

Is your Town Planning for Agriculture?

Division of Land and Water Resources:
Agriculture Protection Unit
Jeff Kehoe 518-457-4626



Is Your Town Planning For Agriculture?

Does your Town...

*...have farmers serving on local boards
or local economic development
committees?*

Is Your Town Planning For Agriculture?

Does your Town...

...have a section on agriculture in the comprehensive plan?

“Yes, our town supports agriculture and the right to farm.”

Local Land Use Controls: Erie County 2008

County	Municipality	Comp. Plan	Zoning	Subdivision	Site Plan	Planning Bd.
	<u>Cities</u>					
Erie 08	Buffalo (City)	Yes	Yes	Yes	Yes	Yes
Erie	Lackawanna (City)	Yes	Yes	No	Yes	Yes
Erie	Tonawanda (City)	Yes	Yes	Yes	Yes	Yes
	<u>Towns</u>					
Erie	Alden (Town)	Yes	Yes	Yes	Yes	Yes
Erie	Amherst (Town)	Yes	Yes	Yes	Yes	Yes
Erie	Aurora (Town)	Yes	Yes	Yes	Yes	Yes
Erie	Boston (Town)	Yes	Yes	Yes	Yes	Yes
Erie	Brant (Town)	Yes	Yes	Yes	Yes	Yes
Erie	Cheektowaga (Town)	Yes	Yes	Yes	Yes	Yes
Erie	Clarence (Town)	Yes	Yes	Yes	Yes	Yes
Erie	Colden (Town)	Yes	Yes	Yes	Yes	Yes
Erie	Collins (Town)	Yes	Yes	Yes	Yes	Yes
Erie	Concord (Town)	Yes	Yes	Yes	Yes	Yes
Erie	Eden (Town)	Yes	Yes	Yes	Yes	Yes
Erie	Elma (Town)	Yes	Yes	Yes	Yes	Yes
Erie	Evans (Town)	Yes	Yes	Yes	Yes	Yes
Erie	Grand Island (Town)	Yes	Yes	Yes	Yes	Yes
Erie	Hamburg (Town)	Yes	Yes	Yes	Yes	Yes
Erie	Holland (Town)	Yes	Yes	Yes	Yes	Yes
Erie	Lancaster (Town)	Yes	Yes	Yes	Yes	Yes
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Erie	West Seneca (Town)	Yes	Yes	Yes	Yes	Yes

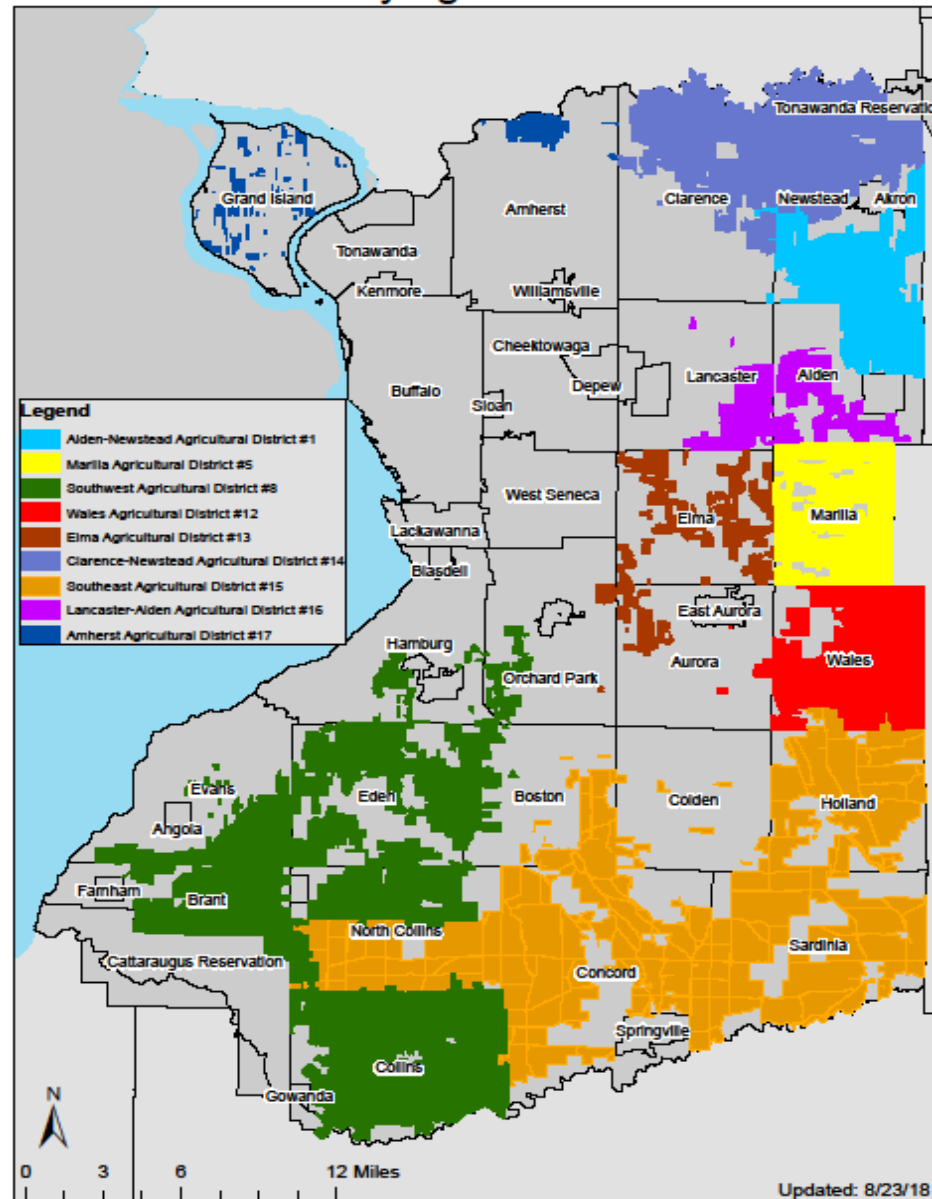
Key Takeaways

Ag. Districts (AML §25AA)

How can Ag. District information help local planners protect agriculture?

- Identifies core Ag. areas/ map
- Agricultural Assessments
- Ag. Data Statement
- Right To Farm

Erie County Agricultural Districts



Key Takeaways

Ag. Protection Planning

What are some of the protection tools available?

- Zoning
- Overlay Districts
- Purchase of Development Rights
- Farmland Protection Plan

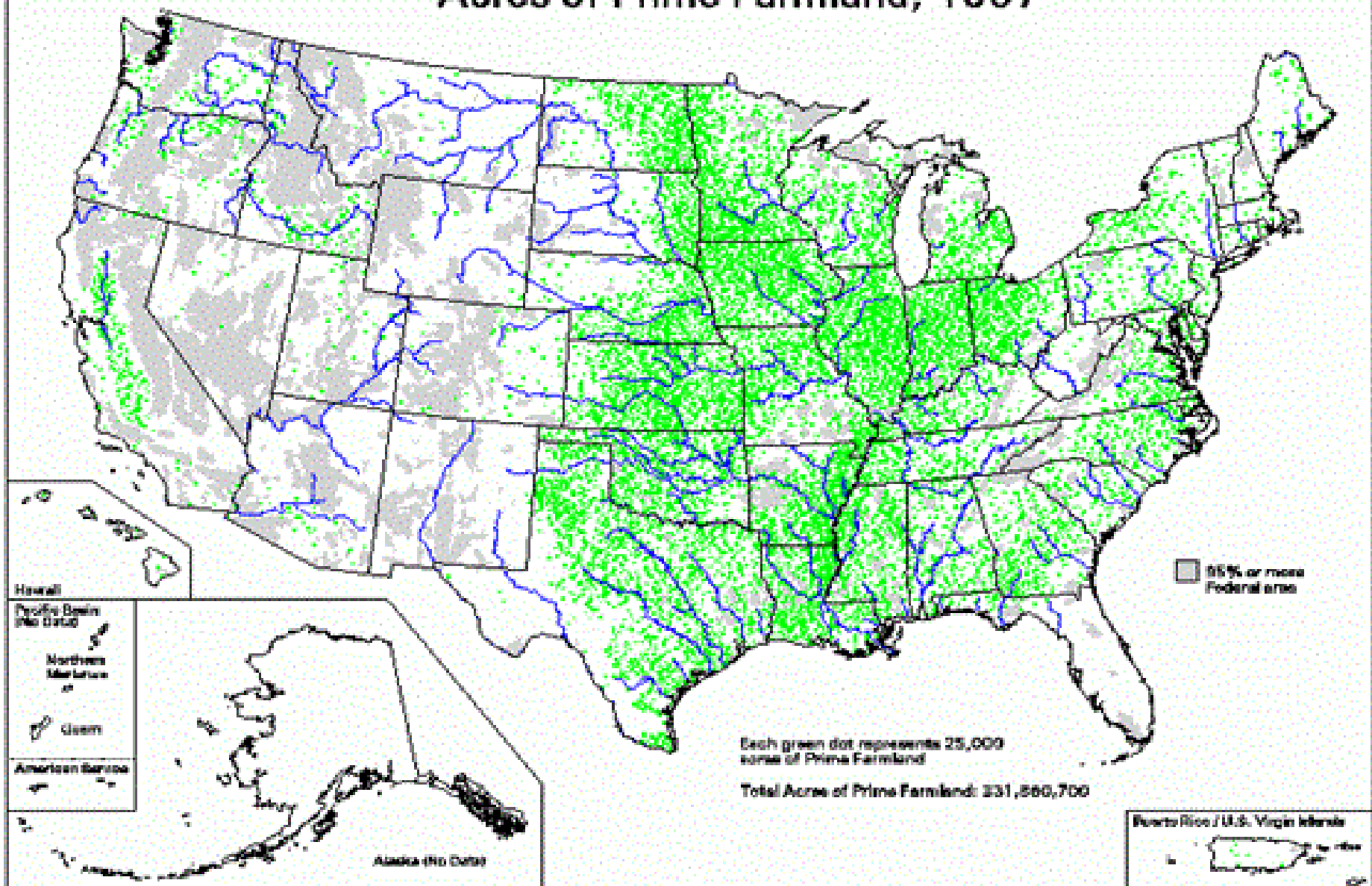
Key Takeaways

Prime Soils

What are they and why are they important?

- *A valuable non-renewable resource!*
- *Best soils*
- *High productivity*
- *Compete directly with development*

Acres of Prime Farmland, 1997



NRCS

U.S. Department of Agriculture
Natural Resource Conservation Service
Resource Assessment Division
Washington, DC January 2001

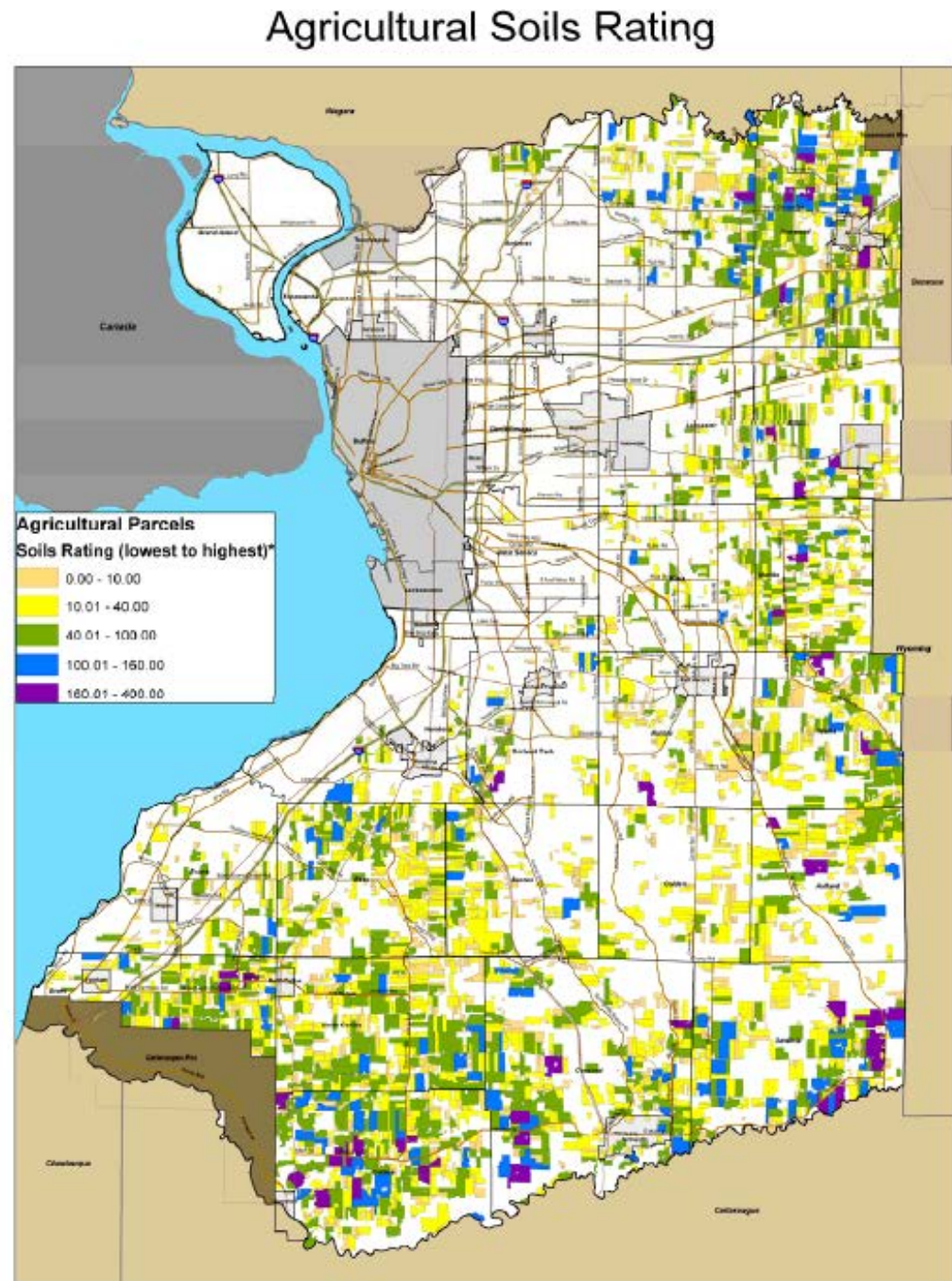
Map ID: m4988
For proper interpretation, see Explanation
of Analysis for this map at our web site. Search
for "USDA907L" to locate our map index.

Data Source: 1997 National Resources Inventory
Revised December 2000

Prime Soils

A Non-Renewable Resource!

- Well Drained
- Productive
- Gently Slope



Agricultural Districts

Agricultural Districts: County-Adopted, State-Certified areas where *commercial* agriculture is encouraged and protected.



Department of
Agriculture and Markets

Agricultural Districts

How do Ag. Districts help local planners make good land use decisions to protect agriculture?

- Identifies farming areas
- Where to limit sewer and water (lateral restrictions)
- Helps town planners craft local zoning to accommodate agricultural practices and activities

Is Your Town Planning For Agriculture?

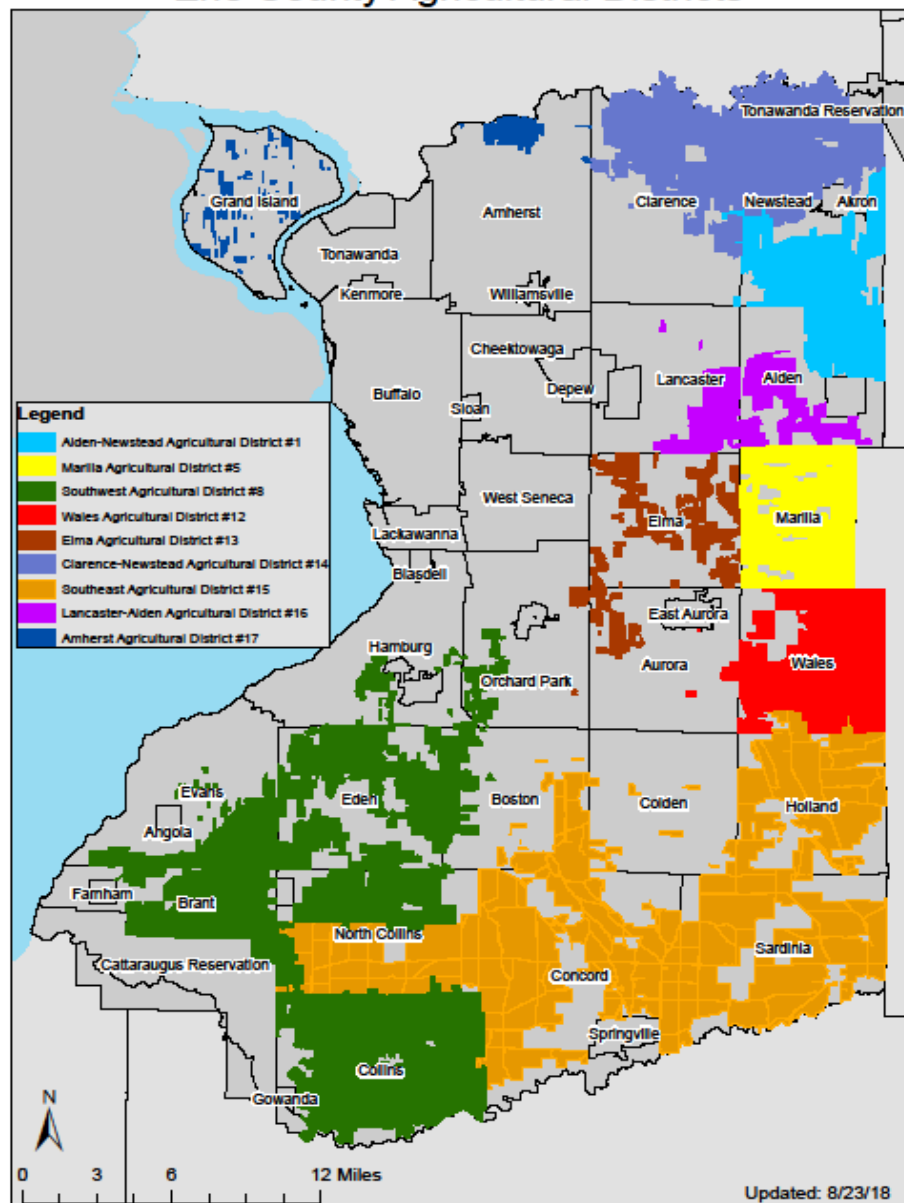
Does your town...

...Identify areas where it wants to protect agriculture?

...Have a strategy for protecting its best farmland? FPP

...Have you identified large blocks of farmland?

Erie County Agricultural Districts



Is Your Town Planning For Agriculture?

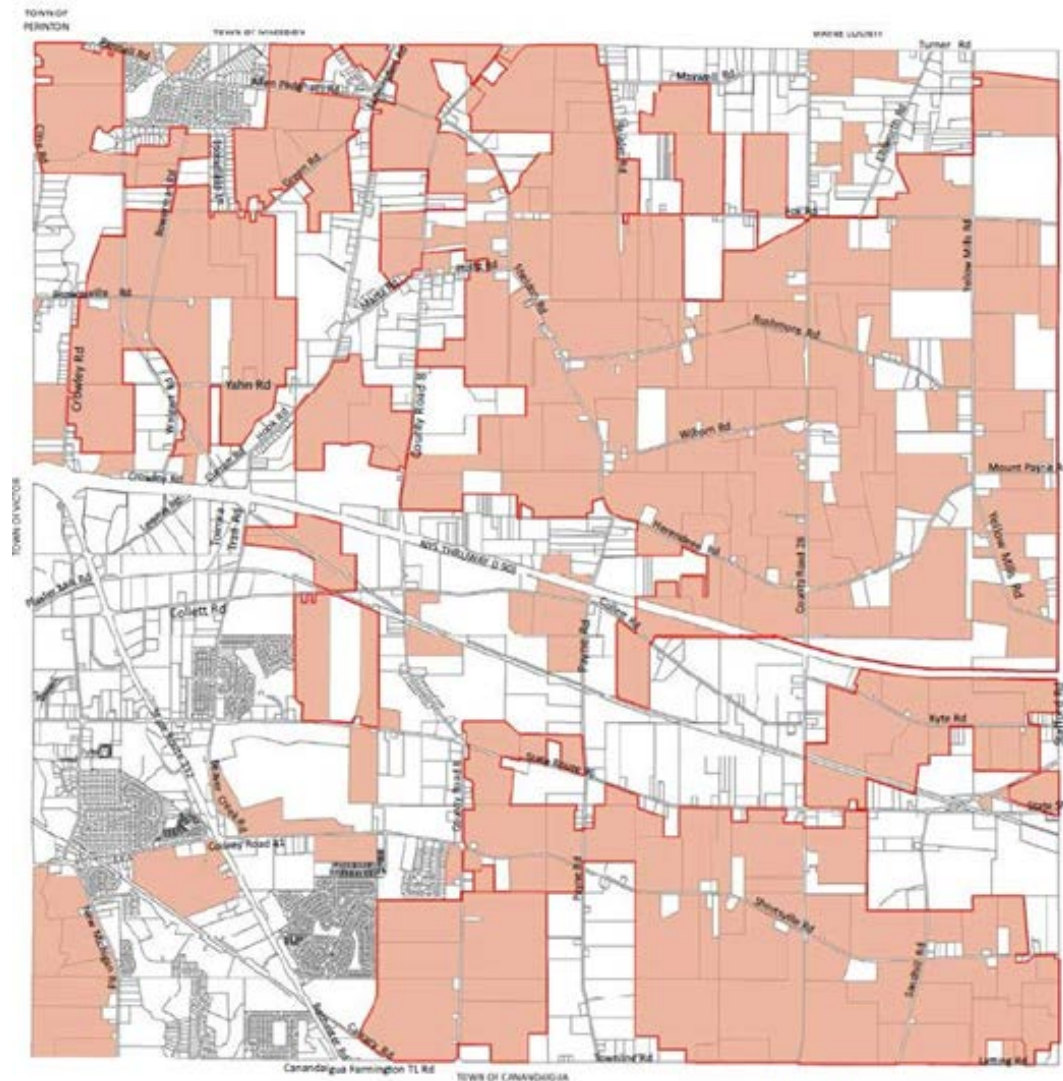
Does your town...

...limit expansion of water and sewer into farmlands?

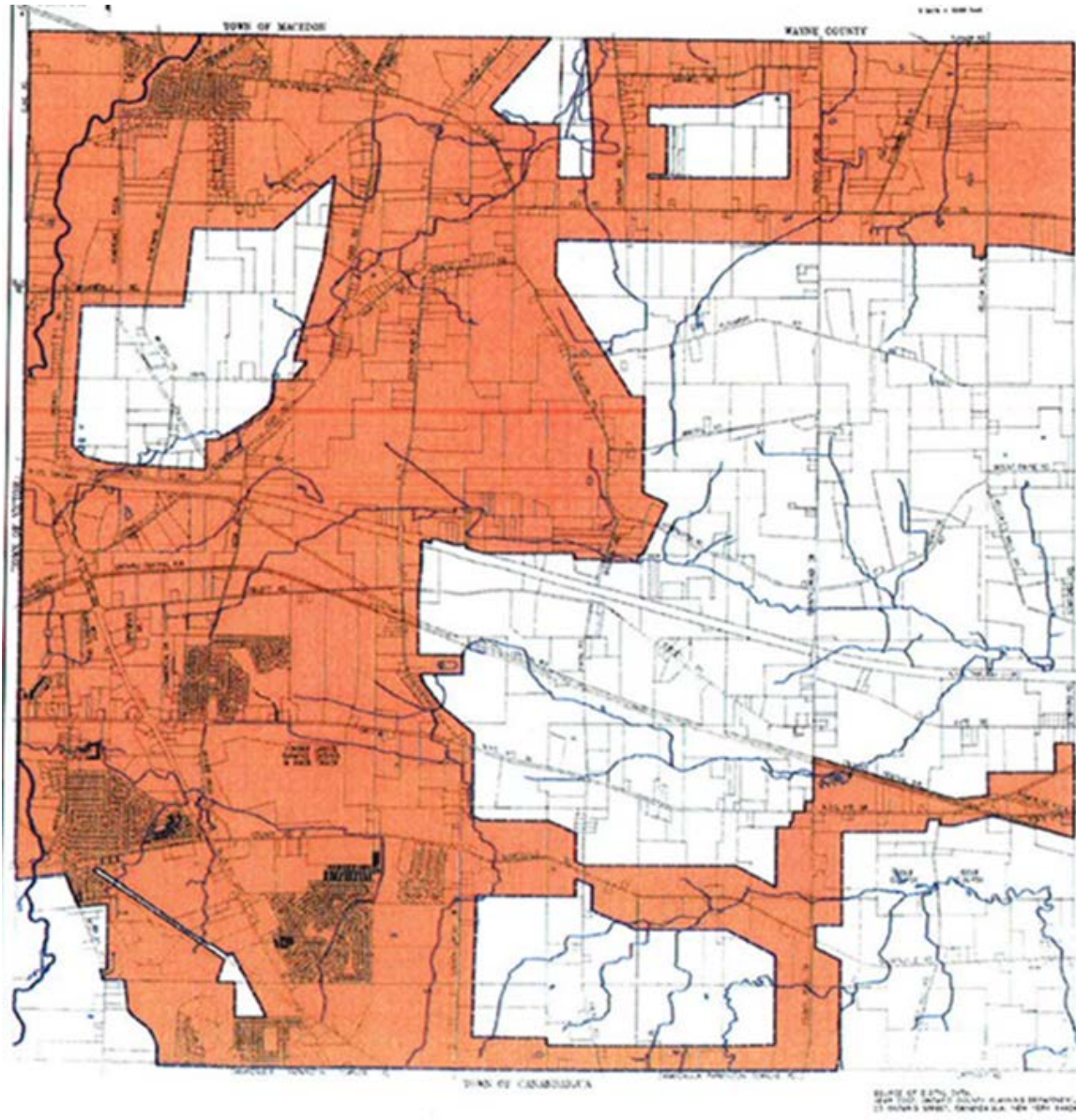


Department of
Agriculture and Markets

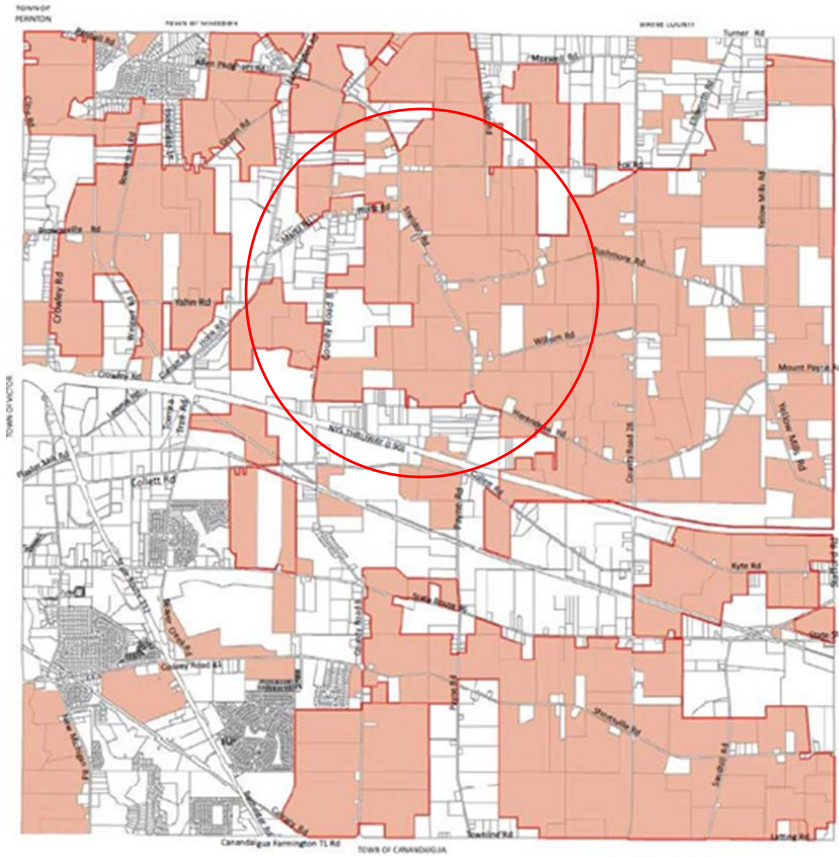
Ag. District Parcels



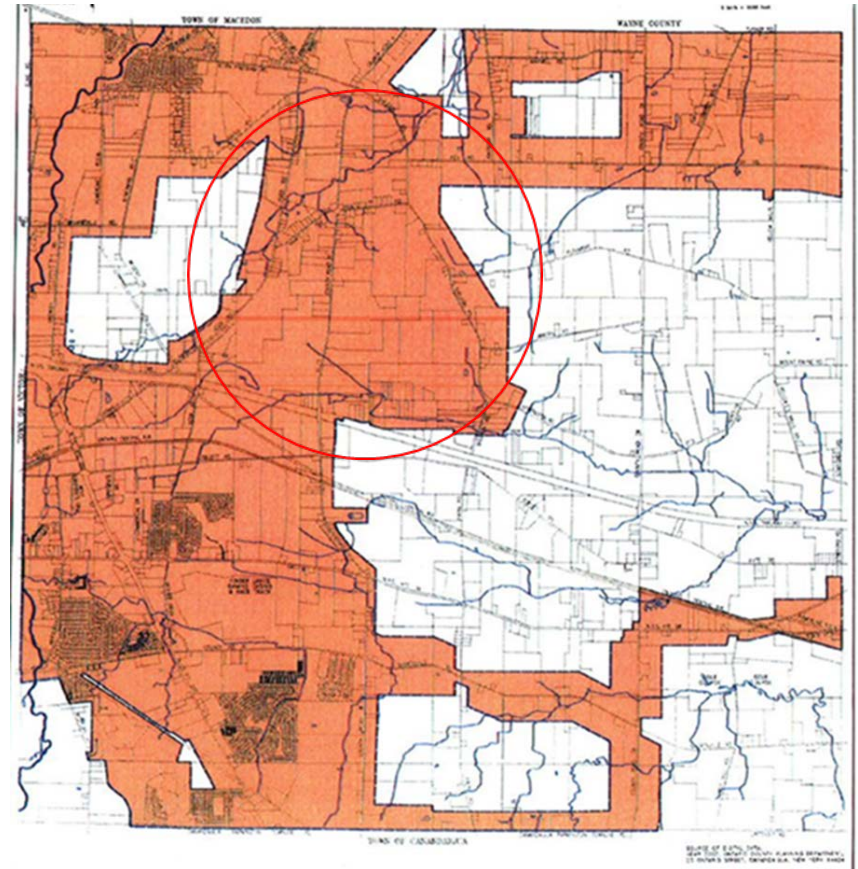
Water District Boundaries



Ag. District



Water District



Agricultural Assessments

A ***voluntary*** tax savings program which sets farmland assessment to its Ag. Value not “highest and best use”

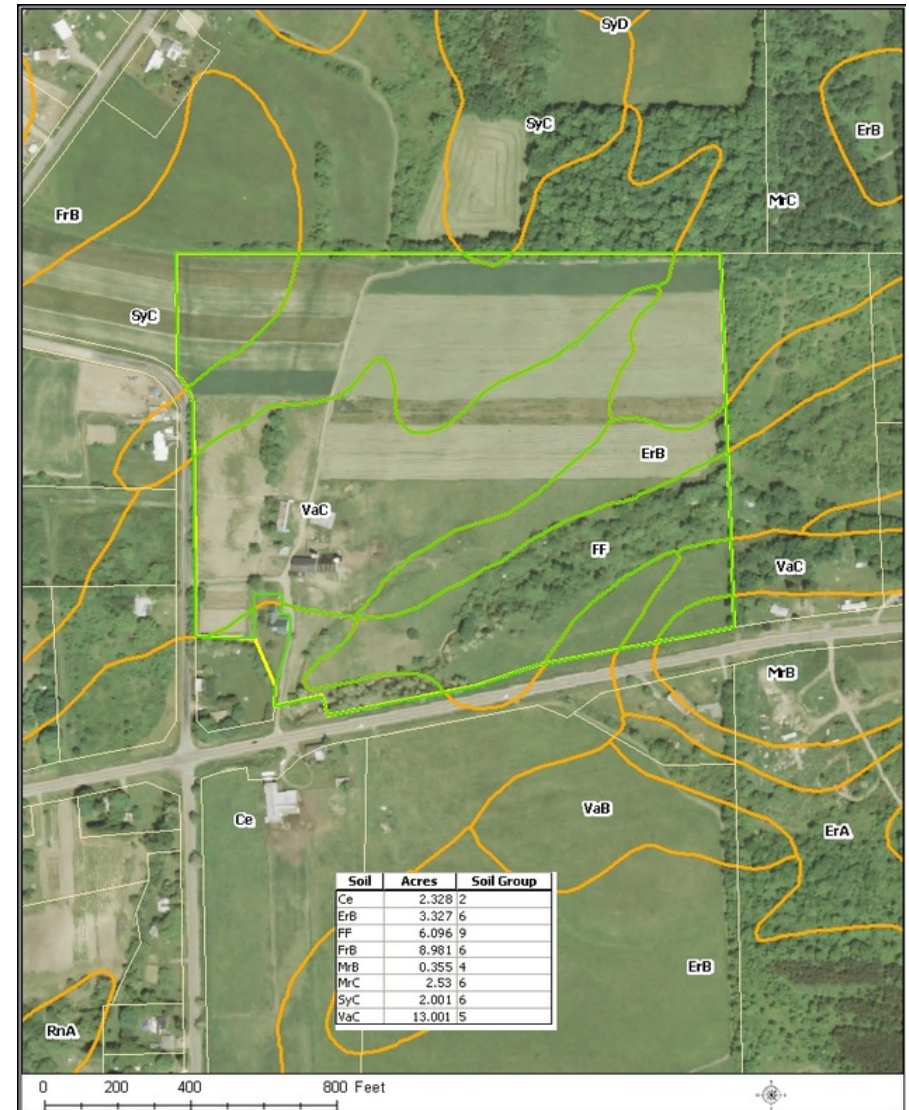
- Farmer can apply if not in Ag. District
- Soil Worksheet created at SWCD
- 7+ acres and \$10,000+ in gross receipts
- < 7 acres and \$50,000+ in gross receipts



Agricultural Assessments - 2017

Mineral Soil Group		Value Per Acre
1	a	\$1,060
	b	943
2	a	943
	b	837
3	a	837
	b	721
4	a	721
	b	615
5	a	615
	b	498
6	a	498
	b	392
7		392
8		276
9		170
10		53

Organic Soil Group (muck)	Value Per Acre
A	\$2,120
B	1,378
C	1,166
D	\$742
Aquaculture	\$1,060
Farm Woodland	\$392



Cost of Community Services

New York	Residential	Commercial	Working Lands
Beekman	1 : 1.12	1 : 0.18	1 : 0.48
Hector	1 : 1.30	1 : 0.15	1 : 0.28
Kinderhook	1 : 1.05	1 : 0.21	1 : 0.17
Montour	1 : 1.50	1 : 0.28	1 : 0.29
North East	1 : 1.36	1 : 0.29	1 : 0.21
Red Hook	1 : 1.11	1 : 0.20	1 : 0.22
Cost Per \$1 Collected in Taxes	\$1.31	\$0.24	\$0.34

Is Your Town Planning For Agriculture?

Does your town require an Ag. Data Statement?

Ag. Data Statement: local agricultural impact evaluation form which helps local planners review potential impacts to the functioning of farm operations

Ag. Data Statement

*When does an Ag.
Data Statement kick
in?*

Whenever:
special use permit,
site plan approval,
use variance,
or subdivision application is
proposed within an Ag. Dist. or
within 500' of Ag. District.

TOWN VILLAGE CITY OF _____ Application # _____
(circle one)
Agricultural Data Statement Date _____

Instructions: This form must be completed for any application for a special use permit, site plan approval, use variance or a subdivision approval requiring municipal review that would occur on property within 500 feet of a farm operation located in a NYS Dept. of Ag & Markets certified Agricultural District.

Applicant	Owner If Different from Applicant
Name: _____ Address: _____ _____	Name: _____ Address: _____ _____

1. Type of Application: ☐ Special Use Permit; ☐ Site Plan Approval; ☐ Use Variance;
(circle one or more) ☐ Subdivision Approval

2. Description of proposed project: _____

3. Location of project: Address: _____
Tax Map Number (TMP) _____

4. Is this parcel within an Agricultural District? ☐ NO ☐ YES (Check with your local assessor if you do not know)
5. If YES, Agricultural District Number _____
6. Is this parcel actively farmed? ☐ NO ☐ YES
7. List all farm operations within 500 feet of your parcel. Attach additional sheets if necessary.

Name: _____ Address: _____ Is this parcel actively farmed? <input type="checkbox"/> NO <input type="checkbox"/> YES	Name: _____ Address: _____ Is this parcel actively farmed? <input type="checkbox"/> NO <input type="checkbox"/> YES
Name: _____ Address: _____ Is this parcel actively farmed? <input type="checkbox"/> NO <input type="checkbox"/> YES	Name: _____ Address: _____ Is this parcel actively farmed? <input type="checkbox"/> NO <input type="checkbox"/> YES

Signature of Applicant

Signature of Owner (if other than applicant)

Reviewed by: _____
Signature of Municipal Official Date _____

NOTE TO REFERRAL AGENCY: County Planning Board review is required. A copy of the Agricultural Data Statement must be submitted along with the referral to the County Planning Department.

Right To Farm

- Provision from Ag. Markets Law (§25AA 308)
- Disclosure Statements
- Sound Ag. Practice Determinations

Is Your Town Planning For Agriculture?

Does your town...

...allow agriculture uses in more than one zoning district?

...allow Ag. businesses in farming areas? If not why not?

(ex. farm stands, farmers markets, ag. equipment dealers)

...have an “ag. zone” that limits the impacts of new developments on farms?

Planning for
Agriculture
in **New York:**



A TOOLKIT FOR TOWNS AND COUNTIES




American Farmland Trust

Agricultural Protection Tools

Purpose: to retain and manage maximum amount of productive farmland to support a viable agriculture community

- Reduce conflicts and fragmentation
- Home Rule = ***Locally*** adopted land use controls

Why consider Ag. Protection?

“If you ignore it will go away.”

- Development Pressure
- Land Conversion
- Fragmentation
- Nuisance/ Conflicts
- Impermanence
- Lack of Planning

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NEW YORK
STATE OF
OPPORTUNITY

Department of
Agriculture and Markets

Ag. Protection Planning Tools

- Farmland Protection Plan
- Ag. Zoning
- Cluster/ Infill Development
- Overlay District
- Purchase of Development Rights (PDR)

Agricultural Zoning

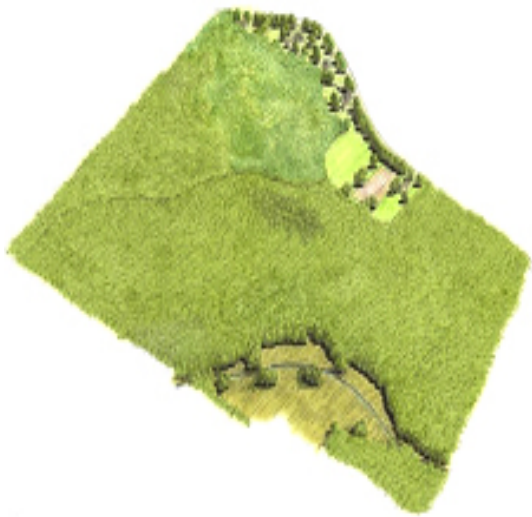
Does your Town...

*... have ag. friendly zoning which
accommodates a wide variety of agriculture
support services?*



Department of
Agriculture and Markets

Cluster Zoning



100 acre wooded site with field, stream, and trail before development



Two-acre zoning; conventional subdivision (34 lots, no preservation)



Natural Resource Protection Zoning (14 lots, >75% preservation)

Overlay Districts

- Could incentivize or restrict uses and densities
- Identifies a strength or weakness, characteristic wanted to be preserved
- Can be used as a stand alone to manage priority features

Purchase of Development Rights

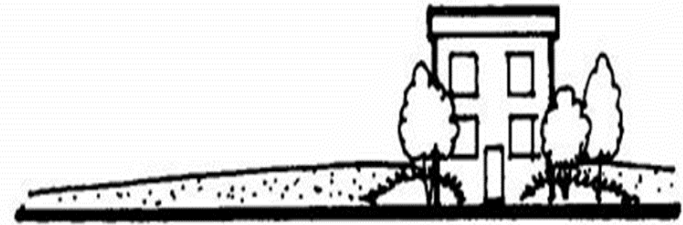


Transfer of Development Rights (TDR)

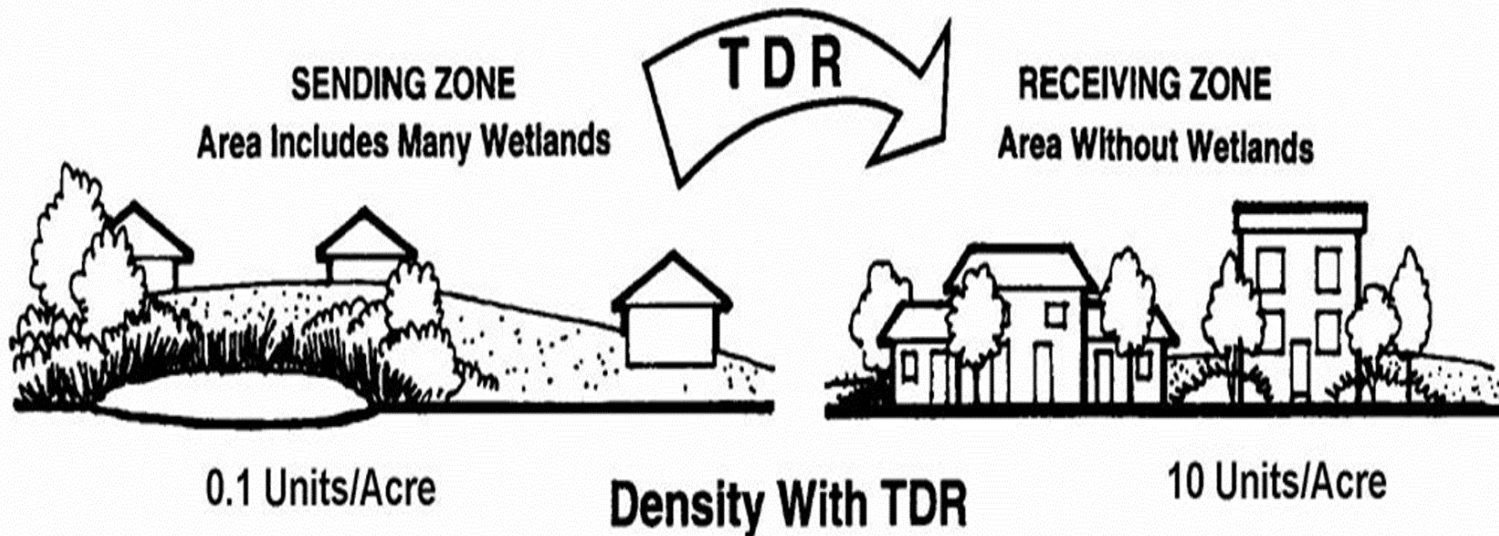


2.5 Units/Acre

Density Without TDR

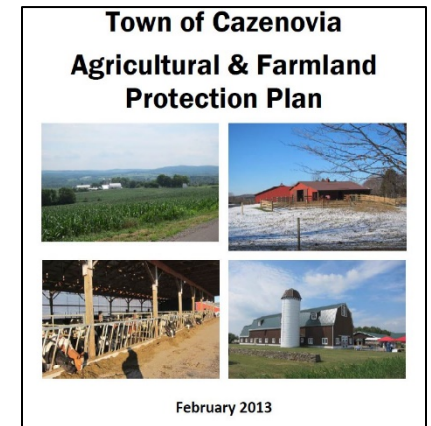
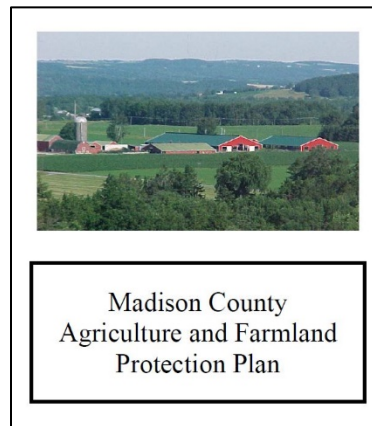
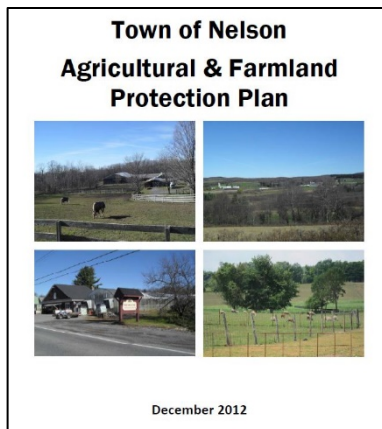


8 Units/Acre



Farmland Protection Plans

- Nelson, Cazenovia, and Lincoln
- Madison County *(New Planning Award May 2016)
- Are you using the tool, where is tool



Key Takeaways

Prime Soils

Valuable non-renewable resource

Agricultural Districts

protections against restrictive laws and private nuisance complaints

Agricultural Protection Planning

Home Rule = locally created LU policies

Farmland Protection Plan

- Key elements of a good Ag. Plan
- Farm Friendly Audits



New York State Department of Agriculture and Markets

Municipal Agricultural and Farmland Protection
Planning Grant Program

Why the Program Was Developed

- Bad planning or no planning has led to a significant loss of active farmland.
- Extension of sewer/water into productive Ag lands is a major threat to farm viability.
- Traditional zoning tools don't protect Ag.
- Ag productivity must be allowed and be an encouraged & supported activity.
- Multiple mechanisms are needed to protect Ag.
- Ag protection is best done at local level. (?)

Because local governments are authorized :

To Develop Comprehensive Plans

- Identify areas for growth
- Identify areas for protection— such as agricultural lands and forests
- To regulate land use via Zoning & Subdivision Ordinances
- Identify the intensity and location of development
- Identify various land use tools to protect and develop land areas

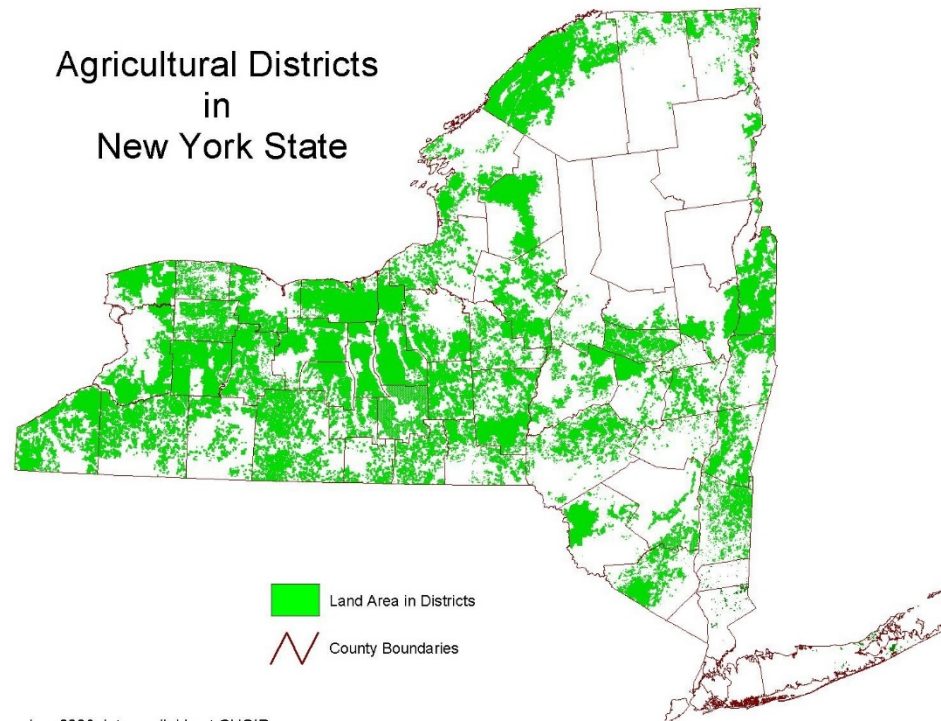
Summary of the Grant Program

- NYS Dept. of Agriculture and Markets awards funds to cities, towns and villages.
- Communities can do a joint application.
- Funds to develop a municipal Agricultural and Farmland Protection Plan.
- Up to \$25,000 Cost-Share Funding Available
- Non-competitive funding; no deadline

Recent History of Agriculture Protection Laws

- 1971 Agricultural Districts Law
- 1992 County Ag Protection Planning
- 2005 Municipal Ag Protection Planning
- 2007 County Ag Protection --
Updates

Ag Districts in New York



Jan. 2006 data available at CUGIR

The Grant Program — Recap

- Funds for towns, villages and cities.
- To develop a farmland protection plan.
- \$25,000 State + \$1,667 cash + \$6,666 in-kind
- Fill out application, identify goal & anticipated outcome, develop scope of work, formulate budget, pass resolution.
- Submit to NYSDAM, no deadlines, funded on a first come first served basis.

Budget Form B-2 Example # 1

Example: Maximum Funding Request

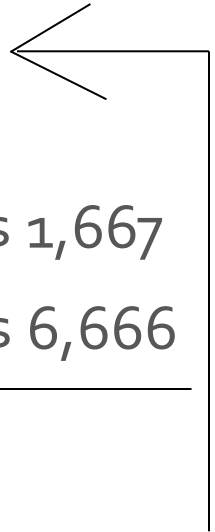
State funding request = \$25,000

Local match to project = \$ 8,333

TOTAL PROJECT COST = \$33,333

Applicant cash match (20%) = \$ 1,667

Applicant in-kind match (80%) = \$ 6,666



Where to Get an Application

- Go to: www.agriculture.ny.gov
- Click: “Funding Opportunities”
- See: “Municipal Planning Grant”



Questions?



Department of
Agriculture and Markets

-Thank You!-

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