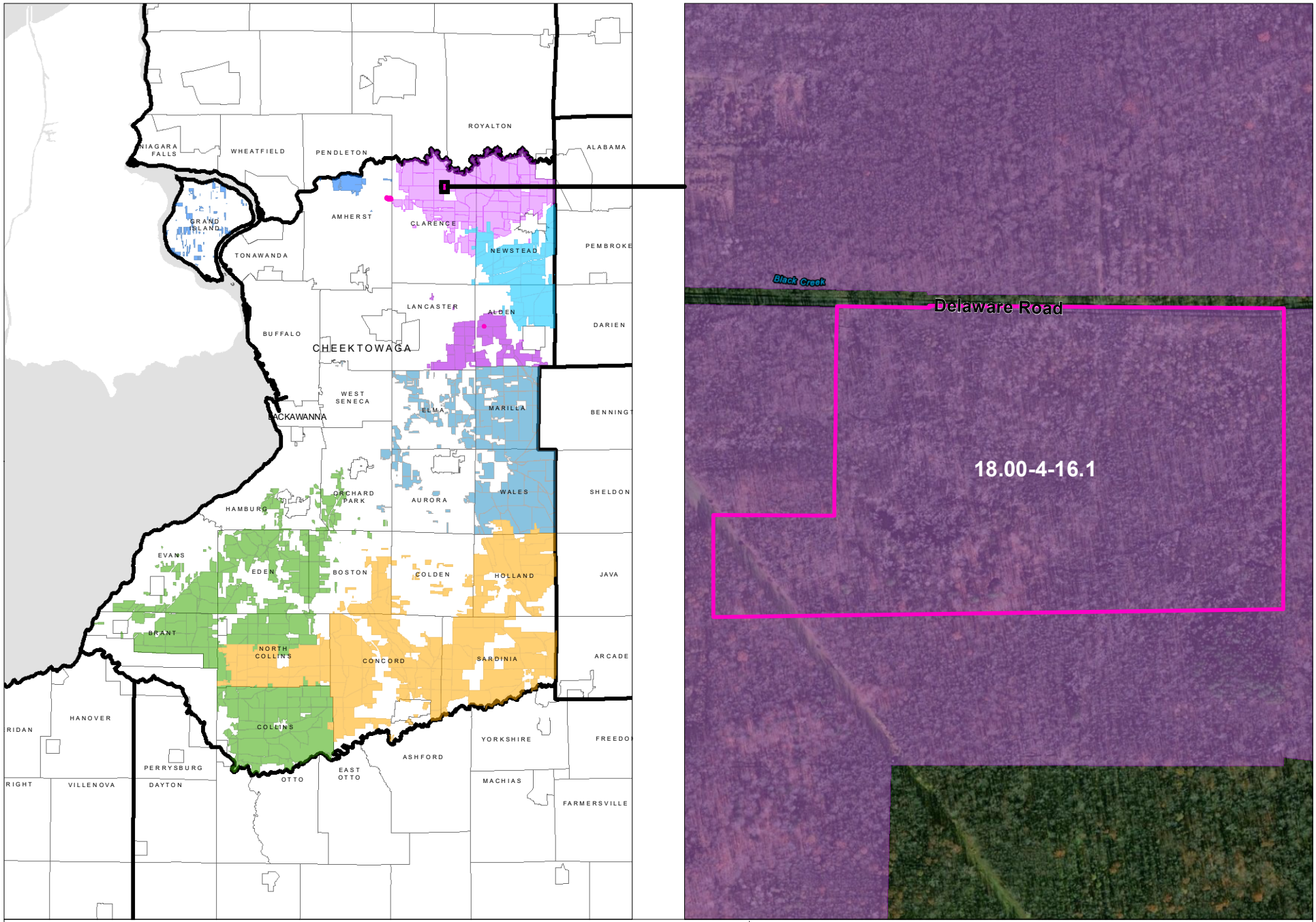
▼ AGRICULTURE BUSINESS DESCRIPTION

Describe the business that is operated on the parcel(s) proposed for removal or inclusion.
Nothing done on this property. It is wet lands.

Principal Enterprise
{Empty}

▼ SIGNATURE

Property Owner Signature



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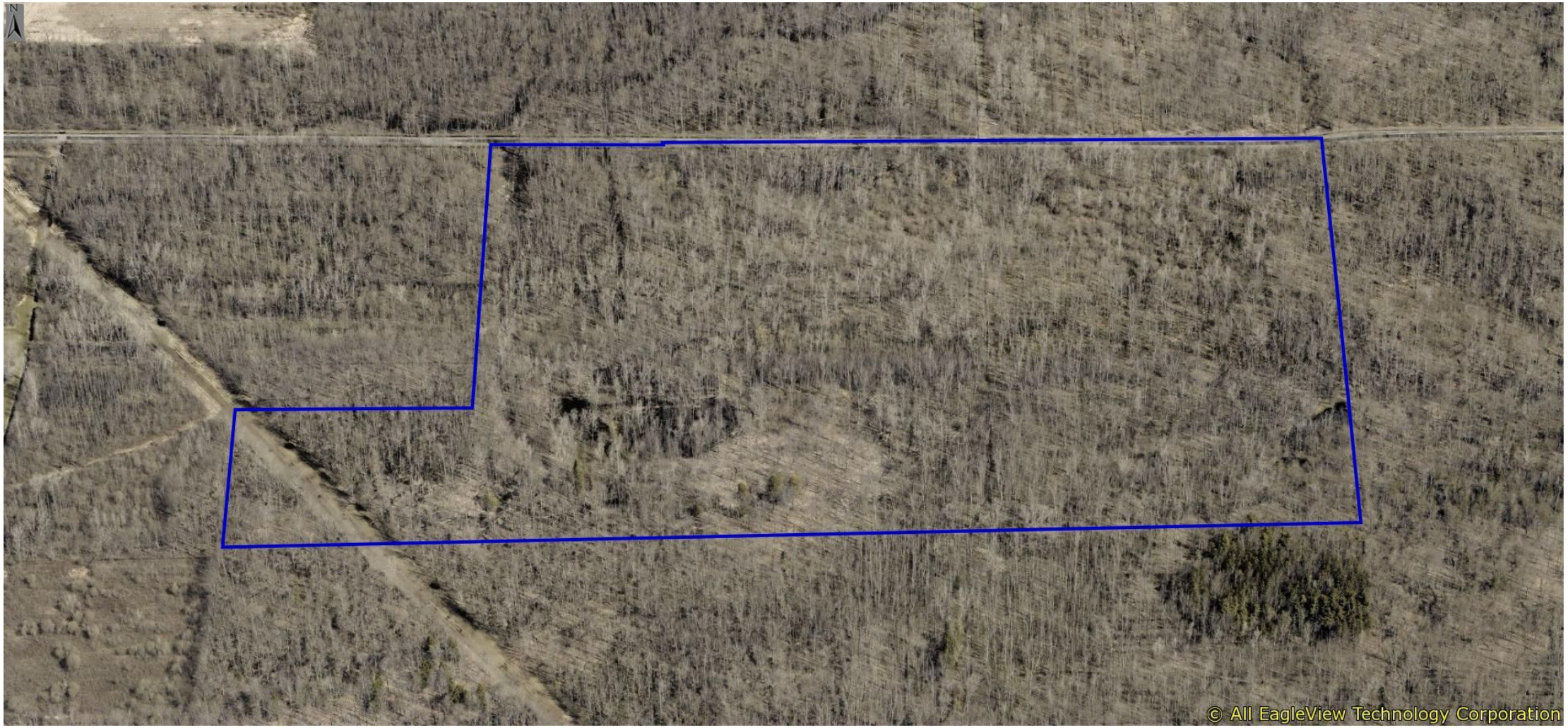
APPLICATION 1: SAMUEL YODER
TOWN OF CLARENCE

AGRICULTURAL DISTRICTS: 303-A MODIFICATION REQUESTS

MAP PREPARED BY THE ERIE COUNTY DEPARTMENT OF ENVIRONMENT & PLANNING BY GATTIS2, 8/3/2022

Application 1: Samuel Yoder



04/25/2020

ATTACHMENT 2

2

Agricultural District Modification Form: Submission #58

The **View** page displays a submission's general information and data.

▶ SUBMISSION INFORMATION

▼ START HERE

Do you own property in the Alden Newstead, Clarence Newstead, Lancaster Alden, and/or Amherst Agricultural District?
Yes

Are you adding or removing property from the Alden Newstead, Clarence Newstead, Lancaster Alden, and/or Amherst Agricultural District?
Yes

▼ LANDOWNER INFORMATION

Owner Name
Fritz Lotter

Mailing Address
PO Box 215
East Amherst, New York. 14051

Phone
7166886637

Email
lotf@ymail.com

▼ RENTER CONTACT INFORMATION (IF APPLICABLE)

Renter Name
{Empty}

Renter Address
{Empty}

Renter Phone
{Empty}

Renter Email
{Empty}

▼ PROPERTY DESCRIPTION

SBL

- **SBL (Tax Parcel ID):** 29.01-2-5.1
  Street Address: 10060 Transit RD
  Town: East Amherst
  Acres: aprox 25
  Agricultural Assessment (Y/N): n
  Add or Remove from District?: Remove
- **SBL (Tax Parcel ID):** 29.01-2-5.2
  Street Address: 10090 Transit Rd
  Town: East Amherst
  Acres: aprox 5
  Agricultural Assessment (Y/N): n
  Add or Remove from District?: Remove

▼ FARM DESCRIPTION

Total Number of Acres Owned
Aprox 30

Total Number of Acres Farmed/Cropped
0

Total Number of Acres Rented
0

On your last tax return, did you have over $1,000 in agriculture-related income?
No

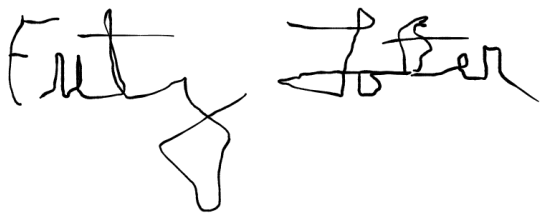
▼ AGRICULTURE BUSINESS DESCRIPTION

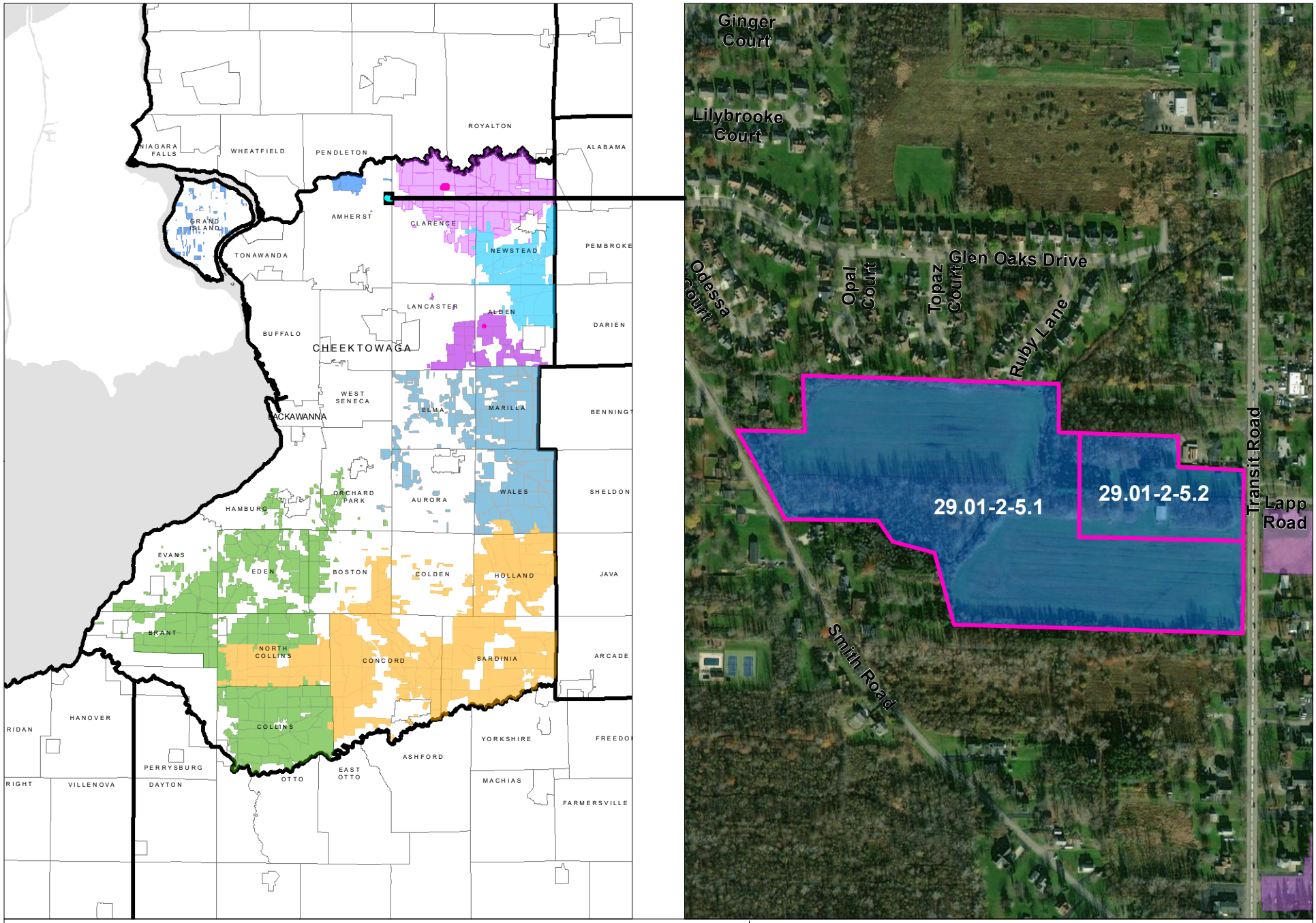
Describe the business that is operated on the parcel(s) proposed for removal or inclusion.
None, never started farming due to ill health. after enrolling in ag district.

Principal Enterprise
{Empty}

▼ SIGNATURE

Property Owner Signature





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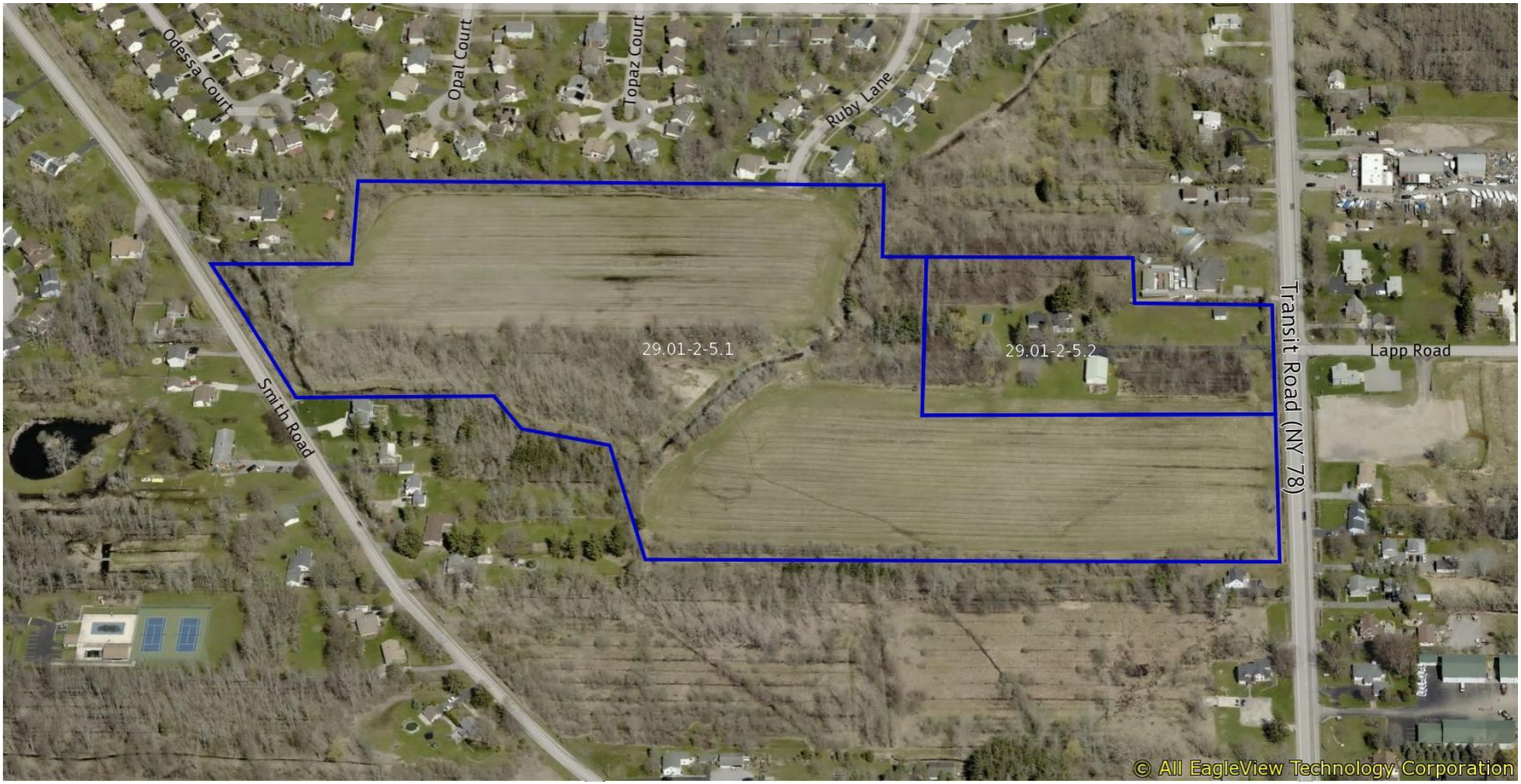
APPLICATION 2: FRITZ LOTTER
TOWN OF AMHERST

AGRICULTURAL DISTRICTS: 303-A MODIFICATION REQUESTS

MAP PREPARED BY THE ERIE COUNTY DEPARTMENT OF ENVIRONMENT & PLANNING BY GATTIS2, 8/3/2022

Application 2: Fritz Lotter



04/25/2020

ATTACHMENT 3

3

Agricultural District Modification Form: Submission #42

The **View** page displays a submission's general information and data.

▶ SUBMISSION INFORMATION

▼ START HERE

Do you own property in the Alden Newstead, Clarence Newstead, Lancaster Alden, and/or Amherst Agricultural District?
Yes

Are you adding or removing property from the Alden Newstead, Clarence Newstead, Lancaster Alden, and/or Amherst Agricultural District?
Yes

▼ LANDOWNER INFORMATION

Owner Name
Lu Anne Delzer

Mailing Address
11347 Westwood Road
Alden, New York. 14004

Phone
17169837469

Email
lulu624x@aol.com

▼ RENTER CONTACT INFORMATION (IF APPLICABLE)

Renter Name
{Empty}

Renter Address
{Empty}

Renter Phone
{Empty}

Renter Email
{Empty}

▼ PROPERTY DESCRIPTION

SBL

- **SBL (Tax Parcel ID):** 107.00-6-20
  Street Address: 11347 Westwood Road
  Town: Alden
  Acres: 1.7
  Agricultural Assessment (Y/N): y
  Add or Remove from District?: remove

▼ FARM DESCRIPTION

Total Number of Acres Owned
1.7

Total Number of Acres Farmed/Cropped
0

Total Number of Acres Rented
0

On your last tax return, did you have over $1,000 in agriculture-related income?
No

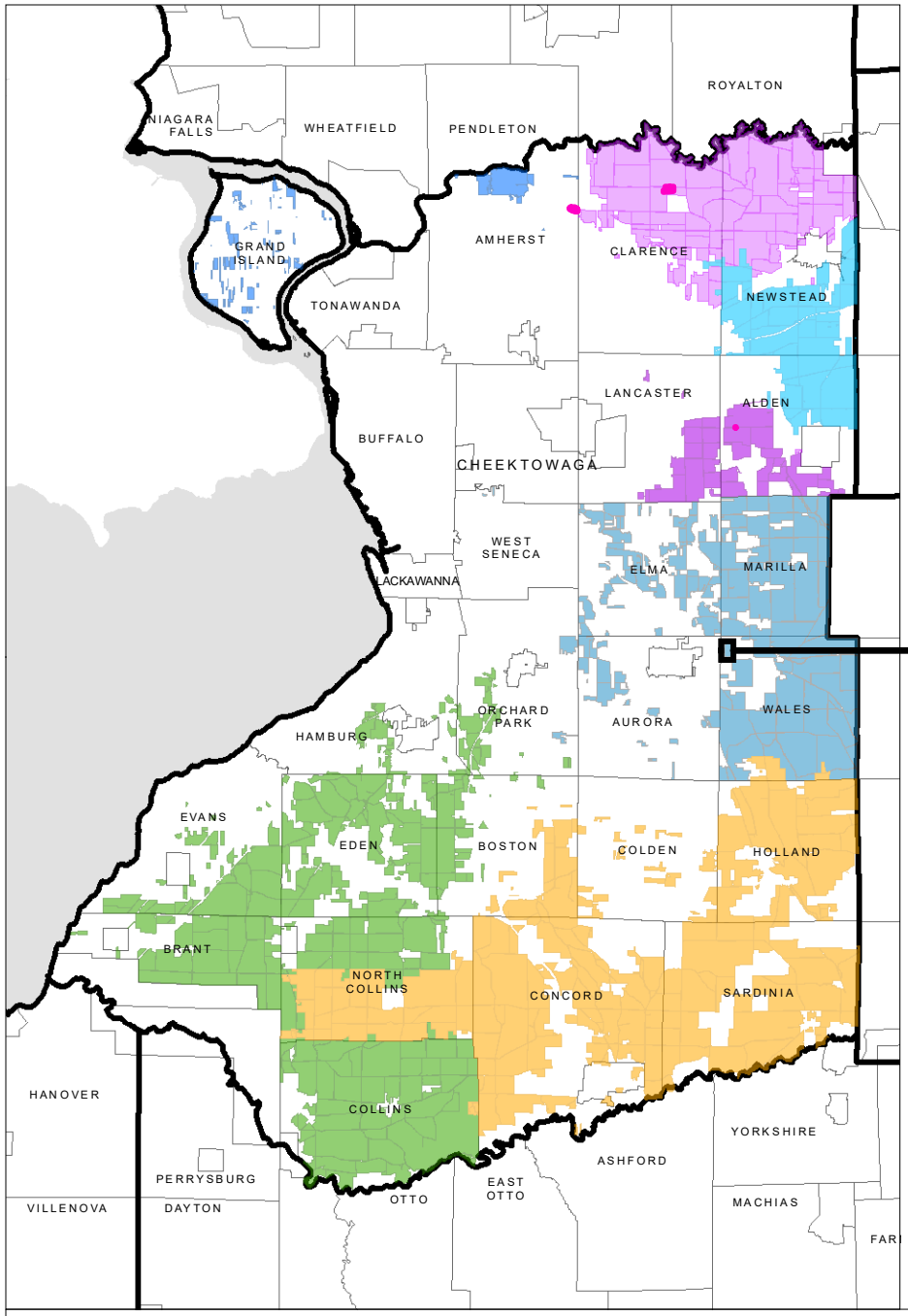
▼ AGRICULTURE BUSINESS DESCRIPTION

Describe the business that is operated on the parcel(s) proposed for removal or inclusion.
none

Principal Enterprise
{Empty}

▼ SIGNATURE

Property Owner Signature



Central #5
Alden Newstead #1
Southwest #8
Clarence Newstead #14
Southeast #15
Lancaster Alden #16
Amherst #17
Removal Request

0 125 250 FEET

APPPLICATION 3: LU ANNE DELZER
TOWN OF ALDEN

AGRICULTURAL DISTRICTS: 303-B ENROLLMENTS

MAP PREPARED BY THE ERIE COUNTY DEPARTMENT OF ENVIRONMENT & PLANNING BY GATTIS2, 8/3/2022

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Application 3: Lu Anne Delzer

04/25/2020

ATTACHMENT 4

App #	1	2		3
Add/Remove	Remove	Remove	Remove	Remove
Owner Name	Samuel Yoder	Fritz Lotter		Lu Anne Delzer
Renter Name	Not rented	Not rented		
SBL	18.00-4-16.1	29.01-2-5.1	29.01-2-5.2	107.00-6-20
Address	0 Delaware Road	10060 Transit Road	10090 Transit Road	11347 Westwood Wood
Town	Clarence	Amherst		Alden
Ag. Exemption	No	No		No
> 1K in Agriculture-Related Income on Last Tax Return	No	No		No
Acres	50.69	24.2	4.9	1.7
Type of Operation	Not farmed	Not farmed		Not farmed
District	Clarence Newstead #14	Amherst #17		Lancaster Alden #16
NYS Soil Suitability	Poor	Fair		Fair
Surrounding Land Use	Forest	Residential; Forest; Farmland		Residential; Farmland
Municipal Zoning	Agricultural-Floodzone	Suburban Agriculture	Suburban Agriculture; Motor Service District	Residential-Agricultural
Zoning on Agriculture	Intended to accommodate primarily agricultural operations and associated low-density residential. Intent is to maintain a rural boundary, preserving agricultural and forested areas of Clarence.	Purpose is to provide areas for low-density, single-family detached residential development which would also accommodate farms, farm-related activities, and other nonintensive compatible uses. Farms and stables permitted; Raising of livestock for noncommercial purposes permitted accessory use; One (1) acre minimum lot size. No mention of agriculture in Motor Service District.		Agricultural buildings and activities, including growing field, truck and tree crops, dairying, livestock raising, poultry farming, fur farming and hog raising permitted principal uses. Nurseries and greenhouses are permitted. Roadside stands, barns, and other farm buildings are permitted accessory uses.

App #	1	2	3	4
Comprehensive Plan	Agriculture & Open Space Goal Statement: "We will continue to support our agricultural community to ensure the long-term viability of local farms and farm operations. Protecting farmland and open space through the Greenprint Program and other land use measures will continue to be a priority for the Town in an effort to reduce development pressure on viable farmlands and soils."	Goal One is to support an interconnected mix of land uses that includes agriculture. Development Pattern policy 3-3 recommends modifying the S-A Zoning District to reduce conversions of rural to suburban development pattern. Conceptual Land Use Plan designates this area as single family residential. Infrastructure policy 7-4 calls for limiting sewer extensions in agricultural areas. Town has Ag and Farmland Protection Plan.		Goal: Build public support for the community's farms and farmers and promote, protect and assist agriculture as a functional sector of the local economy.
Framework for Regional Growth	Rural Area: Discourage the conversion of rural and agricultural lands.	Developing Area: Align policies and investments to encourage the conversion of agricultural and rural lands; Channel growth to areas with existing sewer and water service; Support local planning that designates areas appropriate for development and conversion and avoid "leap frog" patterns of development; Minimize conversion of designated rural and agricultural lands.		Rural Area: Discourage the conversion of rural and agricultural lands.
EC AFPP	Keep land in agricultural production by protecting farmland, helping a new generation to form, and improving the viability of all farm in the County; Support the state-certified agricultural district with right-to-farm provisions.	Keep land in agricultural production by protecting farmland, helping a new generation to form, and improving the viability of all farm in the County; Support the state-certified agricultural district with right-to-farm provisions.	Keep land in agricultural production by protecting farmland, helping a new generation to form, and improving the viability of all farm in the County; Support the state-certified agricultural district with right-to-farm provisions.	Keep land in agricultural production by protecting farmland, helping a new generation to form, and improving the viability of all farm in the County; Support the state-certified agricultural district with right-to-farm provisions.

ATTACHMENT 5

#1 – North Consolidated

	Acres in Pasture	315	Acres Owned	9,760
Acreage – 14,409	Acres Cropped	10,667	Acres Rented	4,649

Number of Active Agricultural Operations by Principal Enterprise

Dairy	3	Horticultural Specialties	6
Cash Crop (including grains and vegetables)	37	Orchard	7
Livestock	33	Wood	3
Poultry	23	Other (Unspecified)	12

Number of Operations According to Gross Sales and Agricultural Investments

	Gross Sales	Agricultural Investments
$10,000 or less	12	37
$10,000 to $49,999	24	20
$50,000 to $99,999	5	9
$100,000 to $199,999	2	11
$200,000 - $499,000	3	8
Over $500,000	4	---

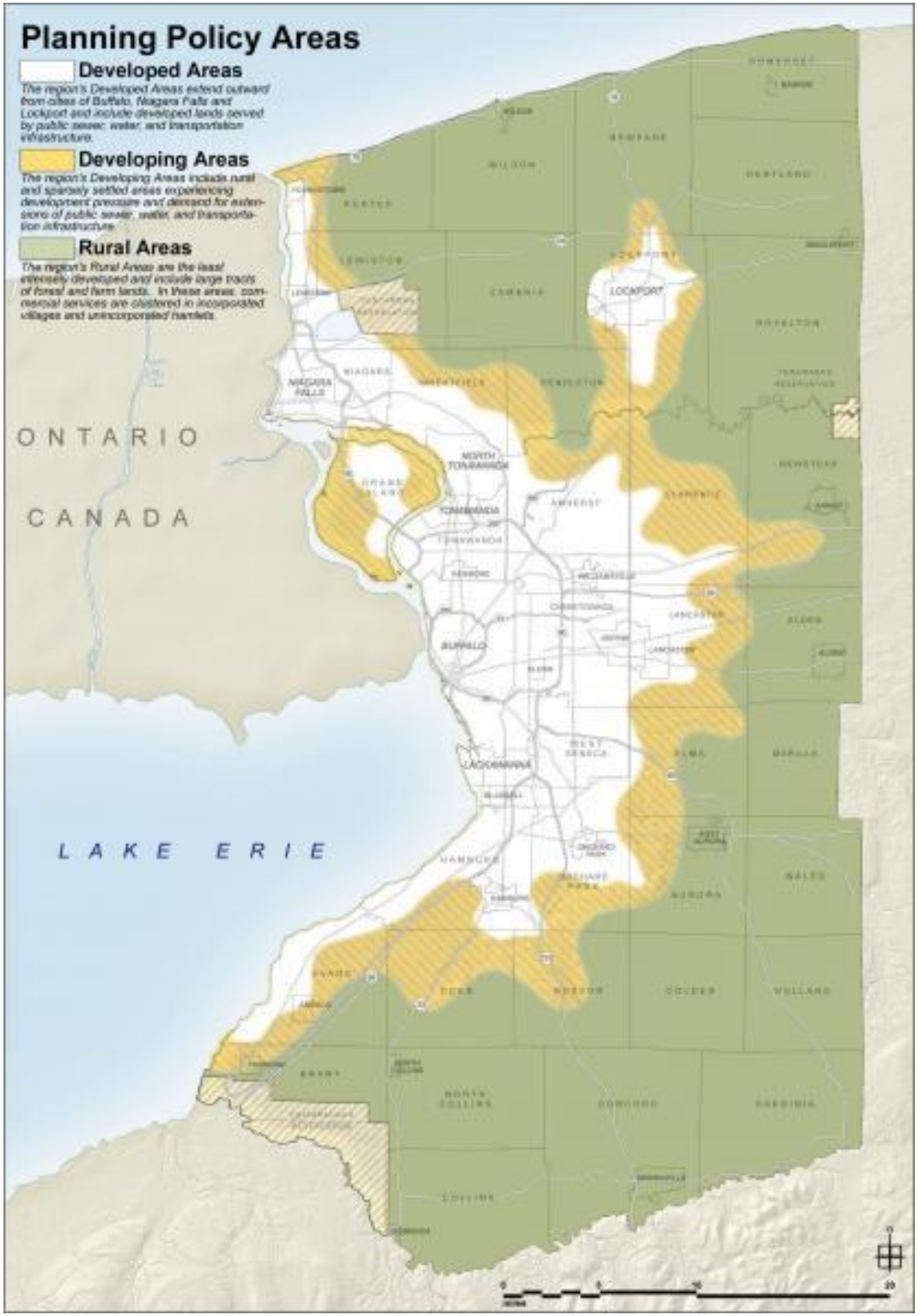
Crops in Acres

Hay/alfalfa	2,126	Nursery/Horticultural Specialties	54
Corn	3,534	Forested	1,237
Grains	2,582	Other (Unspecified)	997
Fruit/Vegetables	508		

Livestock (#)						Products:	
Cows	728	Hogs	69	Other	746	milk	4,921,000
Heifers/Calves	498	Hens/Pullets	501,204			sf greenhouses	167,974
Beef	247	Horses	97			cord wood	421
						maple syrup	53

The results of this survey are limited to the responses received by the Department of Environment and Planning

ATTACHMENT 6


Planning Policy Areas
Developed Areas
The region's Developed Areas extend outward from cities of Buffalo, Niagara Falls and Lockport and include developed lands served by public sewer, water, and transportation infrastructure.
Developing Areas
The region's Developing Areas include rural and sparsely settled areas experiencing development pressure and demand for extensions of public sewer, water, and transportation infrastructure.
Rural Areas
The region's Rural Areas are the least intensely developed and include large tracts of forest and farm lands. In these areas, commercial services are clustered in incorporated villages and unincorporated hamlets.
ONTARIO
CANADA
LAKE ERIE
LOCKPORT
NIAGARA FALLS
NORTH TONAWANDA
TONAWANDA
BUFFALO
LAGOONANNA
NEWFANE
HARTLAND
LEWISTON
COMANIA
ROYALTON
NEWSTEAD
LANCASTER
ALMA
MARILLA
WALES
MANORA
COLDEN
MULLAND
CONCORD
CARDINIA
COLLINS
NORTH COLLINS
ERIE
ALDEN
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WEST SENECA
CLARENCE
AMHERST
CHEEKTOWAGA
WEST AURORA
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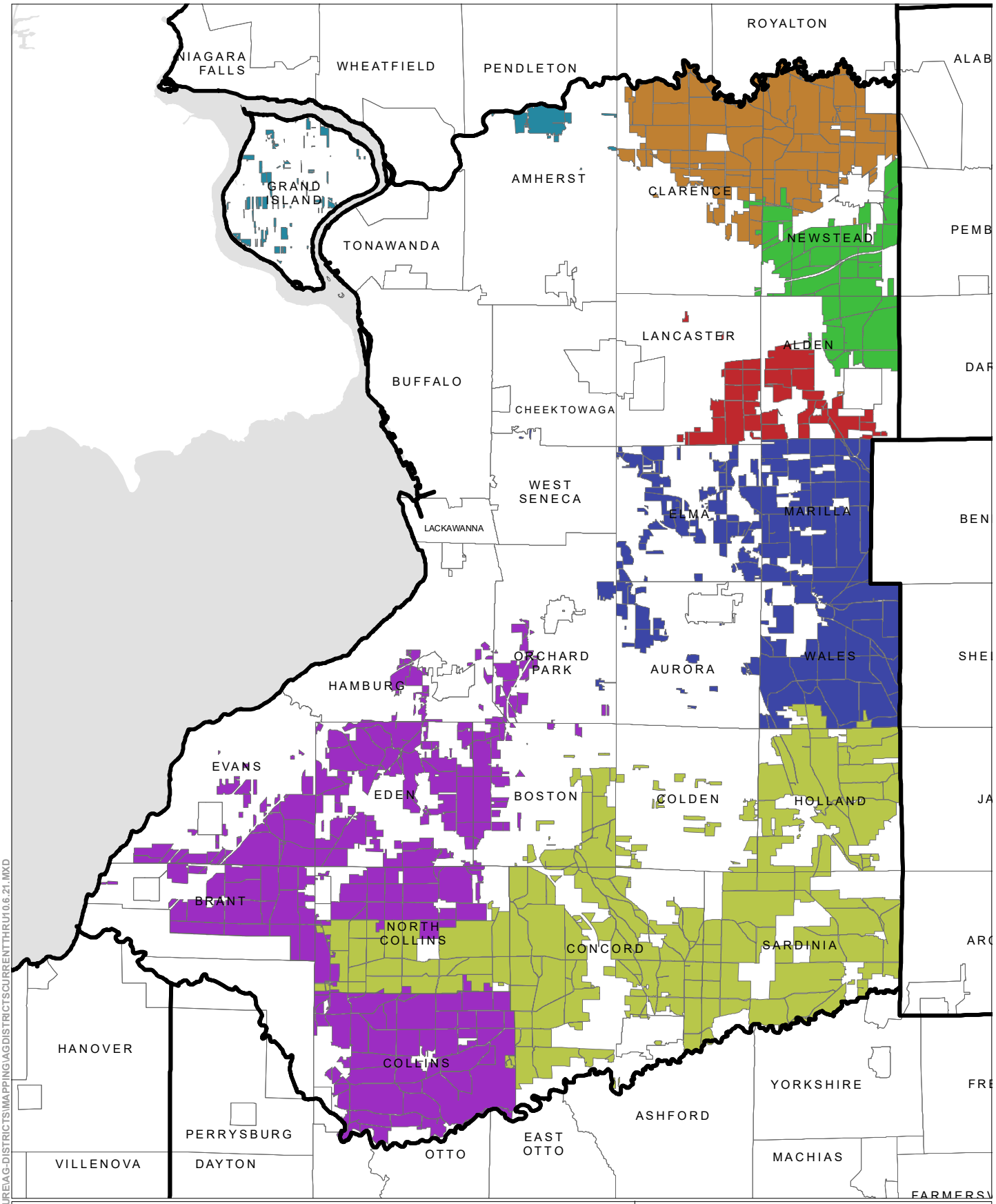
ATTACHMENT 7


NIAGARA FALLS
WHEATFIELD
PENDLETON
ROYALTON
ALAB
GRAND ISLAND
AMHERST
CLARENCE
NEWSTEAD
PEMB
TONAWANDA
LANCASTER
ALDEN
DAR
BUFFALO
CHEEKTOWAGA
WEST SENECA
ELMA
MARILLA
BEN
LACKAWANNA
ORCHARD PARK
AURORA
WALES
SHEI
HAMBURG
EVANS
EDEN
BOSTON
COLDEN
HOLLAND
JA
BRANT
NORTH COLLINS
CONCORD
SARDINIA
ARC
HANOVER
COLLINS
YORKSHIRE
FRE
ASHFORD
PERRYSBURG
EAST OTTO
OTTO
MACHIAS
VILLENOVA
DAYTON
FARMERSV
Alden Newstead #1
Amherst #17
Central #5
Clarence Newstead #14
Lancaster Alden #16
Southeast #15
Southwest #8
0
2.5
5
10
15
20
MILES
AGRICULTURAL DISTRICTS
ERIE COUNTY, NY
CURRENT THROUGH OCTOBER 2021
MAP PREPARED BY THE ERIE COUNTY DEPARTMENT OF ENVIRONMENT & PLANNING BY GATTIS2, 10/7/2021
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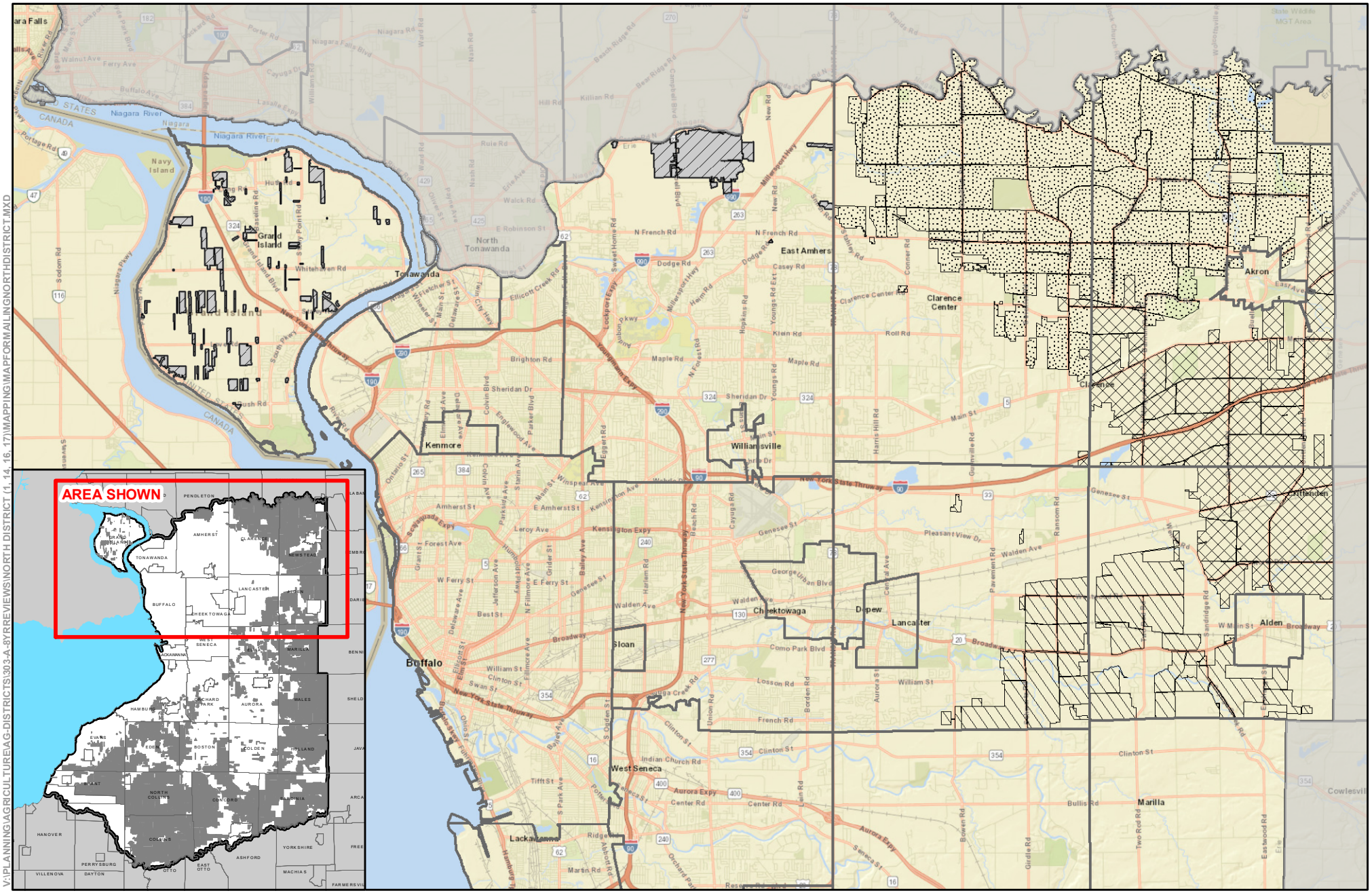
ATTACHMENT 8



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Alden Newstead #1

Amherst #17

Clarence Newstead #14

Lancaster Alden #16

Other Agricultural Districts

0 2 4 8 12

MILES

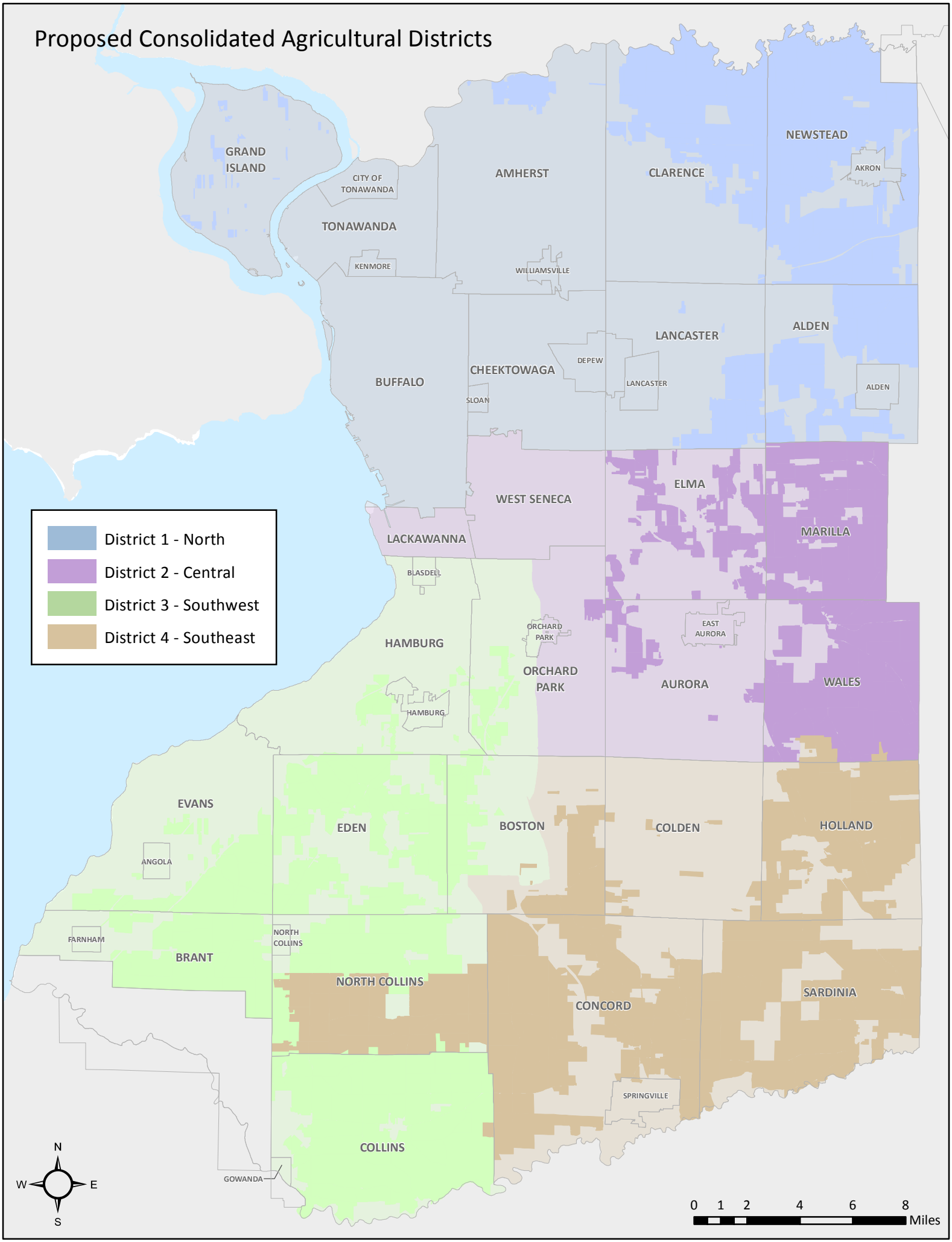
ALDEN NEWSTEAD, CLARENCE NEWSTEAD, LANCASTER ALDEN, AMHERST AGRICULTURAL DISTRICTS

ALDEN, AMHERST, CLARENCE, GRAND ISLAND, LANCSTER, NEWSTEAD, ERIE COUNTY NY

MAP PREPARED BY THE ERIE COUNTY DEPARTMENT OF ENVIRONMENT & PLANNING BY GATTIS2, 6/8/2022

ATTACHMENT 9

Proposed Consolidated Agricultural Districts



ATTACHMENT 10

District			2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031
North	1	Alden-Newstead	Due 11/18/12	Current							Due 11/18/20	Extend to 2023		Consolidate 04/28/23	Current							Due 04/28/31
	14	Clarence-Newstead	Due 04/09/12	Current							Due 04/09/20	Extend to 2023		Consolidate 04/28/23								
	16	Lancaster-Alden	Current			Due 04/28/15	Current							Due 04/28/23								
	17	Amherst	Overdue			Due 04/25/15	Current							Due 04/25/23								
Central	5	Marilla	Overdue	Due 12/04/13	Current							Due 12/04/21	Current						Due 12/04/29			
	12	Wales	Current						Due 11/09/18	Extend to 2021		Consolidate 12/04/21										
	13	Elma	Current							Due 06/20/19	Extend to 2021	Consolidate 12/04/21										
Southwest	2	Eden	Current	Due 04/16/13	Extend to 2016		Consolidate 06/21/16	Current							Due 03/17/24							
	4	North Collins	Current	Due 04/16/13	Extend to 2016		Consolidate 06/21/16															
	8	Collins	Overdue				Due 03/17/16															
	9	Brant-Evans	Current				Due 06/21/16															
Southeast	6	Sardinia	Overdue		Due 12/09/14	Extend to 2017		Consolidate 08/09/17	Current							Due 08/09/25						
	11	Holland	Current					Due 08/09/17														
	15	Concord	Overdue	Due 12/21/13	Extend to 2017			Consolidate 08/09/17														