



Towns of Homer, Preble & Scott Agriculture & Farmland Protection Plan

Prepared by the Towns Homer, Preble, & Scott Agriculture and Farmland Protection Plan Steering Committee

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Agriculture and Farmland Protection Plan

Prepared by:

The Towns of Homer, Preble & Scott
Agriculture and Farmland Protection Plan Steering
Committee

with assistance from



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Executive Summary

The Towns of Homer, Preble and Scott are located in the northwest section of Cortland County and have traditionally been recognized for their many small dairy farms; yet many of these farms have diversified over time to include significant cash crop production. Farmers in Homer, Preble and Scott maintain significant acres of land in agricultural fields, pasture land and woodland, which totals about two-thirds of the geographic area of the three towns. Farms contribute significantly to the scenic character, open space and the quality of life valued by all residents of the three towns.



The agricultural land base remains concentrated and generally has not yet been fragmented to any large extent by low-density residential development or larger scale land subdivision. Within the valley areas of Homer and Preble however gravel mining, commercial and industrial development are viewed as possible threats to farmland along the I-81 corridor.

While permanently protecting farmland is a frequently sought after tool to conserve farmland, there are other tools and actions that can be implemented to help farms remain viable and keep quality farmland in production. In 2007 the Towns of Homer, Preble and Scott discussed applying to New York State Department of Agriculture and Markets for funding to develop a Joint Agriculture and Farmland Protection Plan (AFPP) focusing on protecting farmland in the Towns of Homer, Preble and Scott. It was discovered that only two towns could be on a single application. At that point one application was made for Homer and Scott and a second application was made for Preble. The two applications were awarded funding in 2008. The purpose of an agriculture and farmland protection plan is for the community to document the importance of local farms, challenges facing local farmers and develop strategies that the three towns can implement including drafting language revisions to each town's zoning and subdivision ordinances.



Participation by the public through the planning process was important to the Towns of Homer, Preble & Scott Agriculture and Farmland Protection Plan Steering Committee (Steering Committee). The Steering Committee was comprised of town farmers, residents, Cortland County Planning Department, Cortland County Soil and Water Conservation District, Cornell Cooperative Extension of Cortland County and consultants from American Farmland Trust. To engage as much of the public as possible various methods which included mailings, press releases and news stories in the

Cortland Standard, personal interviews, a website, a community survey and public outreach meetings were implemented. The results of this process are a set of five regional goals and recommended actions to be implemented to accomplish the goals both on a regional (three town)

basis and on an individual town basis. A Joint Implementation Committee (JIC) needs to be established to encourage the implementation of the plan and this is outlined further under the Foundation Actions.

The Regional Goals of the plan are:

- **Regional Goal #1:** Ensure land use laws and local ordinances support economic opportunities for local farmers and the protection of agricultural land.
- **Regional Goal #2:** Educate the non-farm public about the value and state of agriculture in the Towns and maintaining good relationships with neighboring farms.



- **Regional Goal #3:** Protect farmland by identifying high quality agricultural lands that are at risk for conversion and adopting appropriate agricultural protection strategies.
- **Regional Goal #4:** Ensure that local infrastructure is supportive of agriculture and that public infrastructure improvements are targeted near the City of Cortland and other developed areas.
- **Regional Goal #5:** Enhance the local agricultural economy and support agricultural economic development initiatives on a regional and county level.

Introduction



In 2007 the Towns of Homer, Preble and Scott discussed applying to New York State Department of Agriculture and Markets for funding to develop a Joint Agriculture and Farmland Protection Plan (AFPP) focusing on protecting farmland in the Towns of Homer, Preble and Scott. It was discovered that only two towns could be on a single application. At that point the one application was made for Homer and Scott and a second application was made for Preble. The two applications were awarded funding in 2008. The purpose of the plan is for the community to

document the importance of local farms, challenges facing local farmers and develop strategies that the three towns can implement including drafting language revisions to each town's zoning and subdivision ordinances.

This AFPP is a report on the state of agriculture in the Towns of Homer, Preble and Scott today and a template for the future of agriculture for the three towns. It provides a snapshot of various economic data as well as data on land and soil resources, regulatory issues and trends in agriculture and land use.

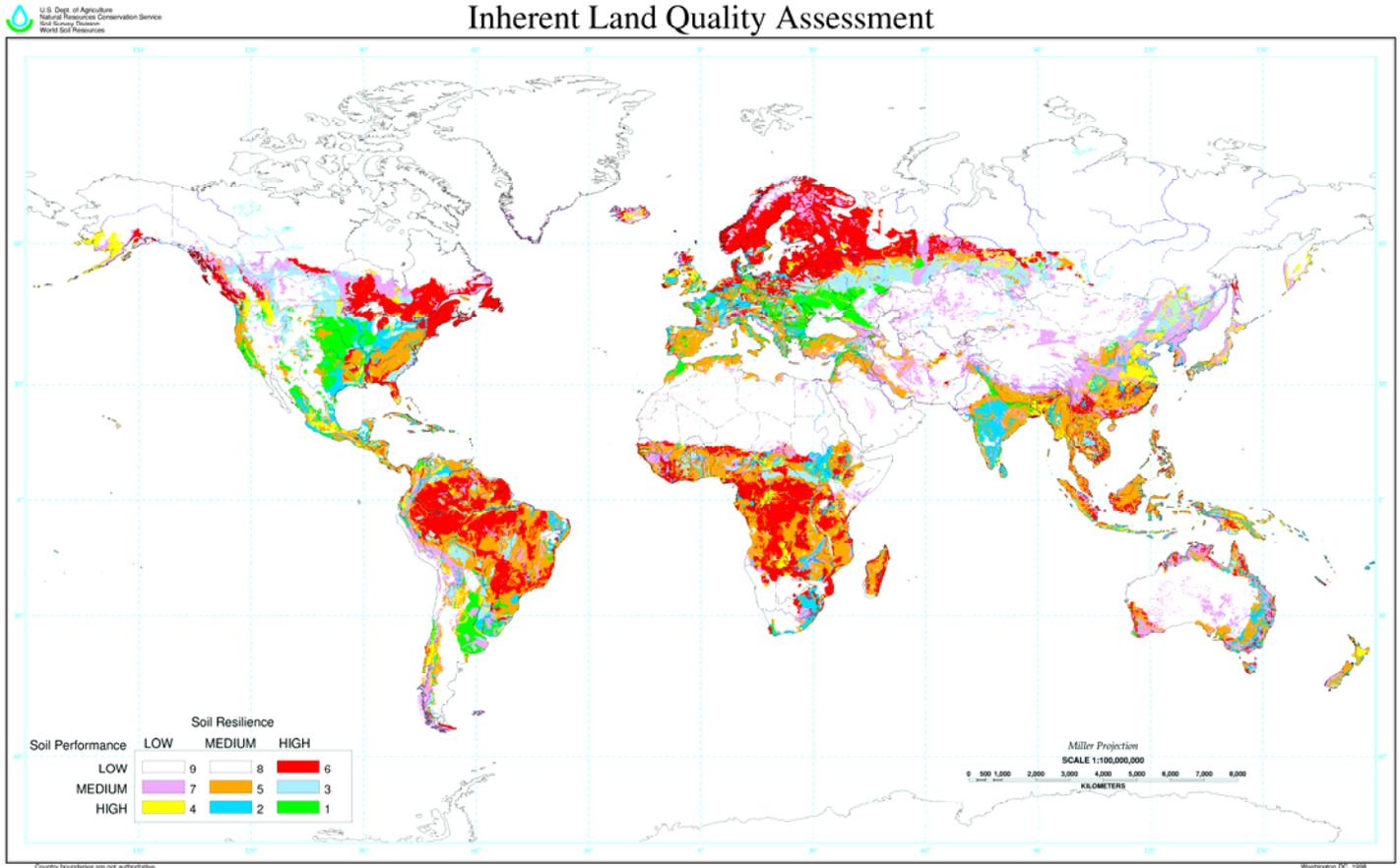
The AFPP contains a number of recommendations for action by the three towns both regionally as three towns and as individual towns when appropriate. In addition there are recommendations that others in the community can undertake to promote the long-term viability of agriculture in the three town region.

Why should Communities Plan for Agriculture?

According to American Farmland Trust's *Planning for Agriculture in New York: A Toolkit for Towns and Counties* "A growing number of New York communities recognize that farms and farmers should not be taken for granted... farms are valued as a source of local food; for helping to maintain lower property taxes; as generators of economic activity; as stewards of the state's natural resources and wildlife habitat; for preserving communities' rural heritage; and for providing the green space and scenic beauty that attract tourism dollars."

Farming in many communities is often a given that it will always be there. The business of agriculture provides jobs and income to many of the residents in strong agricultural communities. Farms and the land that supports the operations is often owned and operated by the same families for generations. In areas with strong agricultural roots, it is often the soils and topography that supports the activities of farming that may not be possible in other areas of the US and even the world. The Inherent Land Quality Assessment map (Figure 1) is provided on the United States Department of Agriculture- Natural Resources Conservation Service website (<http://soils.usda.gov/use/worldsoils/mapindex/landqual.html>) and is based on a reclassification of the global soil climate map and the global soil map available from USDA-NRCS, Soil Science Division, World Soil Resources, Washington, D.C. This map shows the small percentage of soils that are available for sustaining crop production in the world.

Figure 1.





The Towns of Homer, Preble and Scott have a significant portion of their active farmland still occurring on high quality soils (see Figure 5). In addition to being exceptional soils to farm they also are ideal for other uses and thus can and actually are threatened by potential conversion out of agricultural use. These threats can be from current residents looking to obtain a larger piece of country life, new residents coming to the community for a slice of country or businesses looking for an ideal place to locate on clean ground. Without appropriate planning

tools in place and taking steps to implement these tools, the potential for development next to an active farm could limit the ability of an established farm to continue standard agricultural practices. Planning allows farmers to continue to operate in a favorable environment and provide assurances that continued investment in their operations and property will be protected by the community.

Agriculture is closely connected with the history of the Towns of Homer, Preble and Scott; yet agriculture has changed dramatically during the last 70 years. According to the Cortland County Natural Resources Inventory dated August 2006, “Once the epitome of family life, the number of small family farms has steadily declined both nationally and locally. In general, small family farms often struggle with profitability and are gradually bought-out and replaced by more competitive, large-scale operations. The cost of doing business continues to rise, thereby hampering profitability. Many family farms survive only because of supplemental income from a family member that works elsewhere.”

Local municipal support for agriculture has often been informal as the Town Board and other boards and committees often have farmer representation on them. The AFPP will now formalize each town’s support of agriculture both in the town and in the three town region from this point forward.

Study Area and Location

The Towns of Homer, Preble and Scott are located in the northwest section of Cortland County. Cortland County is also the approximate geographic center of the State of New York. The Town of Homer has a total area of 50.7 square miles. The East Branch and West Branch of the Tioughnioga River flow southward through Homer. Lower and Upper Little York Lakes are fed and drained by the West Branch. The Town of Preble has a total area of 27.5 square miles. The West Branch of the Tioughnioga River flows southward through the town. The Town of Scott has a total area of 22.4 square miles. The south end of Skaneateles Lake, one of the Finger Lakes, is in the northwest part of the town. Grout Brook, a noted trout-fishing stream, flows into Skaneateles Lake from the town.



During the decades between 1970 and 2010 the population of the three towns has remained relatively steady (see Table C).

The Towns of Homer, Preble and Scott are faced, as are numerous other communities across New York State, with the need to balance economic and resource development and future prospects for growth with a desire to protect valuable farmland and other agricultural resources while ensuring the continued survival and prosperity to the agricultural sector. Communities who cannot answer the question of Why Plan for Agriculture will not be motivated to take action to support local farms. This Joint Agriculture and Farmland Protection Plan is designed to provide that motivation along with guidance on how to accomplish balancing development and agriculture.



Public Participation

Participation by the public through the planning process was important to the Towns of Homer, Preble & Scott Agriculture and Farmland Protection Plan Steering Committee (hereafter referred to as Steering Committee). To engage as much of the public as possible various methods which included mailings, press releases and news stories in the Cortland Standard, personal interviews, a website, a community survey and public outreach meetings were implemented.

The Steering Committee created and posted on Cortland County Soil and Water Conservation District's website a community survey (see Summary of Results in Appendix). The public was invited to respond to the survey via newsletters, Town of Preble's website and electronic mailing lists from various community organizations. All included a link to the Cortland SWCD website. In spite of this effort, only 10 responses to the survey were received. While statistically 10 responses was not enough to draw conclusions from, the information gathered was very useful to the Steering Committee and used with other information gathering methods in developing the issues addressed in the Goals and Recommendations Section of this plan found in Section VI.



A public Kick-Off Meeting was held on November 16, 2009 at the Homer Senior Center. Jay Matteson, Executive Director of the Jefferson County Ag Development Corporation gave a presentation on the "Importance of Agriculture in a Community"; followed by a presentation by Dan Dineen, Cortland County Planning and Economic Development Office on the "Current Status of the Local Agriculture Industry"; the program concluded with a facilitated SWOT exercise; the results of this exercise can be found in the Appendix. During the program participants were also encouraged to assess the maps provided by County Planning of the three towns on existing land use, soils and agricultural land use. Approximately 25 residents, elected officials and farmers attended (not including the Joint Steering Committee). Results from this public meeting were used by the Steering Committee to formulate the Goals and Recommendations Section of this plan found in Section VI.

A second Public meeting was held on March 31, 2011 at the Cortland County Planning Office to seek input on the plan with a focus on Agricultural Economic Development needs of the three towns. Post cards (see Post Card in Appendix) were mailed to all property owners in the three towns. It was also advertised in the Cortland Standard and a press release was distributed to the towns for display in public meeting places (town halls, post offices, etc.). As a result 27 members of the community attended. In attendance were farmers, local elected officials and members of the Steering Committee. Suggestions from this meeting were evaluated by the Steering Committee for inclusion in the draft Goals and Recommendations Section of this plan found in Section VI.

The Steering Committee also held two working sessions for committee members and invited members from the three Town Boards and Planning Boards to attend. The focus of the first work session was on zoning options. George Frantz of George A. Frantz Associates and consultant to this project provided an extensive overview of zoning potential impacts (both positive and negative) on agriculture. This session was held on January 28, 2010. A second working session originally scheduled for February 25, 2010 was rescheduled for March 24, 2010 due to snow was conducted by Judy Wright, CNY Consultant for American Farmland Trust and consultant for this project. This session focused on additional Farmland Protection Tools (other than zoning) using American Farmland Trust’s “Planning for Agriculture” guide.



Personal confidential interviews were conducted by Michele Beilman, CNY Consultant for American Farmland Trust. The Steering Committee identified 65 farm owners, rural landowners and ag related businesses in the three towns. A letter was sent to each introducing the Joint Agriculture and Farmland Protection Plan process, potential contact for a personal confidential interview and invitation to the November 16, 2009 Kick-Off Meeting. The purpose of the interviews, which were conducted in a conversational manner, was to explore a range of topics primarily to determine how residents

viewed the current state of agriculture in their town and what they felt the towns could or should do to ensure that agriculture remained a strong component of the fabric of the town landscape (See the Interview Questions and summary of results in Appendix). In total, 36 interviews were conducted and the information gathered from these interviews was shared with the Joint Steering Committee and used to formulate the Goals and Recommendations Section of this plan found in Section VI.

The Town of Preble was gracious in hosting a page on their website containing various drafts of the Joint Agriculture and Farmland Protection Plan as they became available. The availability of the website was publicized on the post cards that were mailed for the March 31, 2011 Public meeting and in articles that appeared in the Cortland Standard.

Each town held informational meetings for their boards to review the draft goals and recommendations as well as a separate meeting to review the proposed zoning change recommendations. Members from the Town Board, Town Planning Board and Zoning Boards were invited to the meetings held on:

Town	Zoning	Recommendations
Homer	8/2/11	7/21/11
Preble	8/11/11	5/2/11
Scott	7/19/11	8/8/11

Suggestions from these meetings were then incorporated into the draft and reviewed by the Joint Steering Committee. The public was invited to these meetings, but the majority in attendance were members of the local boards identified above.

On April 27, 2012 the complete draft was posted on AFTs website with the link shared with Cortland County Planning Department, Cortland County Soil and Water Conservation District and the Town of Preble prior to public information meetings held in each town as follows:

Town	Public Information
Homer	June 19, 2012
Preble	June 21, 2012
Scott	July 11, 2012

Comments were taken from these meetings and included in the final draft that was delivered to the three towns in August 2012.



Inventory & Analysis of Local Conditions

Natural Environment

Topography: The northern portion of Cortland County, where the three towns are located, spreads out into a high plateau, somewhat broken by hills. This plateau has an average elevation of about 1,200 feet above tide-water, while the ridges are two hundred to five hundred feet higher. A broad plain occupies the center of the western portion of the county, into which most of the valleys of the tributaries of the Tioughnioga open (Figure 2).

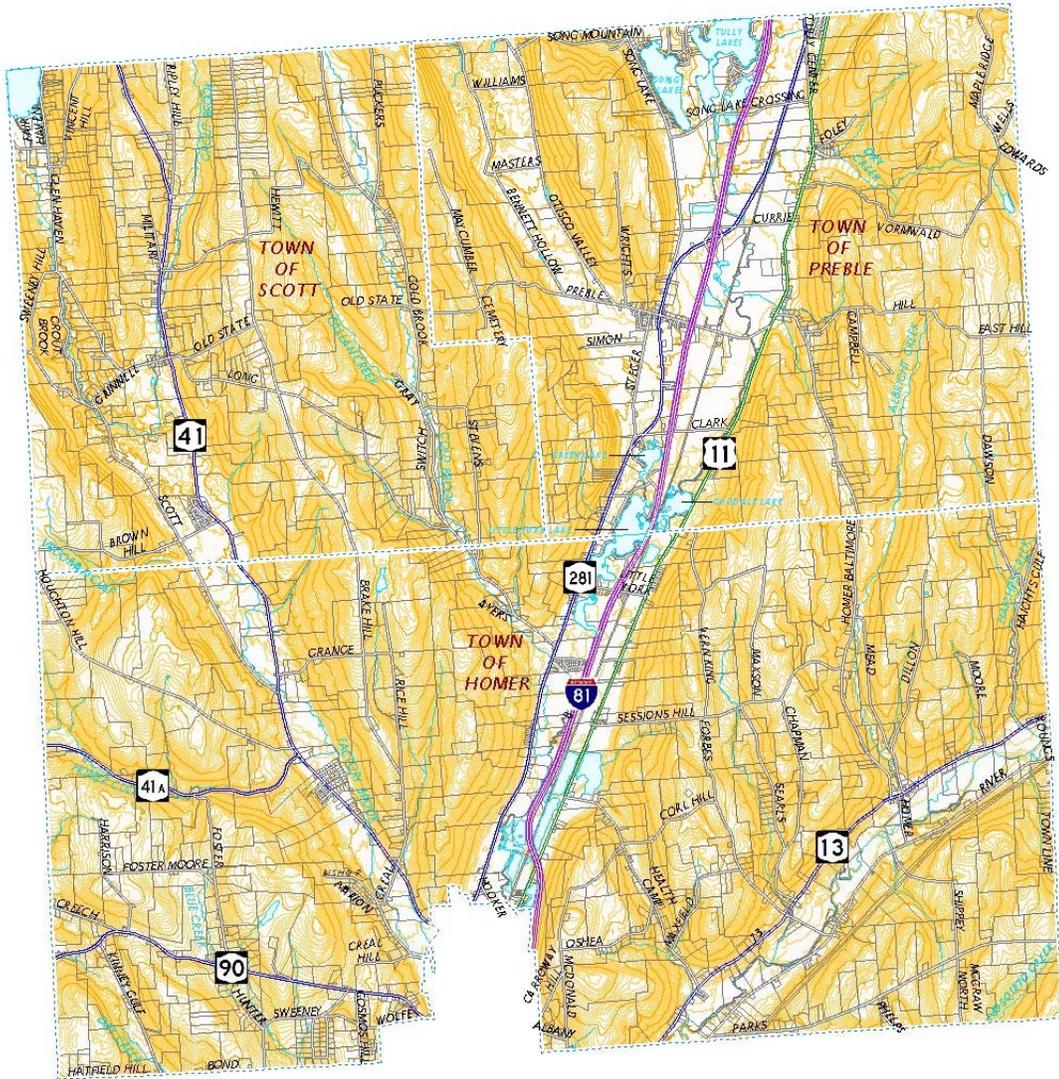
Hydrology: The Tioughnioga River constitutes the principal drainage of the county, flowing southward nearly through the center of Cortland County. It enters the county in two branches, the eastern branch flowing from Madison County into the Town of Cuyler, near the northeastern corner of the county and continuing southwesterly through the Towns of Cuyler, Truxton and Homer. The western branch has its source in a number of small lakes in the northern part of the Town of Preble. This branch flows southward



through the Towns of Preble, Homer, and a portion of Cortland, when it bends eastward, uniting with the east branch and eventually flowing into the Susquehanna River. Cold Brook rises in the eastern part of the Town of Scott, flows southeasterly and empties into the west branch of the Tioughnioga in the northern part of Homer. Factory Brook rises in the western part of Scott, flows southeasterly, and unites with the Tioughnioga in Homer village. The largest bodies of water in the county are a series of small lakes in the northern part of the Town of Homer and extending into Preble, and two lakes in the northern part of the Town of Preble (Figure 2).

Figure 2.

TOPOGRAPHY & HYDROGRAPHY



Cortland County
Planning Department
37 Church Street
Cortland, NY 13045



The Towns of Homer, Preble and Scott are situated over the Cortland-Homer-Preble Aquifer as seen on Aquifer Map Figure 3. In addition within the three towns there are located both NYSDEC and NWI wetlands totaling 2,873 acres see Wetlands Map Figure 4.

Figure 3.

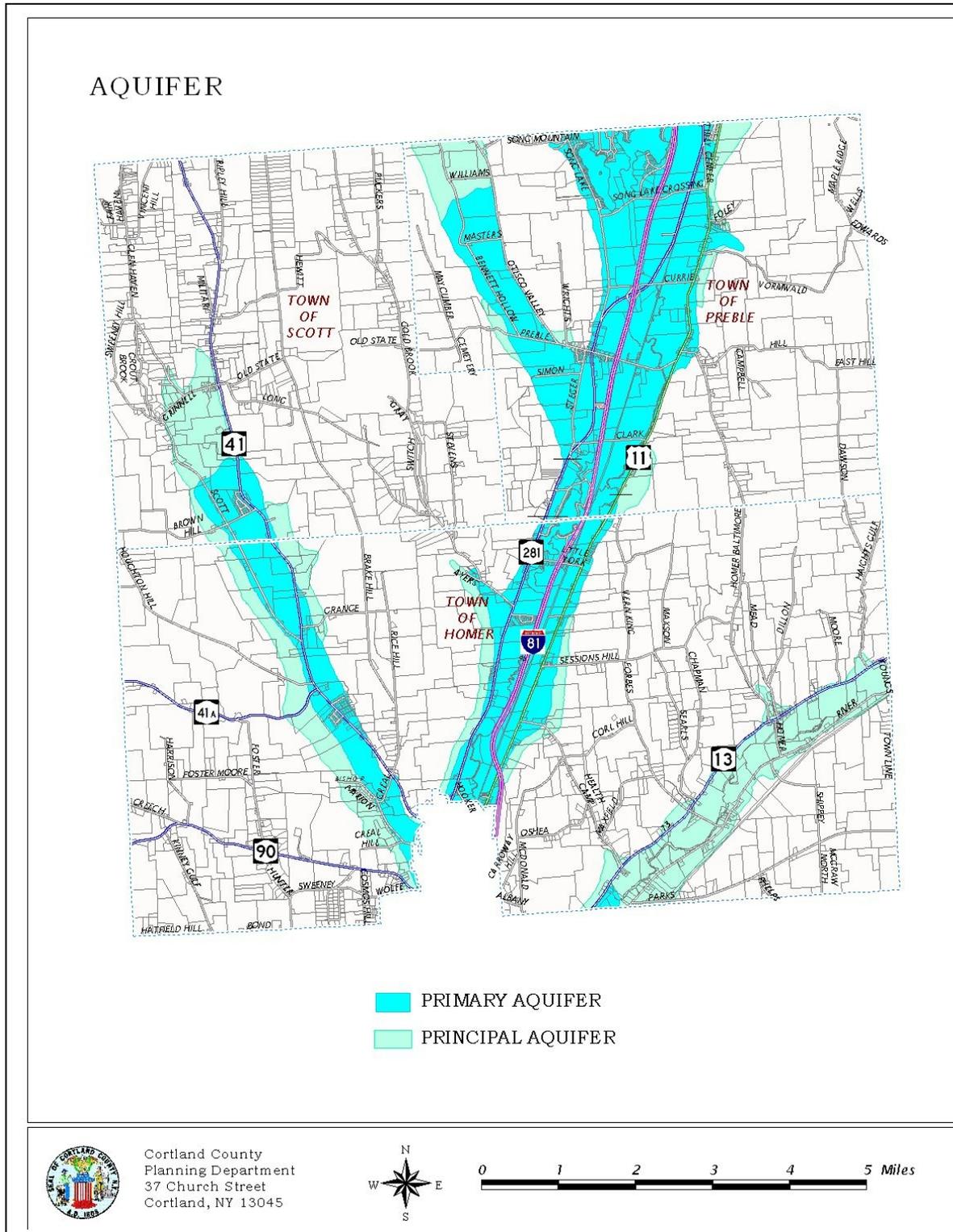
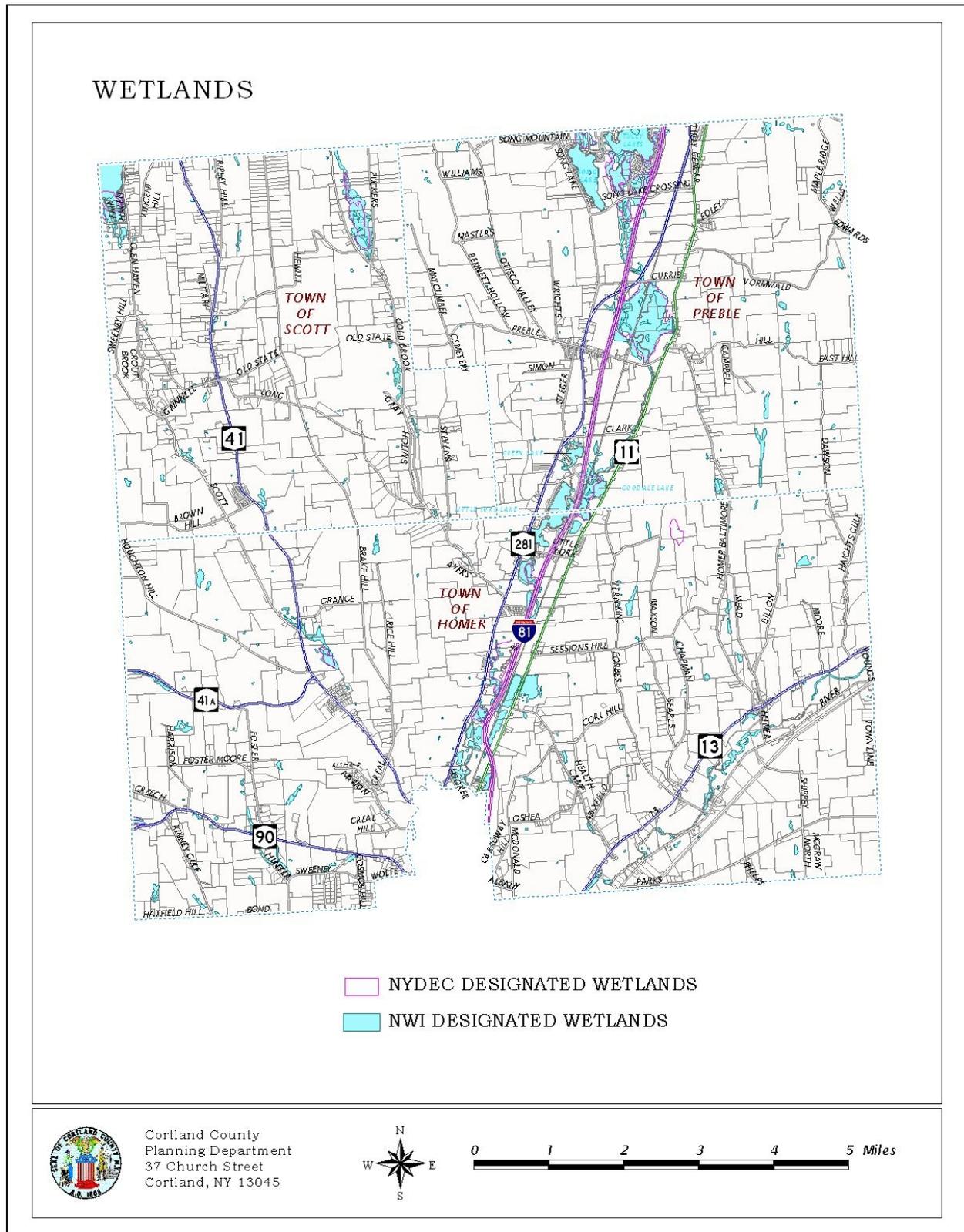


Figure 4.



Soils

Soils are very slow to form or generate. At the same time, productive farm soils are lost to erosion or when a farmland is converted to non-agricultural uses. Almost all farm operations are dependent on soil for crop production that are either marketed or fed to livestock. Farming and farmland protection discussions often focus on soil resources. The soil quality and quantity present in a given land area affects the potential to grow certain crops. Some soils may have limited potential crop production, therefore, a given land area may have other recommended agricultural uses.

The location of high quality agricultural soils is limited to particular areas of the world and even the United States. The United States Department of Agriculture- Natural Resources Conservation Service (NRCS) labels land with highly desirable agricultural attributes as “prime farmland”, “unique farmland” and “farmland of statewide importance”.

FROM: National Soils Survey Handbook Part 622 retrieved 1/19/2011 from <http://soils.usda.gov/technical/handbook/contents/part657.5>

Prime farmland is land that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, and oilseed crops, and is also available for these uses (the land could be cropland, pastureland, rangeland, forest land, or other land, but not urban built-up land or water). It has the soil quality, growing season, and moisture supply needed to economically produce sustained high yields of crops when treated and managed, including water management, according to acceptable farming methods. In general, prime farmlands have an adequate and dependable water supply from precipitation or irrigation, a favorable temperature and growing season, acceptable acidity or alkalinity, acceptable salt and sodium content, and few or no rocks. They are permeable to water and air. Prime farmlands are not excessively erodible or saturated with water for a long period of time, and they either do not flood frequently or are protected from flooding.

Unique farmland is land other than prime farmland that is used for the production of specific high value food and fiber crops. It has the special combination of soil quality, location, growing season, and moisture supply needed to economically produce sustained high quality and/or high yields of a specific crop when treated and managed according to acceptable farming methods.

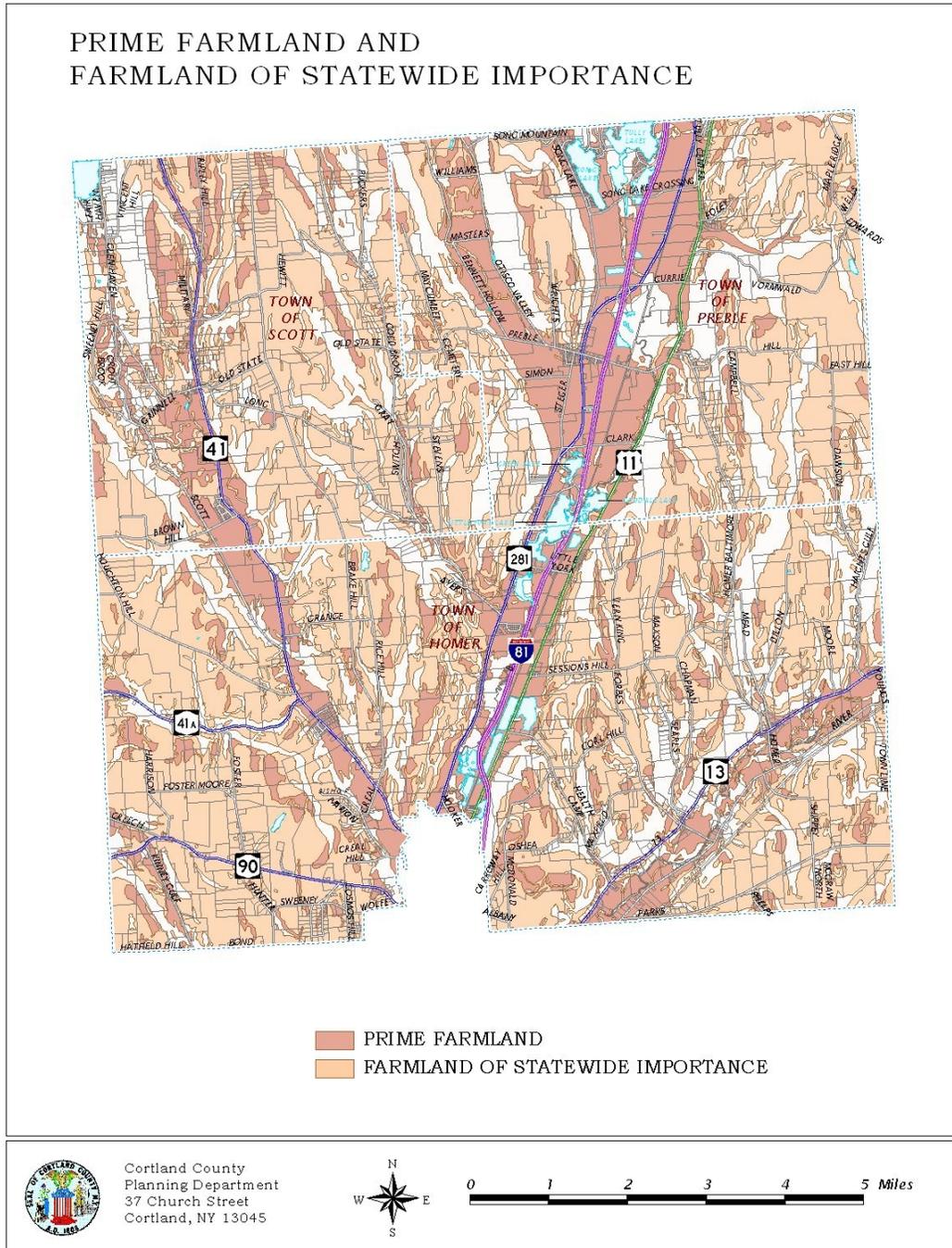
There is land, in addition to prime and unique farmlands, that is of statewide importance for the production of food, feed, fiber, forage, and oil seed crops. Criteria for defining and delineating this land are to be determined by the appropriate state agency or agencies. Generally, additional farmlands of statewide importance include those that are nearly prime farmland and that economically produce high yields of crops when treated and managed according to acceptable farming methods. Some may produce as high a yield as prime farmlands if conditions are favorable. In some states, additional farmlands of statewide importance may include tracts of land that have been designated for agriculture by state law.

Nationally only 10.1% of soils are considered to be USDA prime farmland. When these soils are converted to non-agricultural uses the ability for that soil to produce food and fiber is lost

forever. Understanding where these prime and statewide important soils are located in the three towns will allow those making land use decisions to steer development away from this limited and valuable resource.

Each of the three towns contains significant amounts for Prime Farmland and Farmland of Statewide Importance as seen on the Prime Farmland and Farmland of Statewide Importance Map Figure 5 (town maps found in Appendix). Unique farmland is generally designated for specific crops such as citrus, tree nuts, olives, cranberries, fruit, and vegetables. No unique farmland was found to be designated in the three towns.

Figure 5.



The area of the combined Towns of Homer, Preble and Scott is 63,175 acres. 13,499 of these acres are Prime Farmland and 29,985 acres are Farmland of State Importance. Some 21% of the 3 town area is Prime Farmland and 47% is Farmland of State Importance as seen in Table A.

Table A.

	Homer	Preble	Scott
Prime Farmland (acres)	6,120	5,132	2,247
Farmland of Statewide Importance (acres)	16,053	6,393	7,539
Total Farmland	22,173	11,252	9,786

It should be noted that not all agricultural operations are dependent on prime and statewide important soils for production. Greenhouse and container operations farm with controlled “soil-less” mixes in flats or pots. In addition, there is increasing interest in hydroponic production. These types of operations are often located on lesser quality soils enabling a high value crop to replace or supplement field grown crops. Moreover lesser quality soils can support important pasture and hay lands for dairy and livestock operations.

Land Use

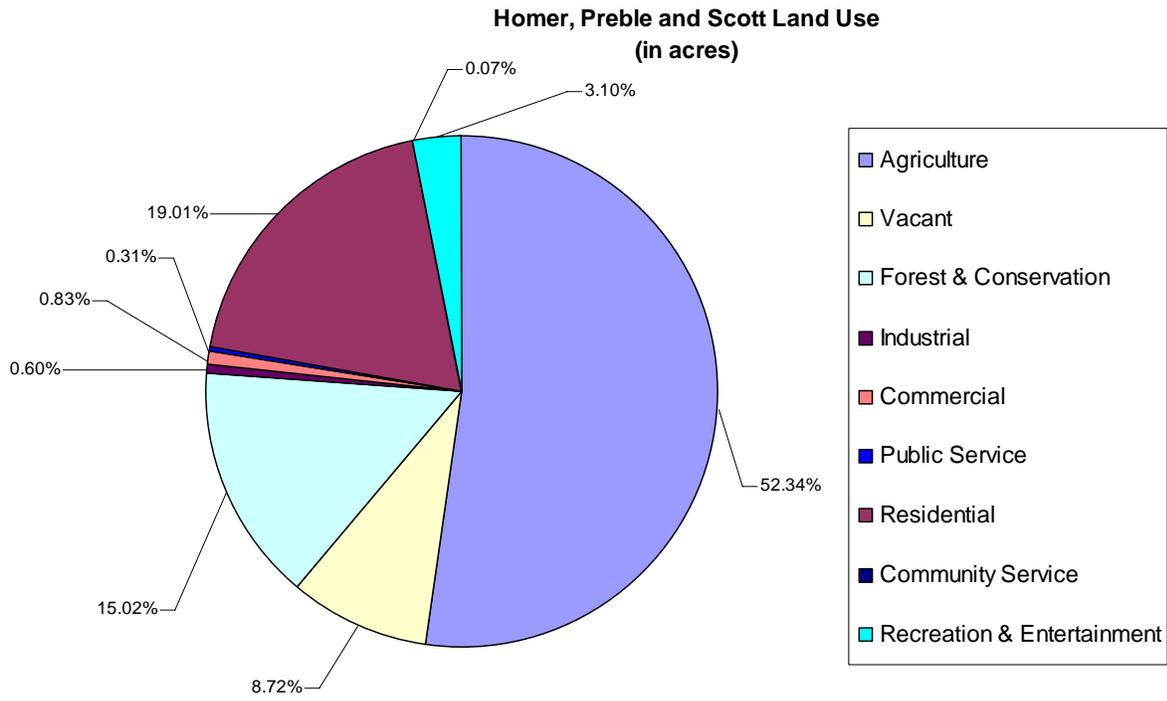
The Town of Homer has a total area of 50.7 square miles or 32,036 acres. The Town of Preble has a total area of 27.5 square miles or 17,670 acres. The Town of Scott has a total area of 22.4 square miles 14,234 acres. According to an analysis by the Cortland County Department of Planning approximately 51 % or 32,693 acres are in agriculture as seen for the three towns in Table B.

Table B.

Category	Homer	Preble	Scott
Area- Sq. mi.	50.7	27.5	22.4
Area- acres	32,036	17,670	14,234
Agricultural acres (100 code)	20,185.96 (66.90%)	8,079.97 (48.21%)	4,427.11 (31.70%)
Est. Ag District acres	20,404 (63.7%)	8,936 (50.6%)	4,327 (30.4%)
Forest & Conservation (900 code)	1,080.81 (3.58%)	5,385.74 (32.13%)	2,911.60 (20.85%)

As seen in Figure 6 Land Use for the Towns of Homer, Preble and Scott, agriculture (code 100) is the predominate land use followed by forest and conservation (code 900) and then single family residences (code 200). The significant amount of land currently used for agriculture and forest/conservation contribute significantly to the rural character and sense of open space that the residents of the three towns value.

Figure 6.



Infrastructure

Public infrastructure such as roads, highways and municipal water and sewer services can have both positive and negative impacts on agriculture in the community. Good, sound local roads and highways are critical to moving farm products to market. At the same time, without proper planning they can also create major issues for the agriculture community by spurring non-agricultural development in competition with agriculture.

In the case of Homer, Preble and Scott the presence of the I-81 corridor has had some impact on agricultural lands in that the I-81/NYS Rte. 281 interchange in Preble has stimulated some industrial and commercial development in that area. The Town however can through adjustments in zoning district boundaries in that area preclude the loss of additional prime agricultural lands to undesired commercial and industrial development.

Currently there is no municipal water or sewer capacity in the three towns outside the Village of Homer proper. There is one privately developed and maintain water system in the Town of Scott that serves a development of approximately 50 homes at the intersection of NYS Rte 41 and Cutler Road. The Village of Homer provides municipal water and sewer service, but only to properties inside the village.



There are no plans by any of the municipalities to develop municipal water or sewer systems at this time. Because they can promote non-agricultural development, the potential adverse impacts on agriculture of public investments in public water and sewer infrastructure need to be carefully considered and at some point in the future such investments should be considered by the three towns either individually or collectively.

Affordable access to broadband (high-speed) internet access is becoming increasingly more important to agricultural operations. Providing such service through the three towns will help connect local farmers and other rural residents to the world economy. Currently there is a proposal to construct the ION Central New York Fiber Optic Backbone from Dryden along NYS Rte 13 through Cortland. This could provide the opportunity for Homer, Preble and Scott to collaborate with farmers, private sector service providers and State agencies or programs such as the "Connect NY" to extend broadband service throughout their jurisdictions.

Farmland Conversion Pressures

The pressure to convert farmland to nonagricultural uses in the Towns of Homer, Preble and Scott appears to be low. According to the US Census of Population and Housing, the population of Cortland County increased in the four decades between 1970 and 2010 by 7.5 percent.

Population in the Town of Homer and the Town of Preble declined, but increased by 46% in the Town of Scott, from 805 residents in 1970 to 1,176 in 2010.

Although population in Homer and Preble was either stable or declined, the demand for new housing continued. Two factors are generally attributed to the growth in housing units in areas with stable or slightly declining population: part of population decline can be attributed to smaller families. The creation of new families requiring new housing may continue in the community; and demand for specialized housing for an aging population may also stimulate new housing construction.

Although the population increase in the Town of Scott between 1970 and 2010 was considerable, a closer look at the Census data shows that the 46% jump in population occurred almost entirely in the decade between 1970 and 1980. This increase also coincides with the larger increase in population in the county as a whole. Since 1980 the population in the Town of Scott has been relatively stable.

Table C.

Growth in Homer Preble & Scott, 1970 -2010										
	Population							Housing Units		
Municipality	1970	1980	1990	2000	2010	Change 1970-2010		1990	2010	Change 1990-2010
Homer	6,480	6,599	6,507	6,363	6,405	(75)		2,465	2,677	212
Preble	1,601	1,637	1,577	1,582	1,393	(208)		683	687	4
Scott	805	1,193	1,167	1,193	1,176	371		433	493	60
Cortland County	45,894	48,820	48,963	48,599	49,336	3,442		n/a	n/a	n/a
Source. US Census of Population and Housing										

Between 1990 and 2010 the number of housing units in the three towns grew by 276. Most of this growth occurred in Homer, where the number of housing units increased by 212. The increase for Preble was just 4, while in Scott it was 60. Of the increase in the number of housing units in the Town of Homer between 1970 and 2010, however, 74 were within the village of Homer. The total number of housing units built between 1990 and 2010 in the rural areas of Homer, Preble and Scott was 202. This represents an increase over the two decades of 5.2% in the number of housing units in the three towns. A map prepared by the Cortland County Planning Office shows the location of the housing units built in the three towns before 1970 and between 1970 and 2009. This map can be found in the Appendix.

The above census data is reflected in the comparison of land use in the three towns as shown on aerial imagery from 1994/95 and aerial imagery from 2009/2010 published by the New York State Geographic Information Systems Clearinghouse. The aerial imagery shows a relatively small amount of farmland conversion to other uses in the three towns. The two largest land conversions of agricultural lands to other uses since 1994/95 that were identified on the aerial imagery are the location of the former Barden Homes industrial complex off Rte 281 in Preble, (approx. 25 acres), and a gravel mine located off Rte 41 about 1 mile northwest of the Village of Homer (approx. 30 acres). The remaining conversions appear to be limited to scattered home development created throughout the three municipalities.

Zoning

For the purpose of this report agriculture is defined as the use of land, buildings, structures, equipment, manure processing and handling facilities, and practices which contribute to the production, preparation and marketing of crops, livestock and livestock products as a commercial enterprise or a hobby, and including commercial horse boarding operations as defined in the Agriculture and Markets Law Article (AML) 25-AA, Section 301. Historically agriculture has included a variety of disciplines aside from fruit, vegetable and crop production and livestock raised for food. In this report animal husbandry, or the breeding of specific animals for use or sale (e.g. race horses), beekeeping, aquaculture (fish production), horticulture and floriculture, including greenhouse operations, and silviculture, are all considered agricultural pursuits as well.



Zoning in all three municipalities is generally supportive of agriculture. Most of the land in Homer, Preble and Scott is zoned in a manner that permits agricultural operations and numerous ancillary activities by right. Table D lists the various zoning districts and where agricultural operations are permitted in each town. There are some issues in each town as zoning relates to or impacts agriculture within their respective boundaries. These issues however appear to be relatively minor and can be addressed through minor amendments to the zoning regulations.

A more detailed analysis of the local zoning regulations in each town, with specific recommendations, is located in the Appendix.

Table D.

Zoning Districts Where Agriculture is Permitted			
	Zoning Districts	Agriculture Permitted by Right	Agriculture Permitted w/ Additional Review
Homer	Agricultural District Residence District Lakeside District Business District Light Industrial-1 District Light Industrial-2 District	Yes No Not Clear No No No	Conditional Use Site Plan Approval
Preble	R1 - Residential R1L - Residential Lake Side AG - Agricultural C - Commercial I - Light Industrial	No No Yes No No	Conditional Use
Scott	AGR Agriculture District R-1 Residential District 1 B-1 Business District FW Floodway District PDD-R Planned Development District - Residential PDD-C Planned Development District - Commercial PDD-I Planned Development District - Industrial	Yes Yes No N/A N/A N/A N/A	
N/A. Not Applicable			

NYS Agriculture & Markets Law:

Section 305-a of the New York State Agriculture and Markets Law (AML) provides farmers and agricultural operations located with State agricultural districts specific protections against local zoning regulation that may be unreasonably restrictive and cause undue interference with legitimate agricultural practices as defined by State law. Because many of the farms in the Town of Homer, Town of Preble and Town of Scott are located within state agricultural districts, they are afforded the protections against undue burdens imposed by local zoning regulations available through Section 305-a.

In 2002 Town Law Section 283-a was amended to require local governments to ensure that their laws, ordinances or other regulations that might apply to agricultural operations located in State certified agricultural districts do not "...unreasonably restrict or regulate farm operations in contravention of Article 25-AAA of the Agriculture and Markets Law, unless it can be shown that the public health or safety is threatened."

Municipal officials should consider when assessing their application of zoning regulations to agriculture such issues as:

- Do the regulations materially restrict the definition of farm, farming operations or agriculture in a manner that conflicts with the definition of "farm operation" as set forth in AML Sect. 301(11)?
- Do the regulations materially limit or prohibit the production, preparation or marketing of any crop, livestock or livestock product?
- Are certain types of agriculture subject to more intensive review or permitting process than other types of agriculture?
- Is any agricultural activity that meets the definition of "farm operation" as set forth in AML Sect. 301(11) subject to special permit, site plan review or other local review standard above ministerial review, or subject to a more intensive level of review than other uses permitted within the same zoning district?
- Are farm operations treated under the local zoning regulations as integrated, interdependent uses and activities, or as independent, competing uses of the same property?
- Do the local zoning regulations relegate any farm operations located within a State agricultural district to the status as "nonconforming use?"



Upon the request of a farmer or municipal official, the Department of Agriculture and Markets may review local land use regulations to assess whether a local law or ordinance is unreasonably restrictive on its face and whether it is unreasonably restrictive when applied to a particular agricultural practice. The Department must also assess whether the regulated activity also poses a threat to public health or safety.

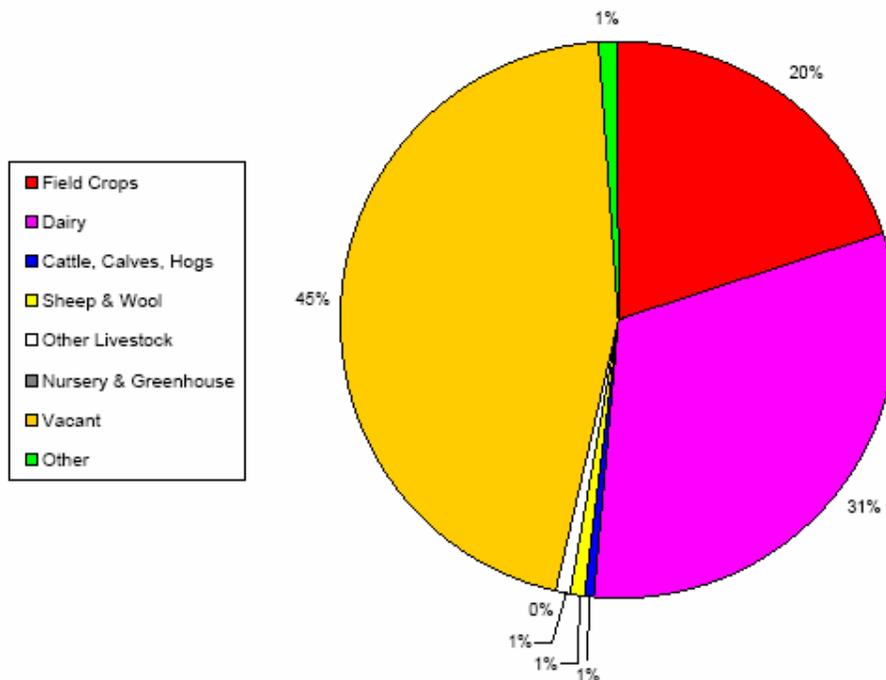
If the Department of Agriculture and Markets determines that a local law or ordinance does impose an unreasonable burden on farm operations within a State agricultural district, it will notify the municipality of its findings. The Department will then work with municipal officials to bring the local regulations in line with the AML. If the issue cannot be resolved through negotiation the Commissioner is authorized under the law to bring an action against the municipality to enforce the provisions of Section 305-a.

Types of Agriculture

The Towns of Homer, Preble and Scott have traditionally been recognized for their small dairy farms yet many of these farms have diversified over time to include significant cash crop production. Figure 7 shows the Agricultural Acreage by Type of Operation for Homer, Preble and Scott using GIS analysis of the Property Class Codes assigned by the assessors for the three towns (the Agricultural Acreage by Type of Operation for each town can be found in the Appendix). Property Class Codes are numbers between 100 and 932 which assessors use to indicate the land use for each parcel that they assess. Agriculture uses the 100's Property Class Code and according to the New York State Real Property Tax codes, farmland can be coded under "vacant" depending on how the local assessor interprets the property. For example, a parcel may be coded as "vacant" when it is a grass hay field or pasture. In addition some parcels may be predominately agricultural in use but can be coded as "residential" if they contain a house. For the purposes of this section and Figure 7 the Property Code Class data was used without attempts to truth the data, thus a significant amount of land is classed as "vacant" when in reality it is active and productive farmland (data for each town can be found in the Appendix). This data was also used later in this report as the basis for the discussion under **Farmland Protection and Prioritization** and is seen in the maps associated with this section. The data presented in Farmland Protection and Prioritization has been validated by use of aerial imaging and local knowledge.

Figure 7.

Aggregate Acreage by Type of Operation - Homer, Preble & Scott



As seen in Table A and Figure 6 farmers in Homer, Preble and Scott maintain significant acres of land in agricultural fields, pasture land and woodland, or about two-thirds of the geographic area of the three towns. Farms contribute significantly to the scenic character, open space and the quality of life for the residents of the three towns.

The agricultural land base remains concentrated and generally has not yet been fragmented to any large extent by low-density residential development or larger scale land subdivision. Within the valley areas of Homer and Preble however gravel mining, commercial and industrial development are viewed as possible threats to farmland along the I-81 corridor.

Gravel mining as a potential threat to farmland was discussed during the development of this plan. The demand for gravel has increased due to the development of Marcellus Shale occurring in Pennsylvania. The Gravel Mining Maps (found in the Appendix) show where there is potential for future development of mining resulting in conversion of farmland out of active agriculture. In addition, the zoning section of this plan further discusses zoning related to gravel mines and potential implications of natural gas development on agricultural lands.

Value of Agriculture to the Local Economy

According to the 2000 Census (latest available data) persons living in the three towns who listed as their occupation “farming, forestry or fishing and hunting” represented 2.5% of the labor force in 1999. Because of the limited amount of employment in hunting fishing and forestry, the bulk of persons can be assumed to be engaged in farming related occupations. The town-by-town breakdown of employment in these occupations in 1999 was 2.9% for Homer, 1.5% for Preble and 1.7% for Scott. As compared to other employment sectors, the agricultural sector is more significant economically in Homer, Preble and Scott than in Tioga County or the state. According to the 2000 Census data, employment in agriculture, forestry and fisheries in the county was only 1.6% in 1999, while statewide the percentage was only 0.3%. Although it employs a small number of residents, agriculture still makes a significant contribution to the local and regional economy.

Agriculture in the three towns generates millions of dollars in sales each year through the production and marketing of farm products. The 2002 Census of Agriculture reported that only 569 farms remain in Cortland County, occupying only 127,000 acres of land. In 2002, there were 59 farms reported in the zip code 13077, which encompasses **all of the Town of Scott** and portions of the Towns of Cortlandville, **Homer, Preble**, Sempronius (Cayuga County) and Spafford (Onondaga County). There were 139 farms reported in the zip code 13045, which covers portions of Cortlandville, **Homer, Preble**, Truxton, Virgil, Summerhill (Cayuga County), Dryden (Tompkins County) and Groton (Tompkins County). In the zip code 13101, which covers parts of the Towns of Cortlandville, Freetown, **Homer**, Solon and Truxton, 52 farms were reported in 2002. There were 15 farms reported in the zip code 13141, which encompasses parts of the Towns of **Preble** and Spafford (Onondaga County). In the zip code 13159, which covers parts of the Towns of **Preble**, Truxton, Tully (Onondaga County) and Fabius (Onondaga County), 71 farms were reported in 2002. A breakdown of the zip codes by town is found in

Figure 8 while Table F shows a breakdown of these farms by zip code and change in numbers from 2002 to 2007.

Table F. Number of Farms by Zip Code*

Zip Code	2002	2007	Actual Change
13077	59	53	-6
13045	139	154	+15
13101	52	53	+1
13141	15	19	+4
13159	71	71	0

2002 data from 2002 Census of Agriculture

2007 data from 2007 Census of Agriculture

**Zip Code Maps are located in the Appendix*

Table G shows in 2007 for the 5 zip codes covering the three towns that only 5% of the farms operated 1000 or more acres. The majority of the farms (62.5%) operated 50 to less than 1000 acres and the remaining 32.5% of farms operated less than 50 acres. While there are some farms following the local and national trend of increasing in size there are still many that are considered traditional in size. In general, small farms often struggle with profitability and are gradually bought out and replaced by larger operations which are often viewed as more competitive. The cost of doing business continues to rise and can limit the profitability on struggling farms even when supplemental income from a family member is generated by working off the farm.

Table G. Farm Size by Zip Code

Farm Size +	Zip code *					TOTAL
	13077	13045	13101	13141	13159	
1-49 acres	19	46	20	5	23	113
50-999 acres	28	101	33	11	46	219
1,000+ acres	6	7	0	3	2	18

**Zip code data from USPS includes portions from other towns.*

+ Acres operated from 2007 Census of Agriculture

Table H provides the farm sales figures from 2007 which gives an idea of the relative value of farm sales for the farms located in the three towns covered by the 5 zip codes. The majority of the farms (76%) reported farm sales less than \$50,000. According to Jay Matteson, Executive Director, Jefferson County Agricultural Economic Development Corporation in his presentation at the HPS AFPP Kick-Off presentation on November 16, 2009, each dollar in farm sales will circulate in the local economy 3 to 4 times before it leaves the area. In addition, each job on a dairy farm will support the creation of two jobs in the local community. Field crop farms and agriculture related services have a slightly lower impact, yet for each job associated with a crop

farm or ag related service one half of a job is created in the local community. Table J shows the tremendous ag support services for the farms in the three towns.

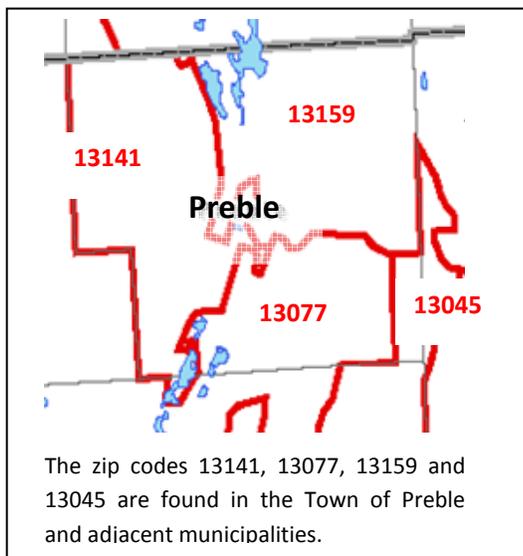
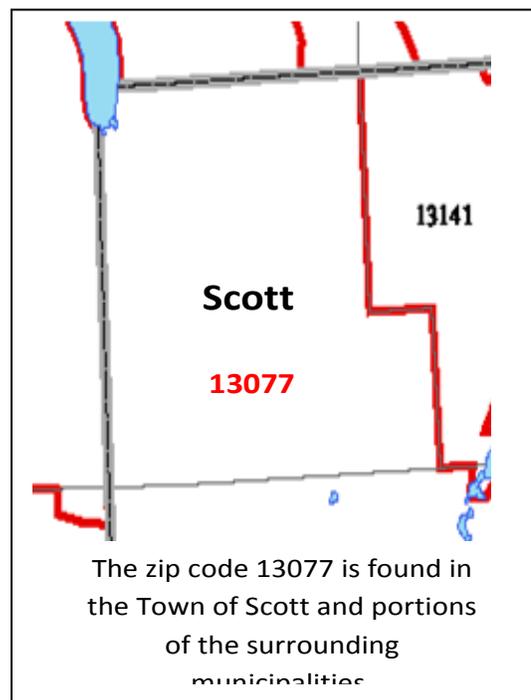
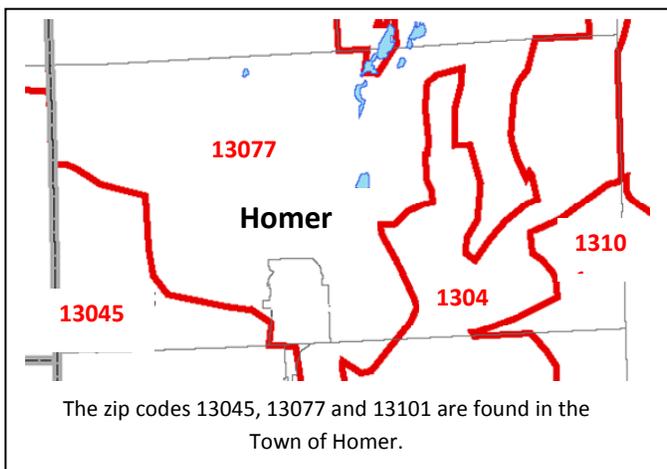
Table H. Commodity Farm Sales by Number of Farms by Zip code

Sales Volume+	13077	13045	13101	13141	13159	TOTAL
Farms w/sales greater than \$250,000	6	14	3	5	12	40
Farms w/sales \$50,000 - \$249,000	11	20	3	3	6	43
Farms w/sales less than \$50,000	36	120	47	11	53	267
Total Farms	53	154	53	19	71	350

*Zip code data from USPS includes portions from other towns.

+Sales Volume from 2007 Census of Agriculture

Figure 8. Zip Code Maps

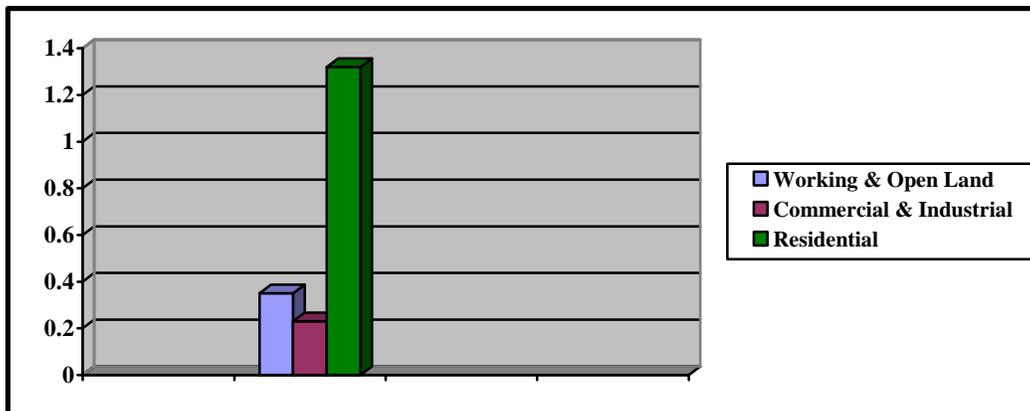


Fiscal Impact of Agriculture

Agriculture is the largest land use in the three towns. It is a critical component of the rural and scenic character so desired by its residents and the thousands who pass through the area on Interstate 81 and NYS Route 90. While residential, commercial and industrial development may offer the tangible benefit of increased tax base, many communities today value the intangible benefits of the open space that agriculture provides to the community character and quality of life.

There are tax advantages to maintaining farmland and keeping control on residential development according to Cost of Community Services (COCS) studies developed by American Farmland Trust. COCS studies are the difference between taxes generated by different types of land uses and the cost of services each type of land use requires. Between 1989 and 2005 twelve of these studies have been conducted in New York and the results are all similar. While the ratios vary from town to town, the overwhelming conclusion is that agriculture pays more than its share of the cost of services while residences receive more services than they pay for.

Table I.



Residential	\$ 1.32 in services per dollar revenue raised
Commercial & Industrial	\$.23
Working & Open Land	\$.35

The objective of this type of analysis is not to discourage residential development in a community but rather to point out that development does come with a cost. Many communities since WWII have sacrificed agricultural land to promote “growth and development” with the interest of increasing the tax base only to realize today that they are experiencing even higher costs of maintaining the infrastructure needed to support such development. The ideal is for the community as a whole to determine what the correct mix of residential, commercial and industrial development is correct for their community.

Agriculture Related Businesses and Support Services

Farmers in the Towns of Homer, Preble and Scott have access to a considerable number of agriculture-related business enterprises within their boundaries. In addition Cortland County provides a relatively robust array of agricultural support services to farmers in the towns. Altogether over 60 businesses including specialized consulting, direct marketing, farm service and supplies, farm equipment sales and repair, farm finance, livestock services and wholesale marketing are located within or serve farmers in the three towns. Table J lists the agriculture related businesses and support services that were discovered during the course of this study.

Of note is the presence in Homer, Preble and Scott of thirteen direct marketing enterprises. These are businesses that market farm products directly to the general public on a retail basis. Direct farm marketing enterprises range from fruit and produce to meats, to plants and nursery stock sales to herbs in the three towns.

In addition to individual stands and farm markets, farmers in the three towns have additional access to retail markets through regular farmers markets held in downtown and Dexter park in Cortland, on the Village green in Homer, and in Virgil hamlet. Farmers markets can both provide convenient access to farm goods for local consumers and great exposure to larger numbers of consumers for farm direct marketers.

Convenient access to agricultural support businesses is critical to the viability of the agricultural sector in any community. As in any other economic sector "time is money" applies to agriculture, and farmers need to minimize both the time on the road they have to spend accessing parts, equipment and services, and the response time of such vendors to service calls on the farm. In Cortland County and adjoining communities over 25 farm equipment and farm supply businesses have been identified. These businesses are all within a 10 to 15 miles of Homer, Preble or Scott. In addition, there are another 15 businesses that supply farm services as diverse as finance, livestock, marketing, management and trucking to local farms.



Table J.

Agriculture –Related Businesses & Support Services		
Enterprise Name	Location	Product Category
Agricultural Consulting, Inc.	115 Main Street, Groton	Agricultural Consultant
AMTS LLC	418 Davis Road, Cortland	Agricultural Consultant
McMahon's E-Z Acres	5940 West Scott Road, Scott	Agri-tourism
Anderson's Farm Market	5887 Route 281, Little York	Direct Marketing
Birdsall Beef	143 Ripley Hill Road, Homer	Direct Marketing
Cobblestone Valley Farm	2023 Preble Road, Preble	Direct Marketing
Coon's Sweet Corn	Route 281, Homer	Direct Marketing
Creekside Produce	Route 11, Homer	Direct Marketing
Dave's Veggies and Greenhouse	5178 Route 41, Homer	Direct Marketing
Gladtime Farm Market	Route 281, Tully	Direct Marketing
Hill of Beans	5405 Chapman Road, Cortland	Direct Marketing
Little York Farms/CNY Beef	5668 Route 11 Homer	Direct Marketing
Little York Plantation	6088 Route 281, Little York	Direct Marketing
New Hope Farm LLC	5937 Route 11, Homer	Direct Marketing
Valley View Farm	308 Ripley Hill Road, Homer	Direct Marketing
Vern's Pumpkins	7367 Route 41, Homer	Direct Marketing
East End Farmers Market	Village Green, Homer	Direct Marketing (Farmers Mrkt)
East End Farmers Market	Dexter Park, Cortland	Direct Marketing (Farmers Mrkt)
Cortland Downtown	Main Street, Cortland	Direct Marketing (Farmers Mrkt)
Virgil	Virgil Elementary School	Direct Marketing (Farmers Mrkt)
Lone Birch Stables	5668 Route 11 Homer	Equine Boarding, Training, Lessons
Fingerlakes Construction	137 South Main St., Homer	Farm Buildings
Morton Buildings, Inc.	5106 Route 11, Homer	Farm Buildings
Bensons Farm Equipment	264 Cobb Street, Groton	Farm Equipment & Parts
Cazenovia Equipment Company	3892 Route 11, Cortland	Farm Equipment & Parts
CNY Power Equipment	226 Port Watson Street, Cortland	Farm Equipment & Parts
CNY Power Sports	3871 Route 11, Cortland	Farm Equipment & Parts
Empire Tractor, Inc.	3865 Route 11 South, Cortland	Farm Equipment & Parts
Kellogg Auto Supply Company	3862 Route 281, Cortland	Farm Equipment & Parts
McKee Equipment Company	5719 Telephone Road Ext., Cincinnatus	Farm Equipment & Parts
Tallmadge Tire	50 Groton Avenue, Cortland	Farm Equipment & Parts

Trombley Tire	30 Groton Avenue, Cortland	Farm Equipment & Parts
Homer Oil Company	4 Center Street, Homer	Farm Feed
Roundhouse Mill	41 Elm Street, Cortland	Farm Feed
Barnes Brothers	South Lake Road, DeRuyter	Farm Supply
Cortland CountryMax	980 Route 13, Cortland	Farm Supply
DeRuyter Farm & Garden Co-Op	1 Dewey Avenue, DeRuyter	Farm Supply
Essex Steel Supply	Route 13 South, Cortlandville	Farm Supply
Genoa Ag Center	448 Locke Road, Groton	Farm Supply
Hewitt Brothers	Route 90, Locke	Farm Supply
Lilley's Tack & Feed	15 Livermore Crossing, Dryden	Farm Supply
Reed's Seeds	3334 Route 215, Cortland	Farm Supply
Tractor Supply Company	848 Route 13, Cortland	Farm Supply
Tully Ag Center	20 Onondaga Street, Tully	Farm Supply
Tully Building Supply	24 Onondaga Street, Tully	Farm Supply
Doug's Custom Meats	West Scott Road, Homer	Farm Support Services
Empire Livestock Marketing Co-op	East Main Street, Dryden	Farm Support Services
FIL Agritech, LLC	5983 Route 11, Homer	Farm Support Services
Homer Iron Works (aka Mike's)	Route 11, Homer	Farm Support Services
Steven's Ag Services	Homer	Farm Support Services
First National Bank of Dryden	853 Route 13, Cortland	Finance
First Pioneer Farm Credit	1 Technology Place, Homer	Finance
Forecon, Inc.	221/2 Groton Avenue, Cortland	Forestry Services
Dairy One	Warren Road, Ithaca	Livestock Services
Dairy Support Services	Fabius/Truxton	Livestock Services
Cortland Valley Dairy Service	1791 Route 13 North	Livestock Supplies & Equipment
Double J Western Shop	1845 East Homer Road, Cortland	Livestock Supplies & Equipment
Night Farm Enterprises	Locke	Livestock Supplies & Equipment
Murphy Farms & Services	Tully	Trucking, Excavating, Welding
Mid-State Veterinary Service	987 Route 222, Cortland	Veterinary Services
(former) Homer Meal site	Homer	Wholesale Marketing
Cortland Bulk Milk Producers Coop	3819 Route 11 South	Wholesale Marketing
Preble Milk Co-Op Association	Preble	Wholesale Marketing

Issues Impacting Long Term Agriculture

External Influences:

This plan's focus is on issues and actions that are within the influence of local government; however, there are several potential regional, state, and national threats to the economic viability of local farms which should be noted even though they are not under the control of local government. Many of these were generated during the SWOT exercise at the November 16, 2009 Kick-Off Meeting while others were accumulated during the course of this project from discussions with the Steering Committee and personal interviews as discussed in the Public Outreach section of this plan. Some of the potential threats identified include, among others:

- ✓ Fluctuations in the cost of inputs and services such as fuel, fertilizer, seed, and insurance with limited, or no opportunity for the farmer to pass along these costs to the buyer or end user;
- ✓ Increasing traffic (cars and trucks) on local roads provides the opportunity for accidents as farm machinery must travel on public roads and highways to access fields and other farm operations;
- ✓ Increasing burden of property taxes and impact on farm profitability;
- ✓ Changes in federal farm policy;
- ✓ State and federal regulations, including transportation policies, environmental regulations including CAFO regulations, food safety and health regulations;
- ✓ Federal immigration policy creating difficulty in finding labor especially for dairy farms;
- ✓ The general population not interested in working on farms, or willing to work for the wages that farmers can afford to pay.
- ✓ Concern about how Total Maximum Daily Load (TMDL) which limits nitrogen, phosphorus and sediment in the Chesapeake Bay Watershed of which parts of the three towns are in will affect local farms.
- ✓ The impacts of Marcellus Shale development on farmland that has been leased for both surface and subsurface mining.

Public Awareness and Understanding of Agriculture:

With only about 1.5% of the population engaged in farming, the vast majority of Americans no longer have any direct ties to agriculture. The entertainment industry and news media largely shape public understanding of agriculture and farming practices. Contact with farmers and farms may be limited to buying produce at a farmers market or roadside stand a few times a year. As a result of this disconnect between consumers of farm products and the agricultural industry, public policies are often guided by misperceptions and local government decisions can adversely impact the farm community. Examples of such impacts can be decisions to extend municipal infrastructure into agricultural areas to spur development, local zoning regulations designed to promote and protect residential development from the impacts of modern agriculture, and local taxing policies.

Farmland Ownership:

Farmland owned by non-farmers tends to be more vulnerable to development or abandonment than farmland owned by farmers and members of their families. Due to the uncertainties inherent in renting and short-term leases, farmers operating on rented land tend to be more reluctant to make long-term capital investments in this land such as planting perennial crops, like alfalfa, or erecting permanent fencing. If these trends continue, reinvestment in farms may decline as local farmers who rely on rented land become increasingly vulnerable to loss of access to this farmland and the financial decisions made by non-farming landlords.

Farms for the past few decades have become and continue to become larger in terms of acreage and capital investment. Yet a recent trend in agriculture is being noted, which is the increase in the smaller farm. These smaller farms are characterized not only by size but by their diversity. Often called niche farms they can range from large gardens to hobby farms to part time or fulltime commercial farms. They may or may not be organic and usually specialize in one or more niche or specialty crops. The small farm is also relatively flexible and able to adapt to new and emerging market trends. The emergence of these small farms tends to be close to metropolitan areas where they are the basis of the “grow local and eat local” movement and able to supply fresh produce, eggs, meats, etc. to city dwellers, thus starting to reconnect people with their food. This resurgence is starting to be seen in the three towns and should be supported as they are an opportunity to help diversify the local agricultural sector, possibly help to transition farms where a family member is not returning to the farm, and enable the towns to better adapt to future agricultural and market trends.

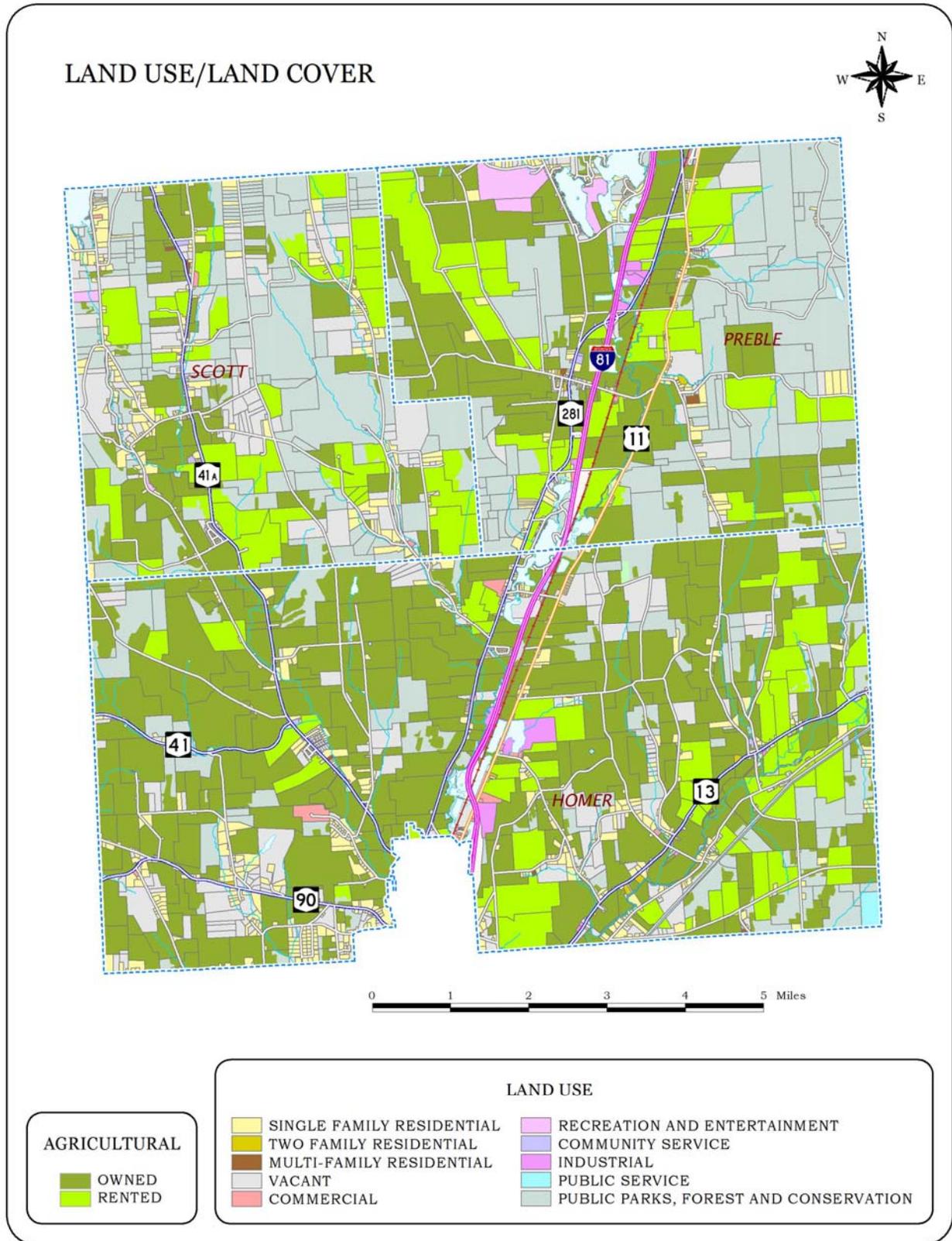
The agriculture community in the three towns is still composed of family farms. The definition of family owned farms has come under criticism recently, yet in order to protect their significant investments from liability farm owners have formalized their businesses into corporations and limited liability companies. The public views this as “corporate or factory farms” when in reality it is still the family farm. Family farms have been the backbone of agriculture locally, regionally, and nationally. The family farm, which is larger than a “hobby farm” and smaller than “corporate agricultural enterprises” is struggling economically, socially and with regulations. Many family farms we spoke with during the personal interviews expressed concern about their future from both a financial standpoint but also wondered who would take over the farm once their career was complete. Any plan for the future of agriculture needs to recognize the importance of the family farm to the long term viability of the agricultural sector of the local economy.

A significant amount of effort was dedicated by the Steering Committee examining the current ownership of agricultural land in the three towns. Table K provides a summary for the three towns while Figure 9 provides this information as a map. Maps for each town are located in the Appendix.

Table K.

Town	Acres Rented	Acres Owned	Total Acres
Homer	3,587 (17%)	17,728 (83%)	21,315
Preble	2,838 (34%)	5,574 (66%)	8,412
Scott	2,861 (52%)	2,658 (48%)	5,519

FIGURE 9.



NYS Agricultural Districts Law:

Passed in 1971 the Agricultural Districts Law is intended to protect agricultural lands that are in potential jeopardy by non-agricultural uses. The law was designed to encourage and strengthen the agricultural industry in New York by offering farmers an opportunity to protect themselves from the rising costs and problems associated encroaching urbanization and development in the rural areas of the state. NYS Agricultural Districts were designed to create an identity and unity within the farm community, provide protection from conflicting land use and demonstrate a commitment to the future of agriculture. Participation in the NYS Agricultural District Program provides farmers and farmland owners certain protections from unreasonable restriction of the agricultural practices by local government, right to farm protection, and assurance that construction practices of public infrastructure projects will not adversely impact farmland, among other benefits.

Participation in an Agricultural District is a voluntary commitment by the landowner to keep their land in farming for 8 years. At the end of the 8-year period, the district is reviewed and parcels can be added or removed at that time. In January 2005, the Cortland County Legislature, following a trend of other counties, voted to approve the consolidation of the County's four certified Agricultural Districts into one combined district. The consolidation of the districts allows for a more efficient review of agricultural lands within the County. The Consolidated District now consists of 124,218 acres, which includes Homer, Preble and Scott. When the district was consolidated in 2005 just over 20,500 acres or 312 parcels in the Town of Homer are included and are devoted primarily to dairy farming and crop production. Just over 9,000 acres or 99 parcels in the Town of Preble are included in the Consolidated Agricultural District and are devoted primarily to dairy farming and crop production. Just over 4,370 acres or 75 parcels in the Town of Scott are included in the Consolidated Agricultural District and are devoted primarily to dairy farming, hayfields and cash crop production.

Table L. Cortland County's Consolidated Agricultural District Participation by Town*

Town	Number of Parcels	Acres in Ag District	Percentage of Town in Ag District
Homer	312	20,500	64% (32,000 acres)
Preble	99	9,000	51% (17,670 acres)
Scott	75	4,370	31% (14,300 acres)

**According to the Natural Resources Inventory dated August 2006*

Local, County and Regional Planning and Agriculture

Region Level Planning

Cortland County is one of five central New York counties composing the Central New York Regional Economic Development Council (CNY REDC) which developed a strategic plan available for viewing at: <http://regionalcouncils.ny.gov/themes/nyopenrc/rc-files/centralny/final%20CNY%20REDC%20plan%20single%20pages.pdf>. Agribusiness is targeted as a sector for development. The vision statement for the plan also specifically mentions agriculture "Innovation and collaboration are central to the creation of opportunity for all who

live and work in Central New York. By taking ownership of its future, operating in a nimble and efficient manner, and **leveraging its many assets**—natural, **agricultural**, geographic, economic, educational, cultural, and human—Central New York is working to create a diverse, sustainable, and globally competitive economy while preserving and enhancing the region’s treasured quality of life.”

County Level Planning

1. Cortland County Agriculture and Farmland Protection Plan, was adopted November 1998. The plan states that the “county’s agricultural lands are vulnerable to human intervention. We have the power to change agricultural lands, to conserve what is valuable to us as a people, or to destroy places which may be important to our future. How we manage change by protecting and conserving agricultural lands while providing space for homes, commercial centers and possible industrial parks will have a profound impact on future generations.”



The plan outlined many actions that Cortland County, municipalities and individuals could take to “preserve agriculture and farmland is through support and promotion of the agricultural industry. This can be started through the policies of the Agriculture District Law. The Cortland County AFPB (Agriculture and Farmland Protection Board) realizes the most important and affordable part of the plan is Education, Economic Development, and Government Policies.”

2. Cortland County produced a Natural Resources Inventory (NRI) dated August 2006 in cooperation with the Cortland County Soil and Water Conservation District, the Cortland County Planning Department and the Central New York Regional Planning and Development Board. The NRI is a document that inventories the natural resources of an area, collects the data in a usable format and interprets the findings. The primary purpose of a NRI is to provide data that can be used as the foundation for municipal and county planning. A NRI has been completed for each of the three towns and lists farmland as an important natural resource in each town worthy of consideration when reviewing proposed plans for development.

Local Level Planning: Town Comprehensive Plans

Town of Homer adopted a Comprehensive Plan in August 2002 whose purpose is “to promote the orderly and wise use of the land and water areas of the Town for the protection of the health, safety and welfare of the residents of the community over the next two decades and beyond.” Page 4 of the plan recognizes that the “preservation of agriculture is key to retaining the Town’s character.” It notes that “the same soils that are good for agriculture are also good for housing and other forms of construction.” It further notes that “residential development should not be encouraged on prime (the highly productive valley land) agricultural lands. Preservation of

agricultural land-uses supports the protection of the primary aquifer underlying each valley.” The plan also notes that the secondary agriculture, occurring primarily on hillsides and composed of lower yielding soils provide necessary support for crops and grazing. The plan lists eight (8) objectives (page 8) to support the agricultural goal of preservation of prime farmland in the town. Page 16 discusses investigating local initiatives such as a Town Agriculture and Farmland Protection Plan and encouraging the County to adopt Right to Farm legislation to compliment the Right to Farm Law Homer adopted in 2001.

Town of Preble adopted a Comprehensive Plan on Feb 13, 2006. Whose objective is “to adequately provide for inevitable changes and growth while retaining the overall character of the Town.” The plan states support for agriculture is “a key to retaining the Town’s present economy and open-space character (Page 4).” It further defines areas of “Prime and Secondary Agriculture” similar to Homer. There are six (6) policy statements listed on page 9 supporting the Agricultural Land Use Goal where “Agricultural land uses, especially within the areas designated as prime farm land, are therefore encouraged within the Town to protect and maintain the rural atmosphere of our community and the economy generated by farming.”

Town of Scott has yet to adopt a Comprehensive Plan.



Farmland Protection and Prioritization

Agriculture is a vital economic component to the three towns as well as the county and region. It helps define the rural character and open space so desired by the residents and aids in the draw of tourists to the region. The rural character and quality of life that agriculture provides via the open landscape of large active agricultural fields also draws people to move to the country to try and capture some of the rural life style. This draw, over time, is in danger of being lost as land is developed away from agriculture into small developments or scattered single lot development. This is often referred to as ‘a death by a thousand cuts’ in that a few acre building lot here or there is not intrusive initially to the rural landscape but over time the landscape changes almost without the residents noticing it. The affect on agriculture is that the land becomes fragmented and eventually can become unsuitable for agriculture. In addition the newer residents often have preconceived ideas about how agriculture should operate often resulting in nuisance complaints and potential conflict which could result in abandonment or the sale of a farm out of agriculture. As quality farmland is lost from production it becomes more difficult for the remaining farmers to have a critical mass of land on which to operate and maintain a profitable business structure. While the Towns of Homer, Preble and Scott are not at this point, they only need to look at other communities nearby to see the potential for change. It is through this plan that the three towns strive to protect quality farmland and encourage desired development (especially residential) to other areas of the town where that type of development is better suited.



In addition, in 2007 Cortland County Health Department, Division of Environmental Health amended the Rules and Regulations for Minimum Lot Size in Cortland County. These Rules and Regulations govern the minimum lot size for the use of septic systems and drinking water wells where public water and sewers are not available. These revisions were adopted in 2009 and resulted in an increase in the minimum lot size dimensions to 300 feet by 350 feet (which calculates to 2.4 acres) for lots requiring on-site septic systems and drinking water wells. According

to a January 8, 2009 Memo issued by the Cortland County Health Department, Division of Environmental Health to all Municipal Boards, Zoning and Code Officers and Planning Boards “The increase in lot size was needed to meet new state regulations regarding separation distances between drinking water wells and sewage systems.” There was much discussion over several committee meetings about the impact but it was realized that the towns did not have control over this determination.

The Rules and Regulations can be viewed at: http://cchd.cortland-co.org/index.php?option=com_content&task=section&id=19&Itemid=198

Another topic of discussion during steering committee meetings focused on hydraulic fracturing. It was acknowledged that many towns were struggling with identifying their position on the issue. The issue was recognized as divisive and one that the steering committee could address

from a farmland protection perspective. This led to a discussion regarding how properties located in an area for protection (based on already established criteria) but had (or had the potential for) a gas lease would be treated for Purchase of Development Rights. Email communication from John Brennan, New York State Department of Agriculture and Markets, dated January 20, 2012 states, “Overall, the Department does not consider gas/oil drilling and wind turbine development an incompatible activity with agricultural operations provided that certain safeguards are put in place “. He further states “PDR applicants which have either gas leases or having the potential for a lease—the Department has developed specific guidelines/provisions of selection options as it appears in the Conservation Easement or title curative which would be acceptable to NYSDAM.” The guidance document is available on NYSDAM’s website at www.agriculture.ny.gov/AP/agsservices/guidancedocuments/GD_Title_FINAL.pdf and in the Appendix titled “NYSDAM Energy Related Guidance”. It was noted during one of several discussions led by AFT’s project consultant George Frantz that all landowners need to be sure that any leases which are being signed or renewed need to have detailed restoration provisions clearly outlined. In addition, towns can regulate through zoning where some of the activities associated with natural gas well development occur. See Appendix section titled Zoning Analysis and Recommendations- Zoning Implications of Natural Gas Drilling and Development for more information.

There are several tools that communities can prioritize land for protection. Several of these include: LESA- Land Evaluation and Site Assessment developed by the USDA- Natural Resources Conservation Service. It has been used to help local officials identify farmland under pressure for conversion and uses soil quality and other factors to aid in the decision making process. Another method is to GIS- Geographic Information System to identify parcels exhibiting desirable characteristics, such as soil quality, location to land that are protected and near natural resources.



The Steering Committee chose to develop a set of criteria that is suited to the three towns for identifying agricultural land for protection. The criteria are:

1. Parcels will contain 50% or greater total prime and/or soils of statewide importance;
2. Should currently be used for agricultural purposes;
3. Should have development pressure (at the edge of existing development or adjacent to lands served by water and/or sewer lines or actively being mined and near strategic transportation routes)

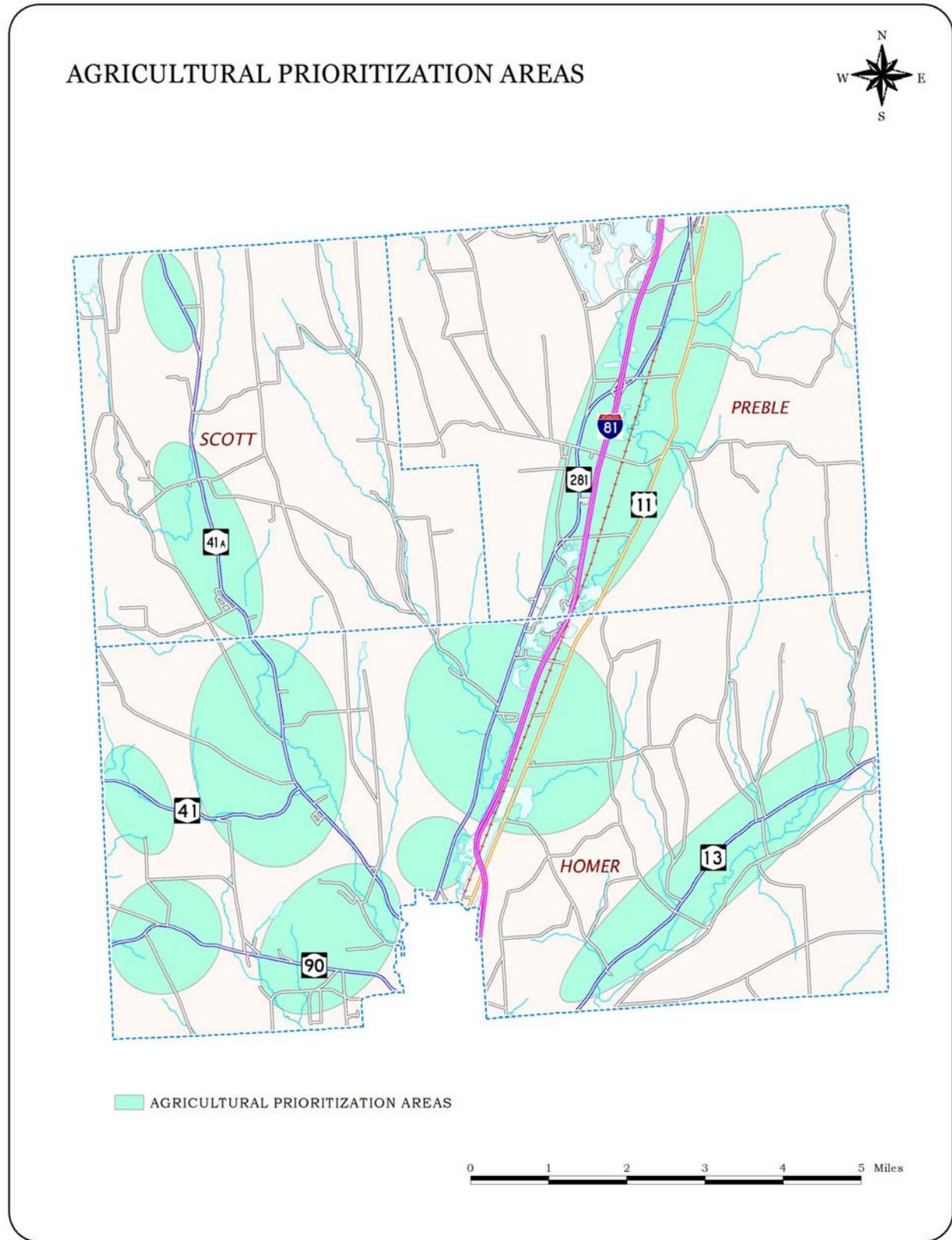
Based on the criteria, the following map (Figure 10) was developed to identify general areas where agricultural land, based on the criteria, might be positioned to experience pressure for conversion. Individual town maps are located in the Appendix.

It is recognized that not all the agricultural land falls within the Agriculture Priority Area boundaries identified in Figure 10. The land falling outside this boundary is considered to be equally important. Often times this land will have a majority of the characteristics to be designated in the Agriculture Priority Area but may be missing one particular attribute. In addition much of this land is rented or leased to active farmers by non-farm owners. This land, while not owned by active farmers is often critical to the support of their farm operations and should this land not be available for agricultural use it could hamper current farm operations. To examine this further the steering committee worked to identify the current agricultural parcels in each town and to determine if the parcel was farmer owned or rented to a farmer (See Figure 9).

In addition to their value as support land to current farming operations; agricultural land outside of the Agriculture Priority Area, also contribute to the scenic character and quality of life enjoyed by the town residents and tourists. Maintaining these lands in agriculture and other open space uses, as opposed to residential or other development, offers environmental and other benefits often related to water quality and providing wildlife habitat.

The primary tool for protecting the land both in the Agriculture Priority Area and out of the area is through revisions to the current zoning regulations as outlined for each town can be found in the Appendix.

FIGURE 10.



Vision, Goals, Recommendations and Actions

Upon embarking on this project, the Towns of Homer, Preble and Scott have joined together to develop a joint Agriculture and Farmland Protection Plan that will ensure the protection of their agricultural resources and continued viability of farming in their communities. With the guidance of a Joint Agriculture and Farmland Protection Plan Steering Committee their broad vision has been translated into three foundation actions and five goals described below. Following the foundation actions, the five goals are broken into regional goals and town goals. The regional goals are those that the three towns via a Joint Implementation Committee (JIC), established by Foundation Action A will work jointly to complete. The town goals are those that will be implemented on a town by town basis.

Joint Agriculture and Farmland Protection Plan Vision Statement

The Towns of Homer, Preble and Scott value agriculture and recognize the importance of farms in maintaining rural character and strengthening the local economy. The towns seek to proactively support agriculture by working to retain valuable farmland for current farmers to use and to provide opportunities for the next generation of farmers to be profitable. They seek to provide an economic climate to allow agricultural businesses to succeed in an evolving economy and ensure strong public support for farming in the region.

Foundation Actions

Three Foundation Actions were identified as critical to support the plan and the implementation of the following Regional Goals and Town Goals. The three Foundation Actions are:

- Creation of a Joint Implementation Committee
- Aggressively seek funding for plan implementation
- Support and coordinate implementation efforts with organizations, agencies and programs that assist farmers and farmland owners



Regional Goals

The regional goals outlined below provide guidance to the Joint Implementation Committee for the three towns working together to support the agricultural businesses and farmers to protect valuable farmland. These recommendations incorporate opinions shared during public information meetings, joint steering committee meetings, individual interviews, and information gathered from an on-line survey.

The regional goals encompass community programs, educational events, policy changes and regional initiatives. The costs involved in implementing the recommendations vary from no to low cost policy adjustments to more expensive programs and initiatives.

Town Goals

To help assist the three towns implement the regional goals, individual town priorities have been identified. These priorities have been developed with input from town representatives to the joint Agriculture and Farmland Protection Plan Steering Committee, farmers, Town officials and residents from each town. Many of the priorities originate from the regional goals and recommendations and have been repeated here if they are relevant to that particular town. Some of the recommendations are targeted towards town-specific policies and programs while others describe actions relevant to the three-town region.

The regional and town specific goals and recommendations listed below provide a menu of options that towns and residents can choose from when supporting local farmers and protecting valuable agricultural land.



FOUNDATION ACTIONS

A. Creation of a Joint Implementation Committee

This plan was developed to protect farmland in the three towns. As a document it cannot accomplish its purpose without someone or a committee taking ownership of the plan and doing the work necessary to implement the recommendations. It was determined by all the towns during the Goals and Recommendations reviews that a specific Town or Regional Advisory Committee was necessary. At present the three towns felt that they had adequate farmer/agricultural representation on all their boards and a new committee was deemed duplicative. To ensure that the plan is implemented the first recommendation is to have each town appoint one member to the Joint Implementation Committee (JIC). This JIC will meet at least annually to review progress in Regional Plan implementation and provide direction to appropriate Town Boards and committees for implementing portions of the plan at the town level.

ACTION STEPS:

1. At their regularly scheduled October meeting each Town Board appoints one member to the JIC to serve a one year term which is renewed annually.
2. The JIC meets during November and December to establish its rules of order, review the status of the plan's implementation on a regional basis and town basis; and select project(s) from the Homer, Preble, Scott Agriculture and Farmland Protection Plan to work on or continue working on. Action is taken during the year on items identified for implementation with a progress report to the Town Boards presented in September.
3. The JIC will seek funding to hire on a part time/as needed basis, a paid staff person to coordinate the Joint Implementation Committee's efforts.
4. At a minimum, every five years (or as determined by the JIC or Town Boards) the Homer, Preble, Scott Agriculture and Farmland Protection Plan will be reviewed to determine whether goals have been met and identify new goals and projects to achieve new goals.

Time Frame & Priority	Immediate (within first year) <i>High Priority</i>
Responsible Agency	Town Boards
Estimated Cost	Minimal, depending if attorney needs to review
Potential Funding Source(s)	Town Budget, if attorney review needed

B. Aggressively seek funding for plan implementation.

Many of the activities recommended in this plan are at little or no cash cost to the towns others do require funding. Possible funding sources, other than the Towns, that can be explored include but are not limited to:

- USDA (United States Department of Agriculture): There are many loan and grants programs available including USDA-RBEG- Rural Business Enterprise Grant; USDA-REAP- Rural Energy for America Program; USDA-VAPGs- Value Added Producer Grants; USDA-Small Farms Funding Resources
- NIFA (National Institute of Food and Agriculture): These are large grants of which the towns can be a cooperator.
- NYSDAM (New York State Department of Agriculture and Markets): There are many loan and grant programs including Regional Buy Local Campaign; Specialty Crop Block Grant
- NYFVI (New York Farm Viability Institute): is a farmer-led nonprofit group that awards grant funds for applied research and outreach education projects that help farms increase profits and provide models for other farms.
- BDC-IDA (Cortland County Business Development Corporation and Industrial Development Agency): is the lead economic development agency working closely with its many local and state economic development partners to retain, create and attract jobs to the community. The Cortland County Agricultural LDC is a subsidiary of the IDA that is charged with to working as a facilitator for agriculture based economic development and job growth in Cortland County.
- NYSERDA (New York State Energy Research and Development Authority): periodically provides funding for Innovation in Agriculture Grants involving energy conservation or productivity improvement, which enhance the profitability of agriculture in New York State.

Time Frame & Priority	Immediate (within first year) to Short term (1 to 2 years) to on-going as needs arise High Priority
Responsible Agency	JIC with assistance from Town Board or other appropriate agencies
Estimated Cost	Minimal, depending whether paid assistance is needed to locate or prepare funding source request
Potential Funding Source(s)	Town Budget or County Budget

C. Support and coordinate implementation efforts with organizations, agencies and programs that assist farmers and farmland owners.

The team approach has proven to be most effective over time and there are already established organizations, agencies and programs that can be supported by the JIC which will also be vital to the implementation of portions of this plan. These include but are not limited to: Cortland County Soil and Water Conservation District, Cornell Cooperative Extension of Cortland County, USDA Natural Resources Conservation Service, Cortland County Planning Department, Cortland County Farm Bureau, Cortland County Business Development Corporation – Industrial

Development Agency, City of Syracuse Watershed Agriculture Council, Senior Corps of Retired Executives (SCORE- located in Auburn).

Time Frame & Priority	On-going <i>High Priority</i>
Responsible Agency	JIC
Estimated Cost	Minimal
Potential Funding Source(s)	Not applicable



REGIONAL GOALS

Regional Goal #1: Ensure land use laws and local ordinances support economic opportunities for local farmers and the protection of agricultural land.

Town codes and ordinances can have a significant impact on farmers. Local laws can create barriers to farm businesses adapting to changing economic conditions as well as encourage the unnecessary conversion of farmland. The Towns seek to ensure that local codes are “farm friendly” and have adequate protections against the unnecessary loss of farmland to development. Towns that plan for agriculture can employ certain zoning techniques that create a supportive agricultural business environment, assist in stabilizing large blocks of quality agricultural land, reduce potential farm- nonfarm neighbor conflict and keep quality farmland affordable for existing or new farmers to purchase.

ACTION STEPS:

1. Educate local realtors on the Real Estate Disclosure Notice and the critical role it plays regarding informing potential buyers from outside the area about current agricultural practices they will experience in rural areas of the towns. Encourage local realtors to include the Real Estate Disclosure Notice in purchase and sale contracts for all property purchased in the three towns regardless of whether the property is included in an Agricultural District

Time Frame & Priority	Immediate (within one year) and then periodically High Priority
Responsible Agency	JIC with assistance from BDC/IDA and CCE and SWCD
Estimated Cost	Volunteer and agency staff time
Potential Funding Source(s)	Included in agency budgets

2. Annually provide all owners of agricultural land information about tax relief programs including Cortland County’s Agricultural District Open Enrollment every November.

Time Frame & Priority	Immediate (within one year) and then Annually High Priority
Responsible Agency	JIC with assistance from Town Clerks and Co Planning, CCE and SWCD
Estimated Cost	Volunteer and staff time
Potential Funding Source(s)	Included in agency budgets

3. Create, inventory and update annually a Farm Market and Farmers Market listing to promote the purchase of locally grown products. Use the proposed JIC website/ blog/ Face Book to provide timely information about product availability. Seek to build upon the Cortland County Local Foods Directory produced by CCE’s South Central NY Agriculture Program. Develop a web based map that is easily updated and accessed via smart phones.

Time Frame & Priority	Immediate (within one year); then annually Medium Priority
Responsible Agency	JIC
Estimated Cost	Volunteer time for inventory and possibly website/blog/Facebook Possible fee for smart phone application
Potential Funding Source(s)	None needed unless smart phone application

4. JIC engage the Cortland County Agricultural and Farmland Protection Board to update the County Agricultural and Farmland Protection Plan by 2015 to accurately reflect the Purchase of Development Rights program and to promote opportunities and strategies to attract and enhance current agribusinesses to the towns as part of the county's overall agricultural economic development strategy.

Time Frame & Priority	Short term (1-2 years) Medium Priority
Responsible Agency	County Planning Department with assistance from County Ag and Farmland Protection Board
Estimated Cost	To be determined
Potential Funding Source(s)	NYSDAM

5. Support the Ag Business Development Coordinator position with the Cortland County BDC-IDA.

Time Frame & Priority	Short term (1-2 years) to Medium(3 to 5 years) Low Priority
Responsible Agency	JIC
Estimated Cost	None
Potential Funding Source(s)	Not applicable

6. Develop and provide realtors and others copies of a publication similar to "So You Want to Live in the Country?" (See Appendix for sample brochure)

Time Frame & Priority	Medium Term (3 to 5 years) Low Priority
Responsible Agency	BDC/IDA with assistance from County Planning
Estimated Cost	To be determined
Potential Funding Source(s)	To be determined

7. Actively work to increase the number of vendors and public participating in existing farmers markets in the three towns.

Time Frame & Priority	Short Term (1 to 3 years) Low Priority
Responsible Agency	BDC/IDA with assistance from JIC, CCE and County Planning working with Farmers Market Federation of NY (Diane Eggert, Director)
Estimated Cost	Minimal
Potential Funding Source(s)	To be determined based on findings

8. Collaborate with Cortland County, Cornell Cooperative Extension and NYS Department of Agriculture and Markets to assist farmers in ensuring that natural gas drilling operations and infrastructure development are conducted with the least amount of impact on farmland resources and farm operations, both during well development and production phases.

Time Frame & Priority	Immediate (within one year) High Priority
Responsible Agency	JIC, Cornell Cooperative Extension, NYS Ag & Markets, Towns
Estimated Cost	Undetermined
Potential Funding Source(s)	Undetermined

PROCESS: The potential benefits of natural gas development to agriculture are recognized. The industry however will have some impact on agricultural land resources and agricultural operations. The JIC in collaboration with other agencies will develop and distribute informational materials that provide guidance to local farmers and agricultural landowners that 1) ensures the location of drilling pads, gas gathering lines, access roads and other facilities conserves higher quality soils and minimizes their impacts on farm operations; 2) site restoration guidelines such requiring topsoil stockpiling, de-compacting soils as part of site restoration and 3) ensuring the restoration of field drainage systems that may be disrupted. Farmers when considering lease agreements can incorporate such provisions into their leases prior to signing the leases with the gas companies.



Regional Goal #2: Educate the non-farm public about the value and state of agriculture in the Towns and maintaining good relationships with neighboring farms.

Although agriculture remains prominent in the Towns, many residents are a few generations removed from the farm and have limited occasions to visit working farms. As a result, there is frequently a disconnect between the producers of food and the consumers. This results in misunderstandings about production practices, food safety, and environmental stewardship. The Towns seek to facilitate discussions between farmers and the non-farm public and educate non-farm residents about agricultural practices, farm products that grown and available for local purchase and the importance of agriculture to the local and regional economy. In addition to promoting local farm products, these events can also help improve neighbor relations between the farmers and non-farm neighbor with a longer term goal of helping to sustain the local agricultural industry.

ACTION STEPS:

1. Mail the Executive Summary of the Towns of Homer, Preble and Scott Agriculture and Farmland Protection Plan publication to every town resident and placing extra copies of the Executive Summary with the Town Clerk’s Office.

Time Frame & Priority	Immediate (within one year) Check annually with Clerk on number of copies needed to refill supply High Priority
Responsible Agency	Town Board with assistance from JIC
Estimated Cost	Cost of mailing to residents (perhaps include in tax bill-needs prior approval)
Potential Funding Source(s)	Town Budget

2. Until a part-time position is hired JIC submit quarterly articles to the Cortland Standard and post on Town websites.

Time Frame & Priority	Immediate (within one year) High Priority
Responsible Agency	JIC and Town Boards
Estimated Cost	Minimal
Potential Funding Source(s)	Volunteer time

3. Create a community celebration for farms that turn 100 years old with a road or farm side sign and create formal recognition at the annual Cortland County Pumpkin Festival held in the fall of each year.

Time Frame & Priority	Short- term (1 to 3 years) High Priority
Responsible Agency	JIC with assistance from JIC, CCE and Local Ag Promotion Committee
Estimated Cost	Undetermined, mostly volunteer time and cost of recognition (signage, etc)
Potential Funding Source(s)	Undetermined- work with local historical societies for funding or work into Town Budgets

4. Create a Homer, Preble, Scott agriculture blog, Twitter and/or Facebook page for regular JIC submissions and local updates related to agriculture in the three towns/region.

Time Frame & Priority	Medium term (3 to 5 years) <i>Medium Priority</i>
Responsible Agency	JIC and Town Boards
Estimated Cost	Undetermined
Potential Funding Source(s)	Undetermined, may have volunteer interested in creating and maintaining

5. Provide at least one volunteer to read in the Homer and Tully schools during ag literacy day.

Time Frame & Priority	Immediate (within one year) <i>Low Priority</i>
Responsible Agency	CCE with assistance from Farm Bureau
Estimated Cost	Volunteer time
Potential Funding Source(s)	Not applicable

6. JIC establish a working relationship with the Cortland County Local Ag Promotion Committee to promote displays and exhibits about local agricultural history and modern farming practices at local museums, libraries, festivals, etc.

Time Frame & Priority	Medium- term (3 to 5 years) <i>Low Priority</i>
Responsible Agency	BDC/IDA with assistance from JIC, CCE and Local Ag Promotion Committee
Estimated Cost	Undetermined
Potential Funding Source(s)	Undetermined



Regional Goal #3: Protect farmland by identifying high quality agricultural lands that are at risk for conversion and adopting appropriate agricultural protection strategies.

Maintaining the agricultural land base in Homer, Preble and Scott is good fiscal policy for the towns. Farmland requires less in services than the property taxes paid on the land and the businesses that work the land contribute to the local economy. Residential development emanating from the City of Cortland as well as the potential for development related to future energy development in the region can encourage scattered residential development that puts pressure on local farmland. It is necessary to proactively protect the land on which farms depend.

Reasons for conversion can vary but generally farms are sold because they are not profitable or there is no one in the immediate family interested in farming them after the older generation either retires or is no longer able to do the work. According to National Agricultural Statistics Service data, the national average age of the American farmer is 57.1 years. A similar sentiment was heard during the personal interviews. Many of the farmers interviewed were wondering why a farmland protection plan was necessary when they did not have anyone within their family wanting to farm the land. Those farmers who had a succession plan or at a minimum family farming with them were much more positive about the future of agriculture and were supportive of a farmland protection plan.

ACTION STEPS:

1. Prioritize agricultural parcels that are identified as at risk for conversion because of non-farm ownership for targeted landowner meetings. These meetings can be one-on-one or localized neighborhood style meetings to seek commitment to agriculture and share information with the landowners to assure they are getting all the benefits available to them to keep the land in agriculture. Explore their interest in PDR.

Time Frame & Priority	Immediate (within first year) and on going High Priority
Responsible Agency	JIC with assistance from County Planning, CCE, SWCD and Town Boards
Estimated Cost	Minimal- volunteer committee time; staff time budgeted
Potential Funding Source(s)	Not necessary

2. Establish a list of resources to help new framers and agriculturally related start up businesses locate necessary information. Tie this to the County’s efforts to attract new or beginning farmers to the area.

Time Frame & Priority	Immediate (within one year) High Priority
Responsible Agency	CCE with assistance from County Planning and SWCD
Estimated Cost	Minimal
Potential Funding Source(s)	Included in agency budgets

3. Establish a local Purchase of Development Rights program (PDR).

Time Frame & Priority	Immediate (within one year) to Short term (1 to 3 years) depending on prospects of RFP for FPIG Medium Priority
Responsible Agency	JIC, with support from County Planning, County AFPB, CCE, SWCD and potential easement holder(s)
Estimated Cost	Minimal- volunteer committee time; staff time budgeted
Potential Funding Source(s)	Not applicable

PROCESS: (American Farmland Trust Fact Sheet on Conservation Easements located in Appendix for additional information)

1. Invite all landowners of agricultural land in the three towns to either a town or joint Informational Meeting on the PDR process; 2. At the Informational Meeting provide detailed information about NYS Farmland Protection Implementation Program (FPIG) and distribute pre-applications for those considering submitting for funding; 3. Collect applications and score based on pre-determined ranking criteria and share with County Ag Farmland Protection Board and potential easement holder; 4. Make selections that will be supported by the Town and either forwarded directly to the State or through the County’s process; 5. Assist whoever is preparing the State application for FPIG with necessary information for a complete and timely application submission.

4. Actively work with local efforts to increase funding for the State’s FPIG and the USDA Farm and Ranchlands Protection programs to enhance the likelihood of continuing to secure funding to protect farms in the three towns.

Time Frame & Priority	Immediate (within one year) and on-going Low Priority
Responsible Agency	JIC
Estimated Cost	Volunteer time
Potential Funding Source(s)	Not applicable

5. Investigate other sources to fund PDR such as local transportation related priority projects.

Time Frame & Priority	Long term (after 5 years) Low Priority
Responsible Agency	JIC with assistance from BDC/Ida and County Planning
Estimated Cost	Undetermined
Potential Funding Source(s)	Undetermined

6. Actively investigate the “Come Farm with Us” program or similar program (NY FarmNet) for implementation on the regional level or county level.

Time Frame & Priority	Short term (within 1 to 3 years) Low Priority
Responsible Agency	BDC/IDA with assistance from County Planning
Estimated Cost	Minimal if consultant not used
Potential Funding Source(s)	Town Board budget and BDC/IDA budget

7. Develop funding opportunities, such as loans, grants and tax incentives for new farms, farm expansions and agri-business development.

Time Frame & Priority	Medium term (to start in 3 to 5 years); then On-going Low Priority
Responsible Agency	BDC/IDA with support from JIC, County Planning, CCE and SWCD
Estimated Cost	Undetermined; dependent on amount of staff time or consulting time required.
Potential Funding Source(s)	Undetermined

8. Collaborate with Cortland County, Cornell Cooperative Extension, NYS Department of Agriculture and Markets, and other partners to promote new crops and new markets to help strengthen the viability of agriculture. The JIC should support the efforts of farmers to diversify their production and take advantage of new markets and assist them to tap resources at the state and federal level to assist local farmers in developing new crops and entering new markets.

Time Frame & Priority	Medium term (within 3 to 5 years) Medium Priority
Responsible Agency	JIC, BDC/IDA with assistance from County Local Ag Promotion Committee, Cornell Cooperative Extension, Towns
Estimated Cost	Undetermined
Potential Funding Source(s)	Undetermined

9. Collaborate with Cortland County, Cornell Cooperative Extension, NYS Department of Agriculture and Markets, and other partners to promote Community Supported Agriculture (CSA) initiatives under the proposed “Share New York” or similar state programs.

PROCESS: There is increasing interest at the state level for using the CSA business model to provide residents in New York cities with greater access to fresh farm produce. The JIC should utilize the proposed Share NY Food program through which the state would provide outreach services to both farmers and urban residents, create connections between consumers and food producers, and provide additional resources to assist CSAs in expanding their markets.

Time Frame & Priority	Medium term (within 3 to 5 years) Medium Priority
Responsible Agency	JIC, BDC/IDA with assistance from County Local Ag Promotion Committee, Cornell Cooperative Extension, Towns
Estimated Cost	Undetermined
Potential Funding Source(s)	Undetermined

10. Collaborate with Cortland County, Cornell Cooperative Extension, NYS Department of Agriculture and Markets, and other partners to enhance access by the agricultural sector to new, clean sources of renewable energy.

PROCESS: As the country shifts away from fossil fuels alternative energy sources such as solar, wind and biomass, can create new economic opportunities for farmers. Farms and farmland are

now recognized for their potential for renewable energy generation and for improving the environment. The JIC can collaborate with farmers and agencies, such as the New York State Energy Research and Development Authority (NYSERDA), to promote the development of renewable energy sources on farms in the towns. In addition to wind and solar, these include sustainable the harvesting of wood and other biomass that can be processed and burned in place of both fossil fuels and natural gas for heat and electricity. Other potential sources of on-farm energy include crops and waste streams from dairy farms, food and food processing plants.

Time Frame & Priority	Medium term (within 3 to 5 years) Medium Priority
Responsible Agency	JIC, BDC/IDA with assistance from County Local Ag Promotion Committee, Cornell Cooperative Extension, NYS Energy Research & Development Authority, Towns
Estimated Cost	Undetermined
Potential Funding Source(s)	Undetermined

11. The JIC should collaborate with the New York Public Services Commission to publicize the Agriculture Energy Efficiency Program and increase financial support for town farmers who invest in measures to increase the energy efficiency and energy independence of their operations.

PROCESS: Because agricultural operations rely on both direct energy inputs and indirect energy inputs, so farmers can be adversely impacted by energy price increases. Farms however can become more energy independent, particularly in the areas of heat and electrical power, by investing in renewable energy sources such as solar, wind, methane digesters and geothermal energy.

Time Frame & Priority	Medium term (within 3 to 5 years) Medium Priority
Responsible Agency	JIC, NYS Ag & Markets, NYS Energy Research & Development Authority, Cornell Cooperative Extension, Towns
Estimated Cost	Undetermined
Potential Funding Source(s)	Undetermined



Regional Goal #4: Ensure that local infrastructure is supportive of agriculture and that public infrastructure improvements are targeted near the City of Cortland and other developed areas.

Aside from spot residential development, new residential development seems to always follow water and sewer lines. Through careful planning a town can influence where new residential development will occur by carefully planning where their infrastructure investments are directed. It is through a town’s Comprehensive Plan that areas of the town are designated as more desirable for residential development than in the middle of production agriculture. The three towns can utilize the principles of Smart Growth advocated by the federal and state governments in their respective land use planning. Some of the benefits of adopting Smart Growth principles in Homer, Preble and Scott could be:

- Smart growth approaches can protect the quality and supply of open space, including prime agricultural lands, prevent flood damage, and protect groundwater resources such as local aquifers.
- Smart growth approaches direct development towards existing communities already served by infrastructure, seek to utilize the resources that existing neighborhoods offer, and increase efficiency of already developed infrastructure.
- Smart growth approaches encourage the development of a wide variety of quality housing for people of all income levels in the community.
- Smart growth approaches emphasize infrastructure and regulatory decisions by local governments that create fair, predictable and cost effective development.

There are times a water line needs to be run through an intensive agricultural area and it makes perfect sense to allow existing homes, businesses and farm buildings the ability to hook up to the water line. However, steps need to be taken to discourage wide scale conversion of productive ag land into residential development. By controlling development following the installation of a water line the potential loss of farmland is reduced and the highly sought after rural character is preserved. This is accomplished by restricting lateral extensions of water lines.

In addition, simple activities such as clearing road ditches or redirecting intermittent flows or expanding the carrying capacity of a culvert can create a drainage problem on nearby farm fields. Additionally, poor siting of water lines, road expansions or other public infrastructure can encourage residential or commercial development of farmland. Thoughtful investments and maintenance of public infrastructure can both enhance economic conditions of farmers and reduce development pressure on farmland.

ACTION STEPS:

1. Use the Ag District’s Notice of Intent process as a guide for improvements to roads, water and sewers.

Time Frame & Priority	Short term (within one to three years) <i>High Priority</i>
Responsible Agency	JIC to support Town Boards with assistance from County Planning
Estimated Cost	Minimal
Potential Funding Source(s)	Not applicable

2. Work with State DOT to install farm and farm machinery warning signs- investigate if there is a certain farm density that warrants signage.

Time Frame & Priority	Long term (after 5 years) or sooner if necessary Low Priority
Responsible Agency	JIC with support from town highway superintendents
Estimated Cost	Volunteer time or part of Town highway budget
Potential Funding Source(s)	Not applicable

3. Encourage the County to adopt a Smart Growth Plan by 2015.

Time Frame & Priority	Immediate (within one year) Low Priority
Responsible Agency	JIC
Estimated Cost	None-volunteer time
Potential Funding Source(s)	Not applicable

4. Develop process to ensure that each Town Assessor has current Agricultural Exemption information and other appropriate property tax relief information.

Time Frame & Priority	Short term (within 1 to 3 years) to implement then on-going Medium Priority
Responsible Agency	JIC, with assistance from Office of Real Property Services and County Planning
Estimated Cost	Volunteer and Staff Time
Potential Funding Source(s)	None

5. Educate Town Boards to instruct their Assessors to collect penalties for the early conversion of farm land receiving agricultural exemptions as afforded by NYSDAM Circular 1150 dated October 1, 2011.

Time Frame & Priority	Medium term (within 3 to 5 years) Medium Priority
Responsible Agency	JIC with assistance from SWCD and County Planning
Estimated Cost	Volunteer and Staff Time
Potential Funding Source(s)	None

6. Conduct workshops on agricultural issues for highway supervisors to promote communication between farmers and the highway department.

Time Frame & Priority	Medium term (3 to 5 years) Low Priority
Responsible Agency	Cortland County Soil and Water Conservation District and CCE of Cortland County to offer County wide training
Estimated Cost	Staff time
Potential Funding Source(s)	Agency budgets

Regional Goal #5: Enhance the local agricultural economy and support agricultural economic development initiatives on a regional and county level.

Agriculture is an important economic sector contributing much to the local economy and quality life for residents. The future of farming in the Towns is closely tied to the economic viability of area farmers and the economic health of the regional agricultural sector. The Towns need to be proactive in supporting this sector by being a strong supporter of county and regional agricultural economic development initiatives.

Build on the assets currently in Cortland County and the three town region, such as, the good road system with access to I-81 offering development opportunities for processing and distribution of agricultural products.

FOUNDATION ACTIONS:

A. Investigate the feasibility of locating a small to medium scale processing and packaging facility.

Background: During the March 31, 2011 Public Meeting focusing on Agriculture Economic Development a core group of participants expressed a strong desire for the development of a small to medium scale food processing and packaging facility for locally produced products. This group expressed frustration at the lack of this type of facility and the long travel distance to those closest to Cortland County. In addition these facilities (Nelson Farm and the Geneva Experiment Station) were often over-booked making it difficult to schedule small runs.

ACTION STEPS:

1. Determine the actual need in the area (include Southern Onondaga County and Cayuga County as well as Cortland County). Cynthia Aikman in Auburn and Cayuga-Cortland SCORE Chapter have identified this need as well and have expressed an interest in exploring this on a regional scale with the three towns.
2. Invite farmers and local producers to either an informational meeting or series of meetings. Be sure to include Farmer Market Managers as they may be able to aid in pooling product from their markets.
3. Make arrangements for a small committee to investigate several facilities including Hudson Valley Co-packing.
4. Explore with the help of a commercial real estate agent the availability and pricing of commercial space and potential costs of production.
5. Determine if this should be a not-for-profit or for-profit venture and then seek appropriate funding or venture capital.

Time Frame & Priority	Immediate (within one year) and then on-going pending results of investigation High Priority
Responsible Agency	BDC/IDA with assistance from JIC, CCE, SWCD and SCORE
Estimated Cost	Variable depending steps taken
Potential Funding Source(s)	Included in current agency budgets

B. Seek support and establishment of a County Agriculture Economic Development Coordinator position. This position has been already discussed by various parties and would be considered a complement to the CDB/IDA.

Time Frame & Priority	Short-term (1 to 3 years) Medium Priority
Responsible Agency	BDC/IDA with assistance from County Local Ag Promotion Committee, County Planning and others
Estimated Cost	Undetermined
Potential Funding Source(s)	Undetermined

C. Actively support the efforts to continue to build on the County’s current fiber optic junction point expansion efforts. Once completed this would enhance access by the agricultural sector to leading edge technology such as broadband communications.

Time Frame & Priority	Short-term (1 to 3 years) Medium Priority
Responsible Agency	BDC/IDA with assistance from County Local Ag Promotion Committee, County Planning and others
Estimated Cost	Undetermined
Potential Funding Source(s)	Undetermined



Town Goals

To help assist the three towns implement the regional goals, individual town priorities have been identified. These priorities have been developed with input from town representatives to the joint Agriculture and Farmland Protection Plan Steering Committee, farmers, Town officials and residents from each town. Many of the priorities originate from the regional goals and recommendations and have been repeated here if they are relevant to that particular town. Many of the priorities originate from the regional goals and recommendations and have been repeated here if they are relevant to that particular town. The recommendations listed below provide a menu of options that towns and residents can choose from when supporting local farmers and protecting valuable agricultural land.

Homer

Regional Goal #1: Ensure land use laws and local ordinances support economic opportunities for local farmers and the protection of agricultural land.

Town codes and ordinances can have a significant impact on farmers. Local laws can create barriers to farm businesses adapting to changing economic conditions as well as encourage the unnecessary conversion of farmland. The Towns seek to ensure that local codes are “farm friendly” and have adequate protections against the unnecessary loss of farmland to development. Towns that plan for agriculture can employ certain zoning techniques that create a supportive agricultural business environment, assist in stabilizing large blocks of quality agricultural land, reduce potential farm- nonfarm neighbor conflict and keep quality farmland affordable for existing or new farmers to purchase.

ACTION STEPS:

1. Review and revise as necessary provisions of the Town of Homer zoning regulations which may be in contravention of Section 305-a of the NYS Agriculture and Markets Law Section 305.

Time Frame & Priority	Immediate (within one year) <i>High Priority</i>
Responsible Agency	Town Board, Town Planning and Zoning Board
Estimated Cost	Dependent on amount for attorney review
Potential Funding Source(s)	Town Budget, NYSDAM grant

2. Review zoning ordinance definitions and district use regulations to ensure that they provide for the wide range of agricultural enterprises necessary to promote the economic viability of agriculture in the town.

Time Frame & Priority	Medium term (within 3 to 5 years) Medium Priority
Responsible Agency	Town Board, Planning Board, Zoning Board
Estimated Cost	Undetermined
Potential Funding Source(s)	Undetermined

3. Review subdivision regulations to ensure that they provide for flexibility in the subdivision of agricultural lands in a manner that optimizes the protection of agricultural land resources. In addition ensure that subdivision and site plan review regulations require the identification and protection of field drainage systems and patterns during and after development of the land.

Time Frame & Priority	Medium term (within 3 to 5 years) Medium Priority
Responsible Agency	Town Board, Planning Board, Zoning Board
Estimated Cost	Undetermined
Potential Funding Source(s)	Undetermined

With the exception of ensuring conformance with Section 305-a of the NYS Agriculture and Markets Law the proposed changes in zoning are not considered a higher priority in this plan. The small rural populations and population growth rates also severely limit the market for new residential and commercial development in the community. The Town of Homer however needs to constantly monitor growth trends in the region and be ready to respond and move to protect agricultural lands should growth and development trends change.

4. Examine ways to mitigate negative impacts on agriculture when natural gas leases are exercised by establishing a permitting process for drilling operations that will conserve valuable agricultural resources. The permitting process should include: 1) that the location of drilling pads, gas gathering lines, access roads and other facilities conserves higher quality lands and minimizes their impacts on farm operations; 2) site restoration guidelines such requiring topsoil stockpiling, de-compacting soils are part of site restoration plan and 3) ensuring the restoration of field drainage systems that may be disrupted during infrastructure development and drilling operations.

Time Frame & Priority	Immediate (within one year) High Priority
Responsible Agency	Town Board with input from Town Planning and Zoning Board
Estimated Cost	Dependent on amount for attorney review
Potential Funding Source(s)	Town Budget, NYDAM grant

PROCESS: 1. Consider zoning changes proposed in Appendix. 2. Ensure that zoning allows for the review and permitting of natural gas drilling (both vertical and horizontal) to the fullest extent under state laws and requirements. 3. Ensure that any new or future natural gas drilling and gravel mining activities have minimal impact on local roads and that any restrictions for mining or drilling activities do not limit agriculture and ag related traffic/use.

5. Draft a local law limiting the future expansion of lateral waterlines within an Agricultural District (NYS DAM Guidance for Future Service in Appendix).

Time Frame & Priority	Long term (after 5 years) or sooner if necessary High Priority
Responsible Agency	Town Board; Code Enforcement; Town Planning Board and County Planning
Estimated Cost	Minimal
Potential Funding Source(s)	Included in town budget for any staff time

PROCESS: 1. Hold public hearing on the local law as drafted; 2. Adoption of the local law by Town Board; 3. Inform the public, farmers, local real estate professionals and others of the new law by sending press releases to local media and posting with the Town Clerks and on the Towns websites.

6. Review current municipal Right to Farm Law to ensure local support for agriculture is demonstrated and to mitigate possible future conflicts between farmers and non-farm neighbors by including a mechanism to mediate disputes.

Time Frame & Priority	Immediate (within one year) High Priority
Responsible Agency	Town Board
Estimated Cost	Possibly up to \$1,000 if attorney review needed
Potential Funding Source(s)	Town Budget

7. Continue to encourage farmers to seek positions on all local boards especially the Town Board, Planning Board and Zoning Board in order to have consistent representation from the farm community in all aspects of local government.

Time Frame & Priority	On-going High Priority
Responsible Agency	Town Board with assistance from JIC
Estimated Cost	Minimal
Potential Funding Source(s)	Town Budget

8. Appoint one member from the agriculture community to serve on the Joint Implementation Committee (Refer to Foundation Action A. Creation of a Joint Implementation Committee for more information and see the Appendix for a sample Resolution and Recommendation Letter).

Time Frame & Priority	Immediate (within one year) High Priority
Responsible Agency	Town Board
Estimated Cost	Minimal, depending if attorney review needed
Potential Funding Source(s)	Town Budget, if attorney review needed

9. Adopt the Towns of Homer, Preble and Scott Agriculture and Farmland Protection Plan as part of the Town of Homer's Comprehensive Plan when Comprehensive Plan is revised and update the Agriculture and Farmland Protection Plan at regular intervals. (See the Appendix for a sample Resolution for Adopting the Homer Preble Scott Agriculture and Farmland Protection Plan.)

Time Frame & Priority	Immediate (within one year) and ongoing High Priority
Responsible Agency	Town Board
Estimated Cost	Minimal
Potential Funding Source(s)	Town Budget

10. Annually distribute to all agricultural landowners information about property tax relief programs such as agricultural assessment, farm building exemptions and Farmers School Tax Credit to insure that agricultural landowners are taking advantage of existing programs.

Time Frame & Priority	On-going <i>High Priority</i>
Responsible Agency	Town Clerk with assistance from JIC
Estimated Cost	Undetermined- dependent on method of distribution
Potential Funding Source(s)	Undetermined

11. Encourage adoption of agricultural assessment rates by special taxing jurisdictions (fire, ambulance, library, etc.)

Time Frame & Priority	Immediate (within one year) if farm community makes request <i>Low Priority</i>
Responsible Agency	Town Board and JIC representative
Estimated Cost	Minimal (will need to pass local law)
Potential Funding Source(s)	Undetermined

Regional Goal #2: Educate the non-farm public about the value and state of agriculture in the Towns and maintaining good relationships with neighboring farms.

Although agriculture remains prominent in the Towns, many residents are a few generations removed from the farm and have limited occasions to visit working farms. As a result, there is frequently a disconnect between the producers of food and the consumers. This results in misunderstandings about production practices, food safety, and environmental stewardship. The Towns seek to facilitate discussions between farmers and the non-farm public and educate non-farm residents about agricultural practices, farm products that grown and available for local purchase and the importance of agriculture to the local and regional economy. In addition to promoting local farm products, these events can also help improve neighbor relations between the farmers and non-farm neighbor with a longer term goal of helping to sustain the local agricultural industry.

1. Work proactively to address trespassing on farmland via local outreach to non-farm neighbors and encourage the proper disposal of trash.

Time Frame & Priority	On- going <i>Low Priority</i>
Responsible Agency	Town Board with assistance from Town Clerk and JIC
Estimated Cost	Staff and volunteer time
Potential Funding Source(s)	Staff time part of the Town Budget

2. Upon review and updating the town’s current municipal Right to Farm Law (Regional Goal #1, Town Action Step #4), identify locations in town for the placement of Right to Farm Law signs.

Time Frame & Priority	Short term (1-2 years) <i>Low Priority</i>
Responsible Agency	Town Board and JIC with assistance from Town Highway Department
Estimated Cost	To be determined (cost of signs and installation)
Potential Funding Source(s)	Town Highway Budget

Regional Goal #3: Protect farmland by identifying high quality agricultural lands that are at risk for conversion and adopting appropriate agricultural protection strategies.

Maintaining the agricultural land base in Homer, Preble and Scott is good fiscal policy for the towns. Farmland requires less in services than the property taxes paid on the land and the businesses that work the land contribute to the local economy. Residential development emanating from the City of Cortland as well as the potential for development related to future energy development in the region can encourage scattered residential development that puts pressure on local farmland. It is necessary to proactively protect the land on which farms depend.

Reasons for conversion can vary but generally farms are sold because they are not profitable or there is no one in the immediate family interested in farming them after the older generation either retires or is no longer able to do the work. According to National Agricultural Statistics Service data, the national average age of the American farmer is 57.1 years. A similar sentiment was heard during the personal interviews. Many of the farmers interviewed were wondering why a farmland protection plan was necessary when they did not have anyone within their family wanting to farm the land. Those farmers who had a succession plan or at a minimum family farming with them were much more positive about the future of agriculture and were supportive of a farmland protection plan.

1. Adopt the process when developed by the JIC (Regional Goal #3, Action #3) to sponsor a local Farmland Protection Program to continue to build on the current block of permanently protected farms in cooperation with the County Agriculture and Farmland Protection Board.

Time Frame & Priority	Short term (1 to 3 years) depending on prospects of RFP for FPIG High Priority
Responsible Agency	Town JIC representative, with support from Town Board
Estimated Cost	Minimal
Potential Funding Source(s)	Not applicable

2. Evaluate the potential for adopting a term conservation easement law.

Time Frame & Priority	Long Term (after 3 to 5 years depending on interest) Medium Priority
Responsible Agency	Town JIC representative to initiate Process outlined below
Estimated Cost	Minimal
Potential Funding Source(s)	Not applicable

PROCESS: Work with Cortland County Planning Department, Office of Real Property Services, Business Development Corporation and Industrial Development Authority (BDC/IDA) and others to research the costs and benefits of creating a town program that would reduce property tax assessments for participating agricultural landowners on exchange for a term conservation easement on their agricultural property. Consider options for providing expanded benefits to beginning farmers by linking property tax reductions for a specified period of time to minimum land use and percentage of income from farming.

3. Focus infrastructure improvements to hamlets and villages. The Town of Homer can utilize the principles of Smart Growth advocated by the federal and state governments in its land use policies for agriculture. Some of the benefits of adopting Smart Growth principles to the Town of Homer could be:

- Smart growth approaches can protect the quality and supply of open space, including prime agricultural lands, prevent flood damage, and protect groundwater resources such as local aquifers.
- Smart growth approaches direct development towards existing communities already served by infrastructure, seek to utilize the resources that existing neighborhoods offer, and increase efficiency of already developed infrastructure.
- Smart growth approaches encourage the development of a wide variety of quality housing for people of all income levels in the community.
- Smart growth approaches emphasize infrastructure and regulatory decisions by local governments that create fair, predictable and cost effective development.

By focusing infrastructure away from priority farming areas, towns can help keep taxes lower and reduce threats to quality farmland. If non-farm infrastructure needs to be extended into priority farming areas steps need to be taken to reduce the potential negative impacts on nearby farmland and farming operations. These steps might include: Using the Ag Districts program Notice of Intent process to guide road, water or sewer decisions; Establishing lateral restriction policies on new water or sewer extensions by adopting new waterline restrictions in the town zoning ordinance; Developing mitigation fees designed to protect farmland near new non-farm infrastructure (potential source of local match for PDR); Constructing traffic calming measures on rural roads to reduce accidents between farm machinery and vehicular traffic.

Regional Goal #4: Ensure that town infrastructure is supportive of agriculture and that public infrastructure improvements are targeted near the City of Cortland and other developed areas.

Aside from spot residential development, new residential development seems to always follow water and sewer lines. Through careful planning (often called smart growth), a town can influence where new residential development will occur by carefully planning where their infrastructure investments are directed. It is through a town's Comprehensive Plan that areas of the town are designated as more desirable for residential development than in the middle of production agriculture. There are times a water line needs to be run through an intensive agricultural area and it makes perfect sense to allow existing homes, businesses and farm buildings the ability to hook up to the water line. However, steps need to be taken to discourage wide scale conversion of productive ag land into residential development. By controlling development following the installation of a water line the potential loss of farmland is reduced and the highly sought after rural character is preserved. This is accomplished by restricting lateral extensions of water lines.

In addition, simple activities such as clearing road ditches or redirecting intermittent flows or expanding the carrying capacity of a culvert can create a drainage problem on nearby farm fields. Additionally, poor citing of water lines, road expansions or other public infrastructure can encourage residential or commercial development of farmland. Thoughtful investments and

maintenance of public infrastructure can both enhance economic conditions of farmers and reduce development pressure on farmland.

1. Draft a local law limiting the future expansion of lateral waterlines within an Agricultural District (NYS DAM Guidance for Future Service in Appendix).

Time Frame & Priority	Long term (after 5 years) or sooner if deemed necessary Medium Priority
Responsible Agency	Town Board; Code Enforcement; Town Planning Board and County Planning
Estimated Cost	Minimal
Potential Funding Source(s)	Included in town budget for any staff time

PROCESS: 1. Hold public hearing on the local law as drafted; Sample text could include: “The only land and/or structures which will be allowed to connect to any proposed waterline or sewer within the agricultural zoning district will be those structures that exist at the time of water line construction, further agricultural structures, and land and structures that have already been approved for development by the local governing body 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 a local governing body where approval (e.g., subdivision, site plan, and special permit) is needed to move forward with project plans and the governing body has approved the action.” 2. Adoption of the local law by Town Board; 3. Inform the public, farmers, local real estate professionals and others of the new law by sending press releases to local media and posting with the Town Clerks and on the Towns websites.

2. File timely and complete Notice of Intent with JIC and County AFPB the same time as filed with the Commissioner of Ag and Markets.

Time Frame & Priority	Immediate (within one year) Medium Priority
Responsible Agency	Town Planning Board
Estimated Cost	Minimal
Potential Funding Source(s)	Not applicable

3. Establish a process to evaluate any changes in drainage and potential impact on farmland productivity when considering subdivision.

Time Frame & Priority	Short term (within 1 to 3 years) Medium Priority
Responsible Agency	Town Planning Board
Estimated Cost	Minimal depending on who develops or modifies subdivision application and if attorney needs to review
Potential Funding Source(s)	Town Budget

Why: Drainage and tile lines can be cut when property is subdivided. This can influence the drainage and thus the productivity of the field being subdivided as well as other nearby farm fields. Process: Add to existing application for subdivision that a map identifying existing field drains is included and the drainage patterns are reviewed. Upon review it may require the developer to reroute tile lines.

4. Establish a process for the Town Highway Department to consult with Cortland County SWCD and/or the County Highway Department prior to making any changes with regard to road ditching practices.

Time Frame & Priority	Short term (within 1 to 3 years) <i>Low Priority</i>
Responsible Agency	JIC will start and complete with cooperation of Town Board and Town Highway Superintendent
Estimated Cost	Minimal- volunteer and Staff time
Potential Funding Source(s)	Town budget for staff time

5. Encourage the town to continue to make their best effort to adequately maintain Seasonal Use roads for access to agricultural lands.

Time Frame & Priority	Immediate (within one year) and on-going as needed <i>Low Priority</i>
Responsible Agency	JIC with Town Board and Highway Superintendent
Estimated Cost	Undetermined
Potential Funding Source(s)	Town Highway budget



Preble

Regional Goal #1: Ensure land use laws and local ordinances support economic opportunities for local farmers and the protection of agricultural land.

Town codes and ordinances can have a significant impact on farmers. Local laws can create barriers to farm businesses adapting to changing economic conditions as well as encourage the unnecessary conversion of farmland. The Towns seek to ensure that local codes are “farm friendly” and have adequate protections against the unnecessary loss of farmland to development. Towns that plan for agriculture can employ certain zoning techniques that create a supportive agricultural business environment, assist in stabilizing large blocks of quality agricultural land, reduce potential farm- nonfarm neighbor conflict and keep quality farmland affordable for existing or new farmers to purchase.

ACTION STEPS:

1. Review and revise as necessary provisions of the Town of Preble zoning regulations which may be in contravention of Section 305-a of the NYS Agriculture and Markets Law Section 305.

Time Frame & Priority	Immediate (within one year) <i>High Priority</i>
Responsible Agency	Town Board, Town Planning and Zoning Board
Estimated Cost	Dependent on amount for attorney review
Potential Funding Source(s)	Town Budget, NYSDAM grant

2. Review zoning ordinance definitions and district use regulations to ensure that they provide for the wide range of agricultural enterprises necessary to promote the economic viability of agriculture in the town.

Time Frame & Priority	Medium term (within 3 to 5 years) Medium Priority
Responsible Agency	Town Board, Planning Board, Zoning Board
Estimated Cost	Undetermined
Potential Funding Source(s)	Undetermined

3. Review subdivision regulations to ensure that they provide for flexibility in the subdivision of agricultural lands in a manner that optimizes the protection of agricultural land resources. In addition ensure that subdivision and site plan review regulations require the identification and protection of field drainage systems and patterns during and after development of the land.

Time Frame & Priority	Medium term (within 3 to 5 years) Medium Priority
Responsible Agency	Town Board, Planning Board, Zoning Board
Estimated Cost	Undetermined
Potential Funding Source(s)	Undetermined

With the exception of ensuring conformance with Section 305-a of the NYS Agriculture and Markets Law the proposed changes in zoning are not considered a higher priority in this plan. The small rural populations and population growth rates also severely limit the market for new residential and commercial development in the community. The Town of Preble however needs

to constantly monitor growth trends in the region and be ready to respond and move to protect agricultural lands should growth and development trends change.

4. Examine ways to mitigate negative impacts on agriculture when natural gas leases are exercised by establishing a permitting process for drilling operations that will conserve valuable agricultural resources. The permitting process should include: 1) that the location of drilling pads, gas gathering lines, access roads and other facilities conserves higher quality lands and minimizes their impacts on farm operations; 2) site restoration guidelines such requiring topsoil stockpiling, de-compacting soils are part of site restoration plan and 3) ensuring the restoration of field drainage systems that may be disrupted during infrastructure development and drilling operations.

Time Frame & Priority	Immediate (within one year) High Priority
Responsible Agency	Town Board with input from Town Planning and ZONING BOARD
Estimated Cost	Dependent on amount for attorney review
Potential Funding Source(s)	Town Budget, NYDAM grant

PROCESS: 1. Consider zoning changes proposed in Appendix. 2. Ensure that zoning allows for the review and permitting of natural gas drilling (both vertical and horizontal) to the fullest extent under state laws and requirements. 3. Ensure that any new or future natural gas drilling and gravel mining activities have minimal impact on local roads and that any restrictions for mining or drilling activities do not limit agriculture and ag related traffic/use by adopting a local road presentation/protection law.

5. Draft a local law limiting the future expansion of lateral waterlines within an Agricultural District (NYS DAM Guidance for Future Service in Appendix).

Time Frame & Priority	Long term (after 5 years) or sooner if necessary Medium Priority
Responsible Agency	Town Board; Code Enforcement; Town Planning Board and County Planning
Estimated Cost	Minimal
Potential Funding Source(s)	Included in town budget for any staff time

PROCESS: 1. Hold public hearing on the local law as drafted; 2. Adoptoin of the local law by Town Board; 3. Inform the public, farmers, local real estate professionals and others of the new law by sending press releases to local media and posting with the Town Clerks and on the Towns websites.

6. Review current municipal Right to Farm Law to ensure local support for agriculture is demonstrated and to mitigate possible future conflicts between farmers and non-farm neighbors by including a mechanism to mediate disputes.

Time Frame & Priority	Immediate (within one year) High Priority
Responsible Agency	Town Board
Estimated Cost	Possibly up to \$1,000 if attorney review needed
Potential Funding Source(s)	Town Budget

7. Encourage farmers to seek positions on all local boards especially the Town Board, Planning Board, and Zoning Board in order to have consistent representation from the farm community in all aspects of local government.

Time Frame & Priority	On-going High Priority
Responsible Agency	Town Board with assistance from JIC
Estimated Cost	Minimal
Potential Funding Source(s)	Town Budget

8. Appoint one member from the agriculture community to serve on the Joint Implementation Committee (Refer to Foundation Action A. Creation of a Joint Implementation Committee for more information and see the Appendix for a sample Resolution and Recommendation Letter).

Time Frame & Priority	Immediate (within one year) High Priority
Responsible Agency	Town Board
Estimated Cost	Minimal, depending if attorney review needed
Potential Funding Source(s)	Town Budget, if attorney review needed

9. Adopt the Towns of Homer, Preble and Scott Agriculture and Farmland Protection Plan as part of the Town of Preble Comprehensive Plan when revised and update the Agriculture and Farmland Protection Plan at regular intervals. (See the Appendix for a sample Resolution for Adopting the Homer Preble Scott Agriculture and Farmland Protection Plan.)

Time Frame & Priority	Immediate (within one year) and ongoing High Priority
Responsible Agency	Town Board
Estimated Cost	Minimal
Potential Funding Source(s)	Town Budget

10. Annually distribute to all agricultural landowners information about property tax relief programs such as agricultural assessment, farm building exemptions and Farmers School Tax Credit to insure that agricultural landowners are taking advantage of existing programs.

Time Frame & Priority	On-going High Priority
Responsible Agency	Town Clerk with assistance from JIC
Estimated Cost	Undetermined- dependent on method of distribution
Potential Funding Source(s)	Undetermined

11. Encourage adoption of agricultural assessment rates by special taxing jurisdictions (fire, ambulance, library, etc.)

Time Frame & Priority	Immediate (within one year) if farm community makes request <i>Low Priority</i>
Responsible Agency	Town Board and JIC representative
Estimated Cost	Minimal (will need to pass local law)
Potential Funding Source(s)	Undetermined

Regional Goal #2: Educate the non-farm public about the value and state of agriculture in the Towns and maintaining good relationships with neighboring farms.

Although agriculture remains prominent in the Towns, many residents are a few generations removed from the farm and have limited occasions to visit working farms. As a result, there is frequently a disconnect between the producers of food and the consumers. This results in misunderstandings about production practices, food safety, and environmental stewardship. The Towns seek to facilitate discussions between farmers and the non-farm public and educate non-farm residents about agricultural practices, farm products that grown and available for local purchase and the importance of agriculture to the local and regional economy. In addition to promoting local farm products, these events can also help improve neighbor relations between the farmers and non-farm neighbor with a longer term goal of helping to sustain the local agricultural industry.

1. Work proactively to address trespassing on farmland via local outreach to non-farm neighbors and promote Trash Amnesty Day.

Time Frame & Priority	On- going <i>Low Priority</i>
Responsible Agency	Town Board with assistance from Town Clerk and JIC
Estimated Cost	Staff and volunteer time
Potential Funding Source(s)	Staff time part of the Town Budget

2. Regularly submit information for inclusion in the Homer News and/or Penneysaver.

Time Frame & Priority	Short-term (1 to 2 years) <i>Low Priority</i>
Responsible Agency	Town Board with assistance from interested community members
Estimated Cost	Staff and volunteer time, some cost for web hosting and possible webmaster if no one volunteers
Potential Funding Source(s)	Town Budget

3. Upon updating the town’s current municipal Right to Farm Law (Regional Goal #1, Town Action Step #4), identify locations in town for the placement of Right to Farm Law signs.

Time Frame & Priority	Short term (1-2 years) <i>Low Priority</i>
Responsible Agency	Town Board and JIC with assistance from Town Highway Department
Estimated Cost	To be determined (cost of signs and installation)
Potential Funding Source(s)	Town Highway Budget

Regional Goal #3: Protect farmland by identifying high quality agricultural lands that are at risk for conversion and adopting appropriate agricultural protection strategies.

Maintaining the agricultural land base in Homer, Preble and Scott is good fiscal policy for the towns. Farmland requires less in services than the property taxes paid on the land and the businesses that work the land contribute to the local economy. Residential development emanating from the City of Cortland as well as the potential for development related to future energy development in the region can encourage scattered residential development that puts pressure on local farmland. It is necessary to proactively protect the land on which farms depend.

Reasons for conversion can vary but generally farms are sold because they are not profitable or there is no one in the immediate family interested in farming them after the older generation either retires or is no longer able to do the work. According to National Agricultural Statistics Service data, the national average age of the American farmer is 57.1 years. A similar sentiment was heard during the personal interviews. Many of the farmers interviewed were wondering why a farmland protection plan was necessary when they did not have anyone within their family wanting to farm the land. Those farmers who had a succession plan or at a minimum family farming with them were much more positive about the future of agriculture and were supportive of a farmland protection plan.

1. Adopt the process when developed by the JIC (Regional Goal #3, Action #3) to sponsor a local Farmland Protection Program to continue to build on the current block of permanently protected farms in cooperation with the County Agriculture and Farmland Protection Board.

Time Frame & Priority	Short term (1 to 3 years) depending on prospects of RFP for FPIG High Priority
Responsible Agency	Town JIC representative, with support from Town Board
Estimated Cost	Minimal
Potential Funding Source(s)	Not applicable

2. Focus infrastructure improvements to hamlets and villages by utilizing the principles of Smart Growth.

Time Frame & Priority	Long term (3 to 5 years) Medium Priority
Responsible Agency	Town Planning Board and Town Board
Estimated Cost	Undetermined
Potential Funding Source(s)	Undetermined

The Town of Preble can utilize the principles of Smart Growth advocated by the federal and state governments in its land use policies for agriculture. Some of the benefits of adopting Smart Growth principles to the Town of Preble could be:

- Smart growth approaches can protect the quality and supply of open space, including prime agricultural lands, prevent flood damage, and protect groundwater resources such as local aquifers.

- Smart growth approaches direct development towards existing communities already served by infrastructure, seek to utilize the resources that existing neighborhoods offer, and increase efficiency of already developed infrastructure.
- Smart growth approaches encourage the development of a wide variety of quality housing for people of all income levels in the community.
- Smart growth approaches emphasize infrastructure and regulatory decisions by local governments that create fair, predictable and cost effective development.

By focusing infrastructure away from priority farming areas, towns can help keep taxes lower and reduce threats to quality farmland. If non-farm infrastructure needs to be extended into priority farming areas steps need to be taken to reduce the potential negative impacts on nearby farmland and farming operations. These steps might include: Using the Ag Districts program Notice of Intent process to guide road, water or sewer decisions; Establishing lateral restriction policies on new water or sewer extensions by adopting new waterline restrictions in the town zoning ordinance; Developing mitigation fees designed to protect farmland near new non-farm infrastructure (potential source of local match for PDR); Constructing traffic calming measures on rural roads to reduce accidents between farm machinery and vehicular traffic.

Regional Goal #4: Ensure that town infrastructure is supportive of agriculture and that public infrastructure improvements are targeted near the City of Cortland and other developed areas.

Aside from spot residential development, new residential development seems to always follow waterlines. Through careful planning (often called smart growth), a town can influence where new residential development will occur by carefully planning where their infrastructure investments are directed. It is through a town's Comprehensive Plan that areas of the town are designated as more desirable for residential development than in the middle of production agriculture. There are times a water line needs to be run through an intensive agricultural area and it makes perfect sense to allow existing homes, businesses and farm buildings the ability to hook up to the water line. However, steps need to be taken to discourage wide scale conversion of productive ag land into residential development. By controlling development following the installation of a water line the potential loss of farmland is reduced and the highly sought after rural character is preserved. This is accomplished by restricting lateral extensions of water lines. In addition, simple activities such as clearing road ditches or redirecting intermittent flows or expanding the carrying capacity of a culvert can create a drainage problem on nearby farm fields. Additionally, poor citing of water lines, road expansions or other public infrastructure can encourage residential or commercial development of farmland. Thoughtful investments and maintenance of public infrastructure can both enhance economic conditions of farmers and reduce development pressure on farmland.

1. Draft a local law limiting the future expansion of lateral waterlines within an Agricultural District (NYS DAM Guidance for Future Service in Appendix).

Time Frame & Priority	Long term (after 5 years) or sooner if deemed necessary Medium Priority
Responsible Agency	Town Board; Code Enforcement; Town Planning Board and County Planning
Estimated Cost	Minimal
Potential Funding Source(s)	Included in town budget for any staff time

PROCESS: 1. Hold public hearing on the local law as drafted; Sample text could include: “The only land and/or structures which will be allowed to connect to any proposed waterline or sewer within the agricultural zoning district will be those structures that exist at the time of water line construction, further agricultural structures, and land and structures that have already been approved for development by the local governing body 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 a local governing body where approval (e.g., subdivision, site plan, and special permit) is needed to move forward with project plans and the governing body has approved the action.” 2. Adoption of the local law by Town Board; 3. Inform the public, farmers, local real estate professionals and others of the new law by sending press releases to local media and posting with the Town Clerks and on the Towns websites.

2. File timely and complete Notice of Intent with JIC and County AFPB the same time as filed with the Commissioner of Ag and Markets.

Time Frame & Priority	Immediate (within one year) Medium Priority
Responsible Agency	Town Planning Board
Estimated Cost	Minimal
Potential Funding Source(s)	Not applicable

3. Establish a process to evaluate any changes in drainage and potential impact on farmland productivity when considering subdivision.

Time Frame & Priority	Short term (within 1 to 3 years) Medium Priority
Responsible Agency	Town Planning Board
Estimated Cost	Minimal depending on who develops or modifies subdivision application and if attorney needs to review
Potential Funding Source(s)	Town Budget

Why: Drainage and tile lines can be cut when property is subdivided. This can influence the drainage and thus the productivity of the field being subdivided as well as other nearby farm fields. Process: Add to existing application for subdivision that a map identifying existing field drains is included and the drainage patterns are reviewed. Upon review it may require the developer to reroute tile lines.

4. Establish a process for the Town Highway Department to consult with Cortland County SWCD and/or the County Highway Department prior to making any changes with regard to road ditching practices.

Time Frame & Priority	Short term (within 1 to 3 years) Low Priority
Responsible Agency	JIC will start and complete with cooperation of Town Board and Town Highway Superintendent
Estimated Cost	Minimal- volunteer and Staff time
Potential Funding Source(s)	Town budget for staff time

5. Encourage the town to continue to make their best effort to adequately maintain Seasonal Use roads for access to agricultural lands.

Time Frame & Priority	Immediate (within one year) and on-going as needed Low Priority
Responsible Agency	JIC with Town Board and Highway Superintendent
Estimated Cost	Undetermined
Potential Funding Source(s)	Town Highway budget

Regional Goal #5: Enhance the local agricultural economy and support agricultural economic development initiatives on a regional and county level.

1. Enhance access by the agricultural sector to new, clean sources of renewable energy.

Time Frame & Priority	Short-term (within 1 to 3 years) High Priority
Responsible Agency	Town of Preble working with CNY Regional Planning Board
Estimated Cost	CNYRPB Provides assistance through Climate Change Innovation Program
Potential Funding Source(s)	NYSERDA and USDA Rural Development



Scott

Regional Goal #1: Ensure land use laws and local ordinances support economic opportunities for local farmers and the protection of agricultural land.

Town codes and ordinances can have a significant impact on farmers. Local laws can create barriers to farm businesses adapting to changing economic conditions as well as encourage the unnecessary conversion of farmland. The Towns seek to ensure that local codes are “farm friendly” and have adequate protections against the unnecessary loss of farmland to development. Towns that plan for agriculture can employ certain zoning techniques that create a supportive agricultural business environment, assist in stabilizing large blocks of quality agricultural land, reduce potential farm- nonfarm neighbor conflict and keep quality farmland affordable for existing or new farmers to purchase.

ACTION STEPS:

1. Review and revise as necessary provisions of the Town of Scott zoning regulations which may be in contravention of Section 305-a of the NYS Agriculture and Markets Law Section 305.

Time Frame & Priority	Immediate (within one year) <i>High Priority</i>
Responsible Agency	Town Board, Town Planning and Zoning Board
Estimated Cost	Dependent on amount for attorney review
Potential Funding Source(s)	Town Budget, NYSDAM grant

2. Review zoning ordinance definitions and district use regulations to ensure that they provide for the wide range of agricultural enterprises necessary to promote the economic viability of agriculture in the town.

Time Frame & Priority	Medium term (within 3 to 5 years) Medium Priority
Responsible Agency	Town Board, Planning Board, Zoning Board
Estimated Cost	Undetermined
Potential Funding Source(s)	Undetermined

3. Review subdivision regulations to ensure that they provide for flexibility in the subdivision of agricultural lands in a manner that optimizes the protection of agricultural land resources. In addition ensure that subdivision and site plan review regulations require the identification and protection of field drainage systems and patterns during and after development of the land.

Time Frame & Priority	Medium term (within 3 to 5 years) Medium Priority
Responsible Agency	Town Board, Planning Board, Zoning Board
Estimated Cost	Undetermined
Potential Funding Source(s)	Undetermined

With the exception of ensuring conformance with Section 305-a of the NYS Agriculture and Markets Law the proposed changes in zoning are not considered a higher priority in this plan.

The small rural populations and population growth rates also severely limit the market for new residential and commercial development in the community. The Town of Scott however needs to constantly monitor growth trends in the region and be ready to respond and move to protect agricultural lands should growth and development trends change.

4. Examine ways to mitigate negative impacts on agriculture when natural gas leases are exercised by establishing a permitting process for drilling operations that will conserve valuable agricultural resources. The permitting process should include: 1) that the location of drilling pads, gas gathering lines, access roads and other facilities conserves higher quality lands and minimizes their impacts on farm operations; 2) site restoration guidelines such requiring topsoil stockpiling, de-compacting soils are part of site restoration plan and 3) ensuring the restoration of field drainage systems that may be disrupted during infrastructure development and drilling operations.

Time Frame & Priority	Immediate (within one year) <i>High Priority</i>
Responsible Agency	Town Board with input from Town Planning and ZONING BOARD
Estimated Cost	Dependent on amount for attorney review
Potential Funding Source(s)	Town Budget, NYDAM grant

PROCESS: 1. Consider zoning changes proposed in Appendix. 2. Ensure that zoning allows for the review and permitting of natural gas drilling (both vertical and horizontal) to the fullest extent under state laws and requirements. 3. Ensure that any new or future natural gas drilling and gravel mining activities have minimal impact on local roads and that any restrictions for mining or drilling activities do not limit agriculture and ag related traffic/use.

5. Draft a local law limiting the future expansion of lateral waterlines within an Agricultural District (NYS DAM Guidance for Future Service in Appendix).

Time Frame & Priority	Long term (after 5 years) or sooner if necessary <i>Medium Priority</i>
Responsible Agency	Town Board; Code Enforcement; Town Planning Board and County Planning
Estimated Cost	Minimal
Potential Funding Source(s)	Included in town budget for any staff time

PROCESS: 1. Hold public hearing on the local law as drafted; 2. Adoptoin of the local law by Town Board; 3. Inform the public, farmers, local real estate professionals and others of the new law by sending press releases to local media and posting with the Town Clerks and on the Towns websites.

6. Adopt a municipal Right to Farm Law to ensure local support for agriculture is demonstrated and to mitigate possible future conflicts between farmers and non-farm neighbors by including a mechanism to mediate disputes.

Time Frame & Priority	Immediate (within one year) High Priority
Responsible Agency	Town Board
Estimated Cost	Possibly up to \$1,000 if attorney review needed
Potential Funding Source(s)	Town Budget

7. Continue to encourage farmers to seek positions on all local boards especially the Town Board, Planning Board, and Zoning Board in order to have consistent representation from the farm community in all aspects of local government.

Time Frame & Priority	On-going High Priority
Responsible Agency	Town Board with assistance from JIC
Estimated Cost	Minimal
Potential Funding Source(s)	Town Budget

8. Appoint one member from the agriculture community to serve on the Joint Implementation Committee (Refer to Foundation Action A. Creation of a Joint Implementation Committee for more information and see the Appendix for a sample Resolution and Recommendation Letter).

Time Frame & Priority	Immediate (within one year) High Priority
Responsible Agency	Town Board
Estimated Cost	Minimal, depending if attorney review needed
Potential Funding Source(s)	Town Budget, if attorney review needed

9. Adopt the Towns of Homer, Preble and Scott Agriculture and Farmland Protection Plan as part of the Town of Scott's Comprehensive Plan when developed and update the Agriculture and Farmland Protection Plan at regular intervals. (See the Appendix for a sample Resolution for Adopting the Homer Preble Scott Agriculture and Farmland Protection Plan.)

Time Frame & Priority	Immediate (within one year) and ongoing High Priority
Responsible Agency	Town Board
Estimated Cost	Minimal
Potential Funding Source(s)	Town Budget

10. Annually distribute to all agricultural landowners information about property tax relief programs such as agricultural assessment, farm building exemptions and Farmers School Tax Credit to insure that agricultural landowners are taking advantage of existing programs.

Time Frame & Priority	On-going High Priority
Responsible Agency	Town Clerk with assistance from JIC
Estimated Cost	Undetermined- dependent on method of distribution
Potential Funding Source(s)	Undetermined

11. Encourage adoption of agricultural assessment rates if special taxing jurisdictions (fire, ambulance, library, etc.) are established in the future.

Time Frame & Priority	Long term (after 5 years) <i>Low Priority</i> or sooner if deemed necessary
Responsible Agency	Town Board and JIC representative
Estimated Cost	Minimal (will need to pass local law)
Potential Funding Source(s)	Undetermined

Regional Goal #2: Educate the non-farm public about the value and state of agriculture in the Towns and maintaining good relationships with neighboring farms.

Although agriculture remains prominent in the Towns, many residents are a few generations removed from the farm and have limited occasions to visit working farms. As a result, there is frequently a disconnect between the producers of food and the consumers. This results in misunderstandings about production practices, food safety, and environmental stewardship. The Towns seek to facilitate discussions between farmers and the non-farm public and educate non-farm residents about agricultural practices, farm products that grown and available for local purchase and the importance of agriculture to the local and regional economy. In addition to promoting local farm products, these events can also help improve neighbor relations between the farmers and non-farm neighbor with a longer term goal of helping to sustain the local agricultural industry.

1. Work proactively to address trespassing on farmland via local outreach to non-farm neighbors and promote Trash Amnesty Day.

Time Frame & Priority	On- going <i>Low Priority</i>
Responsible Agency	Town Board with assistance from Town Clerk and JIC
Estimated Cost	Staff and volunteer time
Potential Funding Source(s)	Staff time part of the Town Budget

2. Regularly submit timely information for inclusion in the Penneysaver.

Time Frame & Priority	Short-term (1 to 2 years) <i>Low Priority</i>
Responsible Agency	Town Board with assistance from interested community members
Estimated Cost	Staff and volunteer time, some cost for web hosting and possible webmaster if no one volunteers
Potential Funding Source(s)	Town Budget

3. Upon updating the town’s current municipal Right to Farm Law (Regional Goal #1, Town Action Step #4), identify locations in town for the placement of Right to Farm Law signs.

Time Frame & Priority	Short term (1-2 years) <i>Low Priority</i>
Responsible Agency	Town Board and JIC with assistance from Town Highway Department
Estimated Cost	To be determined (cost of signs and installation)
Potential Funding Source(s)	Town Highway Budget

Regional Goal #3: Protect farmland by identifying high quality agricultural lands that are at risk for conversion and adopting appropriate agricultural protection strategies.

Maintaining the agricultural land base in Homer, Preble and Scott is good fiscal policy for the towns. Farmland requires less in services than the property taxes paid on the land and the businesses that work the land contribute to the local economy. Residential development emanating from the City of Cortland as well as the potential for development related to future energy development in the region can encourage scattered residential development that puts pressure on local farmland. It is necessary to proactively protect the land on which farms depend.

Reasons for conversion can vary but generally farms are sold because they are not profitable or there is no one in the immediate family interested in farming them after the older generation either retires or is no longer able to do the work. According to National Agricultural Statistics Service data, the national average age of the American farmer is 57.1 years. A similar sentiment was heard during the personal interviews. Many of the farmers interviewed were wondering why a farmland protection plan was necessary when they did not have anyone within their family wanting to farm the land. Those farmers who had a succession plan or at a minimum family farming with them were much more positive about the future of agriculture and were supportive of a farmland protection plan.

1. Adopt the process when developed by the JIC (Regional Goal #3, Action #3) to sponsor a local Farmland Protection Program to continue to build on the current block of permanently protected farms in cooperation with the County Agriculture and Farmland Protection Board.

Time Frame & Priority	Short term (1 to 3 years) depending on prospects of RFP for FPIG High Priority
Responsible Agency	Town JIC representative, with support from Town Board
Estimated Cost	Minimal
Potential Funding Source(s)	Not applicable

2. Focus infrastructure improvements to hamlets and villages by utilizing the principles of Smart Growth.

Time Frame & Priority	Long term (3 to 5 years) Medium Priority
Responsible Agency	Town Planning Board and Town Board
Estimated Cost	Undetermined
Potential Funding Source(s)	Undetermined

The Town of Scott can utilize the principles of Smart Growth advocated by the federal and state in its land use policies for agriculture. Some of the benefits of adopting Smart Growth principles to the Town of Scott could be:

- Smart growth approaches can protect the quality and supply of open space, including prime agricultural lands, prevent flood damage, and protect groundwater resources such as local aquifers.

- Smart growth approaches direct development towards existing communities already served by infrastructure, seek to utilize the resources that existing neighborhoods offer, and increase efficiency of already developed infrastructure.
- Smart growth approaches encourage the development of a wide variety of quality housing for people of all income levels in the community.
- Smart growth approaches emphasize infrastructure and regulatory decisions by local governments that create fair, predictable and cost effective development.

By focusing infrastructure away from priority farming areas, towns can help keep taxes lower and reduce threats to quality farmland. If non-farm infrastructure needs to be extended into priority farming areas steps need to be taken to reduce the potential negative impacts on nearby farmland and farming operations. These steps might include: Using the Ag Districts program Notice of Intent process to guide road, water or sewer decisions; Establishing lateral restriction policies on new water or sewer extensions by adopting new waterline restrictions in the town zoning ordinance; Developing mitigation fees designed to protect farmland near new non-farm infrastructure (potential source of local match for PDR); Constructing traffic calming measures on rural roads to reduce accidents between farm machinery and vehicular traffic.

Regional Goal #4: Ensure that town infrastructure is supportive of agriculture and that public infrastructure improvements are targeted near the City of Cortland and other developed areas.

Aside from spot residential development, new residential development seems to always follow waterlines. Through careful planning (often called smart growth), a town can influence where new residential development will occur by carefully planning where their infrastructure investments are directed. It is through a town's Comprehensive Plan that areas of the town are designated as more desirable for residential development than in the middle of production agriculture. There are times a water line needs to be run through an intensive agricultural area and it makes perfect sense to allow existing homes, businesses and farm buildings the ability to hook up to the water line. However, steps need to be taken to discourage wide scale conversion of productive ag land into residential development. By controlling development following the installation of a water line the potential loss of farmland is reduced and the highly sought after rural character is preserved. This is accomplished by restricting lateral extensions of water lines. In addition, simple activities such as clearing road ditches or redirecting intermittent flows or expanding the carrying capacity of a culvert can create a drainage problem on nearby farm fields. Additionally, poor citing of water lines, road expansions or other public infrastructure can encourage residential or commercial development of farmland. Thoughtful investments and maintenance of public infrastructure can both enhance economic conditions of farmers and reduce development pressure on farmland.

1. Draft a local law limiting the future expansion of lateral waterlines within an Agricultural District (NYS DAM Guidance for Future Service in Appendix).

Time Frame & Priority	Long term (after 5 years) or sooner if necessary Medium Priority
Responsible Agency	Town Board; Code Enforcement; Town Planning Board and County Planning
Estimated Cost	Minimal
Potential Funding Source(s)	Included in town budget for any staff time

PROCESS: 1. Hold public hearing on the local law as drafted; Sample text could include: “The only land and/or structures which will be allowed to connect to any proposed waterline or sewer within the agricultural zoning district will be those structures that exist at the time of water line construction, further agricultural structures, and land and structures that have already been approved for development by the local governing body 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 a local governing body where approval (e.g., subdivision, site plan, and special permit) is needed to move forward with project plans and the governing body has approved the action.” 2. Adoption of the local law by Town Board; 3. Inform the public, farmers, local real estate professionals and others of the new law by sending press releases to local media and posting with the Town Clerks and on the Towns websites.

2. File timely and complete Notice of Intent with JIC and County AFPB the same time as filed with the Commissioner of Ag and Markets.

Time Frame & Priority	Immediate (within one year) Medium Priority
Responsible Agency	Town Planning Board
Estimated Cost	Minimal
Potential Funding Source(s)	Not applicable

3. Establish a process to evaluate any changes in drainage and potential impact on farmland productivity when considering subdivision.

Time Frame & Priority	Short term (within 1 to 3 years) Medium Priority
Responsible Agency	Town Planning Board
Estimated Cost	Minimal depending on who develops or modifies subdivision application and if attorney needs to review
Potential Funding Source(s)	Town Budget

Why: Drainage and tile lines can be cut when property is subdivided. This can influence the drainage and thus the productivity of the field being subdivided as well as other nearby farm fields. Process: Add to existing application for subdivision that a map identifying existing field drains is included and the drainage patterns are reviewed. Upon review it may require the developer to reroute tile lines.

4. Establish a process for the Town Highway Department to consult with Cortland County SWCD and/or the County Highway Department prior to making any changes with regard to road ditching practices.

Time Frame & Priority	Short term (within 1 to 3 years) Low Priority
Responsible Agency	JIC will start and complete with cooperation of Town Board and Town Highway Superintendent
Estimated Cost	Minimal- volunteer and Staff time
Potential Funding Source(s)	Town budget for staff time

5. Encourage the town to continue to make their best effort to adequately maintain Seasonal Use roads for access to agricultural lands.

Time Frame & Priority	Immediate (within one year) and on-going as needed Low Priority
Responsible Agency	JIC with Town Board and Highway Superintendent
Estimated Cost	Undetermined
Potential Funding Source(s)	Town Highway budget



Resources

Contacts for additional information and technical support:

American Farmland Trust

Providing technical assistance to towns and counties to develop and implement farmland protection plans

112 Spring Street Suite 207
Saratoga Springs, NY 12866
(518) 581-0078
www.farmland.org/newyork

Cornell Cooperative Extension of Cortland County

Providing technical assistance to farmers and farm businesses

Cortland County Office Building
60 Central Avenue, Room 105
Cortland, NY 13045
Phone: 607-753-5077
www.ccecortland.org

Cortland County Planning Department

Providing technical assistance in planning and farmland protection

37 Church St
Cortland, NY 13045
Phone 607.753.5043
www.cortland-co.org/Planning

New York State Department of Agriculture and Markets

Providing technical assistance and grant funding for farmland protection, marketing and many others

10B Airline Drive
Albany, NY 12235
(518) 457-3880 or 800-554-4501
www.agriculture.ny.gov

New York State Department of State

Providing technical assistance in planning

99 Washington Avenue
Albany, NY 12231-0001
(518) 474-4752
www.dos.state.ny.us

New York State Office of Real Property Services

Providing technical assistance in agricultural assessment

16 Sheridan Avenue

Albany, NY 12210-2714

(518) 474-2982

www.orps.state.ny.us

NY Farm Net

Providing counseling and technical assistance in farm succession and business planning, and linking farmers and landowners

415 Warren Hall

Ithaca, NY 14853-7801

800-547-3276

www.nyfarmnet.org

American Farmland Trust's:

- Planning for Agriculture in New York: A Toolkit for Towns and Counties
<http://www.farmland.org/documents/PlanningforAgriculturePDF.pdf>
- New York Agricultural Landowner Guide
http://action.farmland.org/site/PageNavigator/New_York_Agricultural_Landowners_Guide
- Webinar Series
<http://newyork.farmland.org/publications>

APPENDIX

Public Survey Questions and Results

Are you concerned about the loss of farmland in the Towns of Homer, Preble or Scott?

10 of 10 responded Yes

Do you support programs which would help agricultural land owners retain their land?

9 of 10 responded Yes (1 response left blank)

Would you favor local, state or federal legislation which limits development on prime and important farmland?

8 of 10 responded Yes, 1 responded Not Sure, 1 responded No

Do you believe there should be additional incentives to help keep farmland in agricultural use?

9 of 10 responded Yes, 1 responded Not Sure

Would you support the use of real estate transfer taxes or fees to raise money for farmland?

2 of 10 responded Yes; 5 responded Not Sure and 3 responded No

Would you support a tax abatement program at the town level offering reductions in school and land taxes in exchange for a commitment to stay in farming?

3 of 10 responded Yes, 3 responded Not Sure and 4 responded No

Is agriculture important to you as a resident of the town?

10 of 10 responded Yes

Do you see a future for agriculture in the town?

10 of 10 responded Yes

Are you aware of any farm and non-farm neighbor relation problems in your town?

6 of 10 responded Yes, 1 responded Not Sure and 3 responded No

Do you think that specific areas in the town should be a focus for farmland protection?

7 of 10 responded Yes, 1 responded Not Sure and 2 responded No

If YES please explain (only 5 provided an explanation, see below)

- Areas that are of prime farmland that are currently actively farmed should be focused on first. All of this of course is money dependant and dependant on the townships and residents being supportive.
- Protect the prime growing land. and allow less fertile land to be considered for residential and commercial use.

It is my understanding that we have some rich and valuable soils in our region. These soils should be valued as an asset, as much as our waters are valued as such.

The size of the operation and the animal density must be limited in considering an operation for farmland protection. Environmental impacts (ensuring the use of best management practices) also need to be analyzed before being considered for inclusion in this program.

This region could recover some of its economic base by rethinking ways in which these soils can be both protected and employed for current and future farming. There is a resurgence in buying locally grown products, and the market for these could be year

round, if the model is developed correctly.

See <http://abcnews.go.com/Business/SmallBiz/story?id=7024405&page=1>

- The town should identify farmland protection overlay zones
- In relation to the huge farm on Little York Crossing, I am not sure if they consider that in town, but it sure is not far from Preble or Homer and it is smack dab in the middle of Little York. This is not the kind of farming protection of which I support. Farms that are in harmony with the surrounding environment are my focus

What are the positive aspects of the Town developing a Farmland Protection Plan?

- Keeping agricultural areas forever farmland
- The plan will help protect our farmland from uncontrolled development. As noted in the SWCD Newsletter, our farmland is part of our rural character and improves the quality of life for residents.
- We can retain the rural quality of our life. The country must protect areas for growing food, and this area has some of the best land for that purpose.
- Promotion of positive land use would create a greater interest in the region, a more positive perception of Preble and an economic resurgence that is compatible with the needs of the future. This would also create a mutually sustainable relationship between the farms and the towns.
- Protecting family farms and the quality of life in Preble.
- Decreasing sprawl and preserving open spaces to cultivate healthy crops.

What are the negative aspects of the Town developing a Farmland Protection Plan?

- Some might view this as a hindrance to expansion as housing typically creates more tax dollars
- Not sure - perhaps we could be spending the time/energy on other potentially more important issues.
- None.
- Concerns about the definition of "farm."
Large corporate feedlots do not fit with this model of sustainability and must not be included.
- I do not favor any protection or favorable treatment of super large, factory farms, such as DDI in Homer. These industrial operations should not enjoy any of the protections that family farms need.

KICK-OFF MEETING

STATE OF AGRICULTURE in the TOWNS OF HOMER, PREBLE & SCOTT

NOVEMBER 16, 2009

- Not promoting ag as well as we could
- Unmet or unused opportunities
- Pessimism- need more positive promotion
- Little unused land
- Stable- growing/increased demand for land
- Increasing cow numbers
- Growing trend toward niches
- Ag is well suited to the resources in the towns- resources conducive to ag
- Similarities between towns
- Historic part of our culture
- Viewsheds/Open Space
- Way of life
- Employment opportunities
- We have a chance to keep the land/open space/way of life
- Increased building lot size
- Travel corridors & development pressure
- Reduced demand for product
- Uneducated public/local officials
 - Pressures relating to normal ag operations/neighbor conflicts
 - Uninformed/non-supportive local decision makers ie schools

Opportunities:

- Good soils
- Abundant water
- Resources- agencies, ag businesses, etc.
- Need ag development coordinator
- Ag could/should be a part of our business dev. program
- Infrastructure available

Threats:

- Threatened by new housing
- New growth is moving from where?
- Harder to find rental land
- Complaints related to:
 - Manure spreading

- Spraying
- Noise
- People want to come to the country (from NYC and New Jersey) but don't want working farms
- Lack of connection between farmers, residents and their food
- Many residents don't think about farming
- Land becomes fragmented
- Rental land is not or just barely paying taxes

WHY IS AG IMPORTANT?

- Access to fresh, local food
- Know where the food comes from
- What is the alternative? Can we afford new infrastructure? Tax Issue
- Adds to a diversified economy

Farmland Protection Plan Interview Questions
Towns of Homer, Preble, Scott
Fall 2009 – Winter 2010

For Farmers:

What are your plans for your business in the next 5 and 10 years? Do you have a succession plan? Have you thought about what your farm business will be like long term? If no- Why not?

For Farmers and Non-farm Interviews:

What do you see as the current state of agriculture in the Town of HPS? Is agriculture important to the Town? Why or Why not? Do you see a future for agriculture in the Town? What are the strengths of the Town's agriculture? Weaknesses?

Have you observed any farmland being converted or fragmented? Where is it located? Is this a concern? If there is conversion what is causing it?

What do you feel are the potential impacts of non-farm development?

Are you aware of any farm and non-farm neighbor relation problems? Do you have any suggestions on how to prevent or correct these? How can neighbor relations be improved?

What might some of the goals be for a Farmland Protection Plan for the Town? Are there areas in the Town you feel should be a focus for protection? If so why?

What has the Town of HPS done to support agriculture? What can be done better or in addition to or differently?

Do you think farmers in the Town of HPS would be interested in:

- PDR- How do you see a PDR program structured?
- Expanding Agricultural Districts or Town Right to Farm Laws
- Farm-friendly zoning
- Better citing/subdivision standards to limit farmland conversion
- Infrastructure planning (water, sewer, roads) that steers development away from farms

What are the positive aspects of the Town developing a Farmland Protection Plan?

What are the negative aspects of the Town developing a Farmland Protection Plan?

Towns of Homer, Preble and Scott Interview Summary Fall 2009 – Winter 2010

36 interviewed

21 farmers, 3 businesses, 4 government officials, 3 agricultural landlords, 1 School Administrator

Current State:

- Agriculture is very strong in the towns and no major change is expected
- Ag is mostly dairy, beef and crop production
- Finding local labor is an issue - use of immigrant labor force acceptable however paperwork is onerous at best
- Pressure in areas for development-Route 81 corridor, around City of Cortland and in Skaneateles Lake view shed
- Remainder of three towns not experiencing undue development pressure
- Agricultural land is remaining in agriculture-either rented or purchased by larger farms, same amount of land in agriculture farmed by less people
- Land available for agriculture is in production, very little is idle
- Small farms cannot make a living, need to grow bigger or get out
- Satisfied with current zoning regulations
- Majority of interviewees felt all three Towns were supportive of agriculture
- Taxes, both school and property are a concern as cost of farming rises
- Need closer support services for agriculture-have to travel too far
- Succession plans not strong: next generation not willing to stay on the farm-too hard a work for too little money, not interested in farming
- Concerns about future as farming is getting more expensive and prices too low for products produced
- More farms are environmentally progressive and well run
- Good land resources-soils, water, level farmable ground
- Core group of strong farm managers in the area
- Relatively close to markets for farm products
- Some fragmentation of farmland noticed but not extensive
- Towns serve as bedroom communities to Ithaca, Cortland, and Syracuse

Strengths/Why Important to Towns:

- Agriculture is the biggest business and large part of the local economy
- Farms: employs people, pay taxes, preserve open space, provide economic benefits to towns, and utilize less resources than they provide
- Farming and agriculture creates a community and an aesthetic that people are drawn to
- Farming feeds us
- Farmers are taking care of the land

Weakness:

- Number of farms declining as farms grow in size making it harder for small family farms to compete

- When farms sell off land parcels for a house they need the money and then regret it later, the land is then lost to agriculture
- Next generation isn't there to take over and continue farming
- Being close to population centers create a situation where people want to move to the country, purchase ag land for homes but do not want to deal with the nuisances of farming (sounds, odors etc.). It creates neighbor issues and undue pressure on farms to modify or be limited in their ability to operate their farm

Farm-Neighbor Relations:

- Manure order, mud on roadways and not incorporating the manure fast enough to reduce odor are main complaints by neighbors
- Noise concerns by operation of farm machinery early and late in day to accomplish farm tasks issues for neighbors in residential areas close to farms
- Complaints about animal noises-separation of cows and calves- neighbors don't understand farming practices
- Communication key to keeping good relations with neighbors
- Willingness by farmers to accommodate neighbor outdoor activities (parties, weddings) by modifying their work-not to spreading manure that day
- Farmers their own worst enemies, they do not engender good relations
- Farmers are trying but neighbors don't understand or appreciate what they do
- Several farmers hold open houses once a year to invite the neighbors to better understand what they do and maintain good relations

Goals for a Farmland Protection Plan:

- Support comprehensive plan for protection of ag lands through zoning, subdivision regulation revisions and Right-to-Farm laws
- Protection of large blocks of farm land ideal
- Focus on preserving best natural resources
- Offer some sort of ag tax relief
- Utilize and strengthen tools: Right-to-Farm laws, PDR programs, Agricultural districts, zoning, infrastructure plans
- Insure farmer representation on local Boards and in government to provide balance between them and non-farm residents
- Create an agri-tourism effort to instill a pride of ownership in the Towns
- Provide a strong education component to the plan to bring better understanding of farming to the community
- Limit residential development of small parcels of land by working with Planning Board to identify where the best places should be. Cluster development in specific areas if possible.
- Create a balance between economic development and farming- bring in development that supports agriculture and can also provide jobs.

Positives of a plan:

- Would be a positive if people can come to the table and work together
- Will help to educate community to the importance of farming

- Would educate community and decision makers in government to better understand farmers right to farm
- Opportunity to be ahead of the curve before pressure to develop really begins
- Farmers beginning to realize that they need to be advocates for themselves and their farms or they won't be in business
- Towns can develop common goals and recommendations
- Better comprehensive planning for infrastructure (water,sewer,roads) would help protect and prioritize farming
- Having a plan is a win-win situation for protection of agriculture
- Opportunities for consolidation under a common plan
- Helps farmers protect the resource
- Protects the tremendous natural resources (soils & water) for everyone
- Mitigates the effect of development changes to the community
- Would assist in preventing and containing sprawl before it takes land away from agriculture
- Would maintain open space and limit growth in specifically identified areas
- Would preserve the best use of farming resources
- Plan would help create common ground between the local government in all three Towns and the ag community.

Negatives of a plan:

- Farmers are an independent lot and don't like to be told what they can and cannot do even if it's for a good purpose
- Don't want any more government plans
- Will limit ability to sell land if farming is not an option any longer
- Do not want to give up freedom of choice if your farmland is encumbered whether by PDR or Farm Protections Plan
- May diminish the value of the farm if you have effectively zoned it out of development
- Community members not in agriculture may feel marginalized
- Will focus on the highest and best use of land however may limit business development
- Making a long-term significant commitment by placing constraints on the land and community that are onerous
- Plans conceptually are a good idea however we don't know what the needs will be in 30 years

Comments:

- Town regulations regarding alternative energy such as windmills-what are they?
- PDR not the way to go- too political, not a sustainable program as too dependent on government funding
- PDR creates resentment in the agricultural community when some farms are funded under this program and others are not
- Concerns about gas drilling and selling mineral rights-will a plan limit this activity
- Apprehension about hydrofracturing and what affect it will have on the water supply of the area: Homer-Preble aquifer

- Interest in environmental efforts: green energy, wind turbines, digesters, organic farming practices to reduce costs and be better stewards of the land
- Lending to farm may be affected as it should be done on farm value only not on the development pressure
- Public road shoulders are damaged by large, oversized farm equipment and not enough funds in budgets to repair, farmers feel they pay taxes and that's enough
- Better education of the public about farming- road signs to let folks know they are in an agriculture district, Town websites, newsletters, positive articles in publications, how to purchase local farm products
- Know the facts scientifically and utilize that information to communicate and educate the public on farming practices
- Media sensationalizes farms issues and undermines farming practices, tends to only present the negatives –example Willett dairy in Cayuga County. Need for positive spin on farming in media
- As a community we need to be sympathetic to the ag community and yet we still need to bring in economic development to create a balanced sustainable environment
- Pleased that there is an effort to develop an Agricultural Protection Plan for the Towns since they are not making any more land and we need to eat
- Towns need to do a better job of promoting agriculture
- Needs to be a better understanding between non-farm residents and farmers in the Towns as we are all part of the community.

Post Card

The Homer, Preble, and Scott Agricultural and Farmland Protection Steering Committee invites you to a Public Workshop to discuss the draft Towns of Homer, Preble, and Scott Agricultural & Farmland Protection Plan

**Thursday, March 31, 2011 - 7:00 p.m.
Cortland County Planning Department - 37 Church Street, Cortland**

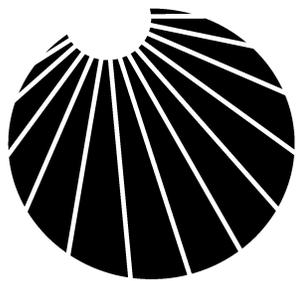
Topics will include:

- Discussion of draft regional and town specific goals and recommendations
- Discussion of Governor Cuomo's Farm NY initiative
- What are the agri-economic opportunities in Homer, Preble, and Scott?

To view the draft goals and recommendations please visit:

<http://preble-ny.org/projects.htm>

If you have any questions, please contact: Dan Dineen, Cortland County Planning Department
(607) 753-5043.



FARMLAND
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AGRICULTURAL

CONSERVATION

EASEMENTS



American Farmland Trust

FARMLAND INFORMATION CENTER
(800) 370-4879
www.farmlandinfo.org



DESCRIPTION

A conservation easement is a deed restriction landowners voluntarily place on their property to protect resources such as productive agricultural land, ground and surface water, habitat, historic sites or scenic views. They are used by landowners (“grantors”) to authorize a qualified conservation organization or public agency (“grantee”) to monitor and enforce the restrictions set forth in the agreement. Conservation easements are flexible documents tailored to each property and the needs of individual landowners. They cover either an entire parcel or portions of a property. The landowner usually works with the prospective grantee to decide which activities should be limited to protect specific resources. Agricultural conservation easements are designed to keep land available for farming.

RESTRICTIONS

In general, agricultural conservation easements limit subdivision, non-farm development and other uses that are inconsistent with commercial agriculture. Some easements allow lots to be reserved for family members. Typically, these lots must be small—1 to 2 acres is common—and located on the least productive soils. Agricultural conservation easements often permit commercial development related to the farm operation and the construction of farm buildings. Most do not restrict farming practices, although some grantees ask landowners to implement soil and water conservation plans. Landowners who receive federal funds for farm easements must implement conservation plans developed by the USDA Natural Resources Conservation Service.

TERM OF THE RESTRICTIONS

Most agricultural conservation easements are permanent. Term easements impose restrictions for a specified number of years. Regardless of the duration of the easement, the agreement is legally binding on future landowners for the agreed-upon time period. An agricultural conservation easement can be modified or terminated by a court if the land or the neighborhood changes and the conservation objectives of the easement become impossible to achieve. Easements may also be terminated by eminent domain proceedings.

RETAINED RIGHTS

After granting an agricultural conservation easement, landowners retain title to their property and can still restrict public access, farm the land, use it as collateral for a loan or sell their property. Land subject to an easement remains on the local tax rolls. Landowners continue to be eligible for state and federal farm programs.

VALUATION

Landowners can sell or donate an agricultural conservation easement to a qualified conservation organization or government body. It is important to determine the value of the easement to establish a price or to calculate tax benefits under federal and state law. The value of an agricultural conservation easement is generally the fair market value of the property minus its restricted value, as determined by a qualified appraiser. In general, more restrictive agreements and intense development pressure result in higher easement values.

TAX BENEFITS

Grantors can receive several tax advantages. Donated agricultural conservation easements that meet Internal Revenue Code section 170(h) criteria are treated as charitable gifts. In 2010, Congress extended through 2011 enhanced tax deductions for donated conservation easements authorized by the Pension Protection Act of 2006. The extension allows landowners to deduct the value of conservation easements up to 50 percent of their Adjusted Gross Income (AGI) compared to the former limit of 30 percent. The unused portion of the easement value may be carried forward for up to 15 years, as opposed to five. In addition, “qualified farmers and ranchers”—defined as individuals or corporations who earn more than 50 percent of their gross income from the business of farming in the taxable year in which the gift is made—still can deduct the value of the easement up to 100 percent of their AGI with a 15-year carryforward. Corporations were formerly limited to 10 percent of AGI with a five-year carryforward.

In addition to the federal income tax incentives, most state income tax laws provide

AGRICULTURAL CONSERVATION EASEMENTS

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



American Farmland Trust

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for charitable deductions of conservation easements. At least 14 states offer income tax credits for easement donations on agricultural land. Florida exempts permanently protected land from up to 100 percent of state property taxes.

Tax codes in some states direct local tax assessors to consider the restrictions imposed by a conservation easement. This provision generally lowers property taxes on restricted parcels if the land is not already enrolled in a differential assessment program. Differential assessment programs direct local tax assessors to assess land at its value for agriculture or forestry, rather than for residential, commercial or industrial development.

The donation or sale of an agricultural conservation easement usually reduces the value of land for estate tax purposes. To the extent that the restricted value is lower than fair market value, the estate will be subject to a lower tax. In some cases, an easement can reduce the value of an estate below the level that is taxable, effectively eliminating any estate tax liability. However, as exemption levels increase, there may be less incentive from an estate tax perspective.

The Economic Growth and Tax Relief Reconciliation Act of 2001 expanded an estate tax incentive for landowners to grant conservation easements by removing the geographic eligibility requirements. Under Section 2031(c) of the tax code, executors can exclude 40 percent of the value of land subject to a donated qualified conservation easement from the taxable estate regardless of the property's location. This exclusion is limited to \$500,000 but is in addition to any reduction in the value of the estate as a result of protecting the land with a conservation easement. The full benefit is available for easements that reduce the fair market value of a property by at least 30 percent. A smaller exclusion is available for easements that reduce property value by less than 30 percent.

HISTORY

Forty-nine states have a law pertaining to conservation easements. The National Conference of Commissioners on Uniform State Laws adopted the Uniform Conservation Easement Act in 1981. The Act served as a

model for state legislation allowing qualified public agencies and private conservation organizations (land trusts) to accept, acquire and hold less than fee simple interests in land for the purposes of conservation and preservation. Since the Uniform Conservation Easement Act was approved, 23 states have adopted conservation easement enabling laws based on this model, and 26 states have drafted and enacted their own enabling laws. In addition, 30 states have authorized and/or operate state-level purchase of agricultural conservation easement (PACE) programs. PACE programs compensate landowners for placing restrictions on their land to keep it available for agriculture.

BENEFITS

Agricultural conservation easements:

- Permanently protect important farmland while keeping the land in private ownership and on local tax rolls.
- Are flexible documents that can be tailored to meet the needs of individual farmers and ranchers and unique properties.
- Can provide farmers with several tax benefits including income, estate and property tax reductions.
- Can help farmers and ranchers transfer their operations to the next generation.

DRAWBACKS

- Agricultural conservation easements do not ensure that the land will continue to be farmed.
- Donating an easement is not always a financially viable option for landowners.
- Monitoring and enforcing conservation easements requires a serious commitment on the part of the easement holder.
- Subsequent landowners are not always interested in upholding easement terms.
- Do not offer protection from eminent domain. If land under easement is taken through eminent domain, both the landowner and the easement holder must be compensated.

Purchase of Development Rights

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

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

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

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

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



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

Benefits of PDR programs

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

Drawbacks of PDR programs

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

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

Issues to Consider in Developing Local PDR Programs

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

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

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

What types of land do you want to protect?

How will you determine your priorities?

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

The specificity of a ranking system will differ by community. Some communities use their comprehensive plans to help focus PDR programs. Other towns create a priority ranking system and farmland protection map that ranks each farm property in the community. Realistically, the comprehensiveness and complexity of a local strategy should be balanced by the community’s available time and resources. Because PDR programs tend to be landowner driven, properties identified on local

maps may never be protected. Towns that spend years identifying, prioritizing and analyzing may lose opportunities for actual farmland protection.

How will projects be funded?

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

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

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

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

New York State Farmland Protection Program

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

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

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

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

Federal Farm and Ranch Lands Protection Program (FRPP)

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



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

Town Funding Sources

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

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

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

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

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

What are agricultural conservation easements?

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

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

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

CASE STUDY

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

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

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

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

or is in the process of acquiring, the development rights on 13 farms encompassing 2,300 acres.



• Town of Warwick, Code

CASE STUDY

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

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

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

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

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

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



• Town of Riverhead, Community Preservation Act Law

CASE STUDY

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

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

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

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

CASE STUDY

Jefferson County, New York: PDR Feasibility Study

Forty percent of Jefferson County’s land base in 2006 was in active agricultural use, and \$106 million of farm products were sold by the county’s farmers. The economic significance of the industry and the quantity of land used by agriculture were driving factors in the Agricultural and Farmland Protection Board’s (AFPB) decision to undertake a PDR Feasibility Study. A Work Group representing agricultural

organizations, the county, economic development organizations, and land use interests led the process and hired American Farmland Trust to conduct the study. Work group meetings, public meetings and one-on-one farmer meetings resulted in a list of recommendations for the county to implement as it moved forward with a PDR program.

The county established progressive goals through the feasibility study including:

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



• Jefferson County, PDR Feasibility Study

CASE STUDY

Suffolk County, New York: Farmland Protection Program

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



• Suffolk County, PDR Application



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

CASE STUDY

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

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

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

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

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



- Land Trust/County Memorandum of Understanding

CASE STUDY

Cayuga County, New York: PDR Program

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

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



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

CASE STUDY

Frederick County, Maryland: Critical Farms Program

Frederick County launched the Critical Farms

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

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

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



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

CASE STUDY

Frederick County, Maryland: Installment Purchase Program

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

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

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

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



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

CASE STUDY

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

The Boulder County Parks and Open Space Department's mission includes preserving open space and protecting natural and agricultural resources. For 30 years, agricultural lands have been protected by the county by purchasing development rights and placing a conservation easement on the land (the farmland stays in private ownership), or by purchasing the farmland in fee. The county prefers purchasing development rights because it is less costly and does not require future management of the land. But, there are landowners who prefer to sell land outright. When

the county does purchase the land in fee, a conservation easement is placed on the land, and, in the past, the land was then either sold or leased. More recently, the county has chosen to retain ownership and lease the land to farmers in order to maintain an available and affordable source of farmland.

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

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

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



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

RESOLUTION
Establishing an Agricultural Advisory Committee
Adopted August 16, 2010

WHEREAS, on January 11/ 2010 the Town of Brutus adopted an Agriculture and Farmland Protection Plan; and

WHEREAS, the Brutus Agriculture and Farmland Protection Plan was subsequently reviewed and approved by the Cayuga County Agricultural and Farmland Protection Board and the New York State Department of Agriculture and Markets; and

WHEREAS, the resolution of Adoption approved by the Town Board also established “ an Agricultural Advisory Committee to assist the Town Board and other local agencies implement the recommendations of the Plan and generally advise the Town Board and other local agencies on matters impacting local agriculture; and ...to adopt at subsequent meetings such resolutions as may be necessary to establish the membership of the Agricultural Advisory Committee and facilitate its operations “¹

Now therefore be it

RESOLVED, that the Town Board of the Town of Brutus hereby establishes the

**Purpose, Structure, Operational Parameters, and Membership of the
Town of Brutus Agricultural Advisory Committee**

Section 1 – The purpose of the Agricultural Advisory Committee is to advise the Town Board and other Town agencies on matters pertaining to the preservation, promotion, and ongoing operation of agricultural activity in the Town of Brutus.

Section 2 –

- A. **Committee; Personnel; Appointment; Organization.** There is hereby established in the Town of Brutus a permanent committee to be known and designated as the "Town of Brutus Agricultural Advisory Committee" which shall consist of five (5) residents of the Town of Brutus who are engaged in farming, agri-business, or a vocation related to agriculture; and two (2) residents of the Town of Brutus who shall serve as ex-officio members, one of whom shall be a Town Board member and one who shall be a Planning Board member or alternate member. Ex-officio members shall only be eligible to serve on the committee while they hold the other cited Town office. The members of the said committee first appointed, shall serve for terms as follows: two (2) appointees for one (1) year terms; two (2) appointees for two (2) year terms and one (1) appointee for a three (3) year term. Thereafter, all appointments shall be for terms of three (3) years and vacancies shall be filled for the

¹ RESOLUTION – JANUARY 11, 2010, Approving the Town of Brutus Agriculture and Farmland Protection Plan

unexpired term only. The members shall serve until their respective successors are appointed. The members of the committee shall receive no compensation for their services.

The committee shall organize within thirty (30) days after the appointment of its total membership for the remainder of the then calendar year and thereafter annually and select from among its members a chairperson and such other officers as it may deem necessary. Said committee may establish rules of order and meet at once annually and from time to time as its rules of order might provide. The Agricultural Advisory Committee shall report to the Town Board and to such other Town agencies as may request its assistance.

- B. **Assistance.** The Agricultural Advisory Committee may request technical assistance and/or specialized advise from any resource it may deem appropriate, including but not limited to other local residents; other Town of Brutus officials; Cayuga County Planning,; Cayuga County Cooperative Extension; Cayuga County Soil and Water Conservation; Cayuga County Agriculture and Farmland Protection Board; American Farmland Trust; New York Agricultural Land Trust and NYS Agriculture and Markets. However, no contracts for payment for services or other expenditure of Town funds may be entered into by the Committee.

C. Funds for Committee Operations

As a citizen advisory committee, the Agricultural Advisory Committee may not authorize any expenditure of Town funds. Funds necessary for proper committee operation may be requested by the committee from the Town Board and, in accordance with customary procedures, the Town Board may authorize such funds and approve the expenditure thereof.

Section 3 - Responsibilities of Committee. The responsibilities of the committee shall be as follows:

1. To recommend methods, review proposals, and develop proposals for the implementation of the goals of the Town of Brutus Agriculture and Farmland Protection Plan and, report their findings to the Town Board.
2. To, from time to time, amend and update the Plan as needed and refer such updates and amendments to the Town Board.
3. To monitor local farming activity and determine existing issues facing farmers and those in related endeavors and to recommend reasonable and desirable solutions to the Town Board.
4. To monitor trends in agriculture, and local development so as to identify future issues, which will face farmers and those in related endeavors and to recommend reasonable and desirable solutions to the Town Board.
5. To identify methods whereby the Town Board, County or State governments can encourage existing farmers to continue in active agricultural operation.

6. To, when requested by the Town Board or other agencies engaged in and environmental review of proposed private or public development projects and/or infrastructure projects, provide input regarding the impacts on agriculture of such projects.
7. To recommend to the Town Board, Town Planning Board and/or other agencies techniques that will help preserve large, contiguous and economically viable tracts of agricultural land.
8. To communicate with local farmers that the Agricultural Advisory Committee exists and can offer direction and assistance in many cases, invite their participation in Committee activities, and either directly or through interaction with other government agencies advise them of benefits and protections to which they are entitled.
9. To facilitate the local presentation of educational programs by Cooperative Extension and other experts for farmers for the purposes of improving local farming practices and meeting the challenges the industry faces.
10. To assist in minimizing conflicts between agricultural uses and adjacent and nearby rural residential and commercial activities.
11. To encourage and assist applications to farmland preservation programs including but not limited to the New York State Purchase of Development Rights program, and, when such applications are submitted provide input into the review thereof.
12. To encourage appropriate conservation strategies and agricultural activities.
13. To study and comment on proposals by local, county, state or federal governments that may impact on local farms and farmlands.
14. To recommend to the Town Board reasonable and desirable changes to this listing of responsibilities.
15. To make an annual report to the Town Board setting forth and detailing the activities and operations of the committee during the preceding year.
16. To accomplish any other tasks referred to it by the Town Board or other local agencies having to do with agricultural related activities.

TOWN OF BRUTUS AGRICULTURAL PROTECTION PLAN GOALS AND IMPLEMENTATION RECOMMENDATIONS

Goal #1: Support current and future farming by building public support for agriculture and farmland protection by supporting economic opportunities for local farmers and related businesses.

Recommendations:

Establish a Town Agricultural Ag Advisory Committee.

Adopt a municipal Right to Farm Law to demonstrate local support for agriculture and mitigate possible future conflicts between farmers and non-farm neighbors.

Encourage agribusinesses to locate in the Town's commercial and industrial zones.

Update the Agriculture and Farmland Protection Plan at regular intervals.

Goal #2: Educate the non-farm public in the Town of Brutus about the value and current state of agriculture in the Town and how to have good relationships with neighboring farms.

Recommendations:

Consider establishing a regular Town newsletter on the internet which consistently includes articles about agriculture and related issues identified in the draft plan.

Work with the Brutus Historical Museum to develop a display and promote agriculture.

Goal #3: Protect farmland by identifying high quality agricultural lands in the Town of Brutus that are at risk for conversion and adopting appropriate protection strategies and tools.

Recommendations:

Establish a local Farmland Protection Program, including things such as a purchase of development rights program to permanently, to protect blocks of high quality farmland.

Evaluate the potential for adopting a term conservation easement law.

Consider the creation of an Agricultural Zoning District..

Modify the town's Subdivision Regulations to mitigate the conversion of high quality farmland and reduce the impacts of new subdivisions on nearby farm operations.

Goal #4: Protect the town's rural character by evaluating the impacts of farm and forestland on local taxes and the demand for public services and working to encourage citing of non-farm public infrastructure near Village and other developed areas.

Annually distribute information to agricultural landowners about property tax relief to insure that farmland owners are taking advantage of existing programs.

Encourage adoption of agricultural assessment values in current and future special taxing jurisdictions (fire, ambulance, library, etc.).

Promote more rigorous consideration of the growth inducing and fiscal impacts of road, sewer and water infrastructure in proximity to working farms.

TO - Brutus Town Board members, Planning Board members, farmers, agricultural land owners, other interested persons

FROM - Dave Miller, Town of Brutus Councilman (Ag Plan Coordinator)

DATE – May 14, 2010

SUBJECT- Agricultural Advisory Committee

I am sure that by now you are aware that the Town Board has approved the Agricultural Protection Plan that local farmers and the Board worked on over the past couple of years with technical assistance from NYS Farmland Trust and County Planning. The adopted plan was sent onto the County Agriculture and Farmland Protection Board and NYS Ag and Markets for review and approval and I am pleased to report that both have approved the plan.

The approved Plan is on the Town's website at "townofbrutus.org" – click on Ag Protection Plan.

Now it comes time work on the implementation of the goals outlined by the plan. The plan calls for the establishment of an Agricultural Advisory Committee to spearhead the implementation effort, provide input to all town agencies and boards on farm related matters, and to revisit the plan from time to time to insure that it stays current and that new ideas that complement the plan are added.

This letter is the first step in inviting Brutus residents who are involved in farming, have an interest in farming, and/or own farmland in the town to join the Ag Advisory Committee.

The Town Board will establish the Committee and appoint members sometime this summer and I envision the Committee holding an organizational meeting and beginning its work sometime in the fall after the year's farm activity begins to wind down a little.

To give you some idea of the types of things the committee might be working on I have copied the recommendations contained in the plan and reproduced them below. To assist the committee we will be able to call upon expertise from County Planning, County Extension, and NYS Ag and Markets. A technical supplement was developed in conjunction with the plan that can serve as a starting point to work on the recommendations made by the plan to enhance the Town's agricultural segment.

I hope you will consider serving on this committee. If you are interest please call or email the Town Clerk's office at 834-9398 or townofbrutus@verizon.net , we'll place you on the prospective committee list and be back in touch with you when the Town Board is ready to appoint the committee.

RESOLUTION – JANUARY 11, 2010

Approving the Town of Brutus
Agriculture and Farmland Protection Plan

WHEREAS, The Town of Brutus received grant funds from the New York State Department of Agriculture and Markets to prepare an Agriculture and Farmland Protection Plan; and

WHEREAS, having received those funds the Town engaged in a two year process involving numerous local residents and farmers, and experts from NY Farmland Trust and Cayuga County Planning to develop said Plan; and

WHEREAS, a draft of the Plan was presented in August 2009, at which time copies were made available to the public, the Plan was placed on the Town's web site, and three public meetings were conducted to review and, where appropriate modify, the draft plan; and

WHEREAS, following this review process a final draft was presented to the Town Board on December 14, 2009 at which time the Town Board authorized the scheduling and advertising of a public hearing, caused the placement of the final draft of the Plan on the Town website, and initiated the SEQRA review process for the Plan; and

WHEREAS, a public hearing on the Plan was conducted by the Town Board of the Town of Brutus on January 11, 2010; and

WHEREAS, on January 11, 2010 the Town Board of the Town of Brutus also concluded the SEQRA review process of the Plan and determined that the Plan will not have negative impacts on the environment; now therefore be it

RESOLVED, that the Town Board of the Town of Brutus hereby approves the Town of Brutus Agriculture and Farmland Protection Plan; and be it further

RESOLVED, that the Town Board of the Town of Brutus, in accordance with the recommendations of the Plan, hereby establishes an Agricultural Advisory Committee to assist the Town Board and other local agencies implement the recommendations of the Plan and generally advise the Town Board and other local agencies on matters impacting local agriculture; and agrees to adopt at subsequent meetings such resolutions as may be necessary to establish the membership of the Agricultural Advisory Committee and facilitate its operations.

Why Keep Saratoga County Farming?

Farms help sustain the county's rural economy.

Saratoga County farms generate more than \$30 million a year in sales, producing a variety of agricultural goods. They spend \$29 million a year on goods and services, much of which goes to support local businesses.

Farms support tourism.

Saratoga County's scenic farm landscapes help attract people to this area, contributing to Saratoga Springs' reputation as the "City in the country."

Farms maintain the character of our communities.

Most Saratoga County farms are concentrated in the eastern and western outskirts of the county in towns like Northumberland and Charlton. Some farms, however, are scattered in more urbanized areas like Clifton Park, Malta, and Halfmoon. Farms create a sense of place, connect us to our rural heritage and help balance sprawl.

Farms keep property taxes lower.

Taxes paid on farmland exceed the cost of providing services. Farmland contributes \$3 to \$4 in taxes for every dollar's worth of services it uses. Residences typically use \$1.25 in services for each tax dollar they pay¹.

Our farms are at risk. Saratoga County is the second fastest growing county in the state. As areas in southern Saratoga County reach full-buildout, we will see our remaining farmland subjected to far greater development pressure on a scale that will threaten the very viability of farming.

We can keep Saratoga County Farming!

If our rural, suburban and urban communities work together, we can save our most important farmland—keeping farming viable here in Saratoga County.

¹Based on numerous Cost of Community Services Studies conducted by American Farmland Trust that look at the cost of providing community services like roads, sewers, and schools; comparing it to the services used, and taxes paid by different land use.

Saratoga County farmers welcome you and your family to the country. Together we can grow and prosper in our communities.

For more information about agriculture in Saratoga County contact:

Cornell Cooperative Extension
of Saratoga County
50 West High Street
Ballston Spa, NY 12020
518-885-8995
www.ccesaratoga.org

Visit:

www.saratogafarms.com

This brochure was produced by the:

Saratoga County Agricultural Promotion Committee.

Farm photos by Jim Newton

ARE YOU THINKING ABOUT MOVING TO THE COUNTRY?



PLEASE CONSIDER THIS...

Have the noise, traffic, and hassles of your neighborhood led you to consider moving to the country?



Does the thought of clean fresh air and country solitude and peacefulness make you want to build a new home?

Do you dream about moving to the country so your property will be surrounded by natural scenery and panoramic views?



If you answered, "Yes" to any of these questions, you may want to reflect on what it means to live in the country.

Since the early days of our nation, farmers have produced the food, fiber, and nursery products needed to make the country grow and flourish. In fact, their productivity has allowed our nation to become the "breadbasket" of the world.

New York Is An Agricultural State

Agricultural production returned over \$3 billion to the state's farm economy in 2002. About 25 percent of the state's land area, or 7.6 million acres are used by 37,000 farms to produce a very diverse array of food products.

New York ranks high nationally:

- Dairy Products – 3rd
- Apples - 2nd
- Grapes & Tart Cherries - 3rd
- Sweet Corn - 3rd
- Cabbage - 1st
- Maple Syrup - 2nd
- Snap Beans - 2nd
- Pumpkins - 1st
- Corn Silage - 3rd

NY farmers accomplished this by:

- practicing important soil and nutrient management;
- conserving natural resources; and
- working long hours in all types of weather.

Farm practices, such as late hours, manure application, and crop management give us the breadbasket designation and are essential to farming. New homeowners living in the country must take them into account.

What Are Agricultural Districts?

Agricultural districts encourage the continued use of farmland for agricultural production by:

- providing a farmer with certain protections to continue agricultural practices.
- allowing the farmland owner to receive agricultural assessment for their lands instead of having real property assessments based on higher market value.

- protecting farmers from local laws that unreasonably restrict farming operations located in an agricultural district.

Saratoga County has two consolidated agricultural districts that encompass 111,130 acres of the county's 540,423 acres of land or 21% of the county's total acreage.

What Is a Right to Farm Law?

The general purpose and intent of the law is to:

- maintain and preserve the rural traditions and character of the county.
- permit the continuation of agricultural practices.
- protect the existence and operation of farms.
- encourage the initiation and expansion of farms and agribusinesses.
- promote new ways to resolve disputes concerning agricultural practices and farm operations.

The Right to Farm Law exists in many Saratoga County towns.

How Can You Help?

Support farmers by shopping at local Farmers' Markets, at farm stands, or directly from farmers.

Learn about agriculture by attending events such as the Sundae on the Farm Tour held in June and Saratoga County Fair held in July.

Always seek permission from farmers before entering their property for any purpose to avoid damaging crops and/or disrupting farming operations.

Befriend your farm neighbors. Talk with them about your concerns. Refrain from unwarranted complaints about generally accepted farm management practices.

Department of Agriculture and Markets Guideline – Conditions on Future Service

The Project sponsor/permittee should impose the following conditions, as warranted or recommended on the management of water/sewer lines within agricultural districts:

- (1) The only land and/or structures which will be allowed to connect to the proposed waterline or sewer within the 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 local governing body 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 a local governing body where approval (e.g., subdivision, site plan, and special permit) is needed to move forward with project plans and the governing body 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 of Agriculture and Markets.
- (3) If it can be demonstrated to the Department’s satisfaction that the landowner requested the county to remove his or her land from the 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.

New York State Department of Agriculture and Markets**GUIDANCE DOCUMENT SERIES
FARMLAND PROTECTION IMPLEMENTATION GRANT PROGRAM****Title Commitment and Curatives for Conservation Easements****GD # 5**

Overview

A commitment for title insurance is one of the documents that NYSDAM requires in order to review Conservation Easement projects prior to disbursement of funds. The commitment for title insurance is the first step in securing a title insurance policy. It includes how much coverage is being requested, a description of the Property being insured, and a list of those title encumbrances that are being excluded from coverage. Easement holders should carefully review the title commitment to make sure that there are no prior encumbrances on the title that could significantly diminish or impair the conservation values of the Property that the Conservation Easement is designed to protect. Given the purpose of the State's Agricultural and Farmland Protection Program, particular attention will focus on any encumbrances that may unreasonably restrict or diminish the agricultural viability of a Farm Operation. NYSDAM's Counsel's Office will also review the policy to ensure that the state's funding will not be jeopardized by title matters.

Elements of a Title Commitment

The title insurance commitment should be an ALTA (American Land Title Association) Owners Policy provided by a title insurance company. The commitment should insure the easement holder and should reference that the proposed policy is to insure an "easement interest in real property as defined by Article 49, Title 3 of the Environmental Conservation Law."

The owner of the Property as revealed by the title search must be the proposed grantor of the Conservation Easement and must have proper authority to convey the easement. Corporate owners must have resolutions authorizing the conveyance and minors or individual owners deemed incompetent must have duly appointed guardians.

The amount of the title policy shall be no less than the amount being provided by NYSDAM, but preferably equivalent to the fair market value of the Conservation Easement as determined by an appraiser. The premium for the insurance policy is based on the policy amount and is determined by the Title Insurance Rate Service Association (TIRSA) Rate Manual. The premium can be determined by using several different rate calculators available on the internet provided by a number of different title insurance companies.

Schedule A of the title commitment should be the exact legal description of the Property to be covered by the Conservation Easement. Beginning with Conservation Easements funded in May 2006, this description must be the legal description of the Property prepared by a New York State Licensed surveyor and should not simply be a description prepared by the title insurance company based on the deed records. For projects funded prior to May 2006, the Property should be described based on a survey if one exists, or in a clear legal description of all of the land to be

covered by the Conservation Easement. In all cases, the legal description used in the title should be the same as that used in the Conservation Easement and the purchase and sales contract.

The title company will read the survey and examine the map and legal descriptions and will except any problem areas identified by the survey from coverage. Any encroachments, rights of way or other issues identified on the survey should be carefully reviewed by the holder of the Conservation Easement and remedied before closing.

Schedule B of the title commitment lists the matters that need to be addressed prior to closing and those matters that will be excepted from coverage. Legible copies of all of the documents listed in schedule B must be provided to NYSDAM.

Title Review Process

Title insurance provides coverage for future claims or future losses due to title defects which are created prior to the acquisition of the Conservation Easement. The first step in the process is the "title search" in which a title abstractor conducts a thorough search of the public records for those documents associated with the Property.

The title insurance company examines those recorded documents to determine if there are any rights or claims that may have an impact upon the title to the Property. The title search may reveal the existence of recorded defects, liens or encumbrances upon the title such as unpaid taxes, unsatisfied mortgages, judgments and tax liens against the current or past owners, easements, restrictions and court actions. These recorded defects, liens and encumbrances are reported as exceptions to coverage listed in the Schedule B of the Commitment for Title Insurance. Once listed, these matters can be:

- accepted (such as simple utility easements),
- resolved (such as obtaining a mortgage subordination from a bank), or
- omitted prior to the closing of the transaction (such as obtaining a release of and oil and gas lease from a petroleum company).

Prior encumbrances on the title can affect both the legality of the proposed Conservation Easement as well as the use of the land. The easement holder should carefully review both the legal and the land use impacts of the issues found in the title search.

Land Use Issues

The easement holder should carefully review the Schedule B with their attorney to decide how they will handle all exceptions listed. Some listed exceptions may have a significant negative impact on the agricultural viability of the Property and should be resolved prior to closing. Prior conveyances including the right to extract sand and gravel, oil and gas leases, and other conveyances affecting the surface and use of the land may have a significant negative impact on the agricultural viability of the Farm Operation and may directly conflict with the purpose of the Conservation Easement. For example, a prior conveyance that allows an individual to remove and sell topsoil would be unacceptable to NYSDAM and would need to be resolved prior to closing. However, many title exceptions such as simple utility easements that allow utility

companies to place poles and electric wires along a public road would likely have no impact on the agricultural use of the Property and could simply be accepted as an exception.

It is in the best interest of the easement holder to do this review of listed exceptions as some may also pose stewardship challenges in the future. For example, rights of way across farmland are often poorly defined and may allow for a paved driveway across farm fields. This could be in violation of the Conservation Easement depending upon where the right of way falls.

Legal Issues

Issues such as mortgages, rights of first refusal and unpaid taxes are legal matters that need to be addressed prior to acquiring the Conservation Easement. NYSDAM's Counsel's Office will also review the title and will need a copy of the title commitment along with a legible copy of all the documents listed as exceptions in Schedule B.

In addition, a title curative letter that addresses objectionable title matters that must be resolved prior to closing must be submitted with the title. All communication regarding the title must come from a municipal attorney or the project manager if that responsibility has been delegated through a written agreement between the project manager and municipal contractor. The title curative letter should explain how title matters will be cured prior to closing and should include a copy of proposed documents required to cure the defects. For example, if there is a mortgage that will be paid off at closing using a portion of the Conservation Easement proceeds, this should be set forth in the letter. If the mortgage is to be subordinated, a copy of the proposed subordination agreement should be included with the title information submitted to NYSDAM. In some cases, NYSDAM may request additional information from the project manager to determine if exceptions will have a negative impact on farm viability.

Exceptions in Need of Review

While it is impossible to anticipate what will be identified during the title search, the following is a list of routine exceptions to title coverage. Easement holders should carefully review all exceptions with their attorney to determine whether or not the prior encumbrances on the Property will interfere with the agricultural use or viability of the farm. NYSDAM Counsel's Office will review the specifics of the title to determine potential impact on farm viability and the legality of the Conservation Easement, but in general, will evaluate the following encumbrances as set forth below.

Electric and Telephone Easements

These pre-existing rights generally do not interfere with the agricultural viability of the Farm Operation. However, these easements should be carefully read to ensure that each does not grant future rights that could limit agricultural practices allowed by the landowner or have a negative impact on agricultural viability, such as the right to build a five-acre substation. In such a case, the most appropriate curative for this exception may be to exclude the five acres from the easement.

Water and Sewer Easements

It is essential that an onsite visit be conducted to investigate as to whether rights granted under water and sewer easements have already been exercised or if reserved rights remain to install

pipelines and roadways for access to such infrastructure. If they allow for future disturbance of the soil, the extent of potential disturbance and implications for farm management should be investigated to determine the impact on farm viability.

Water Rights

Limited rights of use or access to water are generally compatible with farmland conservation. However, a conveyance of all water rights on the Property to an adjoining landowner may diminish the agricultural value of the Property so much that NYSDAM may decide not to fund the Conservation Easement on the farm.

Oil and Gas Leases and Pipelines

In some areas of the state, it is common to find an old oil and gas lease that has expired by its own terms where it can be documented that no oil or gas was ever produced on the Property. In those cases, such a lease can be addressed by obtaining a release from the company holding the lease or by having the landowner sign an affidavit stating that no oil and gas related activity took place during the terms of the lease. In all cases, as per the NYSDAM model Conservation Easement, oil and gas rights must be limited and localized in impact, affecting no more than two acres of the Property at one time.

Existing oil and gas leases that are still active can be addressed as listed below in descending order of preference. Any of these options would be satisfactory to NYSDAM provided the specific language/provision of the selected option as it appears in the Conservation Easement or title curative is also acceptable to NYSDAM:

1. Release the oil/gas lease from the Property that is to be encumbered with the proposed Conservation Easement or release the surface rights related to the oil/gas lease on the Property that is to be encumbered with the proposed Conservation Easement;
2. Subordinate the oil/gas lease to the proposed Conservation Easement;
3. Amend the oil/gas lease to designate the allowable specific site(s) for any well and all associated appliances **and then exclude that portion** (or whole tax parcel) from the proposed Conservation Easement;
4. Amended the oil/gas lease to incorporate stipulations to address these specific issues (**and then retain the entire farm** within the proposed Conservation Easement) and perhaps address other issues depending upon the specific provisions or language of the oil and gas lease:
 - maximum extent of area that will be associated with each well site and associated appliances,
 - whether or not the access road may be paved (i.e., will the access road become an impervious surface?), and
 - site remediation must address topsoil quality as well as ground surface contours;
5. Incorporate the following stipulations into the proposed Conservation Easement:
 - require the landowner to notify NYSDAM when the location of each well site is to be determined (and give NYSDAM an opportunity to participate in an onsite meeting to determine said location),

- require the landowner to notify the local Soil & Water Conservation District (SWCD) and NYSDAM prior to when a well site is to be reclaimed and restored to agricultural land (and give NYSDAM an opportunity to participate in an onsite meeting to review the proposed reclamation), and
- require that the completed reclamation must be acceptable to the local SWCD and/or NYSDAM – if not acceptable, **the landowner shall be responsible to restore** the site to a condition acceptable to the local SWCD and/or NYSDAM.

Energy and Communications Leases

It is becoming more common to see long-term leases or easements granted to companies to operate wind turbines or place cellular towers on farms across the state. These leases will be treated in much the same way as oil and gas leases. The use of farms for wind energy or communication installations will be found acceptable if they are compatible with the Purpose of the Conservation Easement, subordinate to the agricultural use of the Property and located in a manner that minimizes the impact to prime or statewide important soils.

Mineral Rights

Surface minerals such as sand and gravel are often leased to construction companies to extract material for commercial use. These surface mines can make the Property unfit for agriculture and must be excluded, released or otherwise accounted for in the Conservation Easement prior to closing on the Conservation Easement. With approval of NYSDAM, the area subject to the lease may be permitted to be excluded from the conservation project. Mineral rights can be found compatible with the Conservation Easement if they are (a) limited and localized in impact, affecting no more than two acres of the Property at one time; (b) compatible with the Purpose of this Easement; (c) reasonably necessary and exclusively for the Farm Operation; and (d) the impact to the prime and statewide important soils is minimized.

Right of First Refusals

These rights must be released or made subordinate to the Conservation Easement.

Life Estates

These rights must be released or made subordinate to the Conservation Easement.

Mortgages and Uniform Commercial Code filings (UCCs) Indexed against real property

These rights must be discharged or made subordinate to the Conservation Easement.

Other Exceptions

Other prior encumbrances such as private covenants that prohibit construction of all buildings, including agricultural structures, will be reviewed on a case-by-case basis, but will need to be terminated or subordinated if they will unreasonably restrict or diminish the agricultural viability of the Farm Operation.

Conclusion

The careful review of the title to Property will avoid potential conflicts in the future and will ensure that the agricultural viability of the Property is not diminished by title defects.

Title Checklist

- Does the title curative letter from the local municipal contractor or project manager address all exceptions of concern listed in Schedule B?
- Does the title curative letter include proposed curatives such as subordination agreements and releases?
- Does the packet include legible copies of all documents listed in Schedule B?
- Is Schedule A the legal description completed by the surveyor? (*for awards made in May 2006 and thereafter*)
- Is the legal description used for the title identical to that used for the Conservation Easement and purchase and sales contract?
- Is the title commitment for an Owners Policy in an amount not less than NYSDAM's contribution toward the project?
- Is title vested in the proposed Grantor of the easement (i.e., landowner)?
- Does the title commitment reference that the proposed policy is to insure a "Conservation Easement interest in real property as defined by Article 49, Title 3 of the Environmental Conservation Law"?

Samples online: Title Curative Letter
 Subordination Agreement
 Boundary Line Agreement

For more information contact: Dave Behm, Farmland Protection Program Manager
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**NEW YORK STATE
DEPARTMENT OF AGRICULTURE AND MARKETS**

**Guidelines for Construction and Restoration
at Natural Gas Well Drilling Sites in Agricultural Areas**

The following guidelines shall apply to the construction and restoration of natural gas well drilling pads and access roads constructed on agricultural land. The project sponsor should coordinate with the New York State Department of Agriculture and Markets (Ag. and Markets) to develop an appropriate schedule for inspections to assure that the goals of these guidelines are being met. The project sponsor should also hire an Agricultural Monitor to oversee the construction and restoration of well drilling sites in agricultural lands.

Siting Goals

Minimize impacts to normal farming operations by locating well pads along field edges and in nonagricultural areas where possible.

Avoid dividing larger fields into smaller fields, which are more difficult to farm, by locating access roads along the edge of agricultural fields (hedgerows and field boundaries) and in nonagricultural areas where possible.

Locate access roads, which cross agricultural fields, along ridge tops and following field contours, where possible, to eliminate the need for cut and fill and reduce the risk of creating drainage impacts.

The permanent width of access roads in agricultural fields should be no more than 16 feet to minimize the loss of agricultural land.

All existing drainage and erosion control structures such as diversions, ditches, and subsurface drain tile lines shall be avoided or appropriate measures taken to maintain the design and effectiveness of the existing structures. Any structures disturbed during well pad construction shall be repaired to as close to original condition as possible, as soon as possible, unless such structures are to be eliminated based on a new design.

Construction Requirements

The surface of access roads constructed through agricultural fields shall be level with the adjacent field surface.

Culverts and waterbars shall be installed along access roads to maintain natural drainage patterns.

All topsoil must be stripped from agricultural areas used for vehicle and equipment traffic and parking. All vehicle and equipment traffic and parking shall be limited to the access road and/or designated work areas such as well pads. No vehicles or equipment will be allowed outside the work area without prior approval from the landowner and, when applicable, the Environmental Monitor. Topsoil stockpile areas shall be clearly designated in the field and on the on-site “working set” of construction drawings.

A level and stable surface is required for the drilling rig at the well site. Construction of the well pad can require significant grading of the existing surface. Topsoil should be removed from the drilling site and stockpiled separate from subsoil and other material. Topsoil and subsoil graded from the drilling site should not block natural drainage.

Subsurface drainage can be damaged during the grading of the well site. Provisions for drain tile repair should be included in the easement agreement.

During the drilling operation, water with a high salt content may be removed from the hole and pumped into a brine pit. Brine pits should be covered with several feet of subsoil to prevent salt damage to vegetation after reclamation. Original topsoil must be placed over the surface of the brine pit during reclamation.

During the drilling, a slurry of pulverized rock and clay like material is generally removed from the hole and pumped into a pit on site. The landowner should be aware of how this mud or drill cuttings will be disposed of after drilling. Drilling mud should be removed from active agricultural fields. Drilling mud or cuttings cannot be mixed with topsoil.

Farmland soils with an extended seasonal-perched high water table will sustain a chronic state of wetness throughout the mass of buried drill cuttings. The same condition may also lead to the potential leaching of residual salts within the agricultural soil profile resulting in the loss or reduction in soil fertility, and long-term crop loss. When a well pad and associated drilling operations occur on a site that has a shallow depth to the water table, alternative on-site burial techniques shall be employed. These techniques include temporary, raised earthen berm pits with plastic liner to accommodate the removal of both the drilling fluids and the wet drill cuttings from the site before restoration.

In pasture areas, work areas will be fenced to prevent livestock access, consistent with landowner agreements.

Restoration Requirements

Following construction, all agricultural areas temporarily used for the well pad must be regraded to restore the original contours to the extent possible.

After the well pad is regraded, all disturbed agricultural areas will be decompacted to a depth of 18 inches with a deep ripper (subsoiler) or heavy-duty chisel plow. In areas where the topsoil was stripped, soil decompaction shall be conducted prior to topsoil

replacement. Following decompaction, all rocks 4 inches and larger in size will be removed from the surface of the subsoil prior to replacement of the topsoil.

The topsoil will be replaced to original depth and the original contours will be reestablished where possible. All rocks 4 inches and larger shall be removed from the surface of the topsoil. Subsoil decompaction and topsoil replacement should be avoided after October 1, unless approved on a site-specific basis by the landowner in consultation with Ag. and Markets. All parties involved should be cognizant that areas restored after October 1st may not obtain sufficient growth to prevent erosion over the winter months. If areas are to be restored after October 1st, necessary provision should be made to restore any eroded areas in the springtime, to establish proper growth.

Where farmland on a soil with a high water table has been inadvertently used as a disposal pit for the wet drill cuttings and potential residual salts, the site can be rehabilitated for farming by the re-excavation of the pit, removal of the materials, and subsequent backfilling with soil materials that is consistent with the native soil profile.

All access roads will be regraded to allow for farm equipment crossing and to restore original surface drainage patterns, or other drainage pattern incorporated into the design.

Lime and fertilizer shall be applied to restored agricultural areas where necessary and such areas shall be seeded with the seed mix specified by the landowner, in order to maintain consistency with the surrounding areas.

All surface or subsurface drainage structures damaged during construction shall be repaired to as close to preconstruction conditions as possible, unless said structures are to be removed as part of the project design. Any surface or subsurface drainage problems resulting from construction of the well pad will be corrected with the appropriate mitigation as determined by the Agricultural Monitor, The Department and the Landowner.

Following restoration, all construction debris will be removed from the site.

Two Year Monitoring and Remediation

The Project Sponsor will provide a monitoring and remediation period of no less than two years immediately following the completion of initial restoration. The two year period allows for the effects of climatic cycles such as frost action, precipitation and growing seasons to occur, from which various monitoring determinations can be made. The monitoring and remediation phase will be used to identify any remaining agricultural impacts associated with construction that are in need of mitigation and to implement the follow-up restoration.

General conditions to be monitored include topsoil thickness, relative content of rock and large stones, trench settling, crop production, drainage and repair of severed fences, etc.

Impacts will be identified by the Environmental Monitor through on site monitoring of all agricultural areas impacted by construction and through contact with respective farmland operators and the Department of Agriculture and Markets.

Monitoring and follow-up should include any necessary mitigation of residual drainage problems with effective installation of AASHTO M252 subsurface drain line systems along the perimeter of the overall site and “horseshoed” around and slightly upslope from the burial pit.

Topsoil deficiency and settling shall be mitigated with imported topsoil that is consistent with the quality of topsoil on the affected site. Excessive amounts of rock and oversized stone material will be determined by a visual inspection of disturbed areas as compared to portions of the same field located outside the construction area. All excess rocks and large stones will be removed and disposed of by the Project Sponsor.

When the subsequent crop productivity within affected areas is less than that of the adjacent unaffected agricultural land, the Project Sponsor as well as other appropriate parties, will help to determine the appropriate rehabilitation measures to be implemented. Because conditions which require remediation may not be noticeable at or shortly after the completion of construction, the signing of a release form prior to the end of the remediation period will not obviate the Project Sponsor’s responsibility to fully redress all project impacts.

Subsoil compaction shall be tested using an appropriate soil penetrometer or other soil compaction measuring device. Compaction tests will be made for each soil type identified on the affected agricultural fields. The subsoil compaction test results within the affected area will be compared with those of the adjacent unaffected portion of the farm field/soil unit. Where representative subsoil density of the affected area exceeds the representative subsoil density of the unaffected areas, additional shattering of the soil profile will be performed using the appropriate equipment. Deep shattering will be applied during periods of relatively low soil moisture to ensure the desired mitigation and to prevent additional subsoil compaction. Oversized stone/rock material which is uplifted to the surface as a result of the deep shattering will be removed.

**NEW YORK STATE
DEPARTMENT OF AGRICULTURE AND MARKETS**

**Guidelines for
Agricultural Mitigation for Wind Power Projects**

The following guidelines shall apply to construction areas for wind power construction projects impacting agricultural land. The project sponsor shall coordinate with the New York State Department of Agriculture and Markets (Ag. and Markets) to develop an appropriate schedule for inspections to assure that the goals of these guidelines are being met. The project sponsor shall hire an Environmental Monitor to oversee the construction and restoration in agricultural fields. The Environmental Monitor shall be on site whenever construction or restoration work is occurring on agricultural land.

Siting Goals

Minimize impacts to normal farming operations by locating structures along field edges and in nonagricultural areas where possible.

Avoid dividing larger fields into smaller fields, which are more difficult to farm, by locating access roads along the edge of agricultural fields (hedgerows and field boundaries) and in nonagricultural areas where possible.

Locate access roads, which cross agricultural fields, along ridge tops and following field contours, where possible, to eliminate the need for cut and fill and reduce the risk of creating drainage problems.

The permanent width of access roads in agricultural fields should be no more than 16 feet to minimize the loss of agricultural land.

All existing drainage and erosion control structures such as diversions, ditches, and tile lines shall be avoided or appropriate measures taken to maintain the design and effectiveness of the existing structures. Any structures disturbed during construction shall be repaired to as close to original condition as possible, as soon as possible, unless such structures are to be eliminated based on a new design.

Construction Requirements

The surface of access roads constructed through agricultural fields shall be level with the adjacent field surface.

Culverts and waterbars shall be installed to maintain natural drainage patterns.

All topsoil must be stripped from agricultural areas used for vehicle and equipment traffic and parking. All vehicle and equipment traffic and parking shall be limited to the access

road and/or designated work areas such as tower sites and laydown areas. No vehicles or equipment will be allowed outside the work area without prior approval from the landowner and, when applicable, the Environmental Monitor.

The area of impact from the installation of electric cables can vary depending on the installation method and number of cables. When 3 or more cables are installed in the same area or if an open trench is required for installation, topsoil stripping from the entire work area will be necessary. As a result, additional work space may be required.

Topsoil stripped from work areas (tower sites, parking areas, electric cable trenches, along access roads) shall be stockpiled separate from other excavated material (rock and/or subsoil). At least 50 feet of temporary workspace is needed along "open-cut" electric cable trenches for proper topsoil segregation. All topsoil will be stockpiled immediately adjacent to the area where stripped/removed and shall be used for restoration on that particular site. Topsoil stockpile areas shall be clearly designated in the field and on the on-site "working set" of construction drawings.

Electric interconnect cables and transmission lines installed above ground can create long term interference with agricultural land use. As a result, interconnect cables shall be buried in agricultural fields wherever practicable. Interconnect cables and transmission lines installed above ground should be located outside field boundaries wherever possible. When above ground cables and transmission lines must cross farmland, the project sponsor shall minimize agricultural impacts by using taller structures that provide longer spanning distances and shall locate poles on field edges to the greatest extent practicable. The line location and pole placements shall be reviewed with the Department and the Environmental Monitor prior to final design.

In cropland, hayland and improved pasture a minimum depth of forty-eight inches of cover will be required for all buried electric cables. In unimproved grazing areas and land permanently devoted to pasture, a minimum depth of thirty-six inches of cover will be required. In areas where the depth of soil over bedrock ranges from zero to forty-eight inches, the electric cables shall be buried entirely below the top of the bedrock or at the depth specified for the particular land use whichever is less. At no time will the depth of cover be less than twenty-four inches below the soil surface.

For lands disturbed within or adjoined to agricultural areas where the installation of the buried electric cables alters the natural stratification of soil horizons and natural soil drainage patterns, the Project Sponsor shall rectify the effects with measures such as subsurface intercept drain lines. The Environmental Monitor, in consultation with Ag. and Markets staff, shall select the type of intercept drain lines to install to prevent surface seeps and the seasonally prolonged saturation of the cable installation zone and adjacent areas. Drawings of such drain locations shall be provided by the Project Sponsor during monitoring and follow-up remediation. All drain lines shall be installed according to Natural Resource Conservation Service standards and specifications and shall meet or exceed the AASHTO M252 specifications.

All excess subsoil and rock shall be removed from the site. On site disposal of such material may be allowed if approved by the landowner and the Environmental Monitor, with appropriate consideration given to any possible agricultural or environmental impacts.*

In pasture areas, work areas will be fenced to prevent livestock access, consistent with landowner agreements.

All pieces of wire, bolts, and other unused metal objects will be picked up and properly disposed of as soon as practical after the unloading and packing of turbine components so that these objects will not be mixed with any topsoil.*

Excess concrete will not be buried or left on the surface in active agricultural areas. Concrete trucks will be washed outside of active agricultural areas.*

(*Any permits necessary for disposal under local, State and/or federal laws and regulations must be obtained by the contractor, with the cooperation of the landowner when required.)

Restoration Requirements

Following construction, all disturbed agricultural areas will be decompacted to a depth of 18 inches with a deep ripper or heavy-duty chisel plow. Soil compaction results shall be no more than 250 pounds per square inch (PSI) as measured with a soil penetrometer. In areas where the topsoil was stripped, soil decompaction shall be conducted prior to topsoil replacement. Following decompaction, all rocks 4 inches and larger in size will be removed from the surface of the subsoil prior to replacement of the topsoil. The topsoil will be replaced to original depth and the original contours will be reestablished where possible. All rocks 4 inches and larger shall be removed from the surface of the topsoil. Subsoil decompaction and topsoil replacement should be avoided after October 1, unless approved on a site-specific basis by the landowner in consultation with Ag. and Markets. All parties involved should be cognizant that areas restored after October 1st may not obtain sufficient growth to prevent erosion over the winter months. If areas are to be restored after October 1st, necessary provision should be made to restore any eroded areas in the springtime, to establish proper growth.

All access roads will be regraded to allow for farm equipment crossing and to restore original surface drainage patterns, or other drainage pattern incorporated into the design.

All restored agricultural areas shall be seeded with the seed mix specified by the landowner, in order to maintain consistency with the surrounding areas.

All surface or subsurface drainage structures damaged during construction shall be repaired to as close to preconstruction conditions as possible, unless said structures are to be removed as part of the project design. Any surface or subsurface drainage problems resulting from construction of the wind energy project will be corrected with the

appropriate mitigation as determined by the Environmental Monitor, The Department and the Landowner.

On affected farmland, any restoration practices shall be postponed until favorable (workable, relatively dry) topsoil/subsoil conditions exist. Restoration shall not be conducted while soils are in a wet or plastic state. Stockpiled topsoil shall not be regraded and subsoil shall not be decompacted until plasticity, as determined by the Atterberg field test is significantly reduced. No Project restoration activities shall occur in agricultural fields between the months of October through May unless favorable soil moisture conditions exist. The Environmental Monitor shall advise Ag & Markets regarding tentative restoration planning. Potential schedules will be determined by conducting the Atterberg field test at appropriate depths into topsoil stockpiles, and below the subsoil surface for a mutual determination of adequate field conditions for the restoration phase of the Project.

Following restoration, all construction debris will be removed from the site.

Two Year Monitoring and Remediation

The Project Sponsor will provide a monitoring and remediation period of no less than two years immediately following the completion of initial restoration. The two year period allows for the effects of climatic cycles such as frost action, precipitation and growing seasons to occur, from which various monitoring determinations can be made. The monitoring and remediation phase will be used to identify any remaining agricultural impacts associated with construction that are in need of mitigation and to implement the follow-up restoration.

General conditions to be monitored include topsoil thickness, relative content of rock and large stones, trench settling, crop production, drainage and repair of severed fences, etc. Impacts will be identified by the Environmental Monitor through on site monitoring of all agricultural areas impacted by construction and through contact with respective farmland operators and the Department of Agriculture and Markets.

Topsoil deficiency and trench settling shall be mitigated with imported topsoil that is consistent with the quality of topsoil on the affected site. Excessive amounts of rock and oversized stone material will be determined by a visual inspection of disturbed areas as compared to portions of the same field located outside the construction area. All excess rocks and large stones will be removed and disposed of by the Project Sponsor.

When the subsequent crop productivity within affected areas is less than that of the adjacent unaffected agricultural land, the Project Sponsor as well as other appropriate parties, will help to determine the appropriate rehabilitation measures to be implemented. Because conditions which require remediation may not be noticeable at or shortly after the completion of construction, the signing of a release form prior to the end of the remediation period will not obviate the Project Sponsor's responsibility to fully redress all project impacts.

Subsoil compaction shall be tested using an appropriate soil penetrometer or other soil compaction measuring device. Compaction tests will be made for each soil type identified on the affected agricultural fields. The subsoil compaction test results within the affected area will be compared with those of the adjacent unaffected portion of the farm field/soil unit. Where representative subsoil density of the affected area exceeds the representative subsoil density of the unaffected areas, additional shattering of the soil profile will be performed using the appropriate equipment. Deep shattering will be applied during periods of relatively low soil moisture to ensure the desired mitigation and to prevent additional subsoil compaction. Oversized stone/rock material which is uplifted to the surface as a result of the deep shattering will be removed.

Revised 6-22-11

Zoning Analysis & Recommendations

Introduction

Zoning is one of the key tools utilized to implement the vision set forth in a community master plan, protect community character, and maximize the return on public investments in infrastructure and to protect valued land and open space resources. For decades however zoning regulations have emphasized the development of land. As a result in many areas agriculture and agricultural lands times have been treated more as secondary and even transitory land uses. The prevailing practices in zoning tended to view agriculture as a useful activity pending the anticipated development of the land to its "highest and best use" and not as a valuable long term contributor to the local economy and quality of life in the community.

In recent years zoning philosophies have evolved to a point where agriculture and agricultural lands are community assets to be protected and supported in the same manner as residential, commercial, industrial and other types of land uses. Today more communities are embracing "ag-friendly" zoning to better promote the long term viability of their agricultural communities. In general this means reviewing and amending zoning regulations to provide for the wide variety of enterprises beyond traditional agricultural activities that farmers today may engage in, that recognize agriculture as a legitimate land use on par with residential and other land uses, and in high growth areas provide protection from development pressures.

Outside of the Village of Homer, at the southern edge of the study area, the Town of Homer, Town of Preble and Town of Scott are predominantly rural communities, although the three municipalities do have scattered residential development, and are home to several small hamlets. Homer and Preble also host small scale second home development on the shores of several small lakes within their borders. Development pressure and loss of agricultural lands over the past two decades has been low- to moderate.

The following commentary is not a complete analysis of the Town of Homer, Town of Preble or Town of Scott regulations. Rather it looks at the potential implications with regard to its potential impacts to agriculture and agricultural enterprises in the three municipalities.

For the purpose of this report agriculture is defined as the use of land, buildings, structures, equipment, manure processing and handling facilities, and practices which contribute to the production, preparation and marketing of crops, livestock and livestock products as a commercial enterprise or a hobby, and including commercial horse boarding operations as defined in the Agriculture and Markets Law Article (AML) 25-AA, Section 301. Historically agriculture has included a variety of disciplines aside from fruit, vegetable and crop production and livestock raised for food. In this report animal husbandry, or the breeding of specific animals for use or sale (e.g. race horses), beekeeping, aquaculture (fish production), horticulture and floriculture, including greenhouse operations, and silviculture, are all considered agricultural pursuits as well.

Zoning in the Town of Homer – Overview

The Town of Homer has adopted zoning regulations designed to regulate the use of lands within the town and the height, number of stories and size of buildings and other structures, the percentage of occupancy of lots and parcels of land that may be occupied, and the density of population as authorized by NYS Town Law. The Town of Homer Zoning Ordinance establishes specific zoning districts and sets forth specific uses permitted in each district, as well as design and operating standard. The zoning ordinance has been amended and updated on a number of occasions since its original adoption.

The following commentary is not a complete analysis of the Town of Homer regulations. Rather it looks at the potential implications with regard to its potential impacts to agriculture and agricultural enterprises in the Town of Homer.

The Town of Homer is a predominantly rural community, but also includes within its boundaries the Village of Homer located on the Town's southerly border. The Town of Homer also borders on the northern boundary of Cortland and has experienced some suburban residential and commercial development due to its proximity to that city. This development is located primarily in the Rte 13 corridor east of Cortland and in the Rte 281 corridor in the village of Homer.

The population of the Town of Homer in 2010 was 6,405 according to the U.S. Census of Population. Of this population however 3,291, or 51% of town residents, live in Homer village. According to the 2010 Census data there were some 2,677 housing units in the town in 2010, of which 54% were located in the village and 46% were located outside the village. Although the Town of Homer does have a small colony of cottages and seasonal homes on Little York Lake, these homes make up only about 25 of all homes in the town.

Although the Town of Homer has experienced some growth and residential development since 2010, growth does appear to be occurring at a slow to moderate pace.

The Zoning Ordinance divides the Town of Homer into six zoning districts:

- Agricultural District;
- Residence District;
- Lakeside District;
- Business District;
- Light Industrial-1 District;
- Light Industrial-2 District.

The Agricultural District is the largest district in the Town. The permitted uses within the Agricultural District listed in Section 402 of the zoning ordinance are:

- One and two-family residences;
- Farms, gardens, plant nurseries;
- Uses and structures customarily incidental to the use of the property for 1 or 2 family residences, farms, garden or plant nursery;
- Temporary roadside stands for the purpose of selling produce grown on the premises;
- Lodging for farm employees in NYS Agricultural Districts.

In addition to the permitted uses listed in Section 402 a number of uses that are allowed upon the granting of a conditional use permit are listed in Section 403. These are:

- Facilities which process agricultural products;
- Retail and wholesale sale of agricultural products;
- Home occupations or professions;
- Small service contractor (construction or service contractor employing fewer than 4 persons not resident relatives and engaged in plumbing, heating, electrical, landscaping, refrigeration, masonry, pest control or janitorial contracting;
- Hospital or sanitarium.

Section 404 lists standard yard setback requirements for front yards of not less than 30 feet; rear yard setback of not less than 30 feet and side yard setbacks of not less than 15 feet. In addition to these setbacks Section 404 E lists additional yard setbacks for certain agricultural structures:

- For any building housing farm animals, at least 100 feet from any adjoining residential property;
- No manure storage within 200 feet of any adjoining residential property;
- No liquid manure storage within 400 feet of any property line or within 100 feet of the centerline of any public roadway.

In the Residence District (Section 504) a farm is permitted, as is the keeping of domestic livestock other than household pets, but subject to a conditional use permit. In addition under Section 506(B) the following restrictions apply:

- Any building housing farm animals, shall be at least 100 feet from any lot line;
- No manure shall be spread or stored within 100 feet of any lot line;
- No sale of agricultural products except by permission of the Board of Appeals.

In the Lakeside District farms are not listed among the permitted uses, however greenhouses, gardens or plant nurseries are permitted but subject to a conditional use permit, as is the keeping of domestic livestock other than household pets.

Under Section 703 a farm, garden or plant nursery is permitted in the Business District, but subject to site plan approval. In the Light Industrial 1 (Section 802) and Light Industrial 2 (Section 902) zoning districts farm and garden implement stores are permitted subject to site plan approval, as are truck gardens, nurseries and farm produce sales.

In conclusion farms and agriculture or specific components or types of agriculture are permitted uses in one form or another in all zoning districts in the Town of Homer. However in all zoning districts where they are permitted agricultural operations appear to be restricted by specific setback requirements, or subject to special review through the site plan approval or conditional use review processes. Zoning requirements such as excessive setbacks and review processes can be burdensome to a farm enterprise and discourage farmers from investing in operations that can sustain their long term economic viability. Many of the restrictions appear to target agricultural operations in a manner that appears to subordinate agriculture to the interest of other land users, particularly non-farm residents.

Town of Homer - Conformance with NYS Agriculture & Markets Law

In the case of the Town of Homer there are a number of provisions in the Zoning Ordinance that appear to be in contravention with Section 305-a of the Agriculture & Markets Law. If these provisions of the zoning apply to agricultural operations located within a State certified agricultural districts then under Town Law Section 283-a the burden would be on the Town of Homer to prove that they are necessary to protect the public health safety and welfare.

The provisions in the Town of Homer zoning regulations that appear to be at issue are:

- Restriction on farmstands that limit them to temporary only and restrict the goods that can be sold;
- Additional setbacks of 100 to 400 feet for buildings housing farm animals or for manure storage and handling facilities;
- Requirements that a farm, garden or plant nursery receive site plan approval in the Business and light industrial districts;
- Requirements that farmers apply for and receive conditional approval for a number of activities such as the processing and sale of agricultural products that are considered integral to agriculture under Agriculture and Markets Law;

In land use and zoning practice the site plan approval process is applied to business, industrial or other properties that are open to the general public. The objective of municipal site plan review is to protect the general public that may enter the premises by applying accepted engineer and design standards and building codes to assure the safety of the public. Since the typical farm operation is not open to the general public, the application of site plan review and approval may constitute an unintended burden on some farms in the town.

Retaining the use of site plan approval for a limited number of agricultural enterprises, such as farm markets, greenhouses and nurseries, and other businesses that are open to the general public could be an appropriate zoning tool for the Town of Homer. The Town however should consider replacing the current generic "Retail and wholesale sale of agricultural products" language in the zoning ordinance with more specific descriptive language such as "farm market," "greenhouse," "grain, feed or seed dealership," etc. to better define those enterprises permitted on a farm, and subject to site plan approval.

Land uses subject to conditional use approval are traditionally land uses that due to their character and intensity may have significant adverse impacts on surrounding properties of the community in general. Such uses usually include high-traffic generators such as fast food restaurants, large-scale shopping centers, industrial complexes or institutional uses. The intent of conditional use review is to ensure that the potential impacts of such developments are mitigated through conditions set on the approval.

In general the several uses subject to conditional use in the Town of Homer are considered under the Agriculture and Markets Law to be legitimate agricultural pursuits. In general they would not qualify as intensive land uses with the potential for significant adverse impacts to surrounding land uses or to the community in general. The Town should reconsider the requirement for conditional use for such operations. In addition to bringing local zoning

regulations into better alignment with Town Law Section 283-a and the Agriculture and Markets Law removing requirements for conditional use approval for these activities can send a positive message to the farm community: that agriculture is a valued land use and not a problem land use.

Town of Homer - Zoning Ordinance Definitions

The definitions list in the Town of Homer zoning ordinance as it applies to agriculture in the town is relative complete and clear with regard to terms that apply to agriculture. Clear and concise definitions for the following terms are provided:

- Agriculture;
- Agricultural activity;
- Animal husbandry;
- Animal hospital;
- Farm;
- Greenhouse;
- Home occupation; roadside stand;
- Junkyard;
- Private stable;
- Public stable

The Town however should consider a number of new definitions to better clarify its zoning regulations and permitted uses. Recommended additions to the list of definitions are:

- Agricultural products. There is a wide variety of products that may qualify as "agricultural products." They could include services or products principally utilized in agricultural production, equipment and structures used in support of agricultural or horticultural operations, agricultural equipment parts, batteries and tires, livestock, feed, seed, fertilizer, grain, fruit, produce, trees, shrubs, flowers or other products of agricultural operations. By creating a specific definition of what may constitute agricultural products the Town can distinguish between such items that might be for sale from the many unrelated goods that could be sold. A clear definition could also ensure that products that may not be considered traditional agricultural products by some, such as home baked goods, honey and maple syrup, would be included.
- Although the definition of junkyard adequately describes such operations the Department of Agriculture and Markets in its guidelines for local zoning includes as a legitimate agricultural practice the dismantling, storage and salvaging of farm machinery or vehicles not in running condition and the storage of such items on the premises. A slight modification to the Town of Homer junkyard definition to add "... except as accessory to a principal agricultural use of the premises." would bring the Town's zoning into conformance with Section 305-a of Agriculture and Markets Law.

Town of Homer - Other Recommendations for Changes

A small number of other changes are recommended to the Town of Homer zoning regulations. They include:

- Section 1306 should be amended to provide for a limited amount of signage in the Agricultural District. Currently there are no provisions for signs in that district with the exception of for house numbering, no trespassing or for political signs. There should be the opportunity for farm enterprises that are marketed to the general public, such as farm markets, to be able to clearly advertise their presence to the motoring public.
- Section 1307 (Storage and Dumping) should be amended to exempt farms located within the State agricultural districts.
- The Town may wish to consider adding campgrounds as a use permitted in the Agricultural District but subject to site plan review or conditional use permit review.

Zoning in the Town of Preble - Overview

The Town of Preble has adopted zoning regulations designed to regulate the use of lands within the town and the height, number of stories and size of buildings and other structures, the percentage of occupancy of lots and parcels of land that may be occupied, and the density of population as authorized by NYS Town Law. The Town of Preble Zoning Ordinance establishes specific zoning districts and sets forth specific uses permitted in each district, as well

as design and operating standard. The zoning ordinance has been amended and updated on a number of occasions since its original adoption, with the current zoning ordinance adopted in 2008.

The following commentary is not a complete analysis of the Town of Preble regulations. Rather it looks at the potential implications with regard to its potential impacts to agriculture and agricultural enterprises in the Town of Preble.

The Town of Preble is a predominantly rural community, but with small residential resort communities centered on Upper Little York, Green, Song and Tully Lakes. The population of the town in 2010 was 1,393 according to the U.S. Census of Population. According to the 2010 Census data there were some 687 housing units in the town in 2010, of which 85 percent were occupied and 15 percent were vacant. Data was not available for the 2010 Census, but in 2000 some 64, homes or about 73 percent of all vacant homes in the town, were identified as being "seasonal, recreational, or occasional use" dwellings. This is indicative of the presence of second- and summer homes along the lakes in the town.

Although the Town of Preble has experienced some growth and residential development since 2010, growth does appear to be occurring at a slow to moderate pace.

The Zoning Ordinance divides the Town of Preble into 5 conventional zoning districts, plus three overlay zoning districts. The three overlay zoning districts are the Zone A, Aquifer Protection District and the Wetland Protection Overlay District. These three districts acknowledge specific environmental resources that warrant additional protection. They implement specific additional regulations or restrictions on the use of land above and beyond those of the underlying zoning district.

The five zoning districts in the Town of Preble are:

- R1 - Residential;
- R1L - Residential Lake Side;
- AG - Agricultural;
- C - Commercial;
- I - Light Industrial;

In terms of geographical area the largest zoning district in the Town of Preble is the AG - Agricultural District, which covers approximately 87 percent of the town's land area. According to Section 521 of the zoning ordinance, the purpose of the AG - Agricultural zoning district is to: *"...protect agricultural lands and uses from incompatible land uses and to limit non-farm residential, commercial and industrial uses to those areas best suited by reason of their requirements for public services..."*

Under Section 522 the following uses are listed as permitted uses in the AG - Agricultural District:

- Agriculture and Agri-Business;
- Riding Stables;
- Poultry House;

In addition to the above land uses under Section 524 the following uses are also permitted in the AG - Agricultural District upon the grant of a conditional use permit by the Zoning Board of Appeals:

- Individual Manufactured Home;
- Home Occupations;
- Camp Grounds;
- Excavation and Mining; (except where prohibited, see Section 550)
- Farm Labor Camps;
- Kennels;
- Bed and Breakfast;
- Recreation Areas;
- Temporary Roadside Stand (Duration of permit as determined by Zoning Board of Appeals);
- One and Two Family Dwellings;
- Telecommunication Towers.

The other zoning districts relevant to agriculture in the Town of Preble are the R1- Residential District and the C - Commercial District. These two districts contain some actively farmed lands.

According to Section 501 the purpose of the zoning district is to:

"...provide a stable environment for residential development, free from incompatible uses..."

Agriculture is a permitted use within the R1 - Residential District but as a conditional use. Also permitted with the grant of a conditional use permit are temporary roadside stands, with the duration of the permit set by the zoning board of appeals. The requirement that conditional use permits be obtain for activities that are considered to be legitimate agricultural activities under the Agriculture and Markets Law is generally considered to be an unreasonable burden on farm operations that located within a State agricultural district. However within the Town of Preble a relatively small amount of agricultural land appears to be located within the R - Residential District. This land may also be located outside the State agricultural district.

The purpose of the Commercial District according to Section 531 is to:

"... provide for business establishments serving the needs of area residents, especially retail and service businesses."

Agriculture is not listed as a permitted use in the C-Commercial District. As a result approximately 120 acres of land located on both sides of Rte 281 west of the I-81 interchange, and located between Rte 281 and I-81 south of Preble hamlet are actively farmed as a legal nonconforming use under current zoning. Development of any permanent improvements as part of an agricultural operation on these lands would require a zoning use variance. Perhaps more importantly is that the amount of land zoned for commercial uses to the exclusion of agricultural uses may be excessive given the population of the Town of Preble and low to moderate potential for future growth. Generally smaller rural communities "overzone" for commercial development within their boundaries by zoning land for commercial develop far above and beyond what their population can economically sustain, or even desire. Also the

tendency is to zone extended lengths of highway or areas around interchanges for large scale commercial development.

This practice can result in commercial sprawl along main highways within the community that can detract from its rural character, unduly compete with historic businesses in hamlet center and encourage economically unsustainable businesses that may thrive for a few years but then close, leaving an empty shell building on the landscape. The practice can also communicate to farmers send a message that their operation is a transitory land use until the arrival of a "highest and best use." This can lead to disinvestment in land and buildings by farmers.

Some land for commercial development can and should be zoned as such, including some agricultural land. The Town of Preble however should consider reducing the size of its C - Commercial districts to an area that: 1) better reflects the potential for future commercial development in the town; and 2) reducing the size of individual C - Commercial districts to ensure that future commercial development is of a size and scale that the Town desires.

Town of Preble - Conformance with NYS Agriculture & Markets Law

In the case of the Town of Preble there are a number of provisions in the Zoning Law that may be in contravention with Section 305-a of the Agriculture & Markets Law. They are:

- Distinguishing "poultry house" from other types of agriculture in Sect. 522;
- Requiring that farm labor camps be subject to Conditional Permit review under Sect. 524, as well as the limit of one year on permit, and potentially excessive setback requirements as outlined in Sect. 707;
- Requiring that roadside stands be subject to Conditional Permit review under Sect. 524, and limits on the duration of a conditional use permit as determined by the Zoning Board of Appeals.

The requirement for obtaining special permits for activities that are considered to be legitimate agricultural activities under the Agriculture and Markets Law is generally considered to be an unreasonable burden on farm operations within a State agricultural district. The Agriculture and Markets Law clearly includes poultry and roadside stands as a legitimate agricultural pursuits or legitimate subsidiary activities. Hence requiring a conditional use permit as well as setting limits on the duration of their operations may be considered a contravention of Section 305-a.

Farm housing is also considered integral to agricultural operations in New York. Hence the Town of Preble zoning provisions that subject private farm labor camps operated as part of a larger agricultural enterprise to a conditional use permit approval process, and which set expirations on such approvals, may be considered a contravention of Section 305-a.

Town of Preble - Zoning Definitions

The definitions in Section 210 of the Town of Preble Zoning Ordinance pertaining to agriculture are relatively clear and concise. They include definitions for:

- **Agriculture.** The use of land for agricultural purposes including tilling of the soil, dairying, pasture, agriculture, arboriculture, horticulture, floriculture, viticulture, forestry, animal and poultry husbandry and the necessary accessory uses for packing or storing of products, provided that the operation of any such accessory uses shall be secondary to that of normal agricultural activities, and provided further that such uses shall not include the commercial feeding of garbage and offal to swine or other animals.
- **Agricultural Business Establishment/Agri Business.** A commercial activity characterized by the sale of agricultural products or a business engaged in performing agricultural, animal husbandry, or horticulture services on a fee or contract basis including corn shelling; hay bailing and threshing; sorting, grading and packing fruits and vegetables for the grower; agricultural produce milling and processing; horticultural services; crop dusting; fruit picking; grain cleaning; land grading; harvesting and plowing.
- **Farm Labor Camp - Private.** A labor camp housing facilities, building or buildings in which people are housed who are employed in the individual farmer's personal farming operation.
- **Farm Labor Camp - Commercial.** Any structure or combination of structures designed or intended to be used for the housing of persons engaged in casual or per diem labor on a profit basis for farmers other than the owner of the camp.
- **Junk Yard.** Any area of land, including buildings thereon which is used primarily for the collecting, storage or sale of waste paper, rags, scrap metal or discarded material; or for the collecting, dismantling, storage or salvaging of machinery or vehicles that are not operable and/or not registered with the New York State Department of Motor Vehicles.
- **Poultry House.** The keeping of any number of poultry or chicken.
- **Temporary Roadside Stands.** The sale at a temporary roadside stand of farm produce or personal property exceeding a total of 72 hours during a calendar year provided that such stand shall not be closer than fifteen feet from the right-of-way line. Ample parking for customers shall be provided outside the boundaries of the adjacent road. Signs advertising the roadside stand are permitted on the site of the sale not to exceed sixteen square feet.

The Town of Preble includes in its list of permitted uses in the AG - Agricultural District "Riding Stables" but does not define the term. In addition the Town definition for agriculture does not explicitly include "commercial horse boarding" in the definition. Such operations are considered legitimate agricultural pursuits under Section 305-a of Agriculture and Markets Law. Providing a definition for riding stables could provide useful clarity in the zoning and bring the regulations more in line with the state. Possible wording for such a definition could be:

Riding Stable. An agricultural enterprise boarding horses, regardless of ownership, for fee or other consideration and including the production for sale of crops, livestock, and livestock products as part of said operation.

Although the Town of Preble permits temporary roadside stands, and also agricultural business establishment (aka agribusinesses), it is not clear whether or not farm markets qualify as agricultural businesses and are thus permitted. The Town could thus consider revising the definition of agricultural business establishments or adding to its list of definitions a definition for farm market and included it under the list of permitted uses in Section 522.

A possible definition of farm market could be:

Farm Market. A permanent structure, with or without appurtenant open display area, from which agricultural produce and processed foods and baked good produced on the premises are sold and which may also contain facilities for the onsite preparation of processed foods comprised primarily of ingredients produced on the farm, such as a kitchen or bakery, as well as facilities for onsite consumption of such foods.

The above definition could include a maximum limit on square footage, as well as provisions for a limited amount of agriculture related products that could be sold to supplement the revenues generated by agricultural products.

The Department of Agriculture and Markets in its guidelines for local zoning includes as a legitimate agricultural practice the dismantling, storage and salvaging of farm machinery or vehicles not in running condition and storage of such items on the premises. Generally however such a practice qualifies as a "junkyard" under local zoning regulations. A slight modification to the Town of Preble definition of junkyard to add "... except as accessory to a principal agricultural use of the premises." would bring the Town's zoning into conformance with Section 305-a of Agriculture and Markets Law.

Zoning in the Town of Scott - Overview

The Town of Scott has zoning designed to regulate the use of lands within the town and the height, number of stories and size of buildings and other structures, the percentage of occupancy of lots and parcels of land that may be occupied, and the density of population as authorized by NYS Town Law. The Town of Scott Zoning Law establishes specific zoning districts and sets forth specific uses permitted in each district, as well as design and operating standard. The Zoning Law has been amended and updated on a number of occasions since its original adoption.

Zoning is one of the key tools utilized to implement the vision set forth in the master plan. The following commentary is not a complete analysis of the Zoning Law. Rather it looks at the potential implications with regard to its potential impacts to agriculture and agricultural enterprises in the Town of Scott.

The Town of Scott is a rural community. The population of the town in 2010 was 1,176 according to the 2010 U.S. Census of Population. According to the 2010 Census data there were

some 493 housing units in the town in 2010, of which 86 percent were occupied and 14 percent were vacant. In the 2000 Census some 39, vacant homes, or about 65 percent of all vacant homes in the town, were identified as being "seasonal, recreational, or occasional use" dwellings.

Although the Town of Scott has experienced some growth and residential development since 2010, overall this growth appears to be occurring at a slow to moderate pace.

The Zoning Law divides the Town of Scott into eight (8) types of zoning districts:

AGR	Agriculture District;
R-1	Residential District 1;
B-1	Business District;
FW	Floodway District
PDD-R	Planned Development District - Residential
PDD-C	Planned Development District - Commercial
PDD-I	Planned Development District - Industrial

In addition to the above described mapped zoning districts, the Town of Scott Zoning Law has provisions for the establishment of Planned Development Districts (PDD) within the town. The objective of the Planned Development District is to permit specific land uses not necessarily permitted under the existing zoning to be developed together on a single parcel of land as part of a unified plan of development.

Uses with each district are further broken down into uses permitted by right and uses permitted upon the granting of a Special Permit from the Board of Appeals.

According to Section 8.1 of the Zoning Law, the purpose of the AGR - Agricultural zoning district is to:

"...provide for areas within the Town of Scott where the living environment associated with agriculture, forestry and similar activities can be preserved and/or where the development of such an environment is in harmony with the district."

Under Section 8.2 the following uses are listed as permitted uses in the AGR Agricultural District:

- Single-family dwelling units;
- Two-family dwelling units;
- Farm and farm uses;
- Roadside stands (temporary only per Sect.8.6);
- Seasonal dwellings.

In addition to the above land uses, the following uses are also permitted in the AGR Agricultural District upon the grant of a special permit by the Zoning Board of Appeals:

- Customary home occupations;
- Not more than two additional dwellings per farm to house farm laborers or migrant workers or relatives who derive more than 50 percent of their income from the farm;
- Riding academies and boarding stables;

- Mobile home parks.

The other zoning district relevant to agriculture in the Town of Scott is the R-1 Residential District-1. Under Section 9.2 the following uses are listed as permitted uses in the R-1 Residential District-1:

- Single-family dwelling units;
- Two-family dwelling units;
- Farm and farm uses;

Section 9.3 lists "customary home occupations" as being permitted upon grant of a special permit by the Zoning Board of Appeals.

Town of Scott - Conformance with NYS Agriculture & Markets Law

In the case of the Town of Scott there are a number of provisions in the Zoning Law that may be in contravention with Section 305-a of the Agriculture & Markets Law. They are:

- Section 8.3(d) requires that a special permit be granted for farm worker housing, and that no more than 2 additional dwellings for farm workers be permitted on a parcel of land;
- Section 8.3(i) requires that a special permit be granted for riding academies and boarding stables;
- Section 8.4.6(3) requires that any building that houses farm animals shall be at least 100 feet from any lot line;
- Section 8.4.6(4) requires that any structure housing more than 200 chickens or other fowl be located at least 300 feet from any lot line, or 100 feet from any road right-of-way;
- Section 8.5 requires that any storage of manure shall not occur within 100 feet of any lot line;
- In 1990 the Town of Scott adopted an amendment to the Zoning Law that prohibited the siting of single- or double-wide manufactured homes in the AGR District.

The requirement for obtaining special permits for activities that are considered to be legitimate agricultural activities under the Agriculture and Markets Law is generally considered to be an unreasonable burden on farm operations within a State agricultural district. The law also explicitly includes as a legitimate agricultural activity "commercial horse boarding" operations. Farm housing is also considered integral to agricultural operations in New York. Hence subjecting these two activities to the special permit approval process may be considered a contravention of Section 305-a.

A recent New York Appeals Court decision has also confirmed a Commissioner of Agriculture and Markets determination that the prohibition on the use of manufactured homes for farm worker housing can be considered an unreasonable burden on a farm operation in a State agricultural district. The 1990 amendment to the Zoning Law prohibiting manufactured homes in the AGR District should thus be reviewed.

The additional setback requirements for a number of legitimate agricultural facilities or activities listed in Sections 8.4 and 8.5 of the Zoning Law may be considered unreasonable burdens on farm operations for a number of reasons. The first is that there does not appear to be any rationale for such additional setback requirements stated in the zoning law. The Zoning Law

does not provide any documentation of unique issues or problems that might be associated with the activities, or any evidence that the restrictions address a public health or safety issue.

Moreover barns and other farm buildings have historically been located within 100 feet of road rights-of-way and other property boundaries. As a result there are a substantial number of farmsteads in the Town of Scott where such buildings or activities take place well within the required setbacks. Although such buildings may be grandfathered as legal nonconforming uses under the Town zoning regulations, any improvements to the facilities may be subject to not only potentially burdensome special permit approval process, but also the grant of a zoning variance.

Town of Scott - Zoning Law Definitions

Definitions are a critical component of any set of zoning regulations. The Town of Scott Zoning law has a number of definitions that pertain to agriculture and agricultural operations. They include:

- Animal harboring. Keeping of more than 3 dogs, 5 cats or any number of horses, cattle, sheep, goats, rabbits, pigs, or other customary farm animal, or animals customarily kept in zoos, or the keeping of any animals for sale or hire on a lot size of 2 acres or less.
- Farm, Full Time. Any parcel of land in excess of 20 acres and used principally for the raising of agricultural products or keeping of poultry, fowl, livestock or domestic animals, including necessary farm structures and storage of farm equipment.
- Farming, Farm Use or Occupancy. Any activity customarily carried on upon a farm, such as cultivation of land and animal husbandry.
- Farm Pond. As distinguished from a swimming pool - any standing body of water used for the purpose of watering livestock, fish pond or wildlife marsh.
- Industrial Agricultural Enterprise. Use of land, buildings and structures for the intensive feeding of animals or fowl, carried on as an industry where less than 10 percent of all food and bedding for the animals or fowl is grown on the premises.

The above definitions raise a number of issues. The list of permitted uses in the AGR and R-1 districts include "farms and farm uses" in their respective list of permitted land uses. The definition of what constitutes a "farm" however is not given. In particular although definitions for "farm, full time" and "industrial agricultural enterprise" are given, neither use is explicitly permitted in either of the two zoning districts. Moreover the definitions of "farm, full time" and "industrial agricultural enterprise," may themselves lead to confusion and possible conflicts over interpretation.

The concept of "full-time" is a term utilized in wage employment and generally implies a person's primary job or occupation. The definition could thus be reasonably interpreted to exclude farm operations where one or more owners or operators may have a job off the farm. In addition setting a minimum area of 20 acres can preclude many legitimate agricultural operations that occur are much smaller parcels of land.

Although it is not actually found elsewhere in the Zoning Law, the definition for "industrial agricultural operation" could be applied to many contemporary agricultural operations agricultural operations in the town and Cortland County. The definition itself leaves open for

interpretation terms such as "intensive feeding," "industry," and, given that many farm operations are now spread over several tracts of land, the term "premises."

A possible resolution of the issues created by the existing definitions, as well as lack of certain definitions, would be to replace the terms "animal harboring," "farm, full time," "farming, farm use or occupancy" and "industrial agricultural enterprise" with a definition for "agriculture."

An example of a definition of agriculture is:

"The use of land, buildings, structures, including greenhouse structures, and equipment, and the practices which support the production, preparation, marketing and transportation of grain, vegetable, fruit, and other crops, horticultural and floricultural products, animal husbandry, livestock and livestock products."

This definition provides a clear and concise definition of what would constitute an agricultural operation, but provides considerable flexibility that accommodates wide variety of activities generally recognized as being "agriculture" in New York, and the constantly evolving nature of agriculture and agricultural practices. It can also ensure some flexibility in the future to accommodate the changing nature and increasing diversity of agriculture. Use of "agriculture" as an umbrella term also takes into account not merely the specific activities set forth in the several definitions currently used by the Town of Scott, but also the multiple structures and subordinate activities that contemporary American agriculture encompasses. The definition would include facilities such as farm ponds, eliminating the need for that definition.

Other suggestions for new definitions are: farm labor housing; roadside stands; and riding academies and boarding stables. Definitions for these terms would help clarify the intent of the zoning regulations and help ensure consistent interpretation and application of the regulations.

Town of Scott - Other Recommendations for Changes

In addition to replacing the "Farms and farm uses" category in Section 8.2 and Section 9.2 with "Agriculture" as defined above, a number of other changes to the Town of Scott Zoning Law are recommended. These changes are:

- Revise Section 8.1, Purpose and Intent, to better emphasize the intention of the Town of Scott to promote its agricultural sector. As written the statement emphasizes a desire to protect a "living environment associated with agriculture" without a clear explanation of what such an environment might be.
- Revise Section 8.2 to permit riding academies and boarding stables as permitted uses in the AGR zoning district and remove the use from Section 8.3 - Uses Permitted by Special Permit. This type of land use is considered a legitimate agricultural pursuit under Section 305-a of the Agriculture and Markets Law, and is also generally considered compatible with agricultural operations.
- Revise Section 8.3 to permit in the AGR zoning district to permit with the grant of a special permit "agricultural support enterprises." These types of businesses are designed to supplement the revenues of an active farm operation by providing services or products principally utilized in agriculture or by farmers in support of their day-to-day operations.

They are business enterprises that are secondary to a larger farm operation, as outlined in more detail below.

- Revised Section 8.3 to permit in the AGR zoning district with the grant of a special permit "agricultural tourism enterprises." These types of businesses are designed to supplement the revenues of an active farm operation by providing recreational and educational activities for the general public, as outlined in more detail below.
- Revise Section 8.4.6 to include as an accessory use "farm labor housing" as defined in an attendant new definition in the definitions section and delete Section 8.3(d). Because the definition for farm labor housing would include manufactured housing limited to use by farm laborers, it would also protect the Town from the uncontrolled spread of such housing. As an accessory use, farm labor housing could also only occur on land actively used in agriculture.
- Revise Section 8.6 to eliminate the restriction that limits the stand being a temporary structure (with no elaboration of what is meant by of "temporary") and to the sale of produce grown on the premises only. These limitations may be unduly restrictive in that they could be interpreted to preclude sale of process foodstuffs such as jams and jellies, baked goods and products such as honey or maple syrup. Prohibition on the sale of produce grown elsewhere may also curtail the quantity and variety of produce available for sale and, moreover, preclude the opportunity for farms on side roads with little traffic from growing selling produce to the public via another farm's stand. Rather than setting limits the products sold, the Town of Scott should consider limits on the size of such stands as a means of controlling their potential impacts.

The rationale for recommending that the Town of Scott consider revising Section 8.1 is that across the state towns are recognizing that zoning has traditionally relegated agriculture to secondary status compared to other land uses such as non-farm residential, commercial and industrial development. Agriculture to a certain extent has been viewed as a transitory land use, to be replaced at some point in the future with a "highest and best use."

Agricultural zoning districts as a result are being viewed in the same manner as residential, commercial and industrial districts in that town governments are promoting agriculture, as a land use category to be the pre-eminent land use within the district. Unlike strictly resident, commercial or industrial zoning districts, agricultural zoning district can still accommodate compatible land uses such as residential development and recreational uses such as golf courses.

An example of such purpose or intent statement is:

"The general purpose and intent of the AGR-Agricultural district is to protect the agricultural land resources and rural agrarian character of the Town of Scott, to promote, as much as possible, the continued economic and operational viability of agricultural enterprises in the Town of Scott, and to provide opportunities for rural residential and other compatible development within an agricultural environment."

Agriculture today has evolved in a manner where many farms have diversified their income sources, in some case through side businesses designed to generate supplemental revenues to support the overall income stream. The businesses can be seed, fertilizer, equipment or other dealership, farm service business or a direct marketing operation such as a farm stand. Agri-tourism has stimulated the development of businesses as diverse as bed and breakfast inns, wineries and corn mazes or other seasonal attractions on the farm.

In many municipalities zoning however has not kept up with this aspect of the changing nature of agriculture. In some cases these on-farm businesses are quietly tolerated although they may not conform to local zoning regulations, or they may be treated as "customary home operations" although the business may not conform to the zoning definition for such businesses. In other cases they are permitted by the zoning, but without adequate regulations to control possible adverse impacts of such businesses.

The Town of Scott should consider adding agricultural support enterprises as a use allowed by special permit in its zoning regulations. This will permit farmers in the Town of Scott to diversify their operations and take advantage of new markets for their goods and services. Because these types of businesses are open to the general public the Town should consider subjecting such enterprises to a site plan approval process. Site plan approval is a mechanism by which a municipality can ensure that the health and safety of the general public and patrons of such businesses are protected; ensure that adequate facilities for parking and safe ingress and egress from public highways are provided, and that potential adverse impacts of such businesses or large events are mitigated.

An example of a definition for agricultural support enterprises, from the Town of Ulysses in Tompkins County, is:

"A retail or wholesale enterprise operated as an accessory use to an active farm on the same premises providing services or products principally utilized in agricultural production, including structures, agricultural equipment and agricultural equipment parts, batteries and tires, livestock, feed, seed, fertilizer and equipment repairs, or providing for wholesale or retail sale of grain, fruit, produce, trees, shrubs, flowers or other products of agricultural operations."

In addition to the above definition the Town of Ulysses also has specific standards that apply to such businesses. They include:

- Additional setback requirements, particularly when such businesses are close to residential zoning districts (200 feet for a business that involves farm equipment repair or fabrication or other activity that generates noise);
- Standards for parking facilities, including minimum setback requirements, number of spaces and design;

- Standards for outdoor lighting fixtures and signs;
- Standards for landscape buffers between such businesses and adjoin residential zoning districts;
- A limit on the number of employees permitted - as a mechanism for controlling the size and scale of such an enterprise to ensure it does not outgrow the farm operation or evolve into a major commercial or industrial enterprise.

In addition to traditional agricultural activities the Town of Scott also permits "agritourism" which is defined as *"corn mazes, agricultural educational venues, hay rides and other assorted agriculture-associated activities that occur on an ongoing basis."*

In many areas agritourism is a growing and important component of an overall direct marketing strategy for an active agricultural operation or farm market, and important source of supplemental income for farms. The above definition is crafted in a manner both describes the activities envisioned as part of an agritourism enterprise, protects the town from unanticipated ones, but permits some flexibility in interpretation. It does however leave out an activity that is commonly found in agritourism, which is the sale of prepared foods, generally from ingredients produced on the farm.

The definition also does not limit agritourism enterprises to being a component of an overall farm operation or place limits on size or scale of the enterprise. The zoning may be interpreted to permit anybody engage in agritourism, on or off the farm. This may open the Town up to strictly commercial tourism operations that may not be appropriate or compatible with the agrarian and rural character that the Town of Scott wishes to maintain.

Agritourism operations are designed to attract the general public. They also have the potential to grow into major businesses that may attract large numbers of people and heavy traffic, particularly for occasional special events. Site plan approval is a mechanism by which a municipality can ensure that the health and safety of the general public and patrons of such businesses are protected; ensure that adequate facilities for parking and safe ingress and egress from public highways are provided, and that potential adverse impacts of such businesses or large events are mitigated. The Town of Scott may wish to revise the Land Use Law to require site plan approval for agri-tourism.

Zoning Implications of Natural Gas Drilling

The following is a review of the zoning regulations in the Towns of Homer, Preble and Scott in light of possible large-scale natural gas drilling in the region. The assessment does not address the impacts of the potential drilling itself, but instead addresses the potential impacts of various land use activities that occur in support of the drilling operations, and their potential impacts on agriculture and agricultural land resources. Outside the drilling operations themselves there are numerous drilling support activities that accompany the industry, and which can be subject to local land use regulations. Examples of these drilling support activities include gravel mining, drilling services enterprises, truck and equipment depots, repair shops, field headquarter complexes, retail and wholesale suppliers, warehousing and (private) hydraulic fracturing wastewater treatment plants. Many fall into the industrial land use category, and can substantial impacts on surrounding areas if not properly regulated.

Town of Homer

The zoning regulations for the Town of Homer appear to protect most of its agricultural land resources from conversion to the various types of drilling services enterprises. Gravel mining is also not listed as a permitted use in the Agricultural District.

Drilling support activities such as wholesale businesses are permitted with site plan approval in the Town of Homer Business zoning district. Such businesses are also permitted in the Light Industrial 1 and Light Industrial 2 zoning districts. The Light Industrial zoning districts also permit warehousing with site plan approval.

The Town of Homer has a relatively large Light Industrial 2 zoning district along East Crossing Road and NYS Rte 13 that may be attractive to development for drilling support activities. In addition there is a large parcel of land on the west side of NYS Rte 281 at Pratt Corner within the Business zoning district that could accommodate such development. Both tracts of land are located on actively farmed lands. The Town of Homer may wish to review the zoning designations of these two areas. Other lands in the Town that are of lower quality in terms of agricultural uses may be available for development.

The Town should consider including water withdrawal sites as permitted uses in its industrial districts and limit their locations to those districts.

Town of Preble

Drilling services enterprises appear to be permitted uses in the C-Commercial and I-Light Industrial zoning districts in the Town of Preble. Gravel mining is also permitted with a Conditional Use permit within most of the AG- Agricultural zoning district in the Town of Preble. Mining is prohibited within those portions of the AG-Agricultural zoning district that are located within the Zone A Aquifer Protection zoning overlay district, which covers the portions of Preble that are over the Cortland-Homer-Preble Aquifer. This overlay district covers between 25 and 30 percent of the AG-Agricultural zoning district.

Although most of the best agricultural soils in the town are located within the Zone A Overlay District and Cortland-Homer-Preble Aquifer, a substantial proportion of total agricultural land resources in Preble are located outside these areas. These areas include a significant amount of acreage that is covered with soils of statewide importance. Because the AG-Agricultural district regulations permit gravel mining with Conditional Use approval, some agricultural lands within the town may be at risk to conversion to gravel mining. The Town of Preble should thus consider removing gravel mining as a use within the AG-Agricultural zoning district, and instead permit it within the I-Light Industrial zoning district.

Among other uses the C-Commercial zoning district permits retail and wholesale businesses and business services including warehousing. Some of the drilling services enterprises would qualify as permitted land uses within the C-Commercial district under the heading of wholesale businesses, business services and warehousing. Because the intent of the district is to promote

"...business establishments serving the needs of area residents, especially retail and service businesses," the Town should consider either limits on the size of such enterprises, or make them subject to Conditional Permit, or move these uses to the I-Light Industrial zoning district.

The Town of Preble should also consider including water withdrawal sites as permitted uses in the I-Light Industrial district, and limit their locations to that district.

Town of Scott

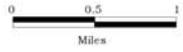
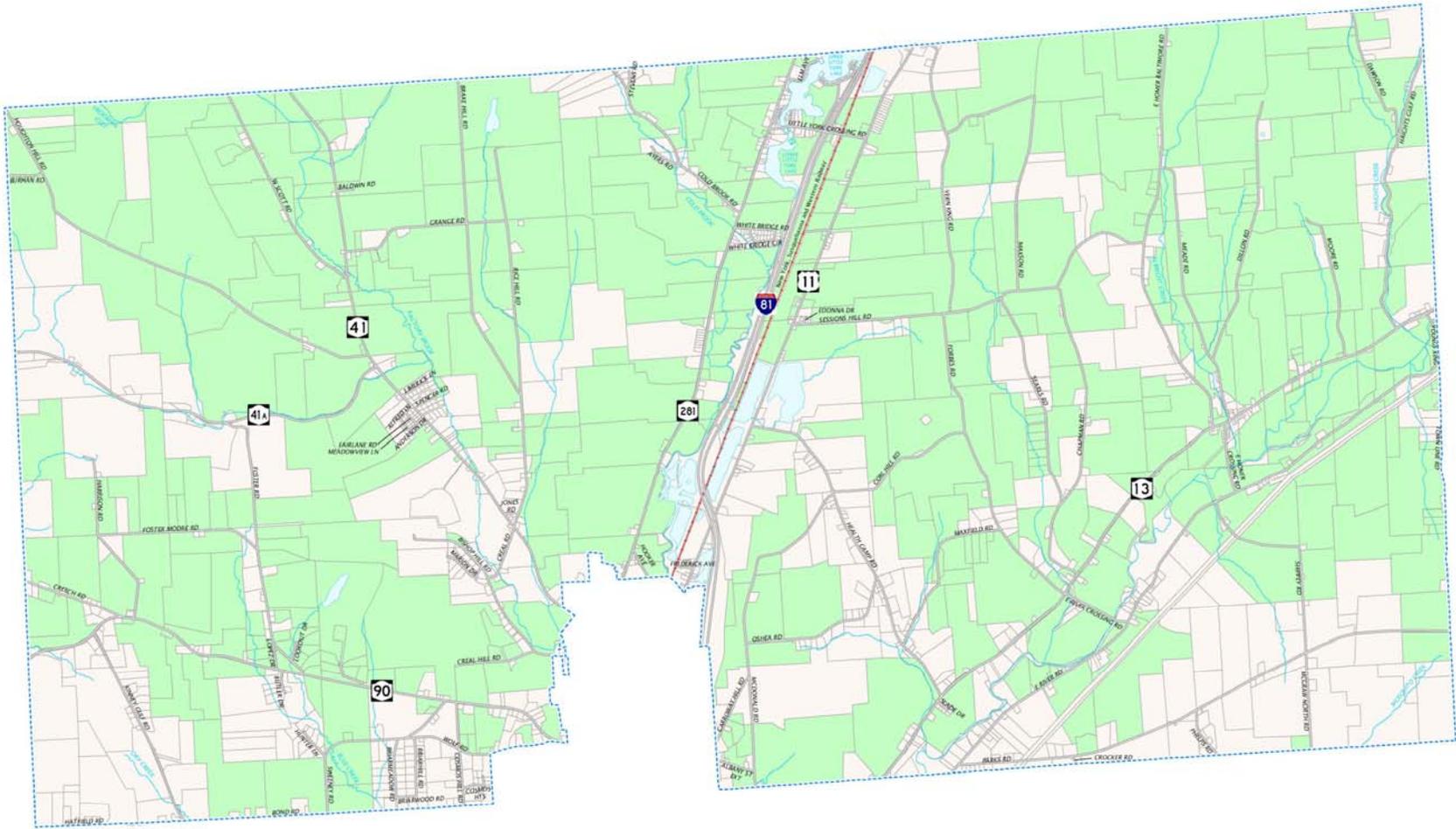
Mining and drilling support services are not permitted in AGR-Agricultural zoning district in the Town of Scott. The Town does not have any established industrial zoning districts within its boundaries. The zoning ordinance does have provisions for creating "Planned Development - Industrial" zoning districts within its borders. This district permits manufacturing, machinery and equipment sales, warehousing, wholesale, trucking and warehousing businesses, mining, as well as enclosed service and repair shops.

Creation of such a district would be necessary before drilling support activities would be permitted in the Town. The establishment of such a district however would be a legislative action by the Town Board. This gives the Town of Scott tremendous leeway in deciding whether or not such district would be established, and set specific performance standards on any development of such a district.

Town of Homer Maps and Figures

TOWN OF HOMER

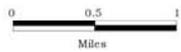
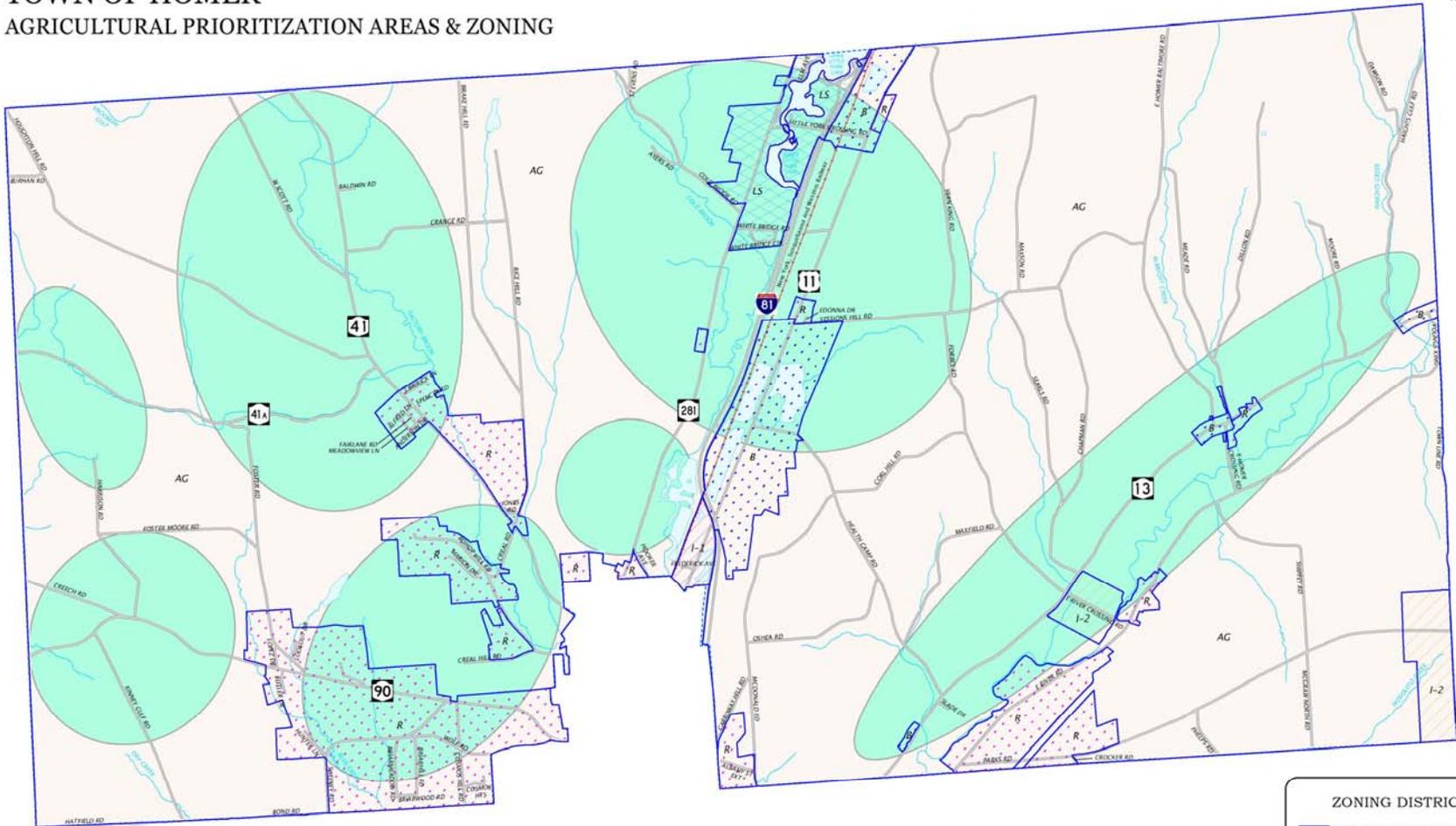
AGRICULTURAL DISTRICTS



Agricultural Districts

TOWN OF HOMER

AGRICULTURAL PRIORITIZATION AREAS & ZONING

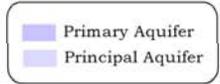
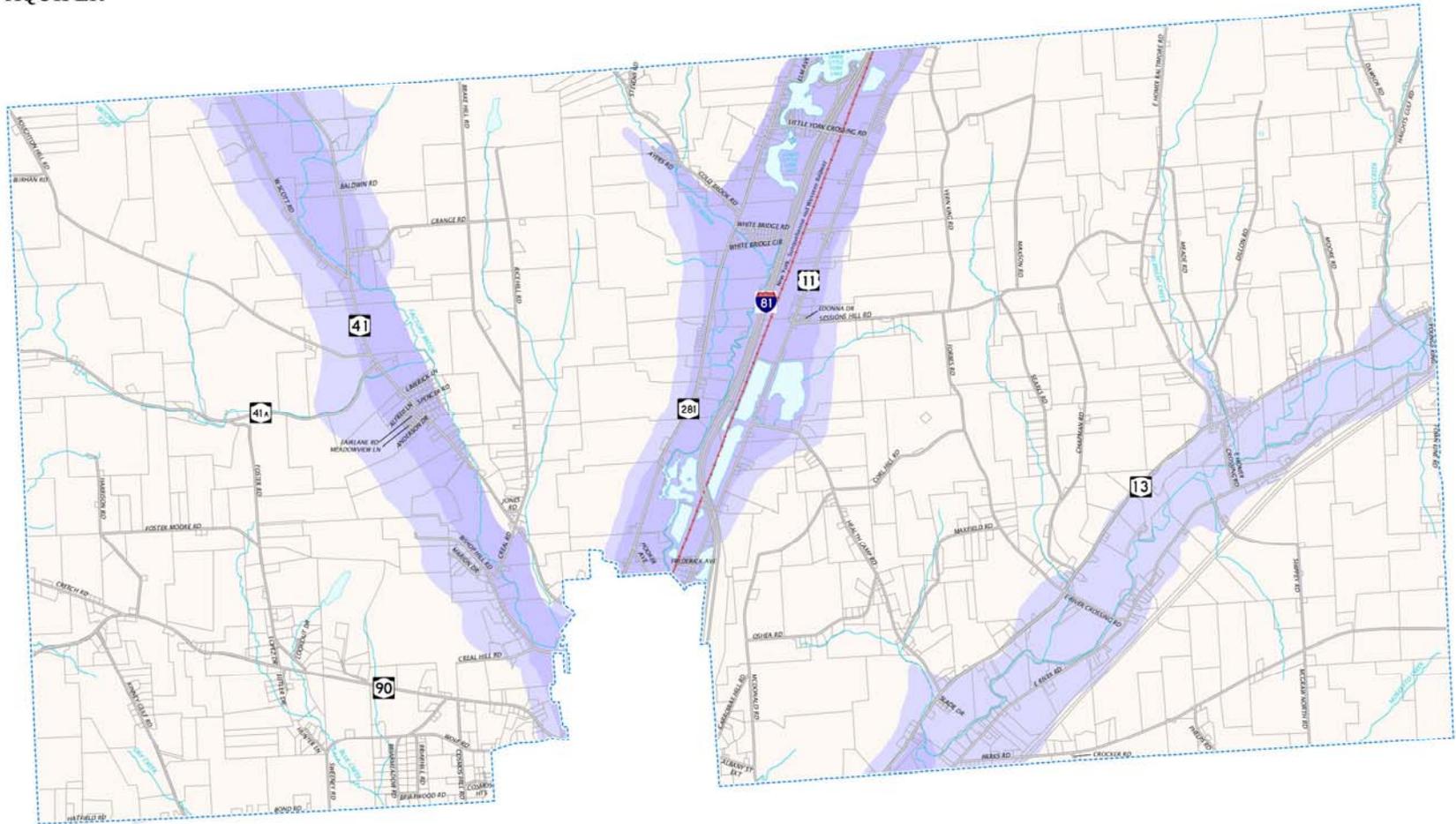


AGRICULTURAL PRIORITIZATION AREAS

ZONING DISTRICTS

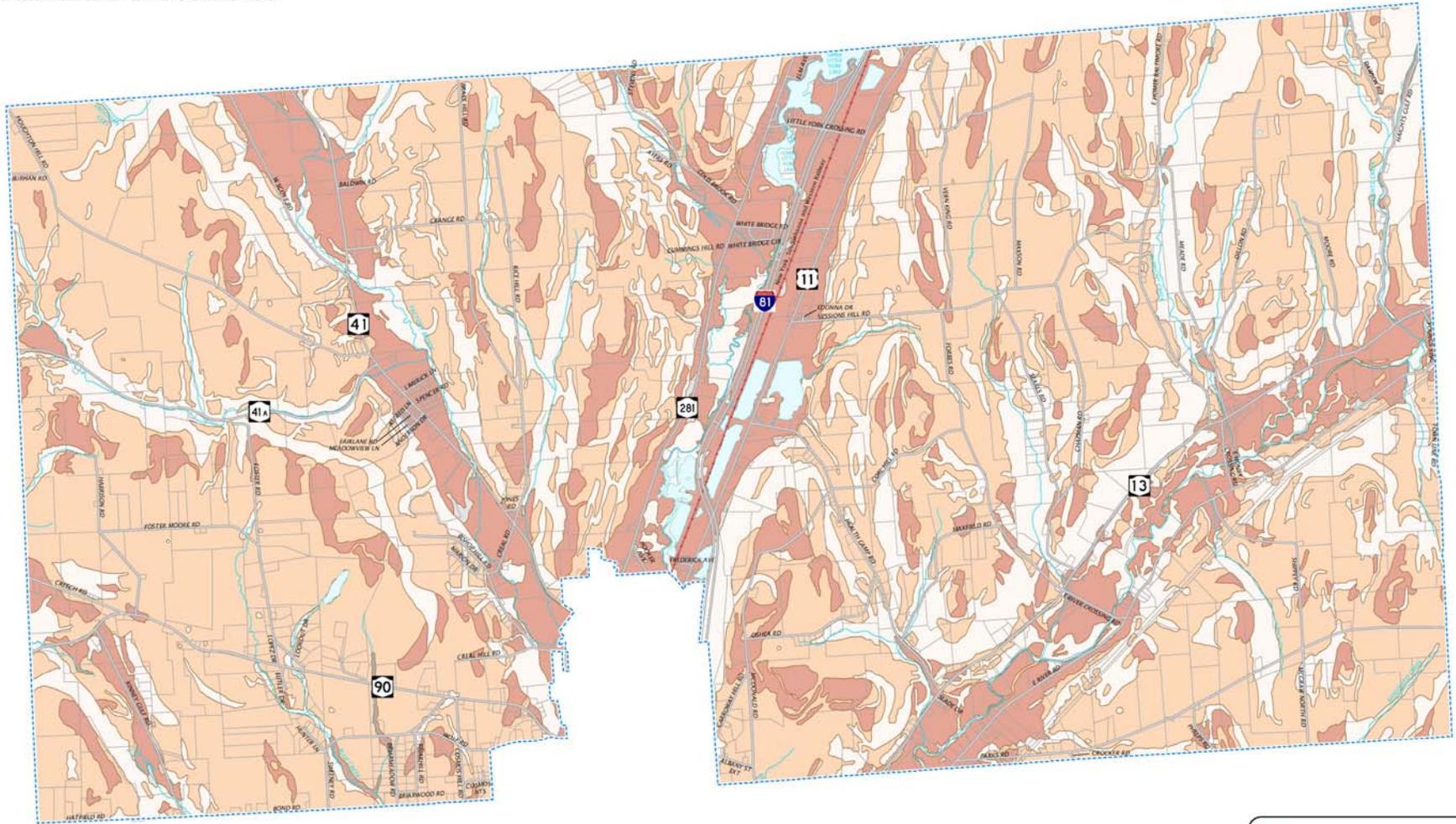
- AGRICULTURAL
- RESIDENTIAL
- LAKESIDE
- BUSINESS
- LIGHT INDUSTRIAL - 1
- LIGHT INDUSTRIAL - 2

TOWN OF HOMER AQUIFER



TOWN OF HOMER

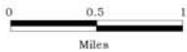
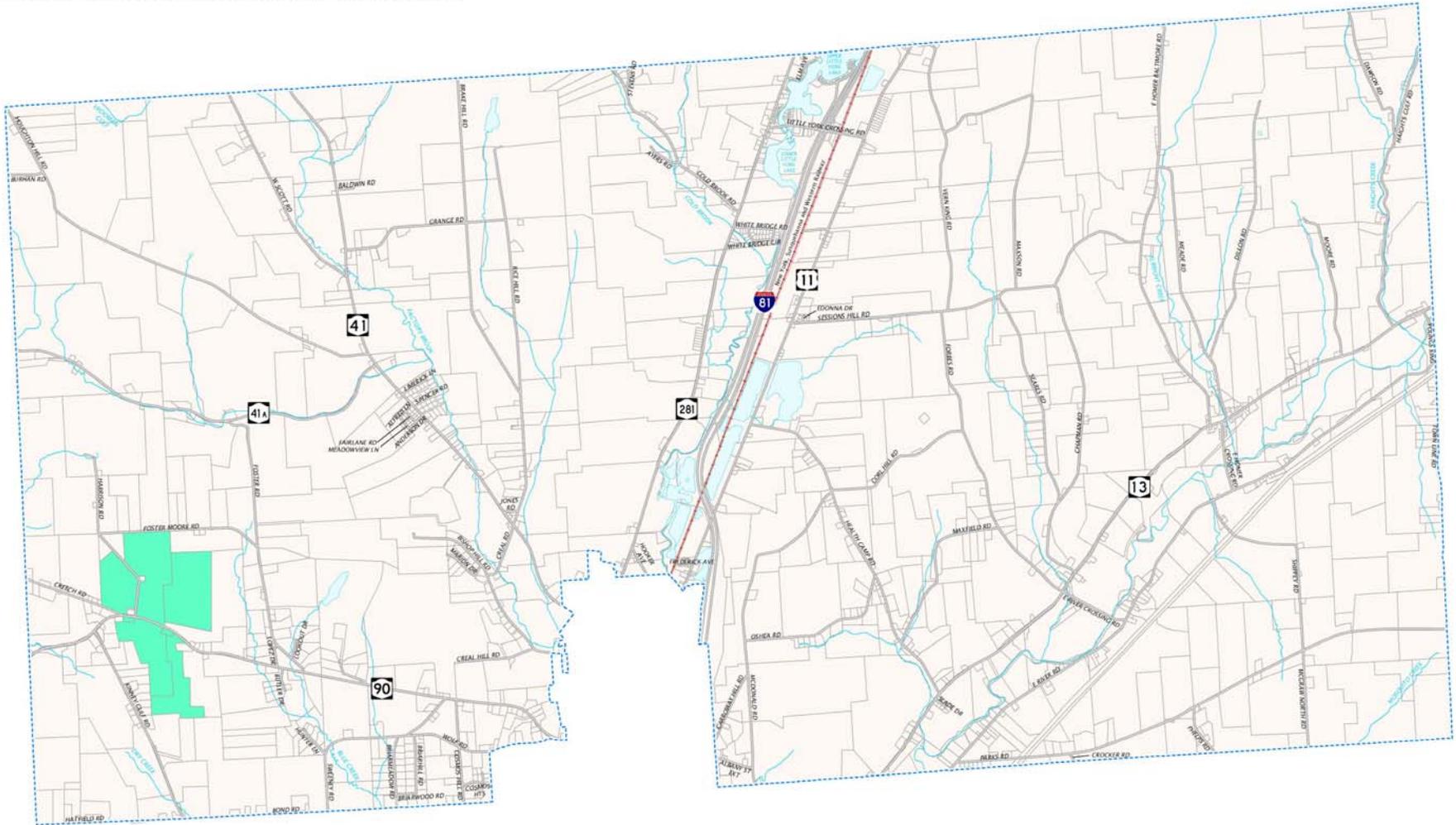
FARMLAND IMPORTANCE



- All areas are prime farmland
- Prime farmland if drained
- Farmland of statewide importance

TOWN OF HOMER

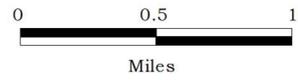
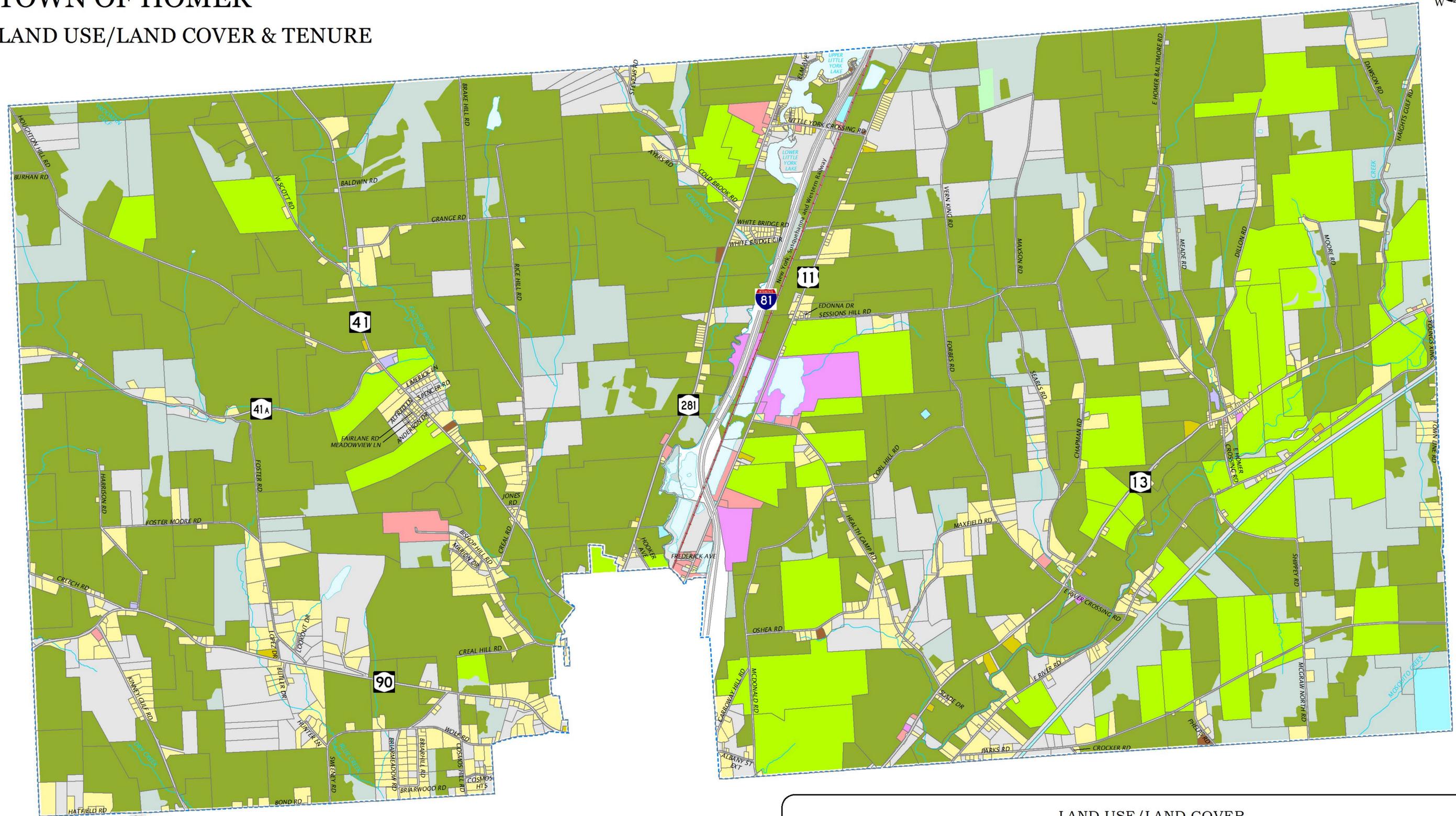
FARMS WITH CONSERVATION EASEMENTS



 Farms with Conservation Easements

TOWN OF HOMER

LAND USE/LAND COVER & TENURE



AGRICULTURAL

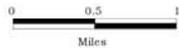
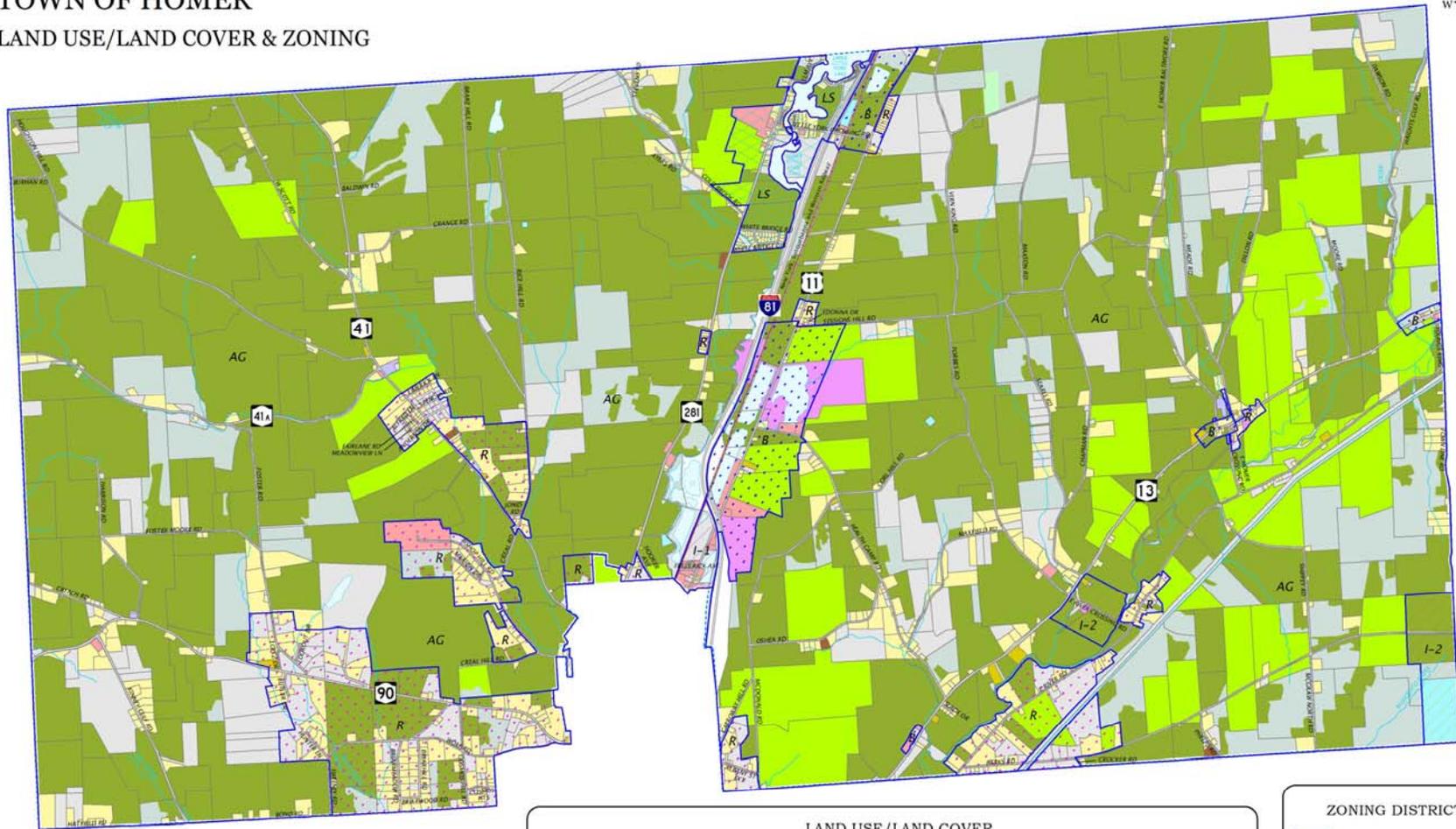
- OWNED
- RENTED

LAND USE/LAND COVER

 SINGLE FAMILY RESIDENTIAL	 RECREATION AND ENTERTAINMENT
 TWO FAMILY RESIDENTIAL	 COMMUNITY SERVICE
 MULTI-FAMILY RESIDENTIAL	 INDUSTRIAL
 VACANT	 PUBLIC SERVICE
 COMMERCIAL	 PUBLIC PARKS, FOREST AND CONSERVATION

TOWN OF HOMER

LAND USE/LAND COVER & ZONING



AGRICULTURAL

- OWNED
- RENTED

LAND USE/LAND COVER

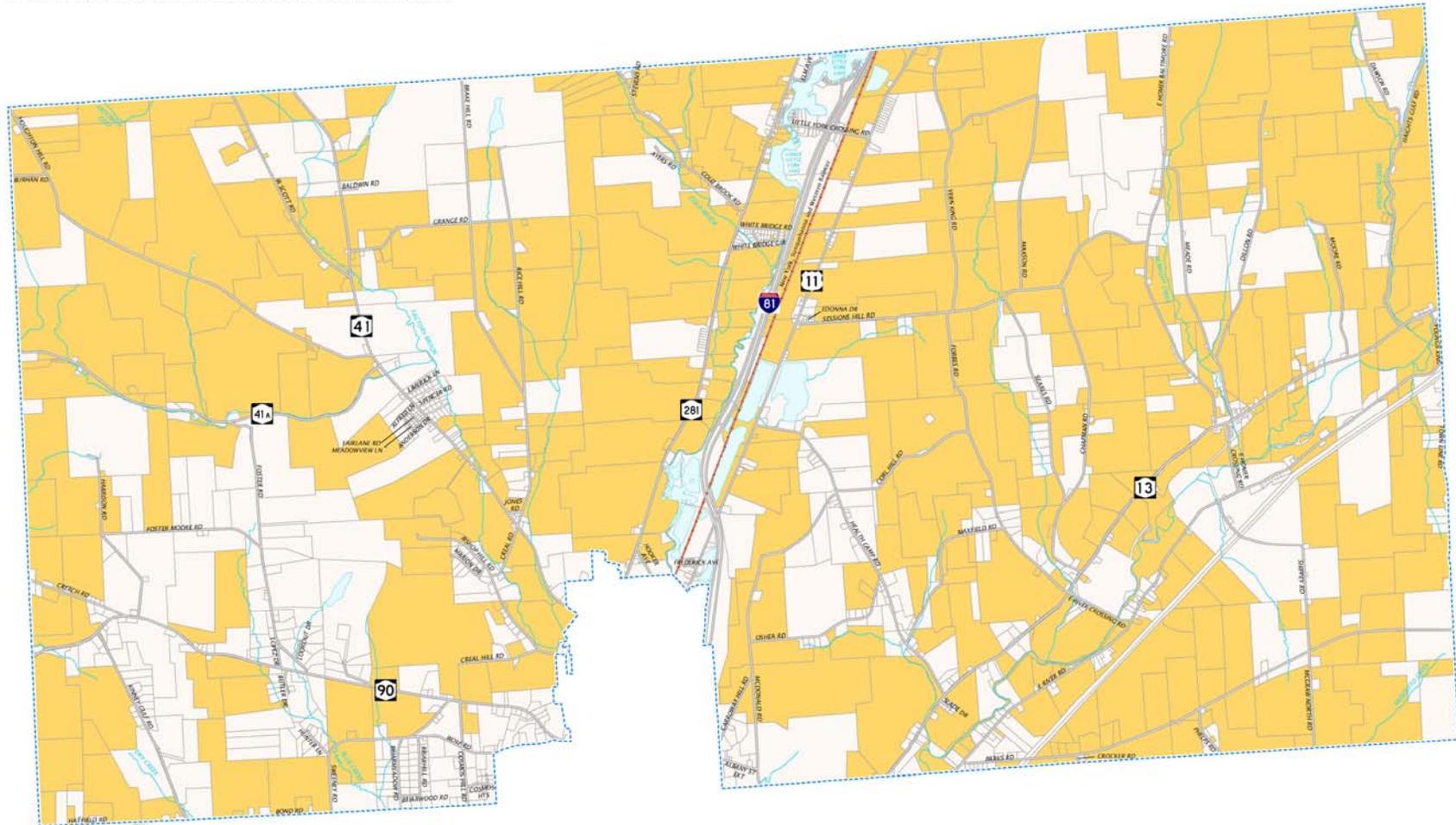
 SINGLE FAMILY RESIDENTIAL	 RECREATION AND ENTERTAINMENT
 TWO FAMILY RESIDENTIAL	 COMMUNITY SERVICE
 MULTI-FAMILY RESIDENTIAL	 INDUSTRIAL
 VACANT	 PUBLIC SERVICE
 COMMERCIAL	 PUBLIC PARKS, FOREST AND CONSERVATION

ZONING DISTRICTS

- AGRICULTURAL
- RESIDENTIAL
- LAKESIDE
- BUSINESS
- LIGHT INDUSTRIAL - 1
- LIGHT INDUSTRIAL - 2

TOWN OF HOMER

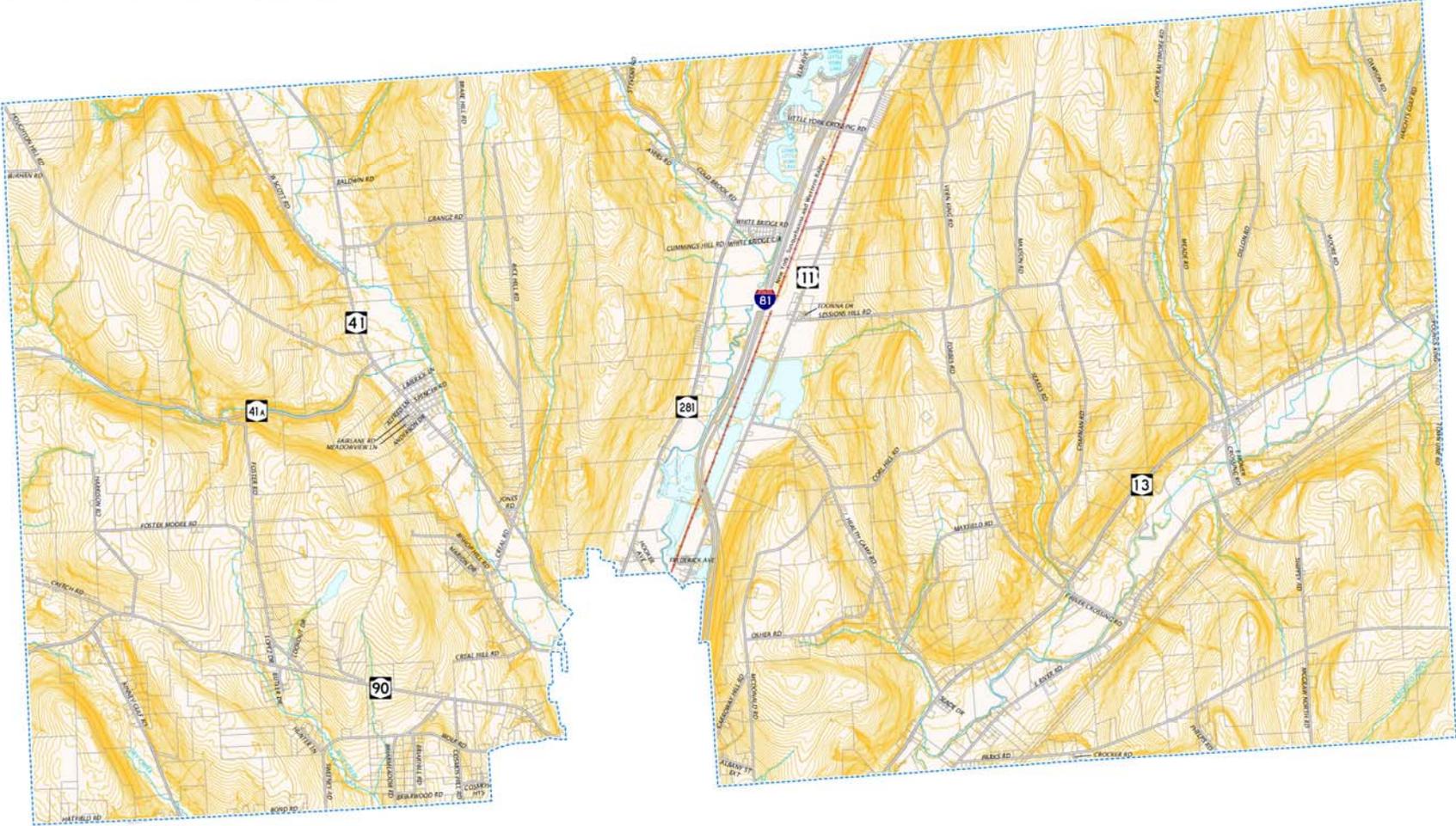
PROPERTIES WITH NATURAL GAS LEASES



Properties with Natural Gas Leases

TOWN OF HOMER

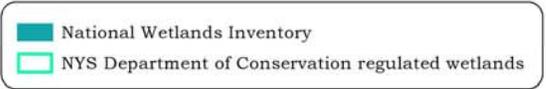
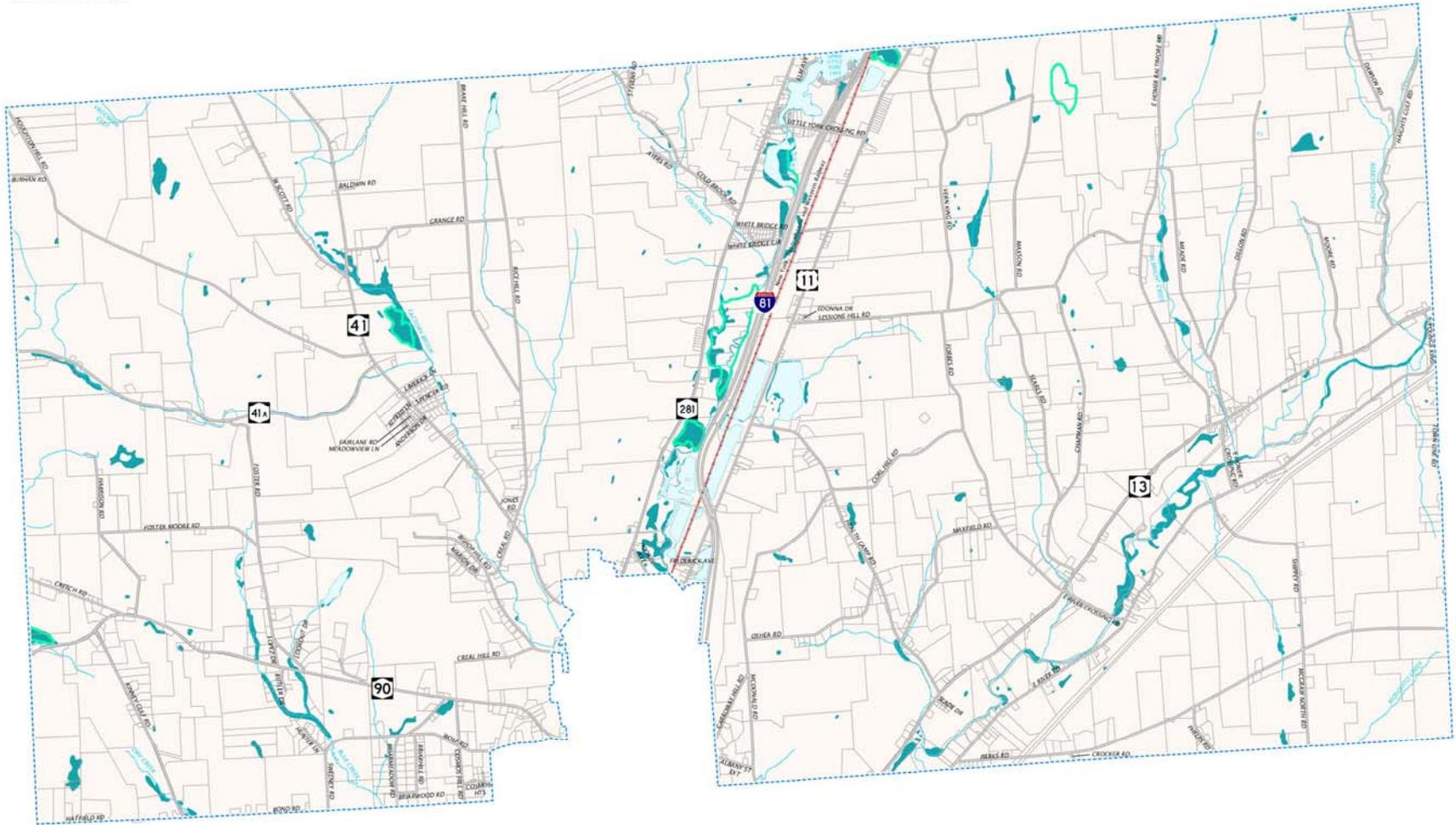
TOPOGRAPHY & HYDROGRAPHY



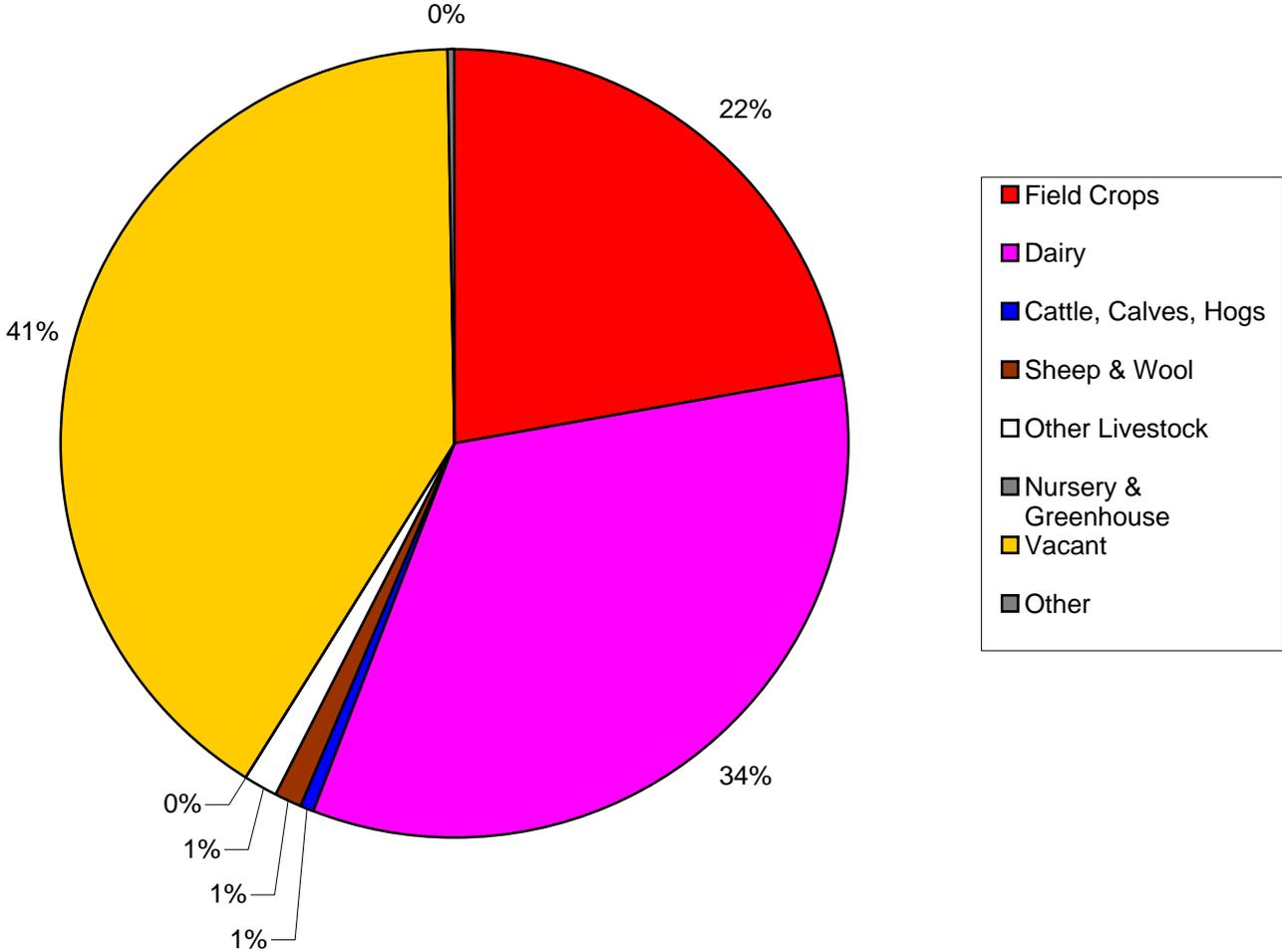
0 0.5 1
Miles

TOWN OF HOMER

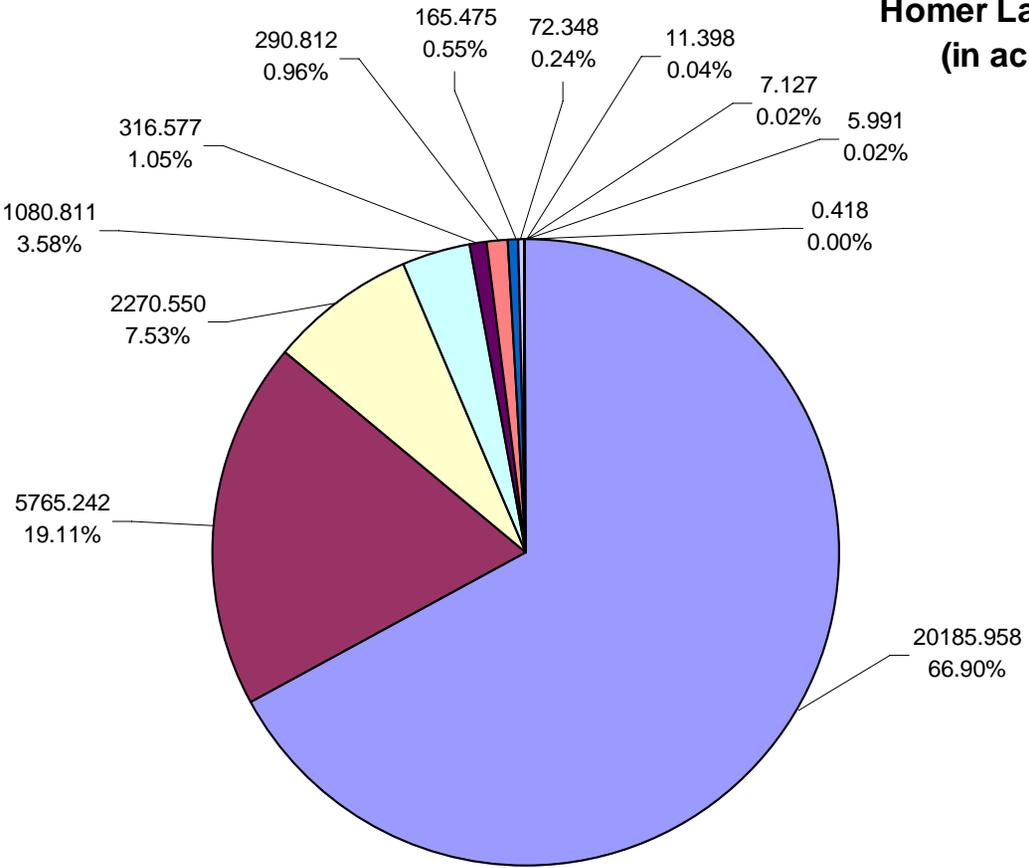
WETLANDS



Acreeage by Type of Agricultural Operation - Town of Homer



Homer Land Use (in acres)

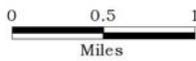
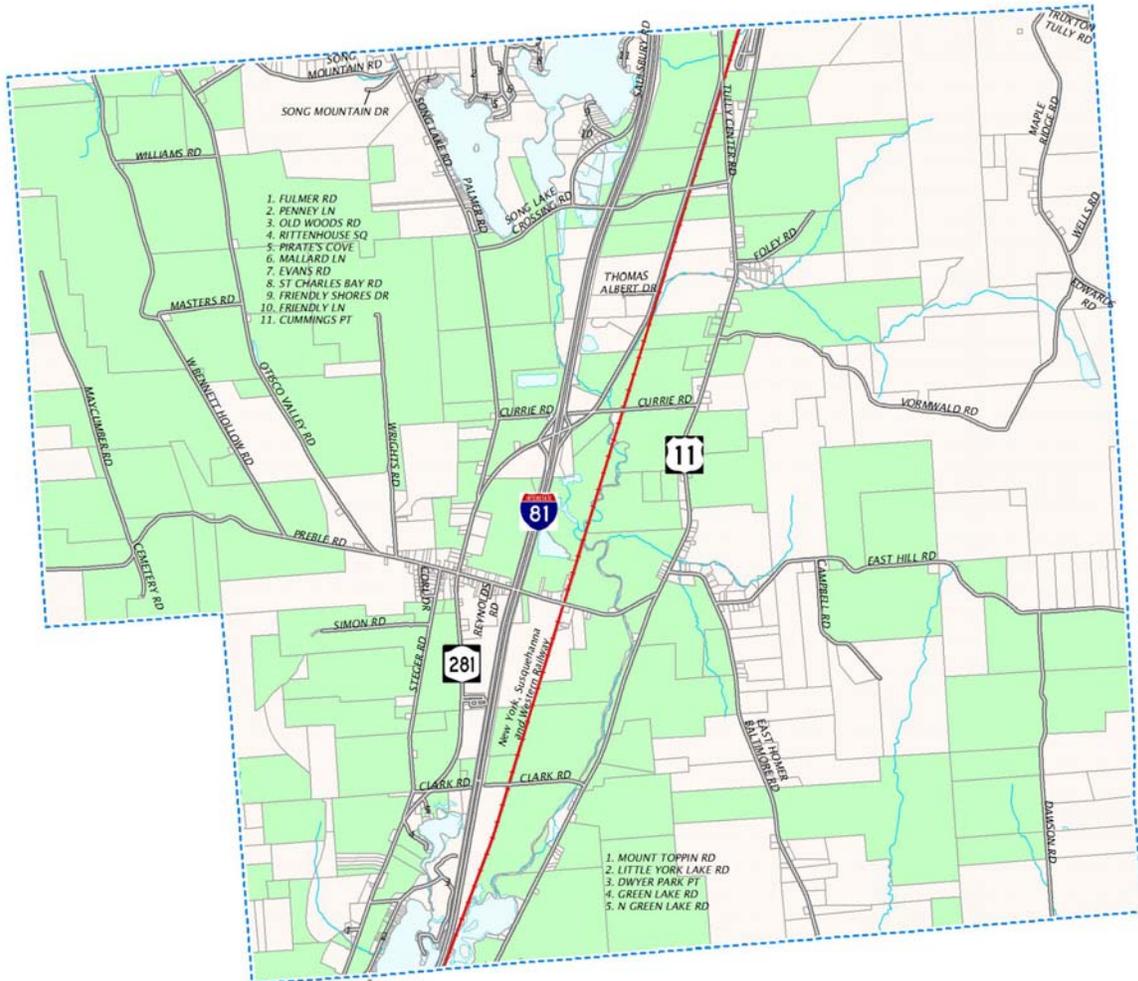


- Agricultural - 100
- Single Family Residential - 200
- Vacant - 300
- Forest and Conservation - 900
- Industrial - 700
- Commercial - 400
- Public Service - 800
- Two Family Residential - 200
- Community Service - 600
- Multi-Family Residential - 200
- Three Family Residential - 200
- Recreation and Entertainment - 500

Town of Preble Maps and Figures

TOWN OF PREBLE

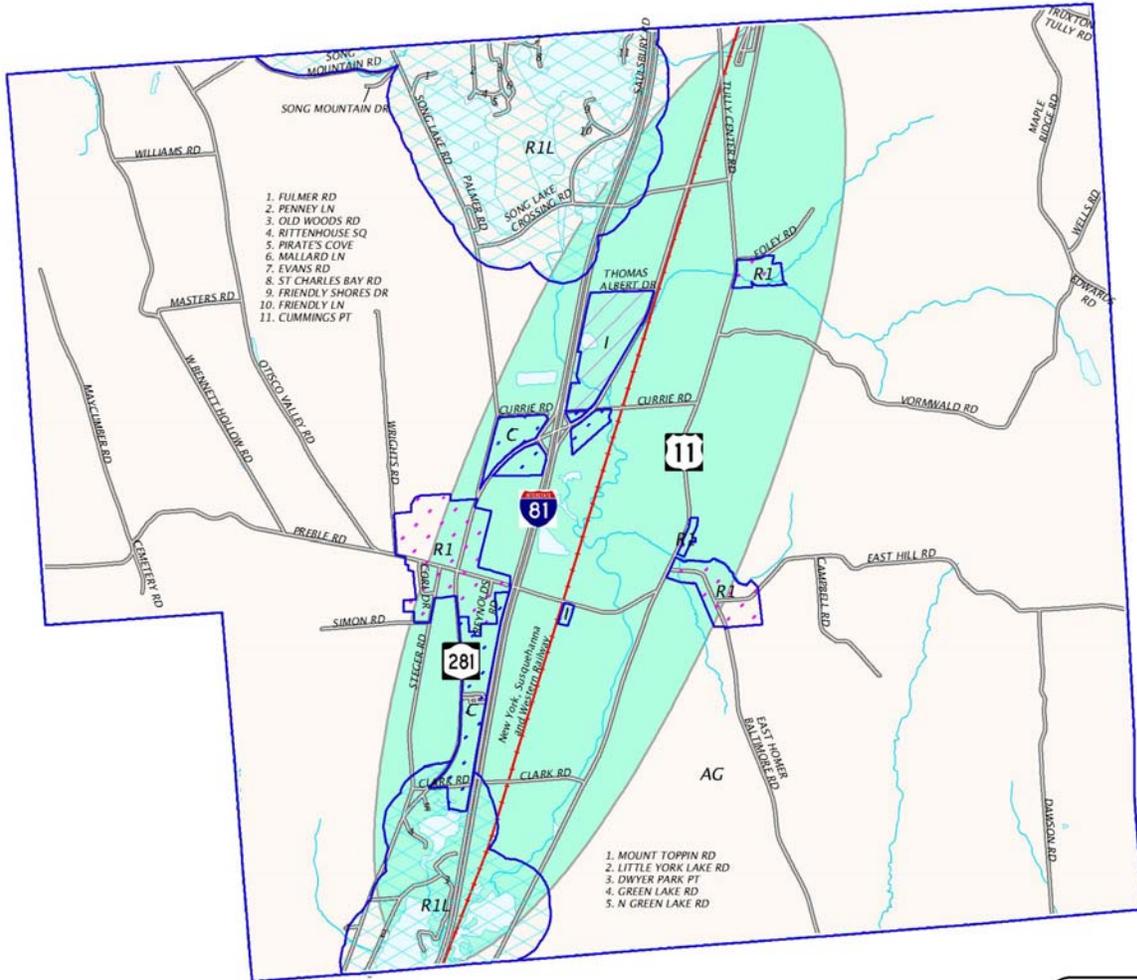
AGRICULTURAL DISTRICTS



AGRICULTURAL DISTRICTS

TOWN OF PREBLE

AGRICULTURAL PRIORITIZATION AREAS & ZONING



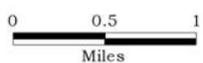
1. FULMER RD
2. PENNEY LN
3. OLD WOODS RD
4. RITTENHOUSE SQ
5. PRATES COVE
6. MALLARD LN
7. EVANS RD
8. ST CHARLES BAY RD
9. FRIENDLY SHORES DR
10. FRIENDLY LN
11. CUMMINGS PT

1. MOUNT TOPPIN RD
2. LITTLE YORK LAKE RD
3. DRYER PARK PT
4. GREEN LAKE RD
5. N GREEN LAKE RD

AGRICULTURAL PRIORITIZATION AREA

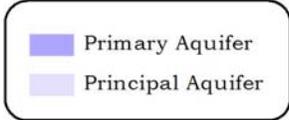
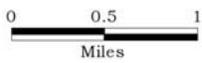
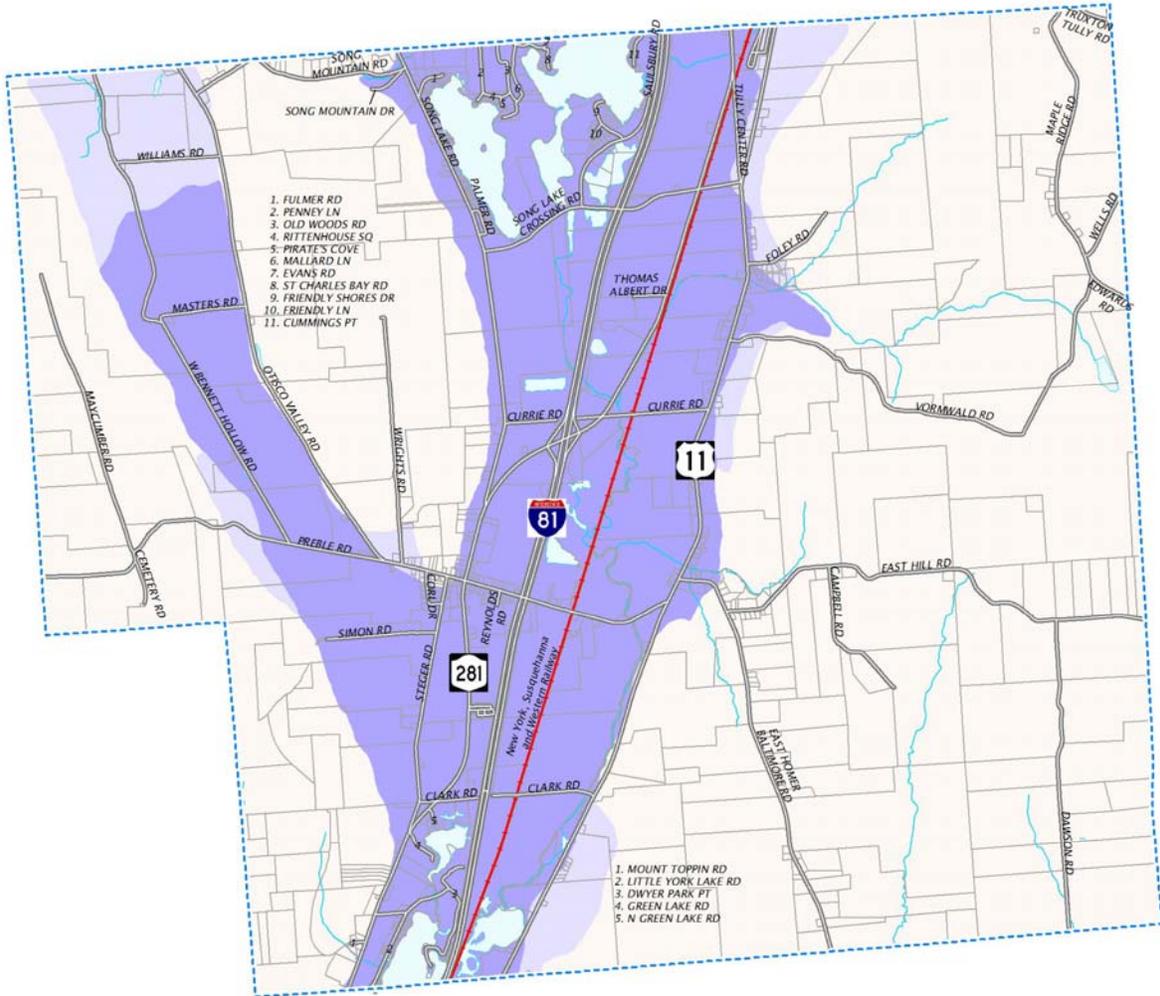
ZONING DISTRICTS

- AG
- R1
- R1L
- C
- I



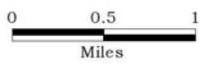
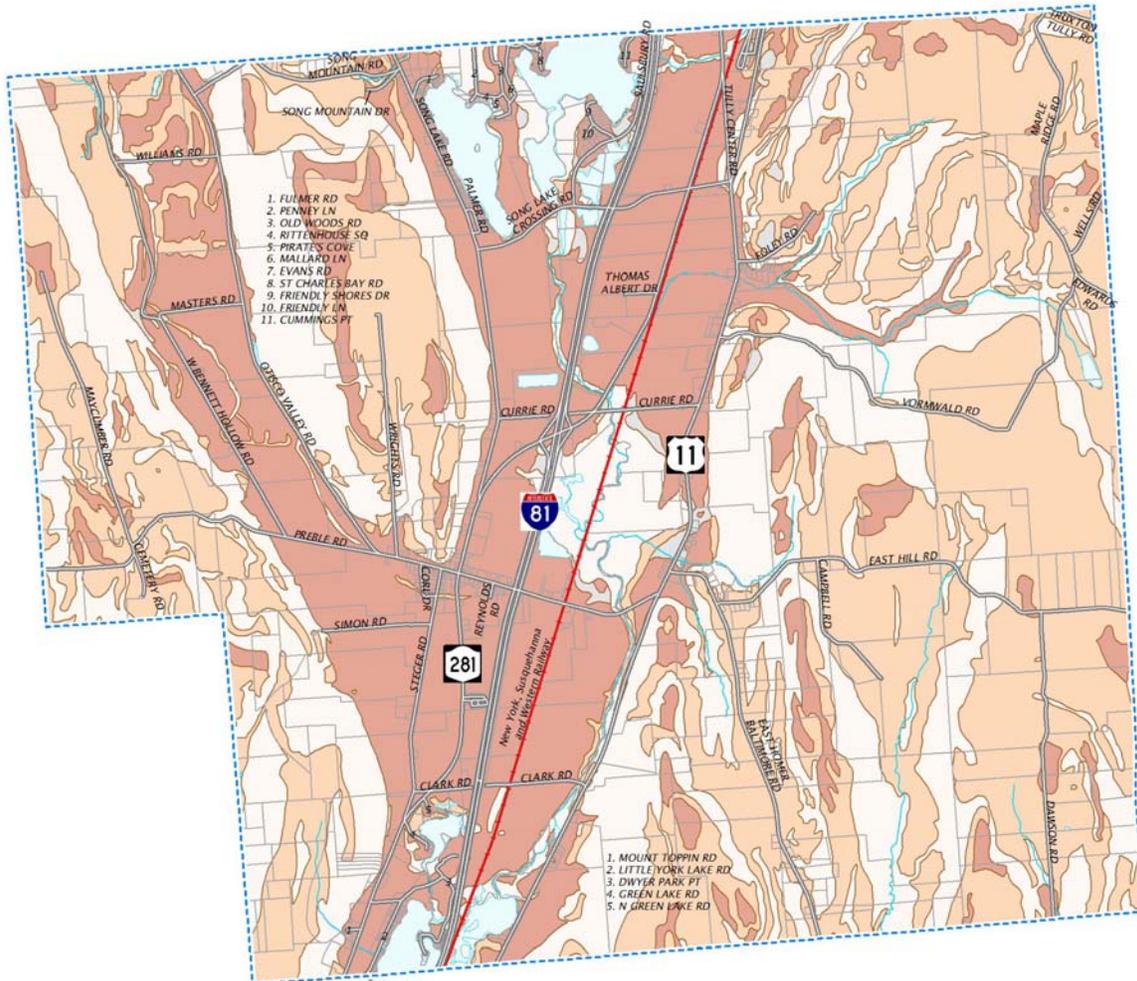
TOWN OF PREBLE

AQUIFER



TOWN OF PREBLE

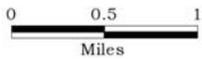
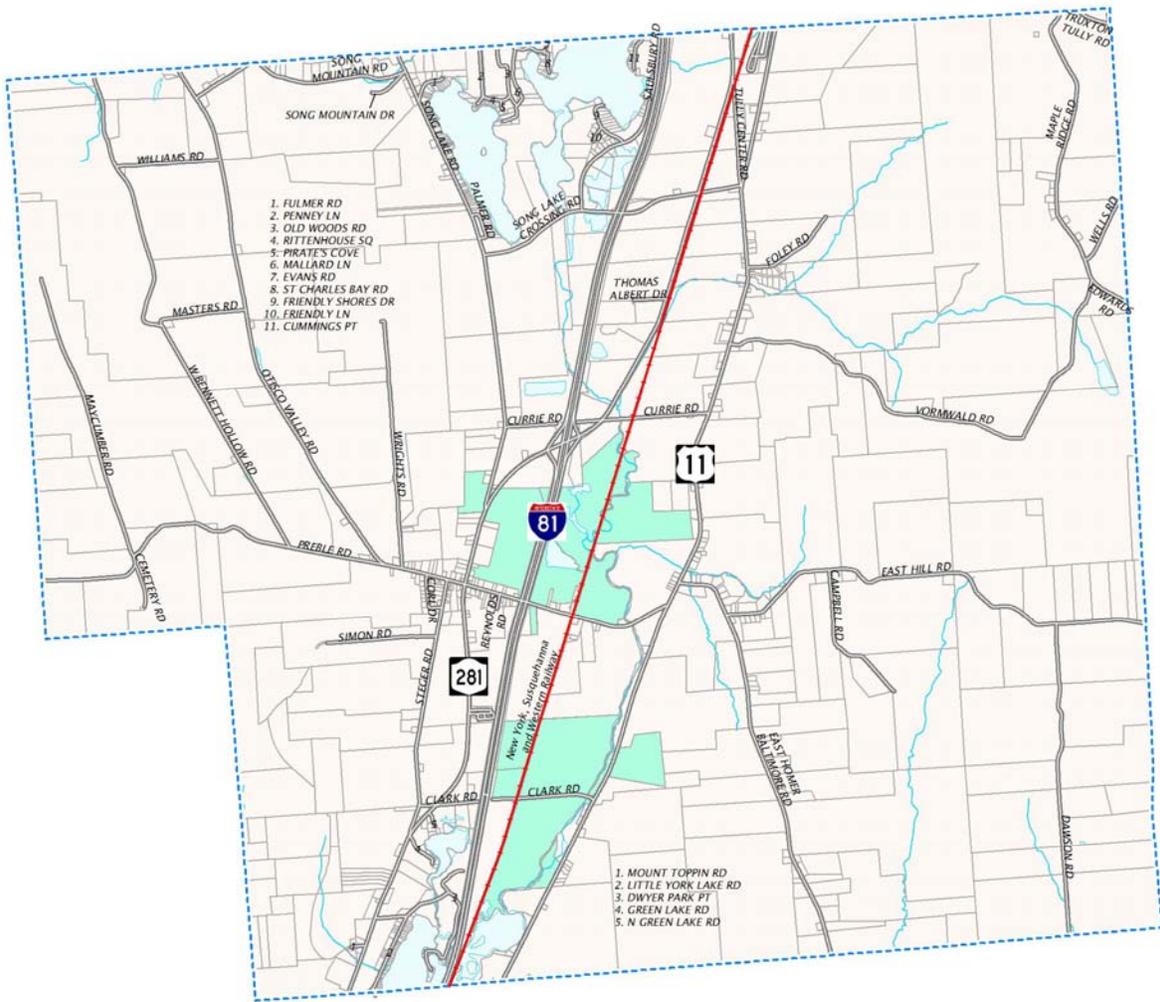
FARMLAND IMPORTANCE



- All areas are prime farmland
- Prime farmland if drained
- Farmland of statewide importance

TOWN OF PREBLE

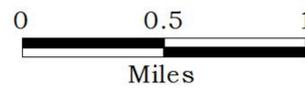
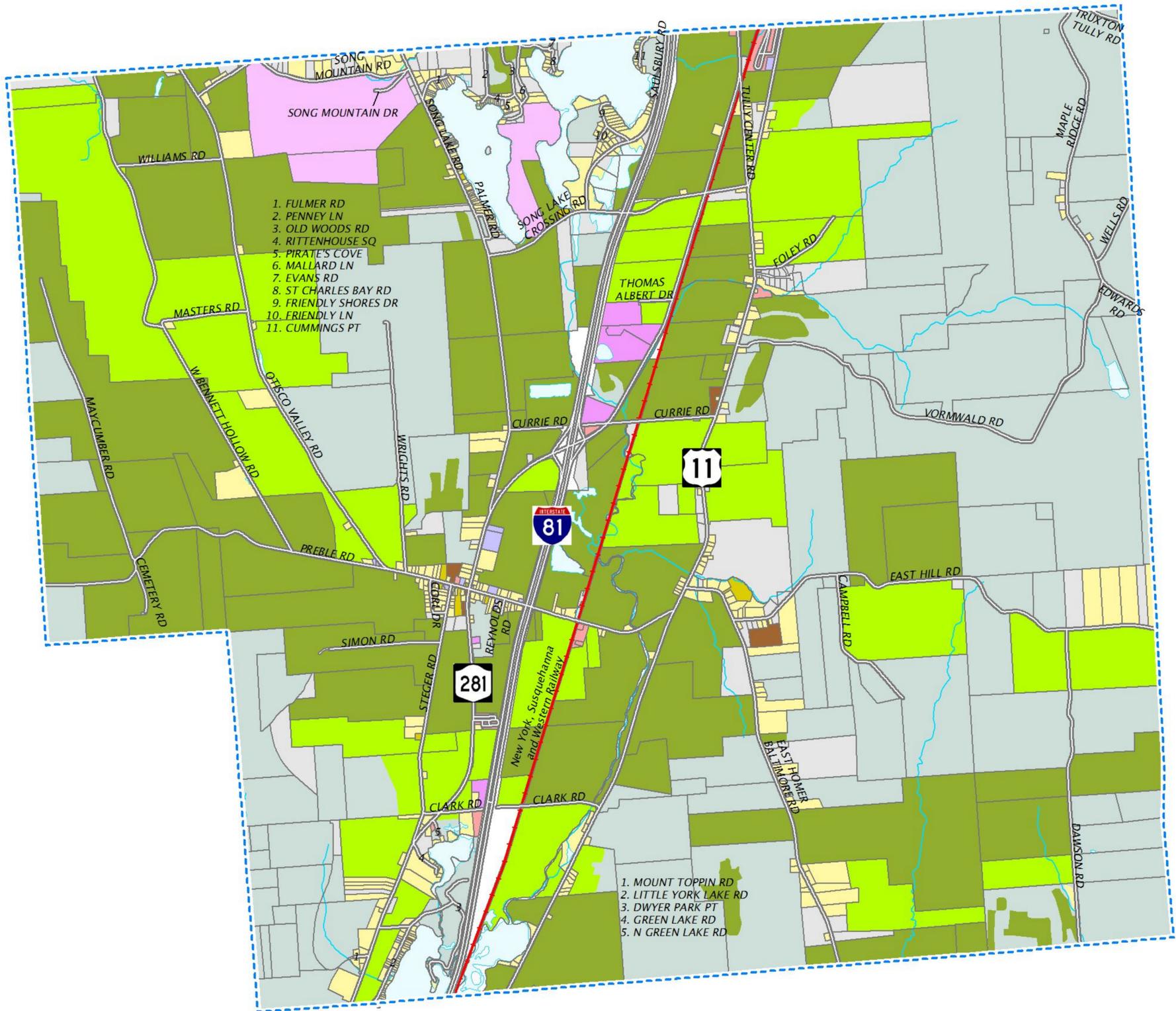
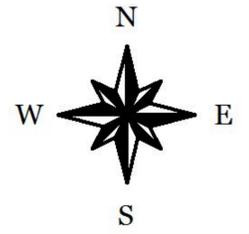
FARMS WITH CONSERVATION EASEMENTS



Farms with Conservation Easements

TOWN OF PREBLE

LAND USE/LAND COVER & TENURE



AGRICULTURAL

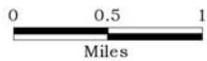
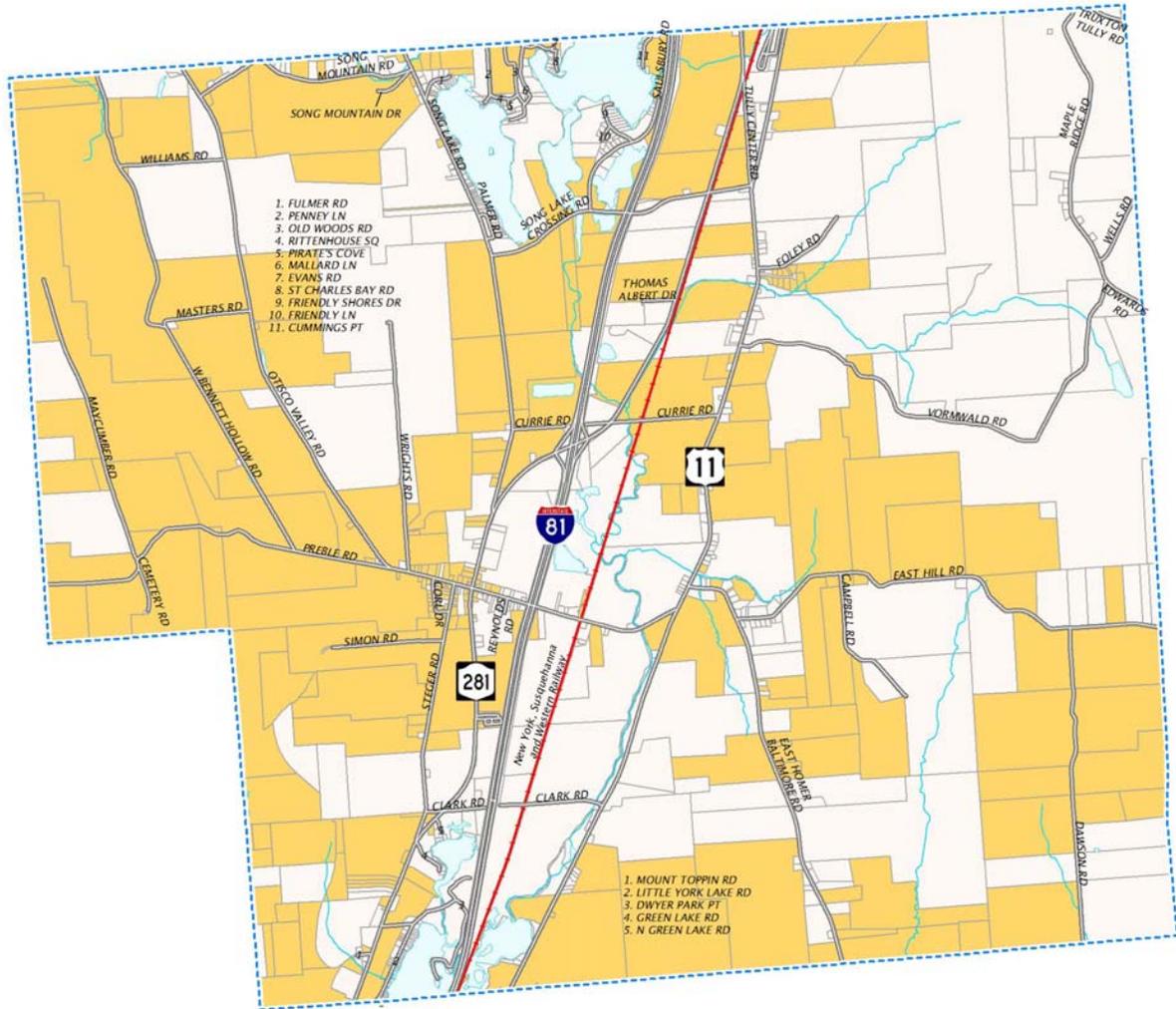
- OWNED
- RENTED

LAND USE/LAND COVER

 SINGLE FAMILY RESIDENTIAL	 RECREATION AND ENTERTAINMENT
 TWO FAMILY RESIDENTIAL	 COMMUNITY SERVICE
 MULTI-FAMILY RESIDENTIAL	 INDUSTRIAL
 VACANT	 PUBLIC SERVICE
 COMMERCIAL	 PUBLIC PARKS, FOREST AND CONSERVATION

TOWN OF PREBLE

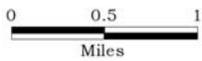
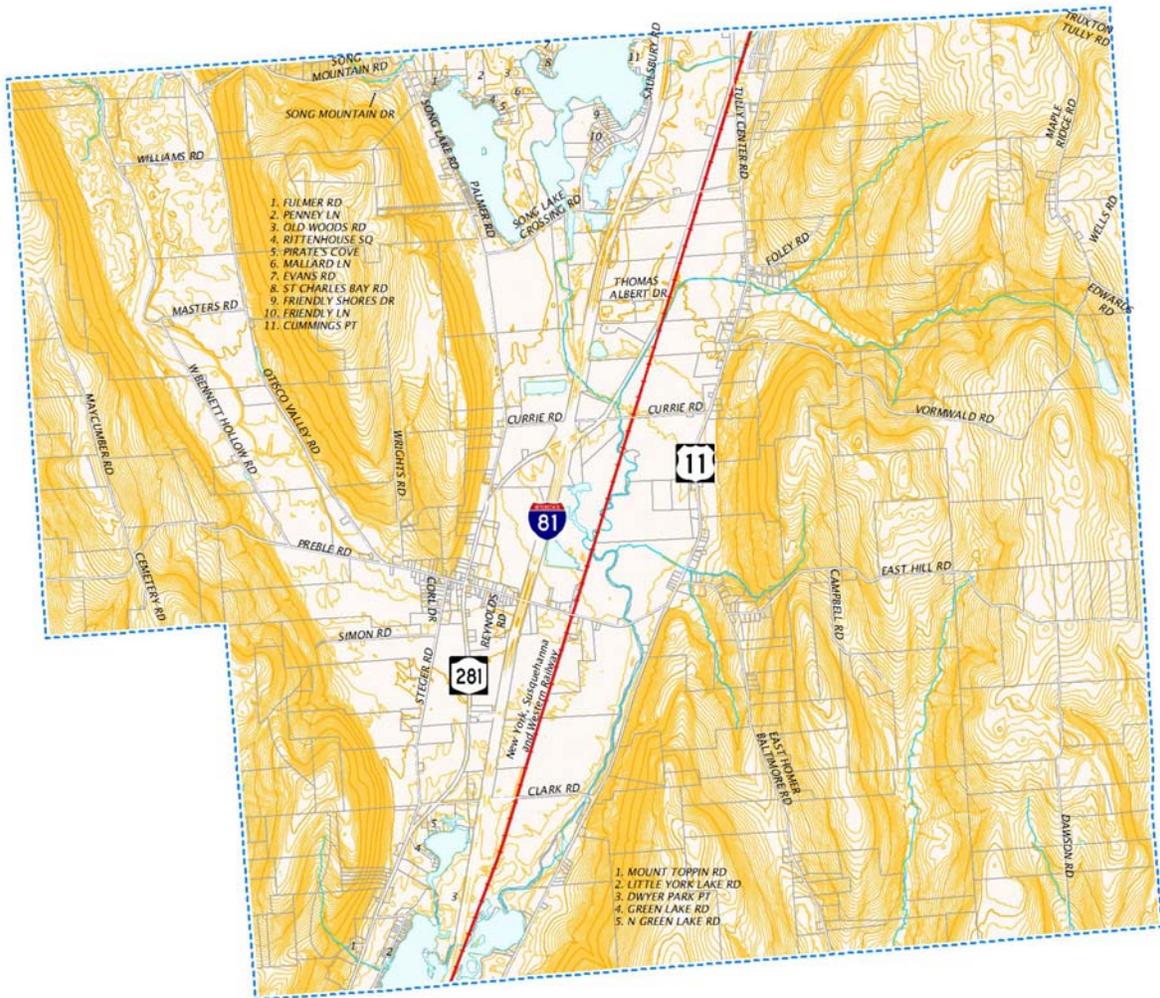
PROPERTIES WITH NATURAL GAS LEASES



Properties with Natural Gas Leases

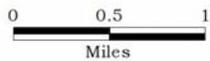
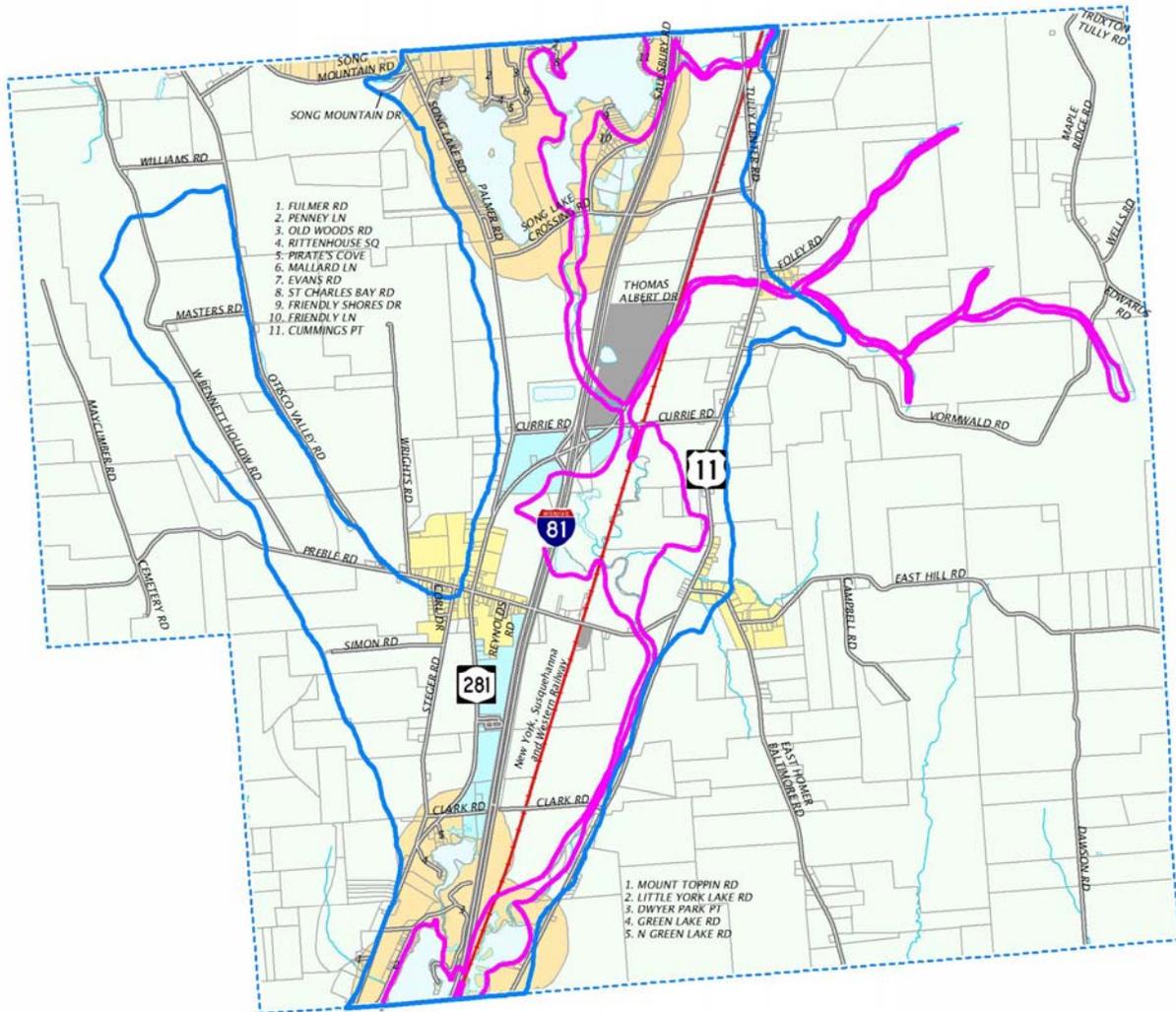
TOWN OF PREBLE

TOPOGRAPHY & HYDROGRAPHY



TOWN OF PREBLE

ZONING

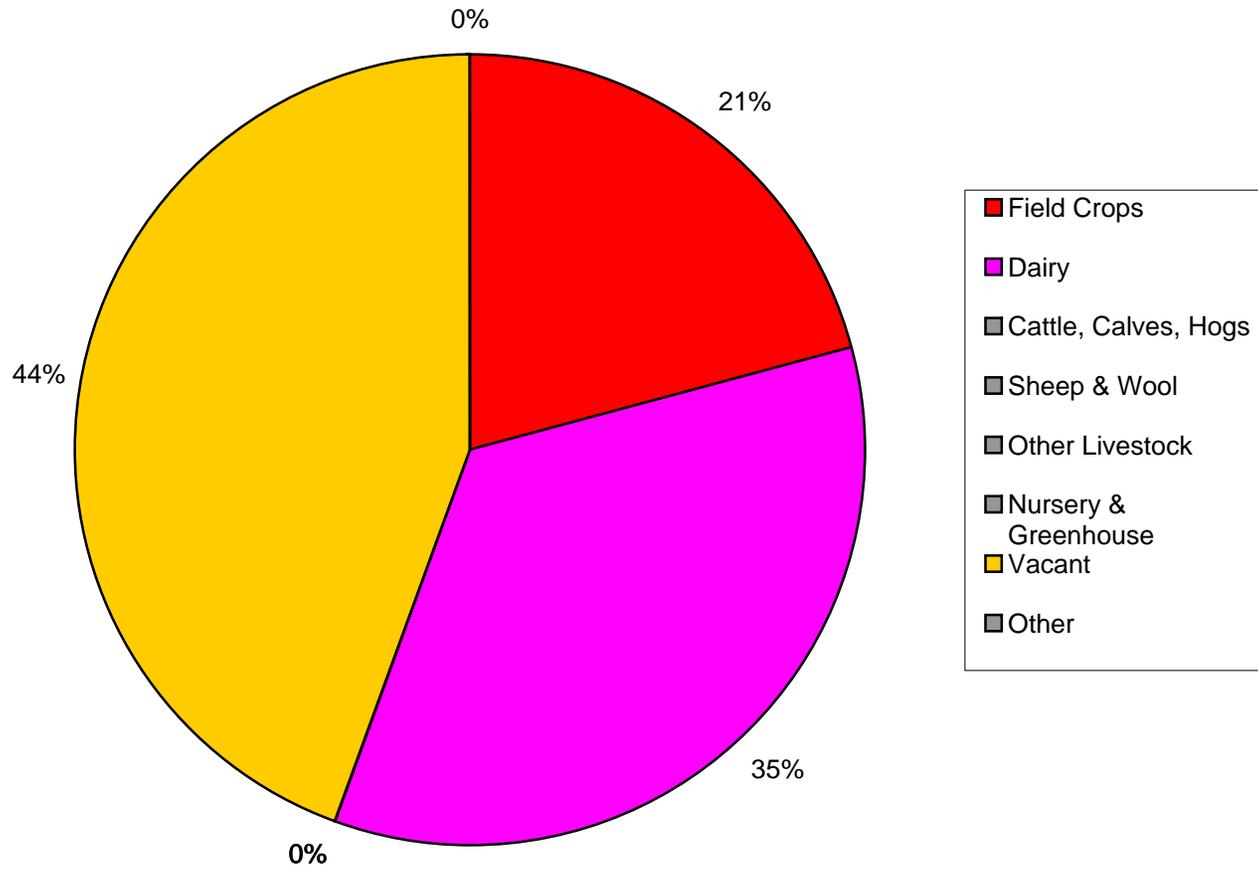


- Zone A / Aquifer Protection District I
- Aquifer Protection District II
(everything outside of District I)
- Wetlands Protection Overlay Zone

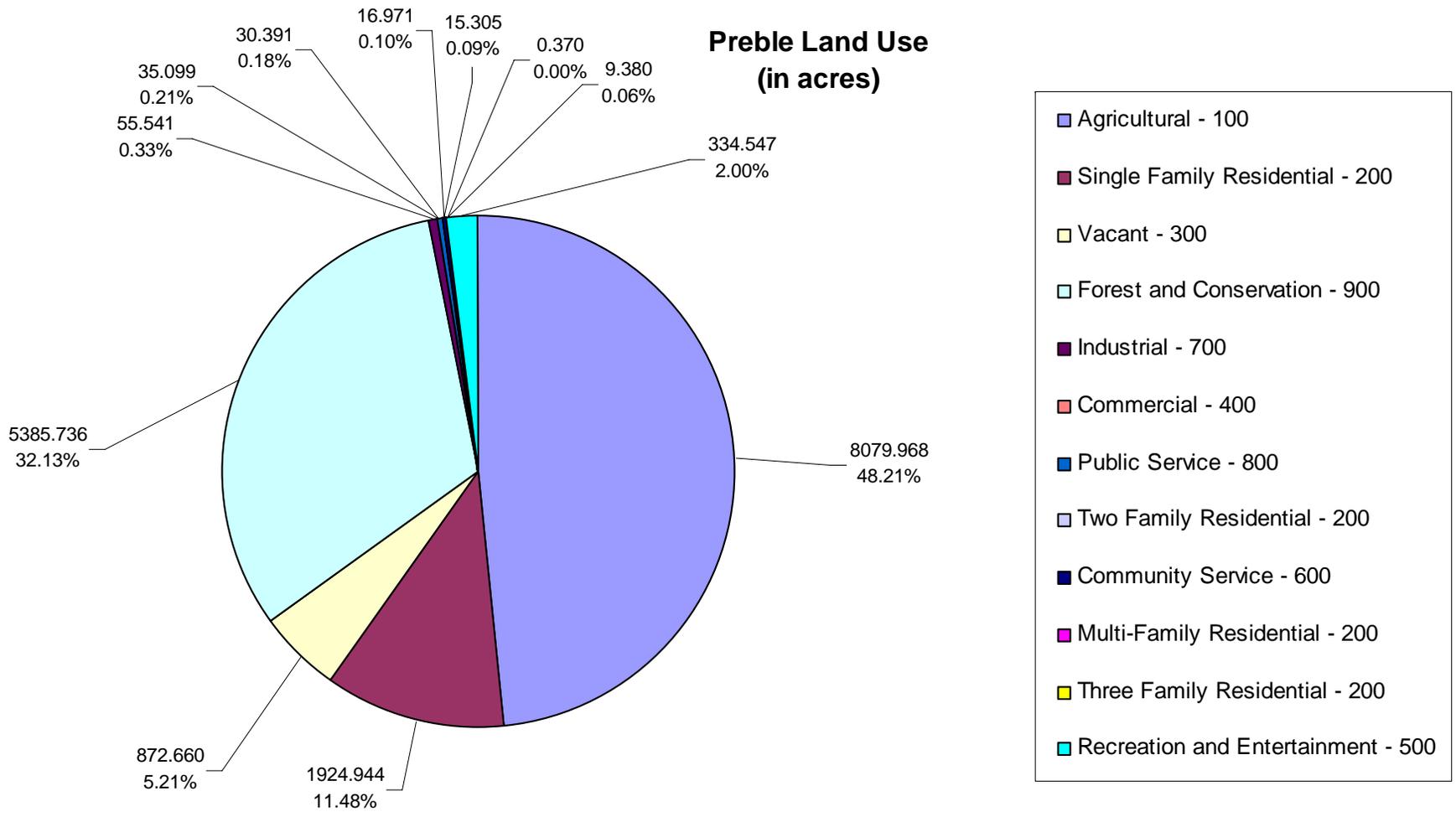
ZONING DISTRICTS

	AG	AGRICULTURAL
	R1	RESIDENTIAL
	R1L	RESIDENTIAL LAKESIDE
	C	COMMERCIAL
	I	INDUSTRIAL

Acreage by Type of Agricultural Operation - Town of Preble



Preble Land Use (in acres)

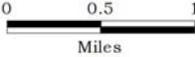
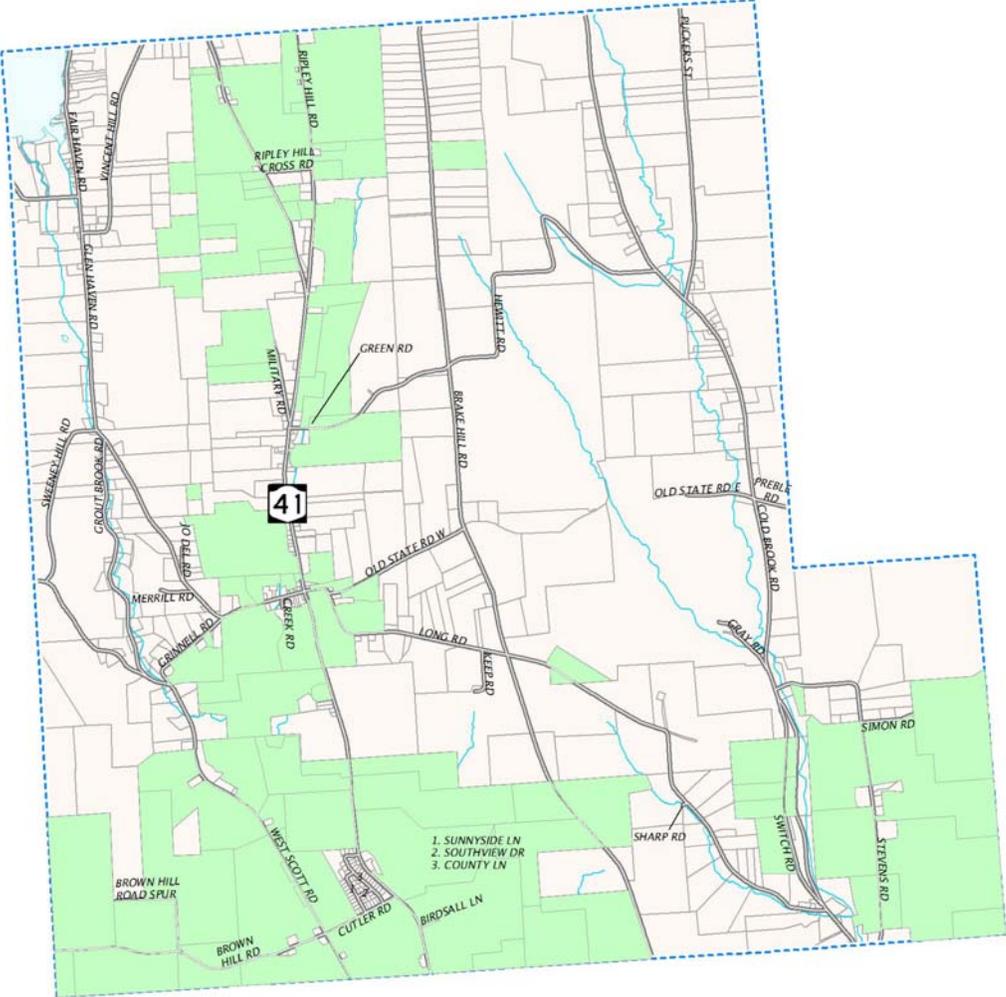


- Agricultural - 100
- Single Family Residential - 200
- Vacant - 300
- Forest and Conservation - 900
- Industrial - 700
- Commercial - 400
- Public Service - 800
- Two Family Residential - 200
- Community Service - 600
- Multi-Family Residential - 200
- Three Family Residential - 200
- Recreation and Entertainment - 500

Town of Scott Maps and Figures

TOWN OF SCOTT

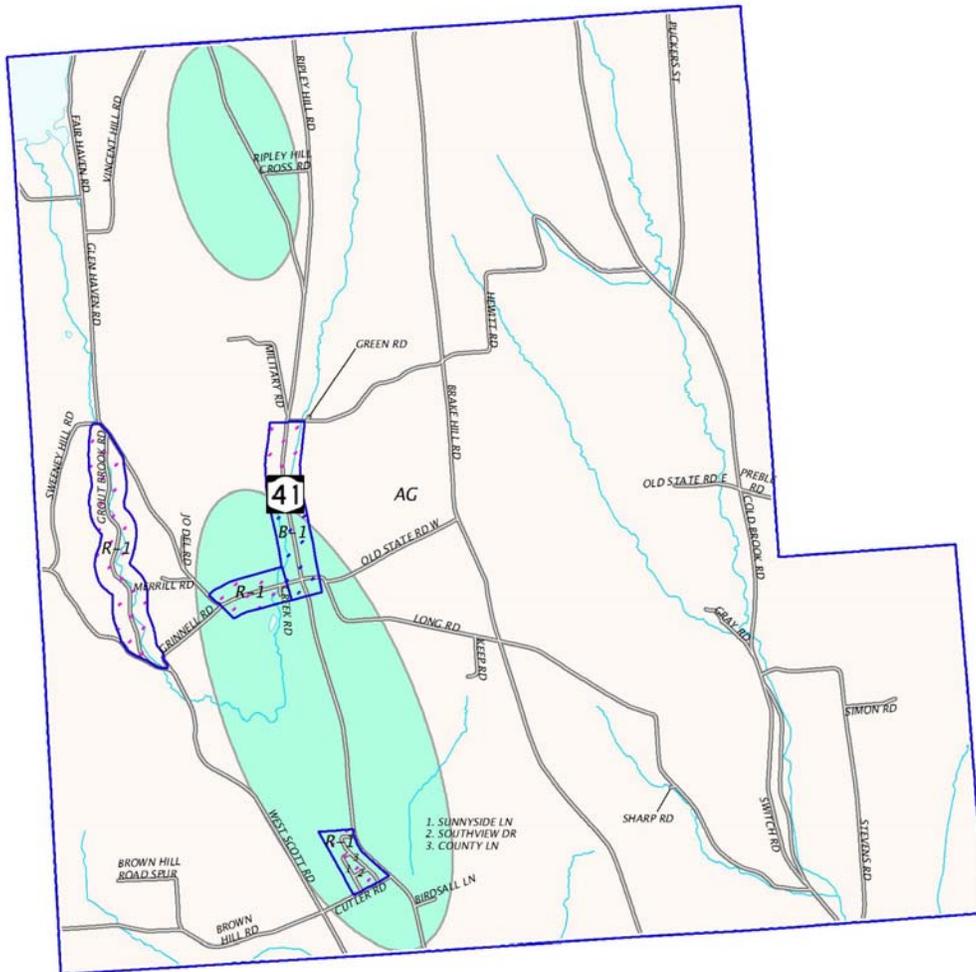
AGRICULTURAL DISTRICTS



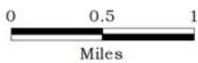
AGRICULTURAL DISTRICTS

TOWN OF SCOTT

AGRICULTURAL PRIORITIZATION AREAS & ZONING



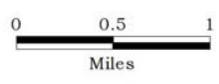
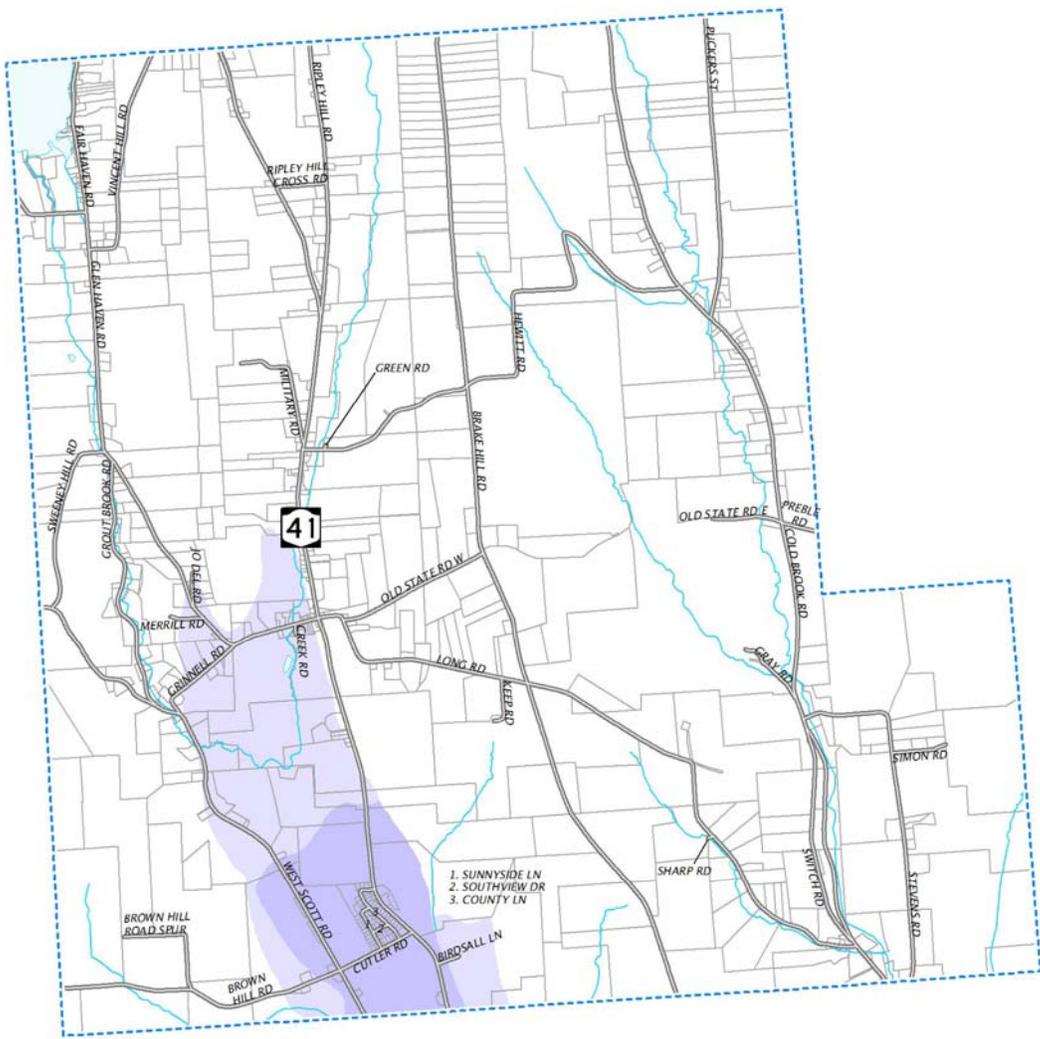
 AGRICULTURAL PRIORITIZATION AREAS



ZONING DISTRICTS

-  AG
-  R-1
-  B-1

TOWN OF SCOTT AQUIFER

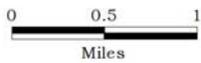
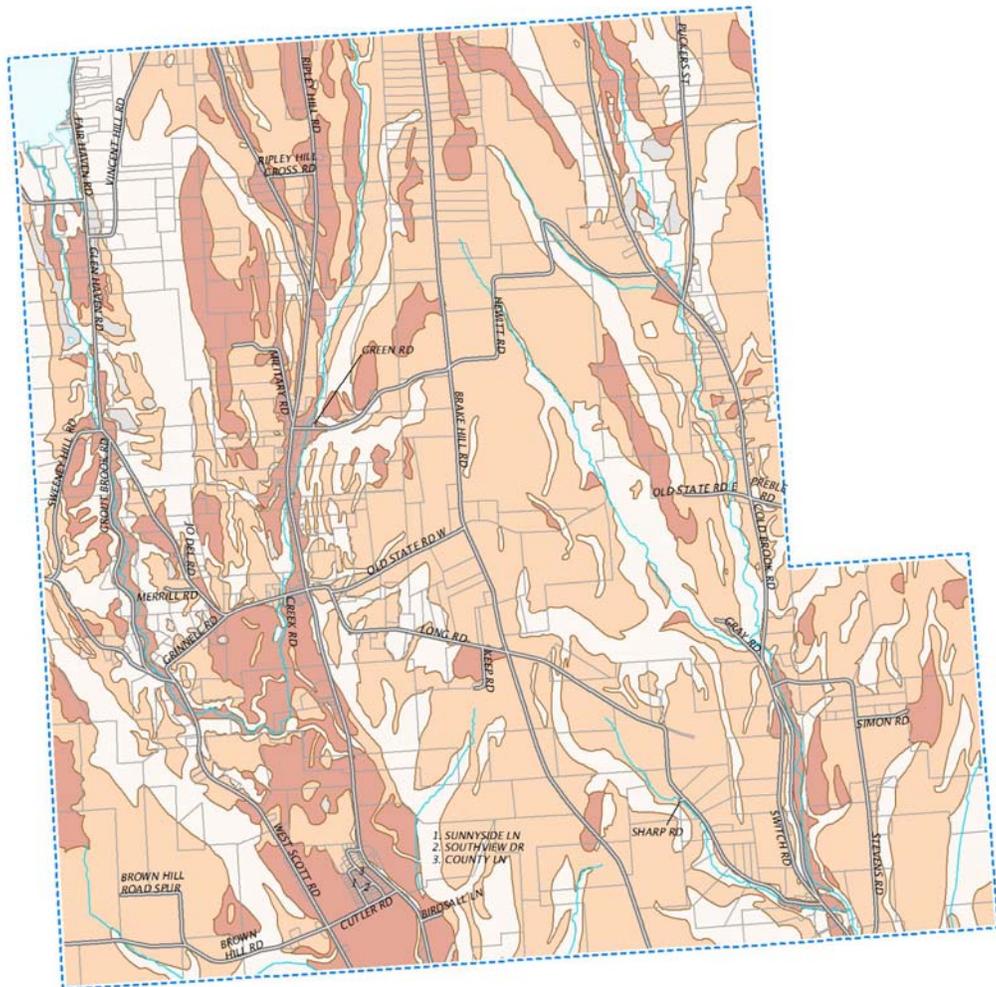


Legend:

- Primary Aquifer
- Principal Aquifer

TOWN OF SCOTT

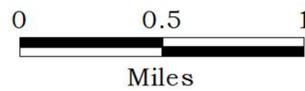
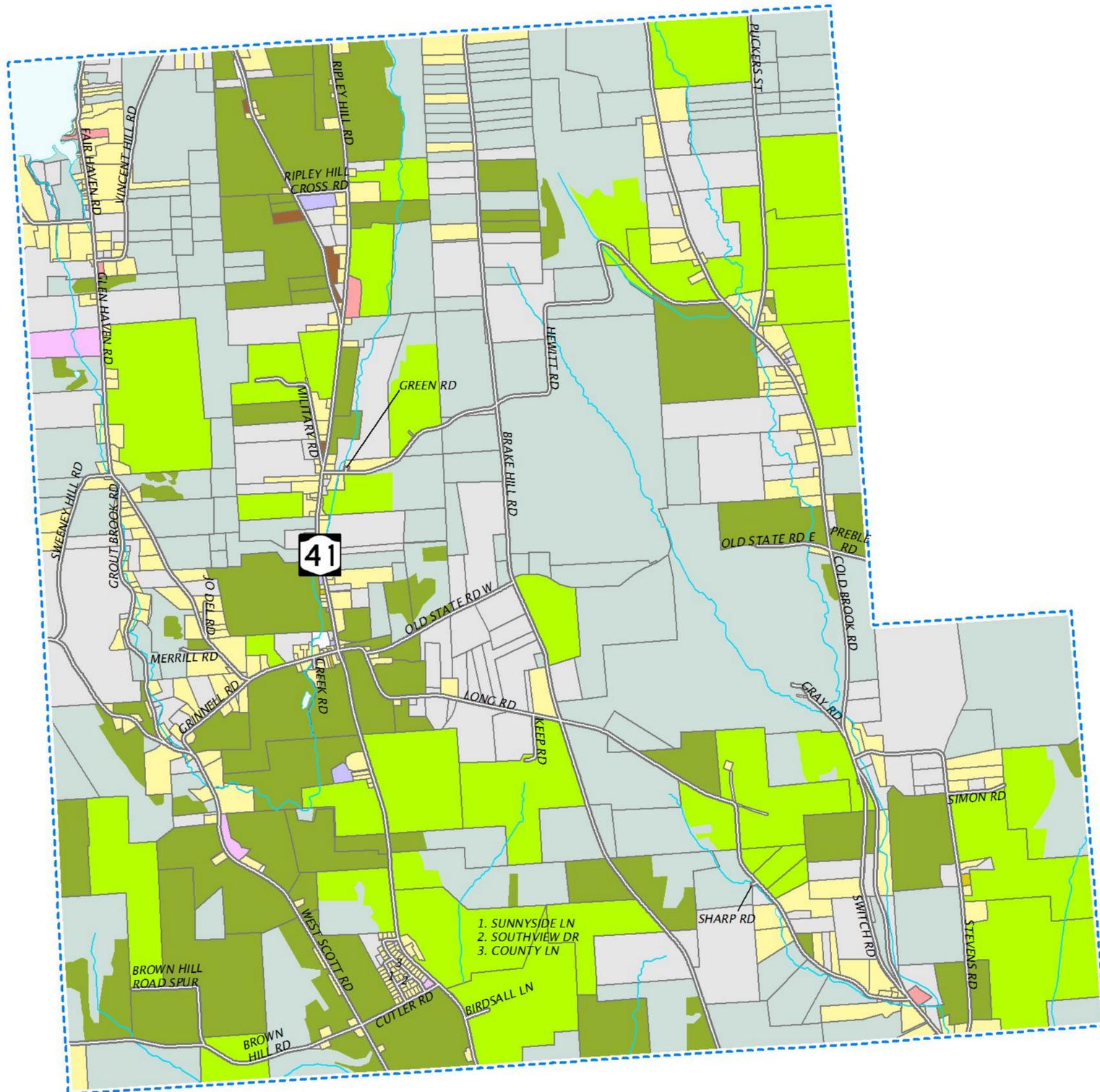
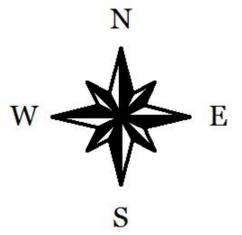
FARMLAND IMPORTANCE



- All areas are prime farmland
- Prime farmland if drained
- Farmland of statewide importance

TOWN OF SCOTT

LAND USE/LAND COVER & TENURE



AGRICULTURAL

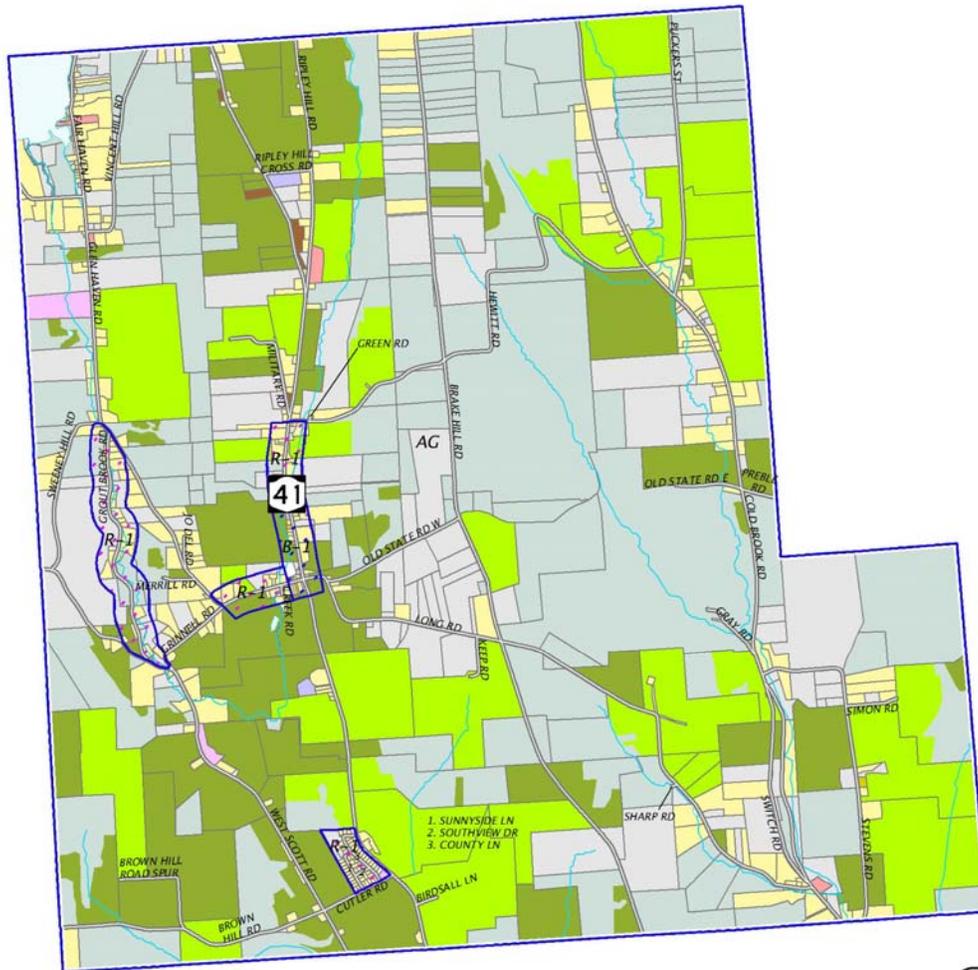
- OWNED
- RENTED

LAND USE / LAND COVER

- | | |
|--|--|
| SINGLE FAMILY RESIDENTIAL | RECREATION AND ENTERTAINMENT |
| TWO FAMILY RESIDENTIAL | COMMUNITY SERVICE |
| MULTI-FAMILY RESIDENTIAL | INDUSTRIAL |
| VACANT | PUBLIC SERVICE |
| COMMERCIAL | PUBLIC PARKS, FOREST AND CONSERVATION |

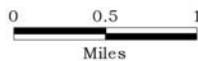
TOWN OF SCOTT

LAND USE/LAND COVER & ZONING



AGRICULTURAL

- OWNED
- RENTED



ZONING DISTRICTS

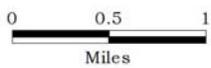
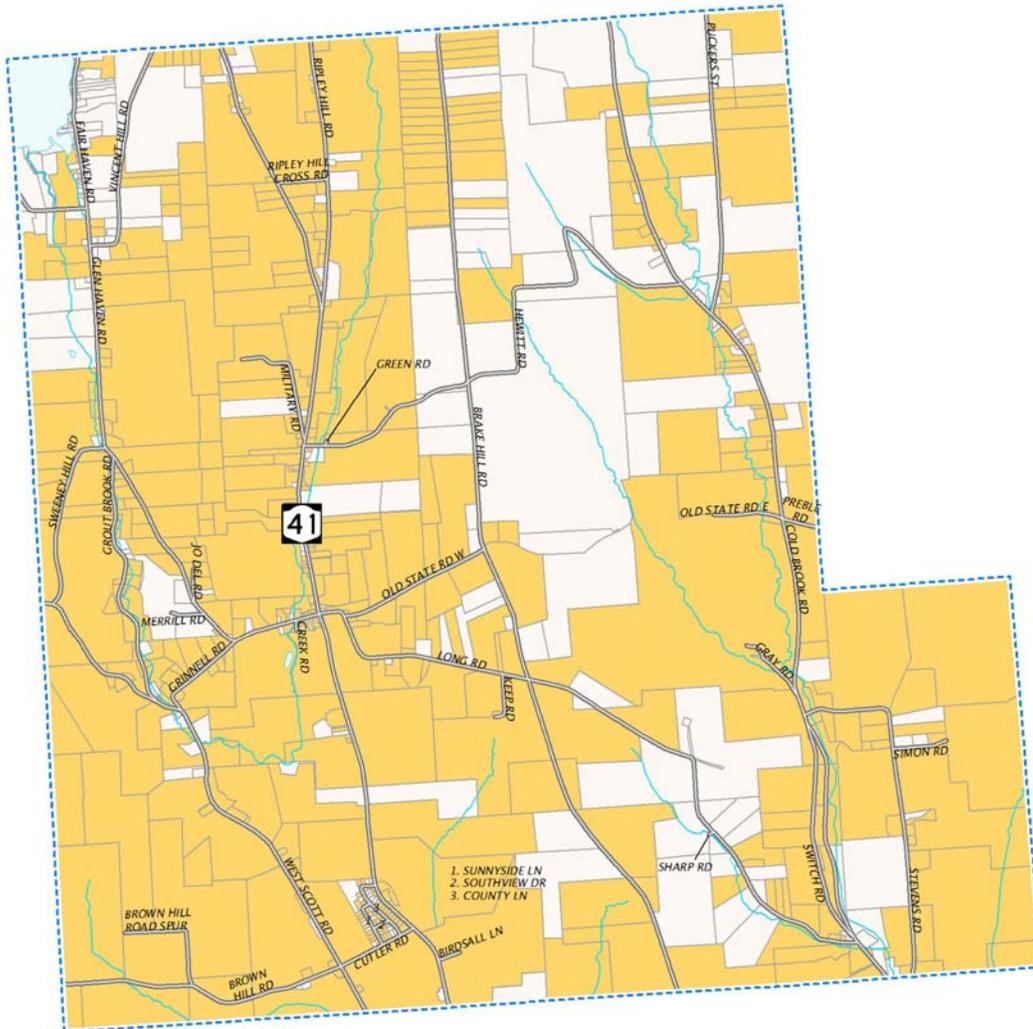
- AG
- R-1
- B-1

LAND USE / LAND COVER

<ul style="list-style-type: none"> SINGLE FAMILY RESIDENTIAL TWO FAMILY RESIDENTIAL MULTI-FAMILY RESIDENTIAL VACANT COMMERCIAL 	<ul style="list-style-type: none"> RECREATION AND ENTERTAINMENT COMMUNITY SERVICE INDUSTRIAL PUBLIC SERVICE PUBLIC PARKS, FOREST AND CONSERVATION
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TOWN OF SCOTT

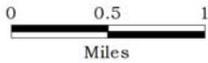
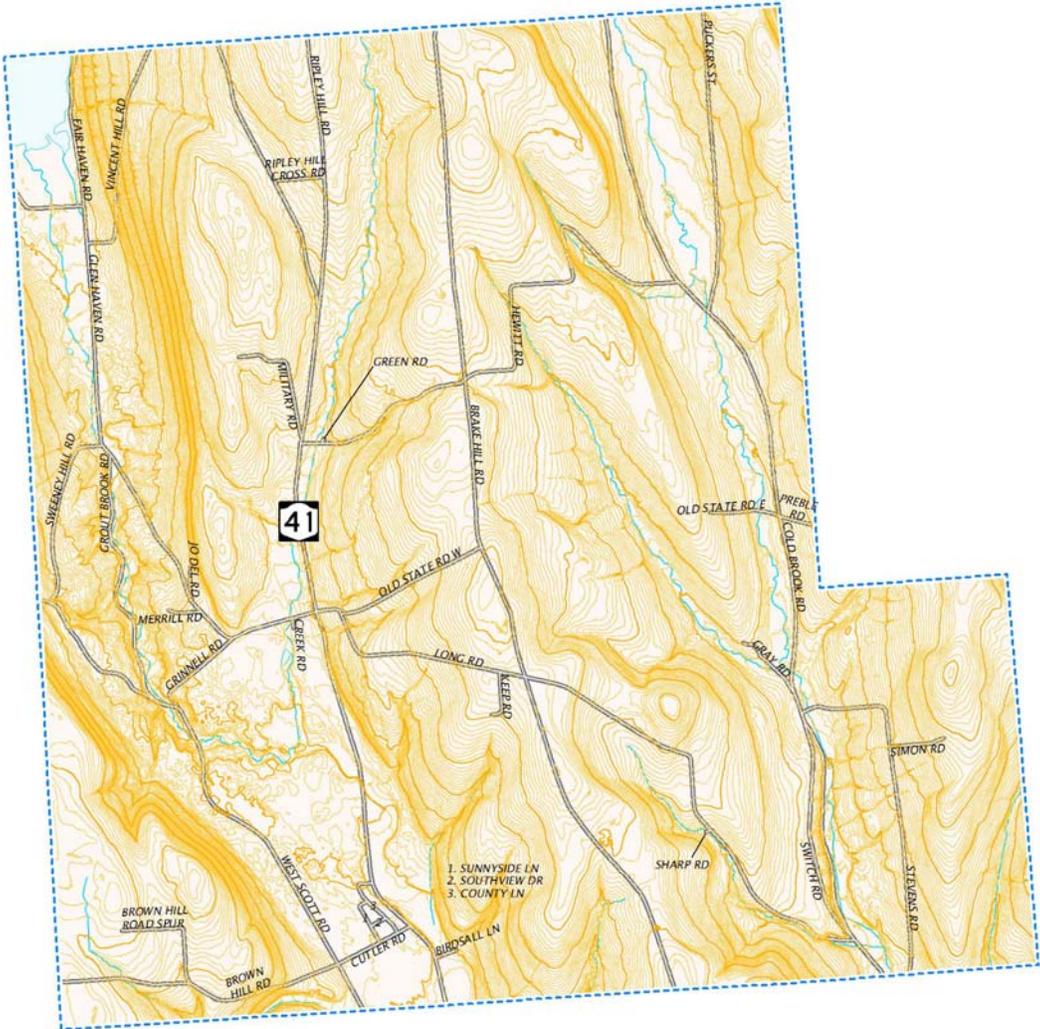
PROPERTIES WITH NATURAL GAS LEASES



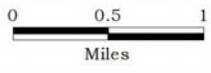
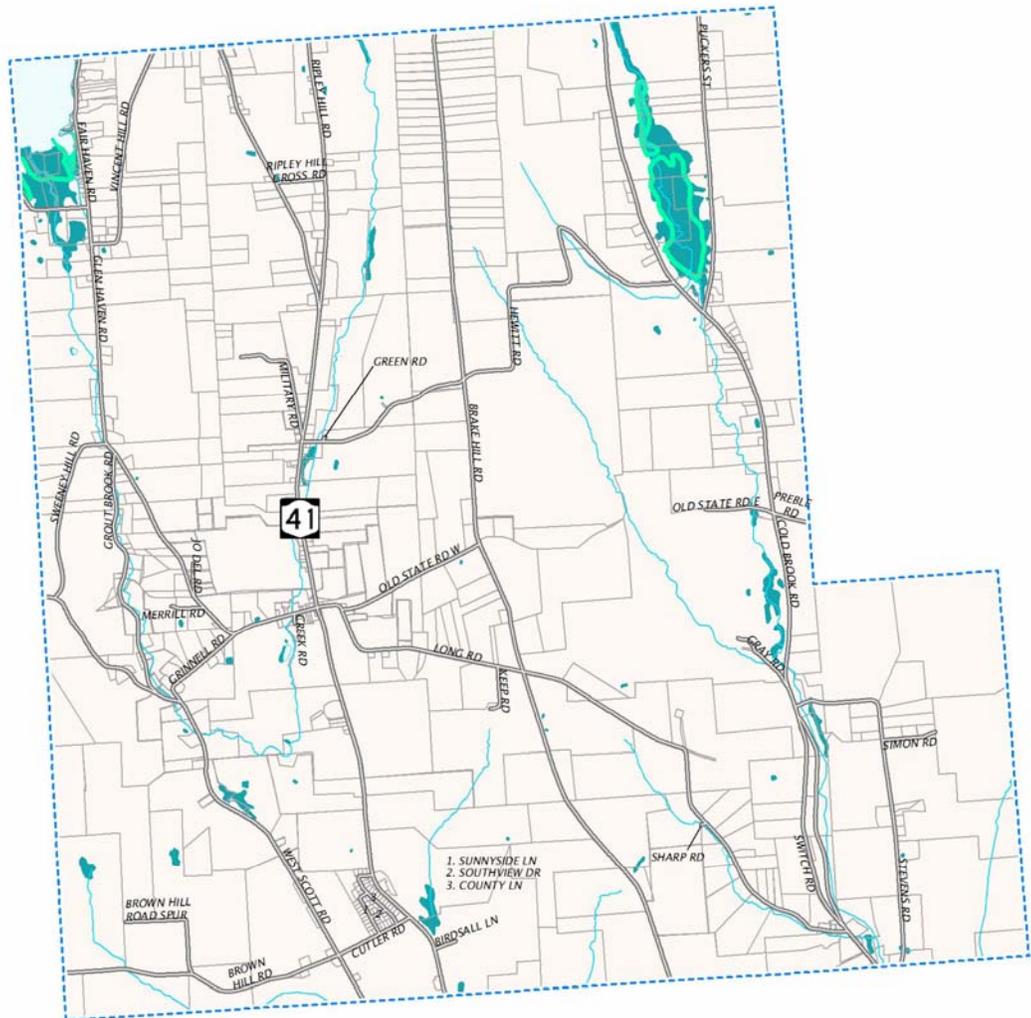
Properties with Natural Gas Leases

TOWN OF SCOTT

TOPOGRAPHY & HYDROGRAPHY



TOWN OF SCOTT WETLANDS

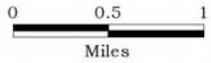


 National Wetlands Inventory

 NYS Department of Conservation regulated wetlands

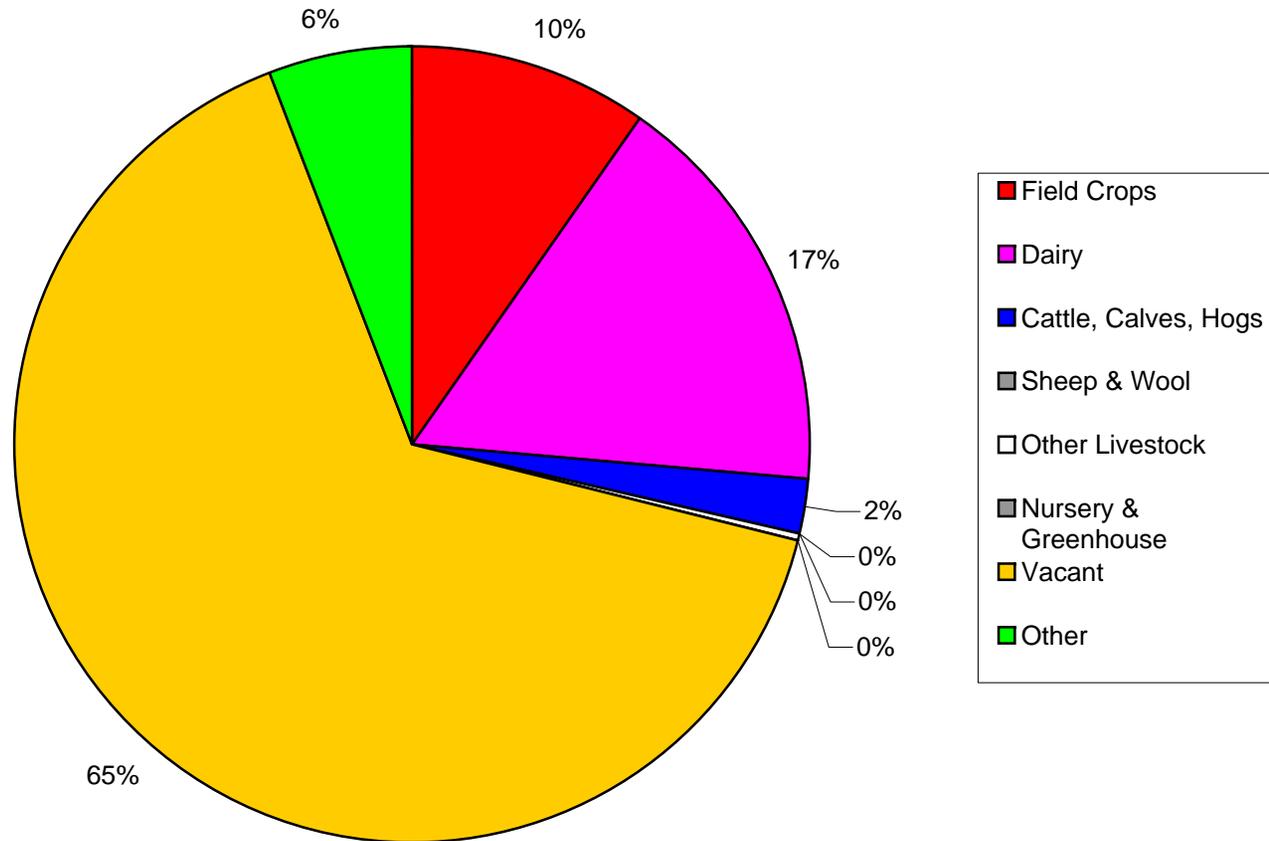
TOWN OF SCOTT

ZONING

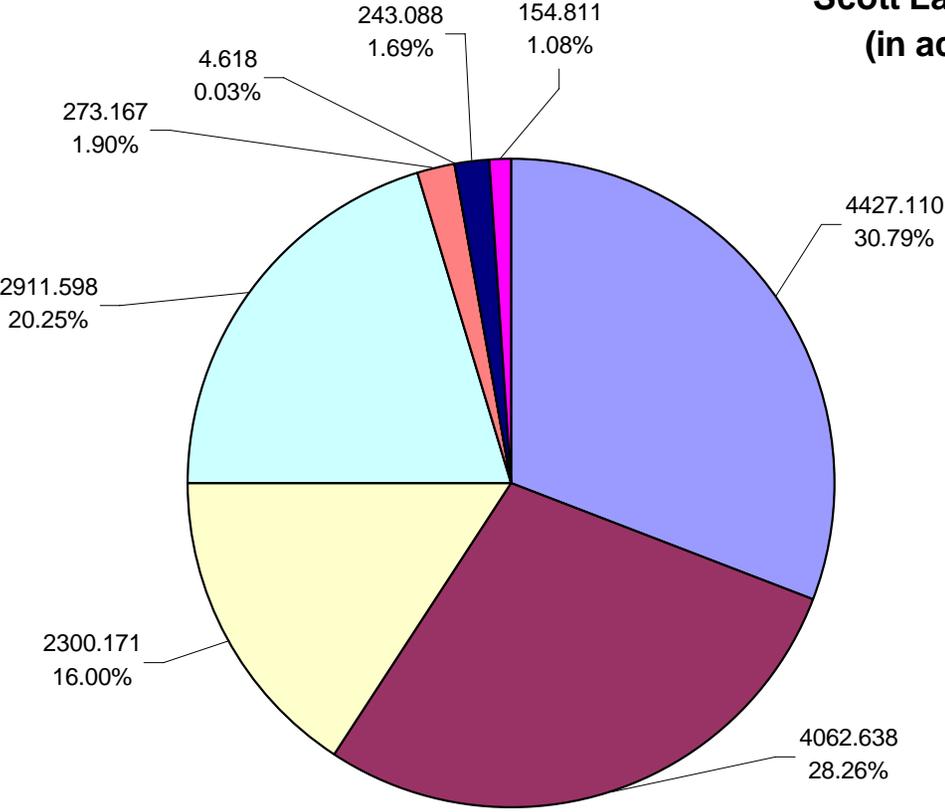


ZONING DISTRICTS	
	AG AGRICULTURAL
	R-1 RESIDENTIAL
	B-1 BUSINESS

Acreage by Type of Agricultural Operation - Town of Scott



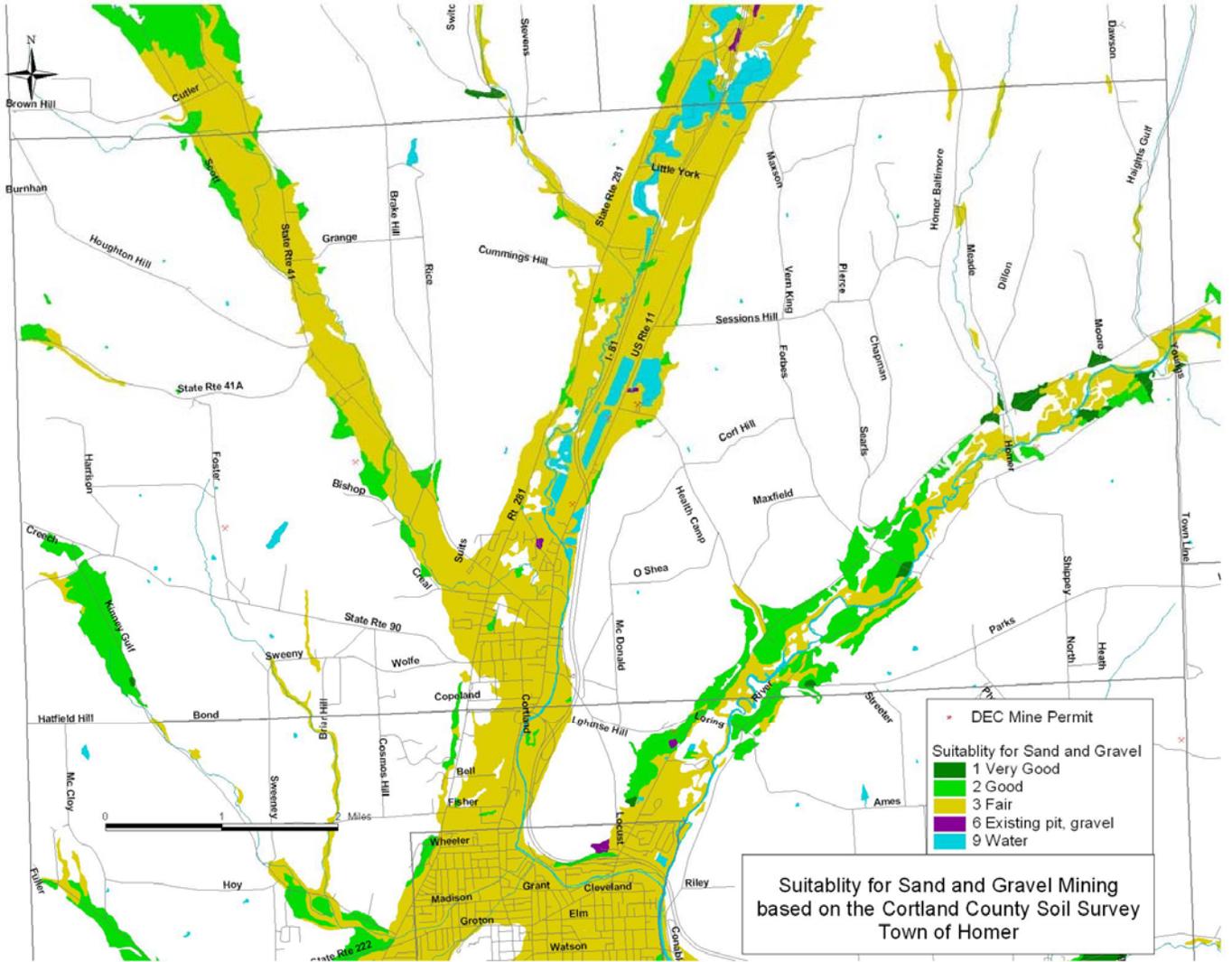
Scott Land Use (in acres)



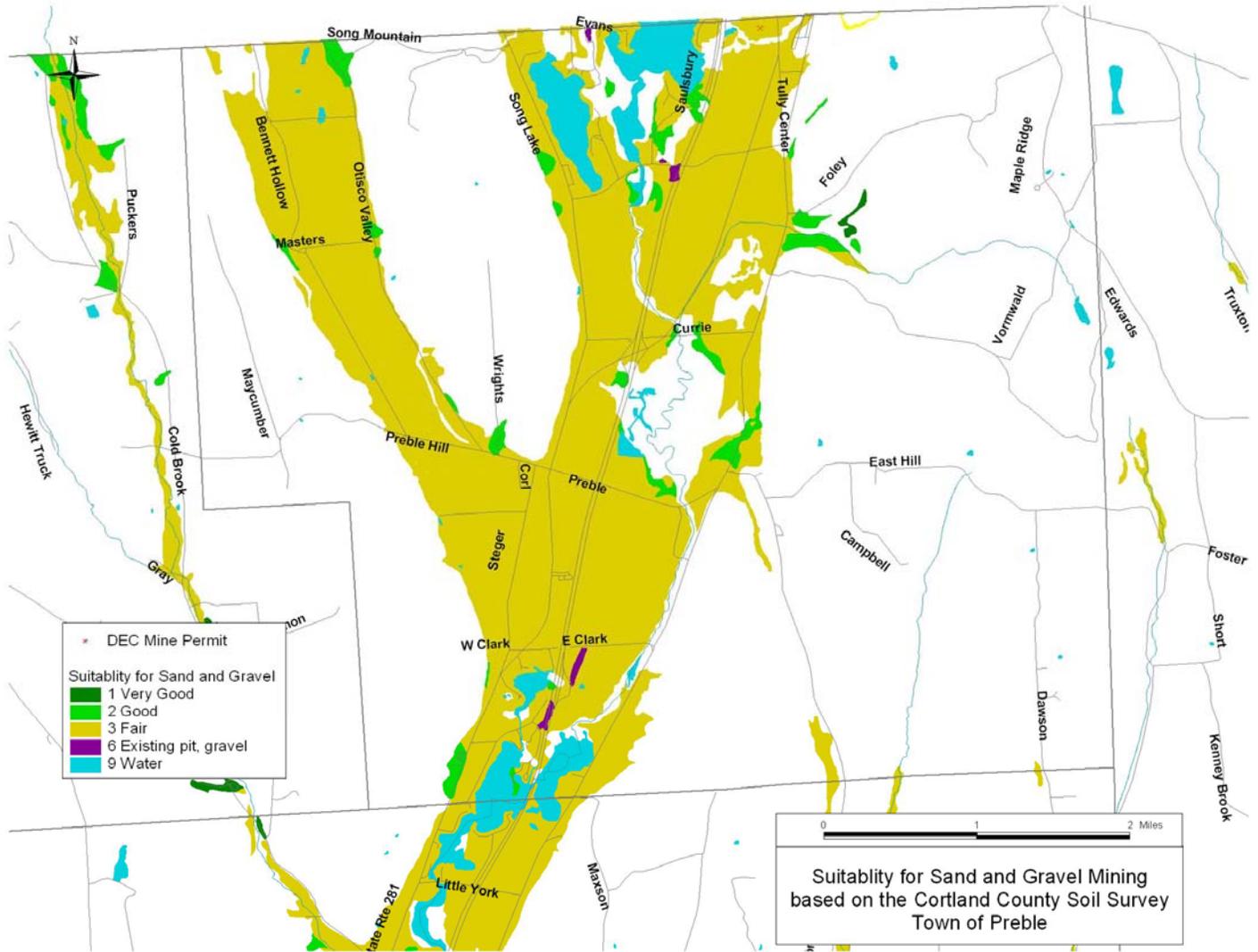
- Agricultural - 100
- Single Family Residential - 200
- Vacant - 300
- Forest and Conservation - 900
- Commercial - 400
- Two Family Residential - 200
- Community Service - 600
- Multi-Family Residential - 200

Gravel Mining Maps

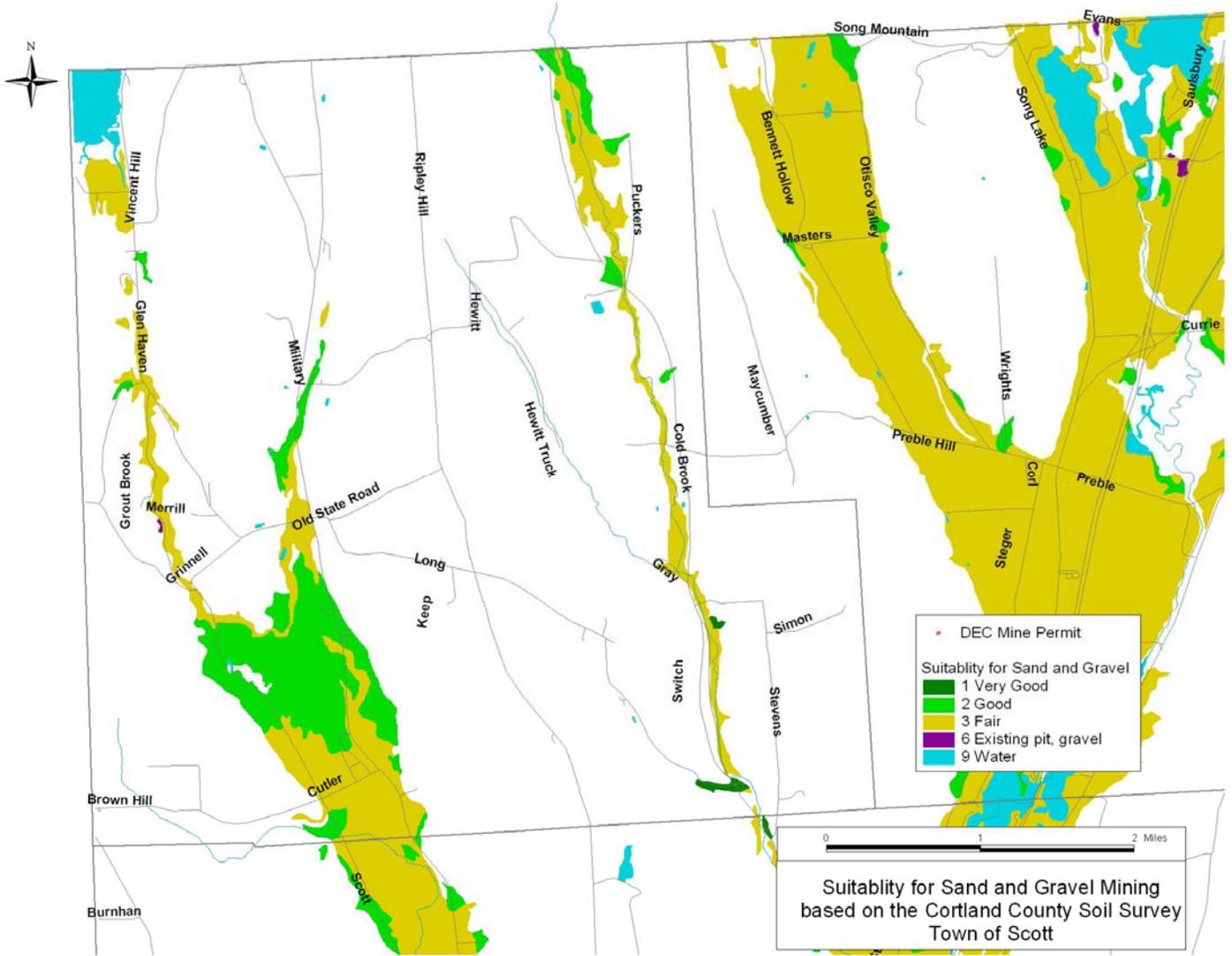
Gravel Mining Map – Town of Homer



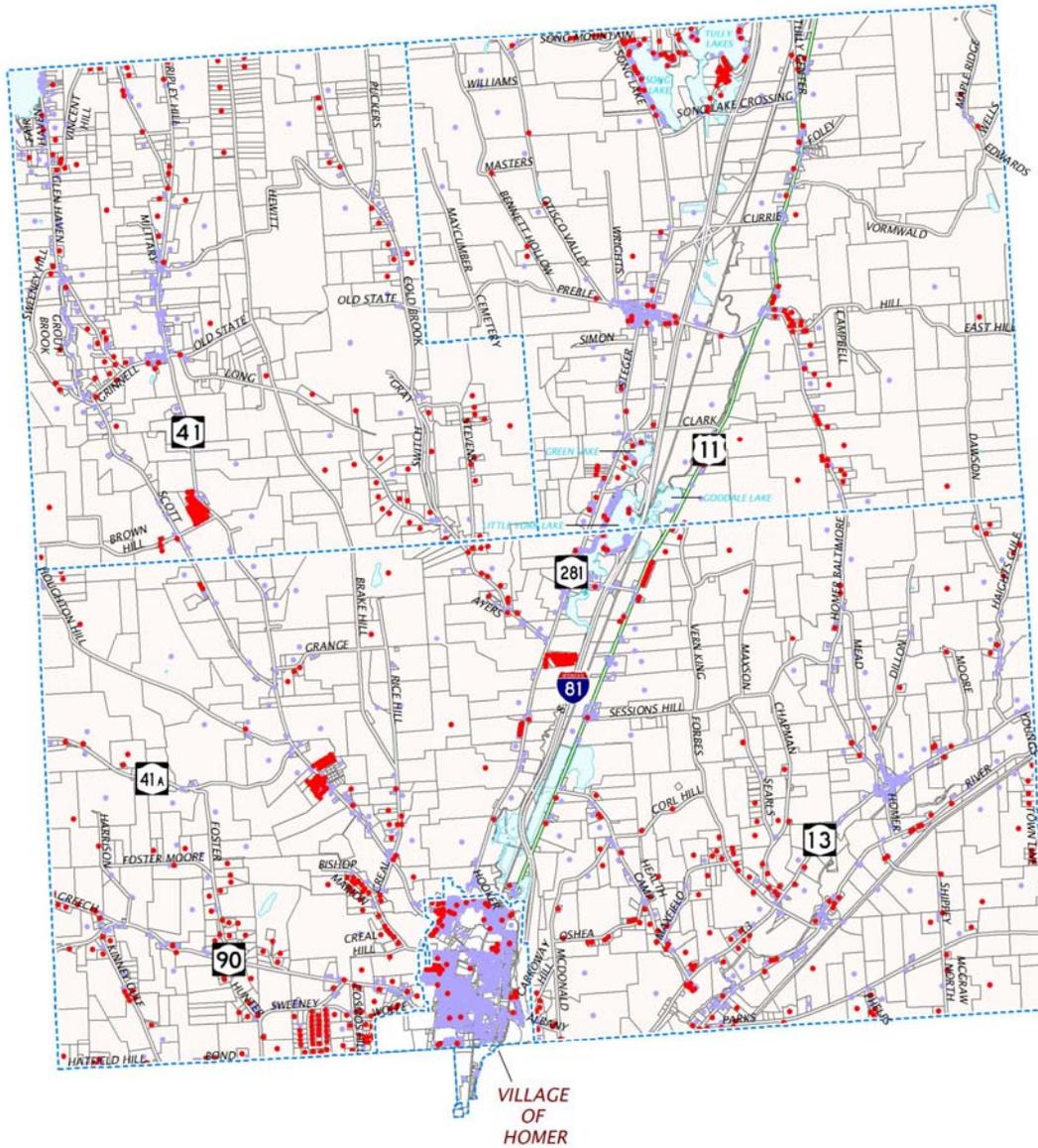
Gravel Mining Map – Town of Preble



Gravel Mining Map – Town of Scott



HOUSING AGE



- Housing built from 1970 to 2009
- Housing built before 1970



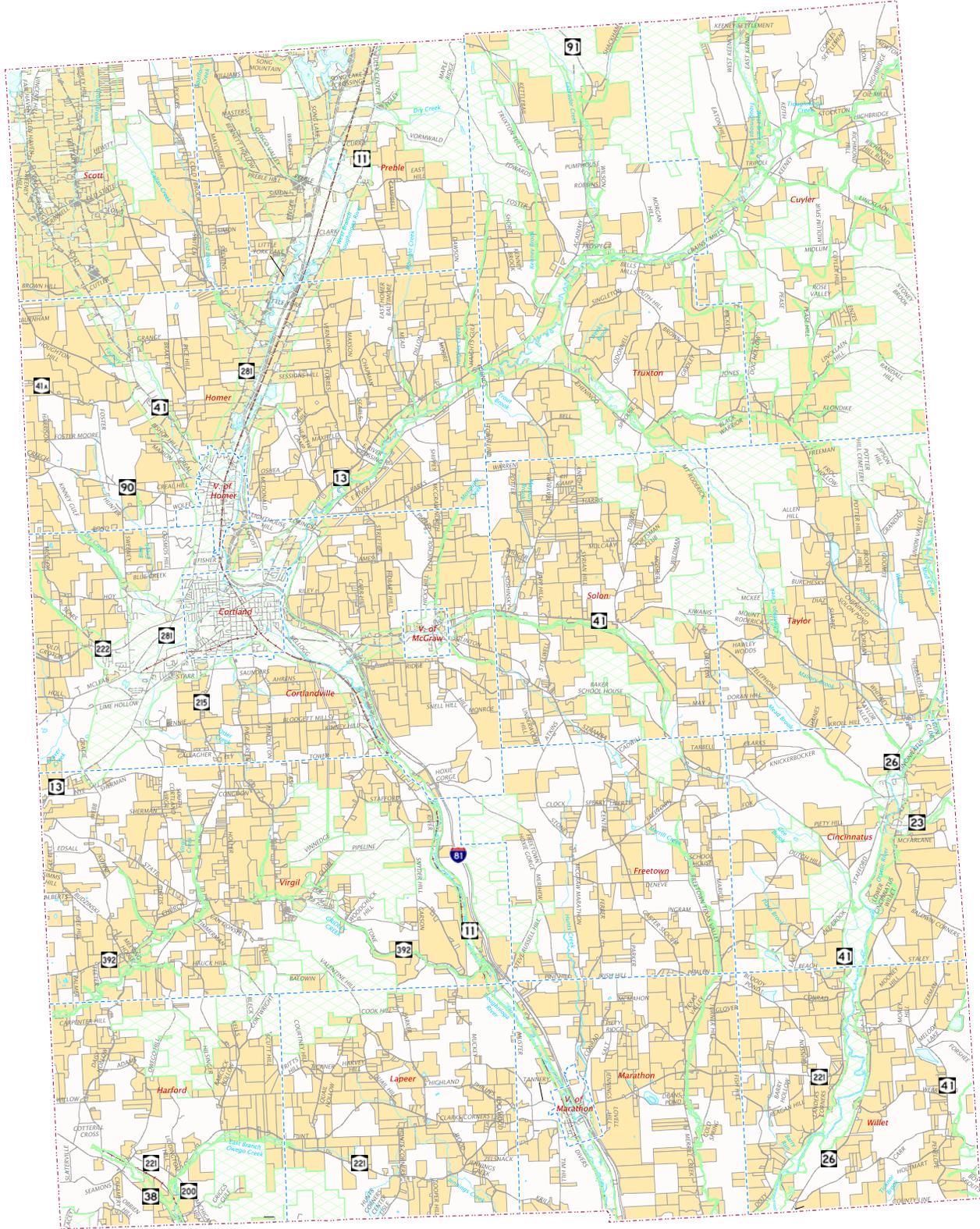
Cortland County
 Planning Department
 37 Church Street
 Cortland, NY 13045



0 1 2 3 4 5 Miles

CORTLAND COUNTY

PROPERTIES WITH GAS LEASES
AND GAS DRILLING PROHIBITED AREAS



CORTLAND COUNTY
PLANNING DEPARTMENT
37 CHURCH STREET
CORTLAND, NY 13045



-  PROPERTY WITH GAS LEASES
-  GAS DRILLING PROHIBITED AREAS