

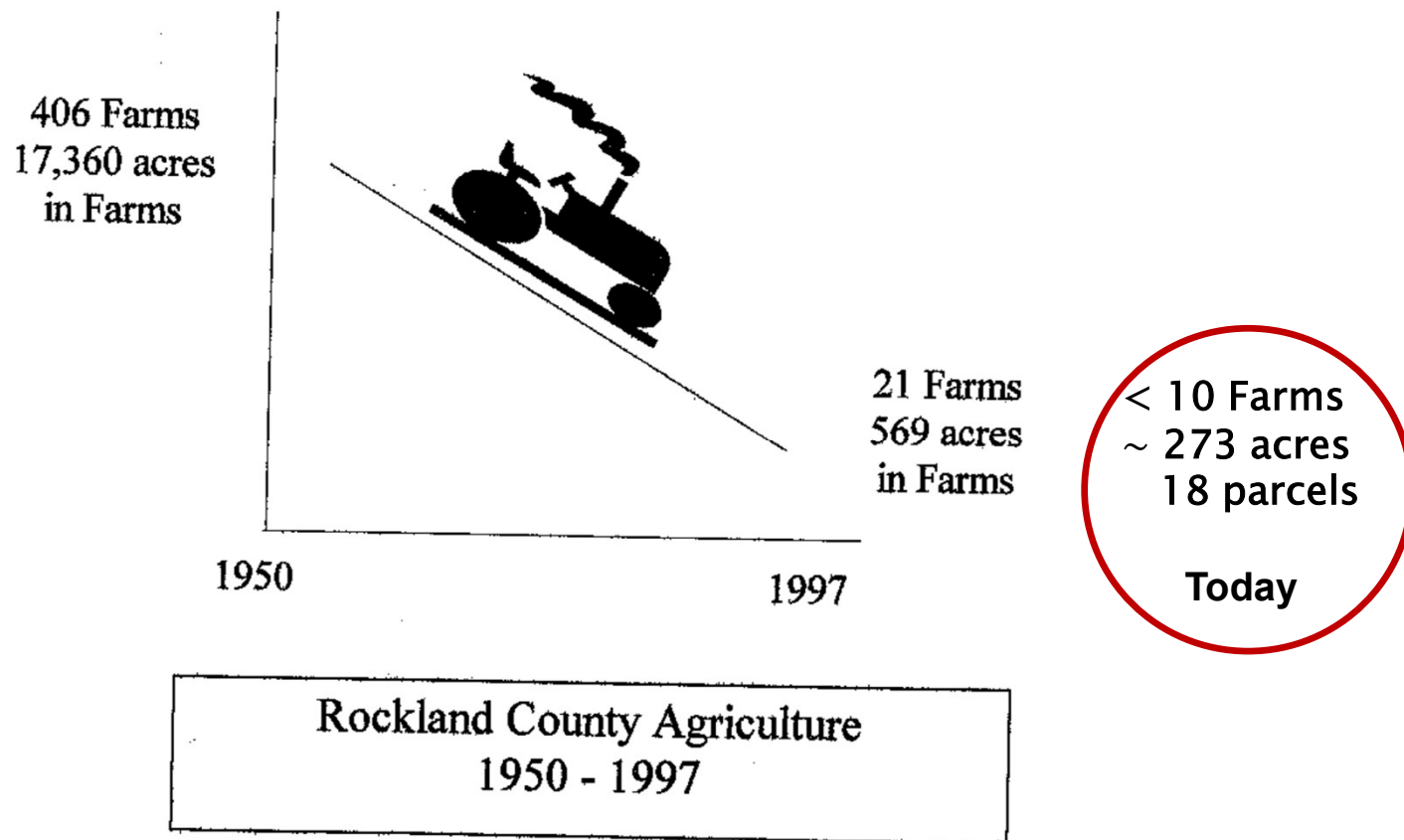
Is Your Town Planning for Agriculture?

*Establishing and Implementing Local Public
Policy To Support and Protect Agriculture*

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jeffrey.kehoe@agriculture.ny.gov
Division of Land and Water Resources:
Agriculture Protection Unit



“Agriculture: If you ignore it, it will go away.”



Agricultural Districts

*A **locally-initiated mechanism** for the protection and enhancement of New York state's agricultural lands*

Overview

Understanding Agriculture Protections

- What is an Agricultural District?
- The Collaborative Process of Protecting Agriculture
- Local Actions To Promote and Protect Agriculture
- Additional Resources
- Q & A

Agricultural Districts Law

AML 25AA

“It is the purpose of this article to provide a **locally-initiated mechanism** for the protection and enhancement of New York state's agricultural land as a viable segment of the local and state economies and as an economic and environmental resource of major importance.

“When nonagricultural development extends into farm areas, competition for limited land resources results. Ordinances inhibiting farming tend to follow, farm taxes rise, and hopes for speculative gains discourage investments in farm improvements, often leading to the idling or conversion of potentially productive agricultural land.”

Agriculture and Farmland Protection Board

What is the Ulster County AFPB?

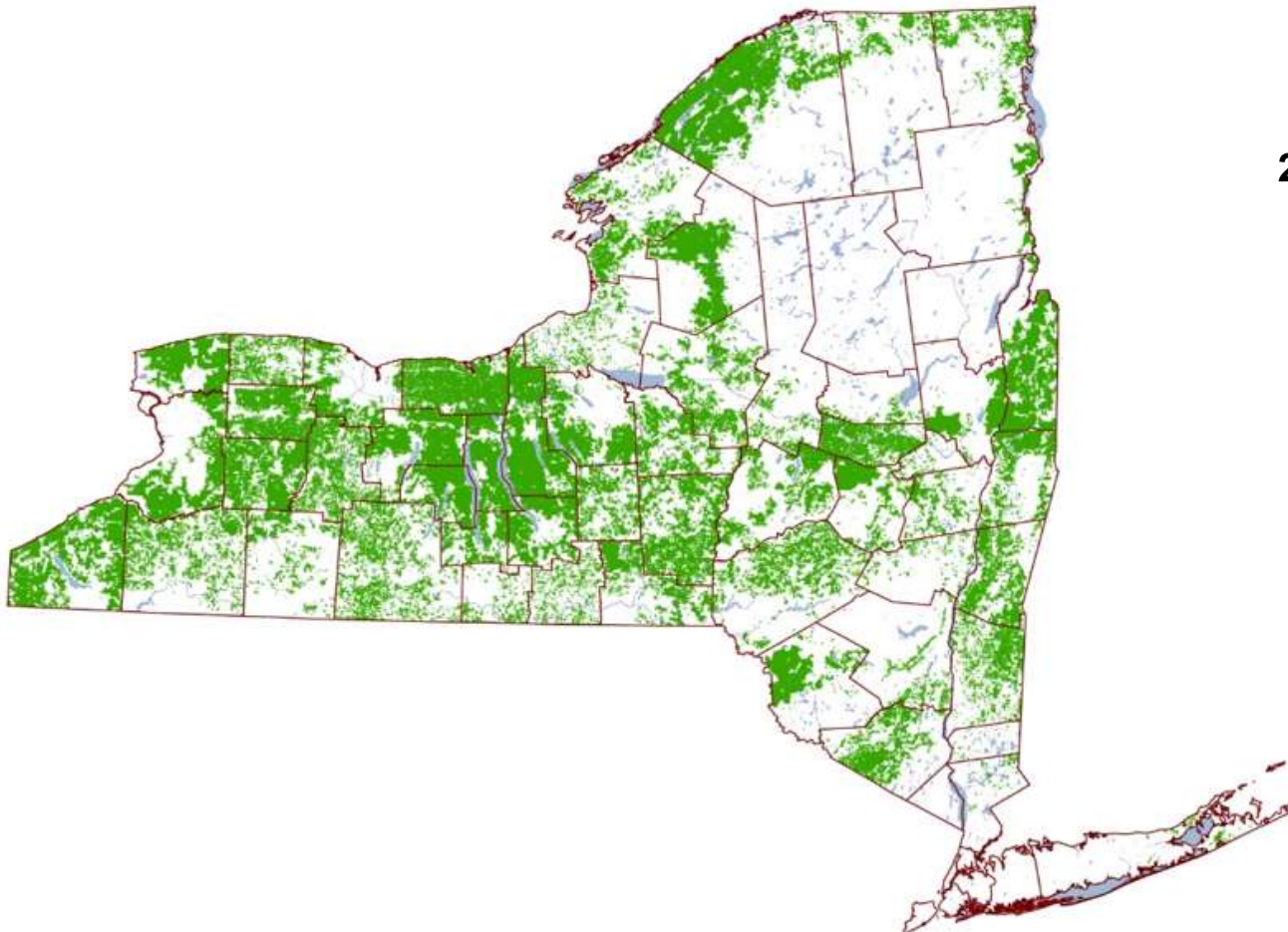
11-member Advisory Panel on Agriculture to the County Legislature

- 4 farmers
- Agribusiness
- Farmland Preservation
- Cooperative Extension
- SWCD
- County Planning Commissioner
- County Real Property Commissioner
- County Legislator

AML 25AA 302(c):

The board shall render expert advice to the County Legislature relating to the viability of lands to be enrolled in the agricultural district, **including advice as to the nature of farming and the relation of farming in such area to the county as a whole.**

Agricultural Districts



2020 Statewide Totals:

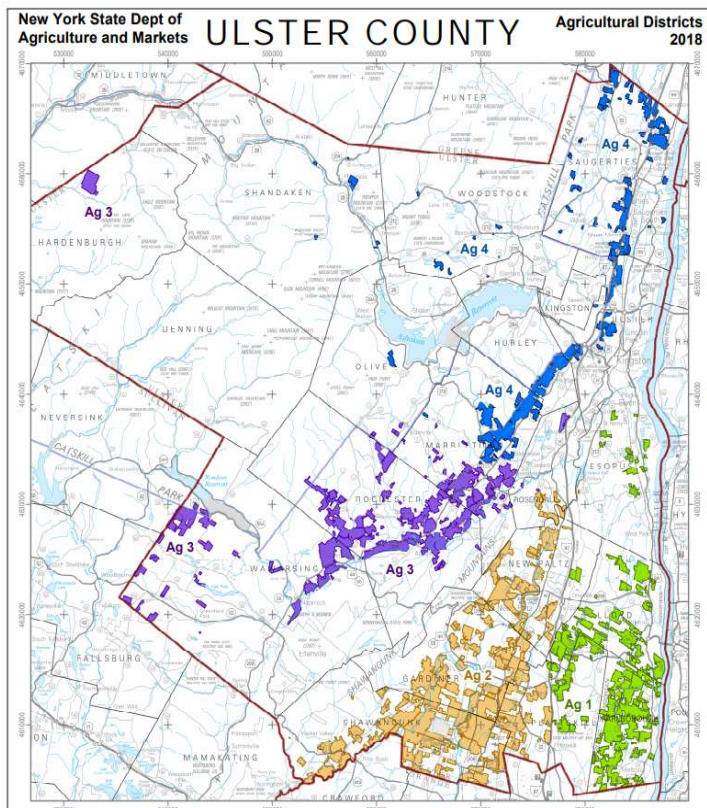
9,149,836 Acres


26,227 Farms

165 Districts

53 Counties

<https://cugir.library.cornell.edu/catalog/cugir-007995>



Download 

Shapefile

PDF

KML

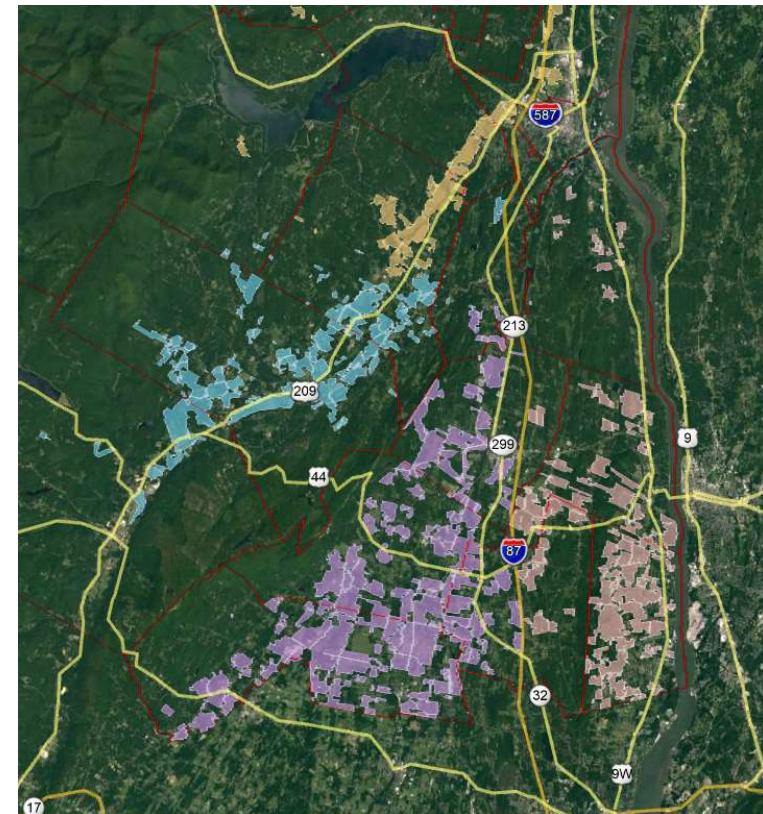
Export Formats

KMZ (generated)

GeoJSON (generated)

Established in 1973

Total Acres: 69,432+
Farmed Acres: 47,394+
Farms: 334



What Are Right To Farm Laws?

RTFL's...3 Different Ones

- 1) Agriculture Districts Law §25AA
 - AML 25AA provisions generally
- 2) County Right To Farm Laws
 - public policy supportive of agriculture
- 3) Local Right To Farm Laws
 - Typically, a public policy supportive of agriculture
 - Ag Mediation Panel
 - Acknowledge AML 25AA
 - Require a statement on building permit/plat
 - Buffers to protect active farms?



Town of Rochester, NY
§75-3 Right to Undertake Agricultural Practices

Effect on Local Zoning and Planning Laws

When do Ag District protections from local laws or private nuisance complaints apply?

*Farmers must comply with all local, state and federal laws and regulations.

Municipalities are responsible for the regulation of land uses through **comprehensive and/or master plans, local zoning, local laws, ordinances, rules, or regulations.**

“Local governments, when exercising these powers...shall not unreasonably restrict or regulate farm operations within agricultural districts...*unless it can be shown that the public health or safety is threatened.” -AML 25AA 305-a

Generic Review Procedures for Unreasonable Local Laws

Is Parcel Enrolled in Ag District?

https://ulstercountyny.gov/planning/agricultural_districts_overview

Is it Farm Operation? [Guideline for Farm Operations](#)

Have Local Administrative Remedies Been Exhausted by Landowner?

RTFL, Ag Zoning, Regulations, Special Use Permit, Area/Use Variances?

Consult with the Ulster County AFPB?

Resources:

***Guidelines for Review of Local Zoning and Planning Laws**

<https://agriculture.ny.gov/system/files/documents/2020/07/305-azoningguidelines.pdf>

Kate Tylutki, Agricultural Protection Unit: Kathleen.Tylutki@agriculture.ny.gov

Direct Marketing of Agricultural Products (Agritourism)

Guidance Documents:

<https://agriculture.ny.gov/system/files/documents/2019/11/305-afarmmarket.pdf>

<https://agriculture.ny.gov/system/files/documents/2019/11/305-a-winery-distillery-guideline.pdf>

Evaluated on a case-by-case basis

Farm Stands: At least 51% of the agricultural crops, livestock and livestock products sold, on an annual basis, must be from the farm's own production

The activity must be used as part of the direct marketing strategy of the farm operation and the **primary purpose of the activity must be to sell the farm's products/services, not to serve as a recreational use of the land.**

The events and activities **must** be:

- 1) directly related to the sale and promotion of the crops and livestock products produced at the farm;
- 2) incidental and subordinate to the retail sale of the farm's crops, livestock and livestock products;
- 3) hosted by the farm; and
- 4) feature the farm's crops, livestock and livestock products.

Solar Notice of Intent_(AML 305a)

Does the Department Allow Solar Installations on Parcels Enrolled in an Ag District?

Projects < 25 MW that advance public funds trigger the [305A Notice of Intent Review Process](#)
-110% production limitation; greater production = utility scale facility (Not Agriculture)

Projects > 25MW trigger Article X Process: [Office of Renewable Energy Siting](#)

Mitigation proposed if >10% of conversion on mineral soil groups 1-4 (prime soils and soils of statewide importance)
-No opposition on mineral soil groups 5-10

Does your town have unique soils use for orchards, grapes or specialty crops?

Resources:

*** Solar Energy Guidelines:**

https://agriculture.ny.gov/system/files/documents/2019/10/solar_energy_guidelines.pdf

Andrew Steiner- andrew.steiner@agriculture.ny.gov -Solar NOI's

Jason Mulford- jason.mulford@agriculture.ny.gov -Large-scale utility projects



**Department of
Agriculture and Markets**

Agricultural Value Assessments (Ag District Not Required)

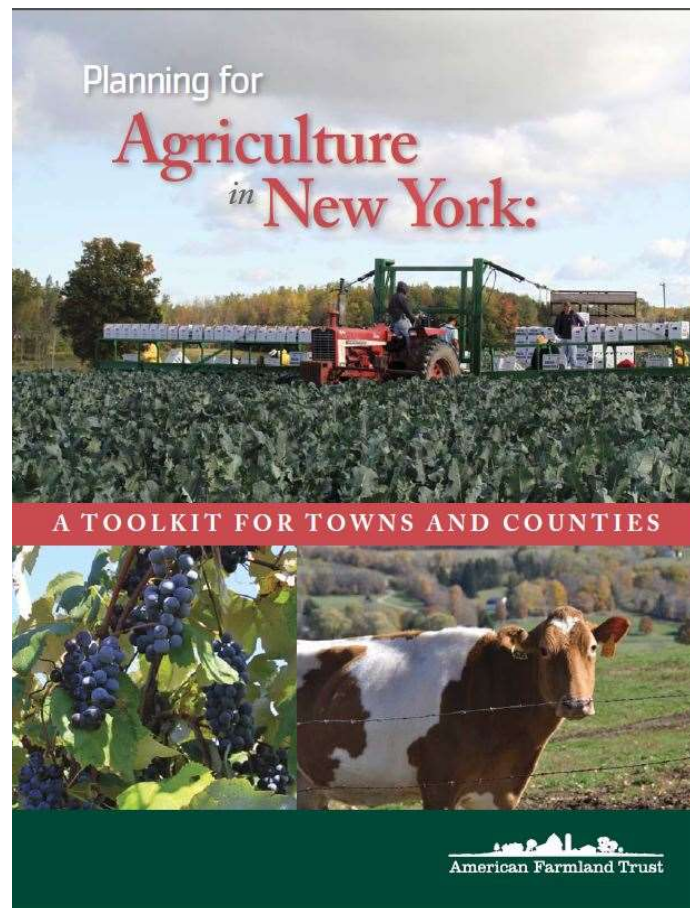
A ***voluntary*** tax savings program which sets farmland assessment to its *soil productivity value* not “highest and best use”

Landowner > SWCD Soil Group Worksheet > Assessor > NYS T&F > Local Grievance > ...

*Administered by [NYS Tax & Finance: Jeremy.kergel@tax.ny.gov](mailto:Jeremy.kergel@tax.ny.gov)



Is your Town Planning For Agriculture?



PDF Available:
www.farmlandinfo.org

Simple Local Actions to Protect Ag

- ✓ Update Agriculture Related Definitions
- ✓ Adopt a Right to Farm Law (*local conflict mediation*)
- ✓ Agricultural Zoning (*limit growth inducing land uses*)
- ✓ Include Ag in Comp Plan

- ✓ Ag Data Statement
- ✓ Ag Disclosure Notice
- ✓ Draft an Ag Protection Plan!



Ag Data Statement (Ag Protection Planning Tool)

“Plan for agriculture, not around it.”

A Town must consider the impacts of proposals within 500’ of a Farm Operation enrolled in the Ag District.

For actions requiring municipal review:

- special use permit
- site plan approval
- use variance
- or subdivision application)

Municipality can choose to prepare a Statement

TOWN VILLAGE CITY OF _____ Application # _____
(include name)
Agricultural Data Statement Date _____

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

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

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

2. Description of proposed project: _____

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

4. Is this parcel within an Agricultural District? NO YES (Check with your local assessor if you do not know)

5. If YES, Agricultural District Number _____

6. Is this parcel actively farmed? NO YES

7. List all farm operations within 500 feet of your parcel. Attach additional sheets if necessary.

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

Signature of Applicant

Signature of Owner (if other than applicant)

Reviewed by: _____
Signature of Municipal Official Date _____

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

Ag Disclosure Notice (Another Ag Protection Planning Tool)

Sellers of land enrolled in an agricultural district are required to disclose to new buyers that they live in a working landscape.

- to be signed by buyer and recorded per Tax & Finance
- often found on real estate contracts

Town of Rochester, NY:

§75-4 Notice to prospective neighbors

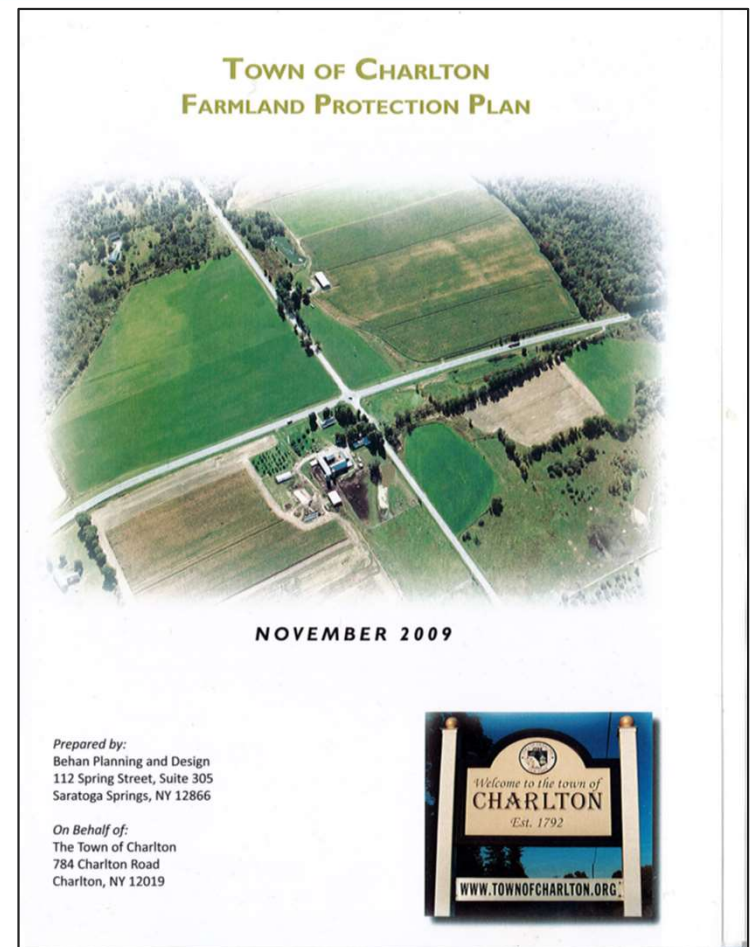
*"The following notice **shall** be included in **building permits and on plats of subdivisions, site plans, and special permits** submitted for approval pursuant to Town Law..."*

"This property may border a farm, as defined in Chapter [75](#) of the Town of Rochester Code. Residents should be aware that farmers have the right to undertake farm practices which may generate dust, odor, smoke, noise and vibrations and which may involve insecticides, herbicides, pesticides, etc."

Ag & Farmland Protection Planning Grants

All Towns Eligible!

- **Up to \$25K per Town**
\$1,700 Cash Match
\$6,700 In-Kind
- **Common Project Partners**
AFPB, CCE, SWCD, NRCS,
County Planning, Real
Property, Land Trusts, Farm
Bureau, Ag. Colleges,
beginning and veteran
farmers



Resources

Agricultural Protection Unit, Division of Land and Water Resources:

Jeff Kehoe Agricultural Districts/Planning Grants:
Jeffrey.Kehoe@agriculture.ny.gov Desk: (518) 457-4626

Kate Tylutki 305-a Agricultural Protections:
Kate.Tylutki@agriculture.ny.gov

Department Websites:

305-a Agricultural Protections:
<https://agriculture.ny.gov/land-and-water/section-305-review-restrictive-laws>

Agricultural Districts:
<https://agriculture.ny.gov/land-and-water/about-agricultural-districts>

Ag District Mapping by County:
https://cugir.library.cornell.edu/?f%5Bcugir_category_sm%5D%5B%5D=agriculture

Funding Opportunities:
<https://agriculture.ny.gov/funding-opportunities>

Resources (Supporting Departments)

Supporting Departments:

Agricultural District Mapping Program, Cornell University IRIS (Institute for Resource Information Sciences)

<https://iris.cals.cornell.edu/extension/agricultural-districts/>

Diane Ayers dag10@cornell.edu

Agricultural Value Assessment Program, Department of Taxation and Finance

<https://www.tax.ny.gov/research/property/assess/valuation/agindex.htm>

Jeremy Kergel Jeremy.Kergel@tax.ny.gov

Local Government Services, Department of State

<https://www.dos.ny.gov/lq/>

Building Standards and Codes, Department of State:

<https://www.dos.ny.gov/DCEA/>

Farm Brewery/ Cidery/ Wineries etc. State Liquor Authority

<https://sla.ny.gov/>

Industrial Scale Solar Arrays: *NYS Solar Guidebook*

<https://www.nyserda.ny.gov/All%20Programs/Programs/Clean%20Energy%20Siting/Solar%20Guidebook>

Publication:

Planning for Agriculture: <https://farmlandinfo.org/publications/planning-for-agriculture-in-new-york-a-toolkit-for-towns-and-counties/>

Thank You!

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<http://www.agriculture.ny.gov>



**Department of
Agriculture and Markets**