

AGRICULTURE-FRIENDLY ONEIDA COUNTY

A Municipal Guide to Planning for Agriculture

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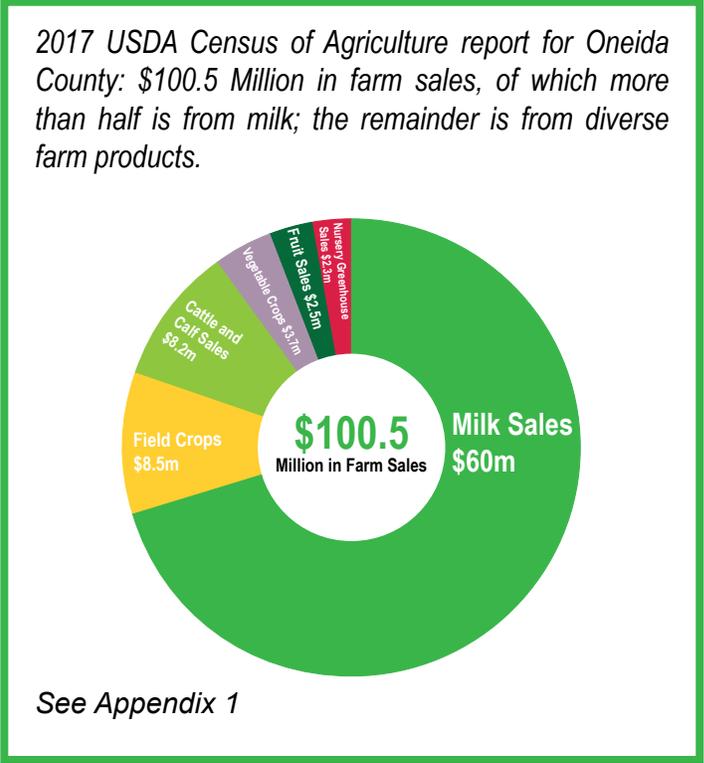
Executive Summary

The 2017 Oneida County Agricultural and Farmland Protection Plan outlined an initiative to provide resources to municipalities to have the ability to create a balance between the needs of the community, local interests, and the ever changing face of agriculture. Cornell Cooperative Extension Oneida County was awarded a grant from Oneida County to support local governments preparing municipal Agriculture and Farmland Protection Plans. CCE Oneida County was charged with reaching out and assisting those municipalities by defining the role of agriculture within comprehensive plans, land use regulations, and policy development.

This document represents a guide to strategies to promote and maintain a vibrant agriculture sector. It is intended to assist Town, Village, and City municipal officials in Oneida County with the desire to support agriculture within their communities and provide insight in navigating Article 25-AA of the Agriculture and Markets Law (AML). AML has the ability to adapt to the current and future needs of agriculture. Over the past 48 years, a number of amendments have been added to better define evolving farm operations and clarify the intentions of the law but the core principals have not changed; Enhancing and preserving a productive agricultural economy is fundamental. In order to access the most up to date information, AML should be referenced often when in the process of policy development that may potentially affect agriculture.

Municipalities can have a significant impact on local farms. This is evident through their economic development, public health, environmental protection, and infrastructure policies, as well as local support for the use of agricultural districts and farmland protection implementation grants. Land use regulations should involve cooperation and a consistent approach among all levels of government. Non supportive local policies or policies that do not address agriculture can have a negative impact on a farm's ability to endure in the future.

Agricultural activities continue to dominate land use and the economy in Oneida County, however the threat of lost farmland due to both development pressures and aging farmers represent a real threat to the future of these agriculture operations. Farms are local businesses that create jobs and fuel the economy in Oneida County. They support many other businesses by purchasing local goods and services in the community. Every dollar that is generated at a farm is turned over in the local economy three times before it leaves. Farmland continues to have a lower Cost of Community Service over residential properties. They generate more public revenue than they require for municipal services. Farmland is still the predominant non-residential use of land in the County according to the most recent USDA Census of Agriculture, 967 farms utilize 24% of the total acreage of Oneida County and generates \$100.5 Million in farm sales



Is your municipality farm friendly?

An agriculture friendly community fosters growth and opportunities for farm operations contributing to the local economy and quality of life. Agriculture offers rural character, environmental benefits, scenic views, tourism, and a nutritious fresh source of local food. Recognizing that agriculture is part of the fabric of a healthy community is one step towards supporting its future.

Local governments play an important role when developing policies that effect farm operations. Non supportive local policies can have an adverse effect on a farm's ability to sustain itself. Municipalities that have an understanding of agricultural resources can better communicate their support through policy



development. Supportive language in comprehensive plans, land use regulations, ordinances, and other policies have a constructive influence on agriculture. Omitting agriculture in local policies can be problematic by not clearly communicating the community's interests, forcing local planning, and zoning boards to interpret policies to address agriculture's needs. It is necessary to have good planning and clear definitions in policy development to reduce potential conflicts between the farming and non-farming community. Agricultural planning and land use regulations should be flexible to accommodate changes in farm and food businesses. Sound policy development requires an accumulation of needs from local interests, commercial and residential neighbors, and the agricultural community.

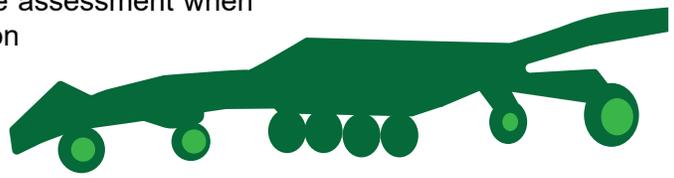
In order to evaluate the farm friendliness of a municipality, a few simple questions should be explored. These are intended to broaden the perspective on the impact of farming while providing an opportunity to assess a community's agricultural resources and identify potential gaps in local regulations.

-  **Do you know how many and what type of farms are in your community?**
-  **Do your policies create a supportive business environment for farming and their support businesses?**
-  **Do any of your strategies protect valuable farmland?**
-  **Is there an agricultural representative on every board?**
-  **Does the municipality or region have an agricultural advisory board?**
-  **Do your policies have a broad definition of agriculture?**
-  **Does the municipality support conservation easements?**
-  **Do you know what a conservation easement is?**
-  **Do you know where to go to for advice concerning agricultural issues?**

Agricultural Districts

The protection of agricultural lands is defined in the New York State Constitution. By recognizing the importance of agriculture and the need to protect viable farmland, the State Legislature adopted Agriculture and Markets Law (AML) Article 25-AA in 1971. The law provides a mechanism for the creation of a state certified agricultural district where additional benefits are afforded to farm operations from unreasonably restrictive local laws. Inclusion into a state certified district is voluntary for the landowner and there are no minimum acreage requirements. Additionally, AML provides protection from private nuisance claims under the "Right-to-Farm-Law" provisions as well as allowing parcels to be eligible to receive agricultural land value assessment when not in an agricultural district. Districts may include a combination of actively farmed land, idle land, forested, residential, and commercial.

Local governments have the ability to enact local policies for their own benefit. However, section §305-a of the AML imposes a mandate that local governments do not exercise their powers in a way that unreasonably restricts agriculture. This does not mean local governments are powerless when considering local laws or ordinances to regulate agriculture, but that all local governments be reasonable in their approach to agriculture. These additional protections are extended to landowners for agricultural uses, structures, and activities and do not extend to other types of uses that may occur on the same parcel.



Protecting the farming activity and all that it encompasses is the key to comprehend the AML. Agriculture should not pose a threat to the health and safety of a community. Having a clear understanding of the needs of agriculture and its sound practices can eliminate possible conflicts in policy development. (*See Appendix 2: Understanding Specific Aspects of Farming*)

Before local adoption, policy development affecting agricultural concerns and their bearing on farm operations can be avoided when in draft stage. Municipalities are encouraged to contact NYS Department of Agriculture and Markets before enacting a local law to obtain a formal opinion and recommendation from the Department by requesting a §305-a Procedural Review. Seeking a review can avoid costly complications for future planning and development.

Agricultural producers, in a state certified agricultural district, may request a §305-a Procedural Review if they have concerns that a state, county, town, village or city policy unreasonably restricts their ability to perform a farming activity. The Department and its legal staff will evaluate each situation on a case by case basis. A formal determination will be given to both parties. If a local law is determined to be unreasonably restrictive, the Department then will work with the local government to create a mutually acceptable modification. If the local government is disinclined to amend a restrictive law, the Department is authorized to take action on behalf of the agricultural producer.

Information on procedural reviews and guidance documents can be found on the Departments website at www.agriculture.ny.gov/ap/agservices/ag-restrictive-laws.html.

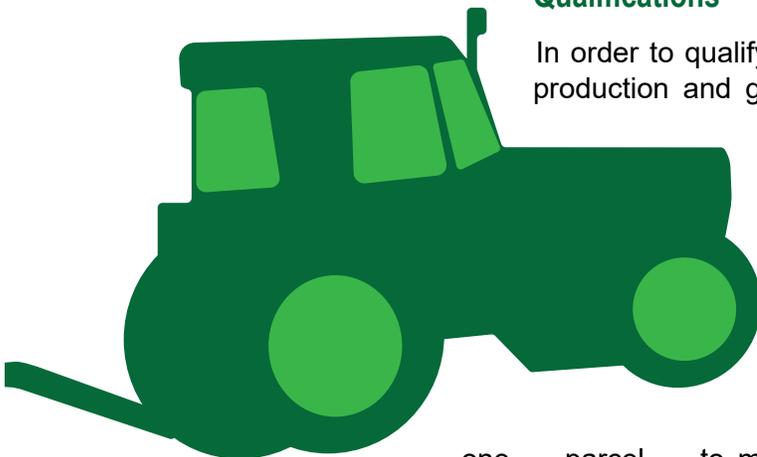
Agricultural Assessments

Within the Agriculture and Markets Law The Article 25-AA there is a mechanism for land in agricultural production to receive a reduced property tax bill. The purpose is to maintain viable farmland by keeping it in production and discouraging nonagricultural development on those lands. Land being used in farm production, land under an agricultural building, water used for aquaculture production and up to 50 acres of farm woodland are eligible per parcel. Soil Group Worksheets must be completed by the Oneida County Soil and Water Conservation District and be included with form RP-305. Both forms must be submitted to the assessor by the taxable status date each year. If there are no changes, an Agricultural Assessment Application Renewal RP-305-r form can be completed. Agricultural assessment values per acre can be found at:

www.agriculture.ny.gov/ap/agservices/Ag_Assessment_Values.pdf and must be updated when completing RP-305-r.

Qualifications

In order to qualify for a land value assessment, the farmland must be in production and generate an average annual gross sales of agricultural products for the preceding two years of \$10,000 or more. The land must also consist of seven or more acres. For agricultural operations that have less than seven acres of land, the average annual gross sales for the preceding two years must be \$50,000 or more. Additionally, commercial horse boarding or commercial equine operations must have 10 or more horses, regardless of ownership.



Eligibility for farm operations may comprise of more than one parcel to meet the acreage threshold. Parcels *do not* need to be contiguous to be a single farm unit and separate applications must be completed for each of those parcels. Rented land may also receive land value assessments, if it meets the same requirements. If the land does not meet the requirements, a copy of a written rental agreement with the agricultural producer or an Agricultural Assessment Written Lease Affidavit for Rented Land form RP-305-c must be completed. A parcel is *not* required to be in a state certified agricultural district in order to receive agricultural land value assessment. The parcel must be used for agricultural production.

Conversion

If a parcel receiving an agricultural assessment is converted to a nonagricultural use, a payment to collect taxes will be imposed only on the area of conversion and not the entire parcel. If a parcel is subdivided, only the portion that has a nonagricultural use will be affected. Utility scale solar will change the land use from agriculture to a nonagricultural use and be subject to conversion. Assessors must determine if the land is no longer used for agricultural purposes. New Soil Group Worksheet and a RP-305 must be completed for the balance of the land remaining in agriculture. The look back period is five years for parcels in an agricultural district and eight years for parcels not in an agricultural district. Non-use of a parcel will disqualify the land from the exemption but it is not considered a conversion and subject to retroactive tax levies.

Agricultural Structures

There are other agricultural exemptions and reductions that are available to farm operations. These exemptions or partial reductions are for agricultural buildings or structures that are vital to the farm. To clarify, a common misconception for RP-483 Agricultural Building Exemption is that it *does not* require the minimum seven acres of land or income requirements of \$10,000 gross sales. The Farm Building Exemption has no acreage or monetary requirements to qualify.



Agricultural Anaerobic Digestion Facilities can apply for an exemption using form RP-483e. Anaerobic digestion of agricultural materials, storage and handling of other farm wastes as well as all necessary equipment for the process can be exempt. Structures that satisfy these requirements and are receiving an exemption under RP-483e cannot receive an additional exemption under RP-487 (solar, wind or other certain energy systems).

A 15-year tax exemption is available for on-farm use of solar, wind, farm waste or other certain energy systems using form RP-487. This exemption is available to on-farm, residential or utility-scale applications unless the municipality opts out of the exemption only by formal resolution. The local law must be sent to the Department of Taxation & Finance and NYSEERDA. Municipalities have the option to require owners to enter into contracts to make payments in lieu of taxes (PILOT). More information on RP-487 can be found at <https://www.tax.ny.gov/pdf/publications/orpts/legal/raq2-18.pdf>

Additional information on agricultural assessments can be found at: www.tax.ny.gov/research/property/assessment/valuation/agindex.htm

Agricultural Exemption Forms

-  **RP-305 Agricultural Land Value Exemption (soil group worksheet required)**
-  **RP-305-r Agricultural Assessment Renewal**
-  **RP-483 Agricultural Building Exemption (10-year exemption)**
-  **RP-483a Farm Silo, Farm Feed Grain Storage Bin, Commodity Shed, Bulk Milk Tank and Coolers, and Manure Storage and Handling Facilities (no limit)**
-  **RP-483b Reconstruction or Rehabilitation of Historic Barn (local adoption and 10-year exemption)**
-  **RP-483c Temporary Greenhouse (10-year exemption)**
-  **RP-483d Farm or Food Processing Labor Camps (no limit)**
-  **RP-483e Anaerobic Digestion Facilities (no limit)**
-  **RP-487 Solar, Wind or Certain Other Energy Systems (15-year exemption)**

Comprehensive Plan

A comprehensive plan or master plan is a document designed to assist communities with their vision for the future over a 10 to 20-year time frame. It can be a tool for potential funding opportunities for a community and provide guidance for future land uses. It identifies objectives and long range goals for development, preservation, and rehabilitation of a community. It provides local governments with the ability to protect their public investments while planning for development and meeting the community's needs.

Incorporating agriculture into a comprehensive plan allows communities to make a commitment to preserve vital agricultural lands to maintain the farm and food economy. A mission statement or vision statement that includes agriculture strengthens support for farm operations by acknowledging its position in the community. Developing goals and strategies that enhance farm operations encourage their continued success, and success to those in the local economy that depend on them.

Plans should encompass recommendations and policy development related to agriculture. Not addressing agriculture in a comprehensive plan can have an adverse effect on the economy, rural character, and way of life in a community. Plans should define and identify agricultural resources, including prime soils and soils of statewide significance, NYS Agricultural Districts, critical farmlands, agricultural service providers, employment, transportation routes, population densities, and other such assets. Plans should address threats to agricultural lands and provide solutions that meet the community's needs.

Characteristics of an Agriculture-Friendly Comprehensive Plan:

-  **The new or updated Plan is the result of a public input process that includes presentations, surveys, and discussions of the role of agriculture in the community**
-  **The Plan's vision statement describes an important role for agriculture in the future of the municipality**
-  **Specific goals for agriculture are articulated in the Plan**
-  **Includes maps of agricultural lands, including important farmland soils, agricultural districts, etc.**
-  **Describes the economic contributions of agriculture to the town**
-  **Describes other contributions of agriculture, including landscape preservation, natural resource protection, and quality of life**
-  **References and aligns with the existing County Agricultural and Farmland Protection Plan**
-  **References and aligns with other local agricultural and farmland protection plans**
-  **Establishes policies supportive of farming activities and farmland protection**
-  **Identifies and describes competitive development pressures likely to impact agriculture, including existing and planned water and sewer infrastructure, and recommends planning strategies that will minimize those pressures**
-  **Identifies action steps for Town government in support of farming activities and farmland protection**
-  **Describes and supports the role of New York State Agricultural Districts in protecting farming activities and farmland**
-  **Describes and supports the use of conservation easements, including New York State's Purchase of Development Rights (PDR) program and other available tools to preserve viable farms and farmland**

Land use

When developing policies for land use, a municipality should be consistent with AML 25-AA. Agriculture should be a tool to assist local governments to manage growth. Identifying locations of agricultural districts and establishing agricultural zoning can direct development away from valuable farmlands and existing farming operations, avoiding potential conflicts. Development can focus on more suitable areas of the community and enhance the needs of a growing population by selecting more appropriate spaces

The demand for large utility scale solar continues to grow rapidly sometimes consuming valuable prime farmland. These long term leases can be an attractive enterprise for farmers and landowners. Positioning these solar facilities on underutilized land or land not suitable for agricultural production preserves viable farmland. Siting of solar arrays can be addressed in local government's zoning code. Utility scale solar should not be confused with small solar devices used to offset on-farm production costs where the farming operation is the primary consumer of the energy. Those small solar devices may be considered on-farm structures, if in a State Certified Agricultural District.

Characteristics of an Agriculture-Friendly Land Use Regulation:

-  The regulation's statement of purpose addresses both intended and potential impacts of the regulation on agriculture
-  Allows agriculture as a permitted use "by right" in one or more zoning districts
-  Recognizes that agricultural uses include a diverse range of activities that may affect neighbors, and is designed to limit conflicts between neighboring uses
-  Provides for buffer zones between agricultural uses and residential uses, especially new development and subdivisions, to minimize neighbor conflicts with agriculture
-  Includes broad definitions of agriculture and farming activities, recognizing the diverse range of activities that may take place on farms
-  Includes clear and inclusive definitions for specific terms including "agriculture", "agricultural structures", "farmworker housing", "agritourism", "farmstand", etc.
-  Specifically addresses the role of agritourism and emerging farm-related businesses (breweries, wineries, etc.), and identifies locations and conditions for permitting these uses
-  Specifically addresses the role of processing facilities for farm products, whether on-farm or elsewhere, including slaughter facilities, packing facilities, shared-use kitchen facilities, etc. and identifies locations and conditions for permitting these uses
-  Describes and encourages the use of innovative development patterns that preserve farmland, such as conservation subdivisions, clustering, and Transfer of Development Rights (TDR)
-  Makes reasonable accommodations for signage and road access for on-farm sales
-  Minimizes the permitting requirements for on-farm sales of products from a farm
-  Recognizes farm structures (including greenhouses, equipment storage structures, and livestock barns) as permitted accessory structures to farms in locations where farms are permitted as of right
-  Requires Agricultural Data Statements and provides for the review of potential impacts on agriculture when other, non-farm, development projects are proposed in agricultural areas
-  Provides appropriate exemptions for agricultural uses and structures from maximum heights and minimum setbacks that may apply to other, non-agricultural, uses and structures

Planning and Subdivision

Assuming that site plan review will fall under the responsibilities of the Planning Board, there are ways to have farm friendly development in your municipality. By requiring a buffer between agricultural lands on a proposed subdivision or non-farm use can minimize possible concerns. Establish a separate farm friendly review criteria when making determinations on projects within 500 feet of a state certified agricultural district. Agriculture should be evaluated no differently than a historical or environmental feature. Consider the compatibility and impact of a new subdivision when in the State Environmental Quality Review process (SEQR). All additional influences should be addressed. Prime soils and soils of statewide significance as well as recognizing agricultural activity all must be considered.

Conservation subdivision designs should be encouraged with shared services that have the least impact or disturbance on agricultural lands. By allowing for an average lot size and not a minimum lot size, subdivisions can have more flexibility and improved aesthetics while maintaining open spaces that can be used for farm production. Agricultural land use can be preserved by siting the development in nonagricultural areas of a proposed subdivision. The remaining open spaces can continue being utilized for agricultural production.

Additional Considerations for State Certified Agricultural Districts

Only properties that are in a State Certified Agriculture District are afforded additional protections and exemptions under Article 25-AA. The nature of an Agricultural Districts encourages growth and improvement of agricultural lands. General recommendations are as follow:

 Construction of on-farm buildings and the use of land for agricultural purpose should not be subject to site plan review.

 In the event of a site plan review, the board should develop a streamlined or simplified process specific to farm operations in agricultural districts. The board should consider the size and type of the farm operation when determining what steps are necessary. Decisions by the board should be expedited within 45 days with no public hearing and not the maximum 62 day as required in Town, Village, and City Law. This simplified process must not unreasonably restrict, regulate farm operations or cause hardship on the farm. Source: Guideline for Review Local Zoning and Planning Laws 1/26/10.

www.agriculture.ny.gov/ap/agsservices/guidancedocuments/305-aZoningGuidelines.pdf

 DEC's SEQR regulations provide an exemption for agricultural practices and agricultural buildings. The SEQR Type II list includes: "agricultural farm management practices, including construction, maintenance and repair of farm buildings and structures and land use changes consistent with generally accepted principals of farming;" Clearing a field to plant crops; construction, maintenance and repair of farm buildings and structures; building of dikes, ditching, or installing drainage piping; or erecting a farm stand would not require SEQR review. However, subdivision of land to sell off as lots would be subject to SEQR." Source: 6 NYCRR § 617.5(c)(3) For additional information on SEQR go to <https://www.dec.ny.gov/permits/6188.html>

 An application for a sub-division within 500' of a NYS Certified Agricultural District should be accompanied with an Oneida County Agricultural Data Statement. This statement identifies properties in an agricultural district within a 500' radius and must be referred to Oneida County Planning Department in accordance with amended Sections 239-m and 239-n of New York State General Municipal Law and AML §305-a (2). Boards must provide copies of the OC Agricultural Data Statement to the landowners identified on the document. They are required to consider the statement and its impact on properties in an agricultural district before making a determination. This form can be found at <http://www.ocgov.net/oneida/planning/GML239Apps>

Zoning

Farm properties can contain several different land uses including primary residence, farm worker housing, barns, commodity shed, workshop/garage, silos, greenhouses, direct farm market, stables as well other supporting structures for the farm operation. Typical zoning regulations may not address all of these uses and unintentionally prohibit this type of mixed use. Avoid limitations of a farm's ability to expand and diversify caused by cumbersome regulations. Incorporating agriculture in a use table or use chart in more than one zoning district allows for flexibility of a farm operation.

Excluding certain types of farms or not addressing agriculture's role may lead to a lack of clarity for boards. Good zoning policies will have descriptive definitions and clear understandings of the intended language. A farm or agricultural activities should have a broad definition to accommodate modern farming techniques and uses. Is farming a permitted use in certain areas of the town? Is agriculture prohibited anywhere? Are there any special agricultural districts or overlays within existing local zoning? Is the local zoning aligned with AML 25-AA? These are the types of questions that should be addressed and incorporated when creating or updating farm friendly local zoning policies.

Additional Considerations for State Certified Agricultural Districts

Only properties that are in a State Certified Agriculture District are afforded additional protections under Article 25-AA. The use of agricultural land for production of food and agricultural products should be considered an allowable use when in an agricultural district. General recommendations are as follow:

-  **Construction of on-farm buildings and the use of land for agricultural purpose should not be subject to special use permits, variances or site plan review**
-  **The number and size of agricultural structures should not be limited**
-  **Agricultural farm management practices in an agricultural district are constitutionally recognized land uses**
-  **Farm operations in an agriculture district should not be considered non-conforming**
-  **Avoid tying acreage limits or number of animals to farm operations**
-  **Site Plan Review, Special Use Permit, and Use Variance applications that potentially involve farm operations within 500' radius of a project must be accompanied by an Oneida County Agricultural Data Statement and sent to the Oneida County Planning Department in accordance with amended Sections 239-m and 239-n of New York State General Municipal Law and AML §305-a(2). Boards must provide copies of the OC Agricultural Data Statement to the landowners identified on the document. They are required to consider the statement and its impact on properties in an agricultural district before making a determination. This form can be found at:
<http://www.ocgov.net/oneida/planning/GML239Apps>**

Policy Development

The intent of this section is to address common issues that arise and provide examples for solutions that will support agricultural friendly language in local strategies. Each municipality has their own unique needs and plans for the future. Policies should be shaped to reflect the wishes and desires of its constituents. Clear and concise agricultural definitions should always be incorporated as well as considerations for the economy, environment, development and population.

Mission Statements

Mission statements that support agriculture should recognize its role in the local economy, identify what is required for a farm operation to succeed and demonstrate the desired support from the community. It is

an essential part of a comprehensive plan and is the groundwork for policy development. Municipalities can set a precedent by including agriculture in a mission statement. One example of an appropriate mission statement for agriculture is “To work toward an equitable food system by ensuring land access, planning, and zoning are in place to support producers and educate the non-farming community on the value of embracing sustainable agriculture”. 1

Land Use

Planning and Zoning regulations are tools that local governments can use to regulate uses on a property. They are mechanisms to evaluate and direct activities to certain areas within a municipality. These can actually benefit agriculture by re-directing some uses to more suitable areas while preserving open spaces for agriculture. Having the ability to identify critical farmland and to concentrate other like uses better serves the community by creating pockets of similar activities. Be cognizant that regulations are in line with Article 25-AA before adopting or modifying policies that may affect agriculture.

Designing local land use regulations that are supportive of agriculture can include:

-  **Agriculture as a permitted use**
-  **Avoid limiting the height, size, and number of agricultural structures**
-  **Lot sizes based on an average size and not specific acreage allows for more flexibility when designing a development**
-  **No lot size restriction on a farm operation**
-  **Lots should be designed to encourage conservation subdivision design, and to allow for continued and productive farming**
-  **Building envelopes should be located on the least agriculturally productive land and shall avoid prime soils and soils of statewide significance**
-  **Require buffers between farm and non-farm uses**
-  **Create zoning areas or agricultural overlay districts that protect prime soils and soils of statewide significance**
-  **Allowing for multiple businesses on farm properties**
-  **Allowing for agriculture in more than one zoning district**
-  **Avoid limiting the number or type of animals**
-  **Avoid over regulating farm operations**
-  **Creating streamlined evaluation tools for agriculture**
-  **Including comprehensive definitions for agriculture in regulations**

Local Right-to-Farm Law

Municipalities in rural areas or ones that have a strong farming presence have the opportunity to explore a local Right-to-Farm Law. Many people seek out a rural atmosphere to raise a family or to remove themselves from the congestion of an urban setting. They may have some preconceptions of open space, scenic vistas, and a quaint way of life without having a full understanding of what that may entail. Agriculture provides these characteristics and in order to preserve that they must be allowed to perform their work without unreasonable restrictions. A balance in the community can create harmony and avoid misinterpretations.

By adopting a local Right-to-Farm Law, it reiterates the acknowledgment of agricultural protections within Article 25-AA. Towns and Villages can demonstrate their commitment by enacting a local regulation that supports farming's essential role. Recognizing farm operations as a right can circumvent differences that may arise between the farm and non-farm community. Below are examples of Right-to-Farm legislation.

Example: "Legislative Intent: The intent of this Local Law is to provide right to farm protections for Oneida County farm businesses and individuals. It is the further intent of this Local Law to reduce the loss of agricultural resources in the County of Oneida by limiting the circumstances under which farming may be deemed to be a nuisance and to allow agricultural practices inherent to, and necessary for, the business of farming to proceed and be undertaken free of unreasonable and unwarranted interference or restrictions." Source: Oneida County Local Law No. 1 1998

Example: "Legislation: The Board recognizes that farming is an essential enterprise and an important industry which enhances the economic base, natural environment, and quality of life in Fort Ann. Therefore, the Town Board of Fort Ann finds and declares that this Town encourages its agriculture and urges understanding of and cooperation with the necessary day to day operations involved in farming.

It is the general purpose and intent of this law to maintain and preserve the rural traditions and character of the Town, to permit the continuation of agricultural practices, to protect the existence and operations of farms, to encourage the initiation and expansion of farms and agribusinesses, and to promote new ways to resolve disputes concerning agricultural practices and farm operations. In order to maintain a viable farming economy in Fort Ann, it is necessary to limit the circumstances under which farming may be deemed to be a nuisance and to allow agricultural practices inherent to and necessary for the business of farming to proceed and be undertaken free of unreasonable and unwarranted interference or restriction" Source Town of Fort Ann Local Law 1 of 2007

Example: "The Town Board of the Town of Malta find that farming is an essential activity within the Town of Malta. Farming, as defined herein, reinforces the special quality of life enjoyed by citizens, provides the visual benefit of open space, and generates economic benefits and social well-being within the community. Therefore, the Town of Malta emphasizes to newcomers that this town encourages its agriculture and requests newcomers to be understanding of the necessary day to day operations.

It is the general purpose and intent of this Local Law to maintain and preserve the rural tradition and character of the Town of Malta, to permit the continuation of agricultural practices, to protect the existence and operation of farms, and to encourage the initiation and expansion of farms and agricultural businesses.

For the purpose of reducing future conflicts between farmers and non-farmers, it is necessary for notice to be given to future neighbors about the nature of agricultural practices" Source Town of Malta Local Law 2 of 1996.

Municipal Agricultural and Farmland Protection Plan

Communities that embrace agriculture can further its support by adopting a Municipal level Agricultural and Farmland Protection Plan. Similar to a comprehensive plan, it identifies resources and establishes specific directives that can enable farm operations to grow and flourish. As with any policy, a committee should be formed to oversee the creation of the plan and a series of meetings for the public to participate is encouraged.

A Municipal level plan can be used as a tool to promote and encourage emerging agricultural opportunities in the local economy. It can reinforce a community's desire to have all types of farms thrive and sustain itself for the future. The plan should recognize farmland protection strategies and provide a means to implement them. It can be used as a guide for creating or updating regulations.

Key topics to include:

- ✔ Create a mission statement that emphasizes the role of agriculture
- ✔ Identify agricultural land resources and areas proposed to be protected
- ✔ Analyze farmlands' value to agriculture, the economy, and the community
- ✔ Identify current trends and conditions in farming
- ✔ Determine consequences of possible conversion of farm lands
- ✔ Identify the level of development pressure
- ✔ Describe actions municipality can take to promote agricultural uses
- ✔ Encourage and support Conservation Easements
- ✔ Create a vision plan for farming
- ✔ Establish goals and objectives to achieve the desired outcome
- ✔ Create an implementation or action plan to accomplish those goals

Currently New York State Department of Agriculture and Markets has funding available for Town level development of Agricultural and Farmland Protection Plans. Additional information on this funding opportunity and examples of Town Agricultural and Farmland Protection Plans can be found at https://www.agriculture.ny.gov/ap/agsservices/fp_plan_grants.html or contact NYS Department of Agriculture and Markets, 10B Airline Drive, Albany, NY 12235, (518) 457-4626 or go to

Tool Box

There are many ways to assist and enhance farm operations while developing strategies for the community. Towns and Villages can gain relevant insight to agriculture by including agricultural producers on appointed boards, creating an agriculture advisory board and encouraging producers to seek positions in local governments. Other available programs and supportive initiatives are:



- ✔ Create or update Comprehensive Plans including agriculture as a vital role in the community
- ✔ Create or update Land Use Regulations identifying agriculture as an allowable use
- ✔ Create or update a municipal Agricultural and Farmland Protection Plan

-  Maps of prime farmland soils, soils of statewide importance, and agricultural districts are available from Oneida County Planning Department
-  Agricultural Land Value Assessment, a partial reduction in real property taxes for farmland
-  Farm Building Exemptions, 10-year property tax exemption for building constructed January 1, 1969 to January 1, 2029
-  Special Farm Use Structures Exemption, lifetime property tax exemption on certain structures
-  Farm School Tax Credit, tax credit from state personal income tax or corporation tax to reimburse some or all of a school districts property taxes
-  Farmland Protection Implementation Grants (FPIG) administered by the NYS Department of Agriculture & Markets
-  Farmland Protection Planning Grants (FPPG) administered by the NYS Department of Agriculture & Markets

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Bonnie Collins *Cornell Cooperative Extension*

Consultants

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Definitions

Agricultural Data Statement: An identification of farm operations within an agricultural district located within five hundred feet of the boundary of property upon which an action requiring municipal review and approval by the planning board, zoning board of appeals, town board or village board of trustees pursuant to article sixteen of the town law or article seven of the village law is proposed, as provided in section three hundred five-b of this article. (Source: New York State Agriculture and Markets Law 25-AA, Section 301)

Agricultural Structure: Any building or structure that is vital for the farm's operation and supports the production, preparation, and marketing of crops, livestock, and livestock products.

Agritourism: Activities, including the production of maple sap and pure maple products made therefrom, conducted by a farmer on-farm for the enjoyment and/or education of the public, which primarily promote the sale, marketing, production, harvesting or use of the products of the farm and enhance the public's understanding and awareness of farming and farm life. (Source: New York State Agriculture and Markets Law 25-AA, Section 301)

Apiary Products Operation: An agricultural enterprise consisting of land owned by the operation upon which bee hives are located and maintained for the purpose of producing, harvesting and storing apiary products for sale. (Source: New York State Agriculture and Markets Law 25-AA, Section 301)

Commercial Horse Boarding Operation: An agricultural enterprise consisting of at least seven acres and stabling at least ten horses, regardless of ownership that receives at least ten thousand dollars or more in gross receipts annually from fees generated either through the boarding of horses, production for sale of crops, livestock or livestock products. This does not include operations whose primary on site function is horse racing. (Source: New York State Agriculture and Markets Law 25-AA, Section 301)

Commercial Equine Operation: An agricultural enterprise consisting of at least seven acres and stabling at least ten horses, regardless of ownership that receives at least ten thousand dollars or more in gross receipts annually from fees generated through commercial equine activity including but not limited to riding lessons, trail riding activities, training of horses, the production and sales of crops or livestock. This does not include operations whose primary on site function is horse racing. (Source: New York State Agriculture and Markets Law 25-AA, Section 301)

Conservation Easement: A deed restriction landowners voluntarily place on their property to protect resources such as productive agricultural land, ground and surface water, wildlife habitat, historic sites or scenic views. Landowners may donate or sell their interests for the easement.

Conservation Subdivision Design: Typically, will have shared services for the development like shared septic field or water supply. Preserves and outlines viable farmland while developing land that is less desirable for farming. Using natural buffer as a screening tool and incorporating watersheds in the design. Reduces the footprint of a new residential development.

Conversion: An outward or affirmative act changing the use of agricultural land and shall not mean the nonuse or idling of such land. (Source: New York State Agriculture and Markets Law 25-AA, Section 301)

Farm and Food Product: Any agricultural, horticultural, forest, or other product of the soil or water, including but not limited to, fruits, vegetables, eggs, dairy products, meat and meat products, poultry and poultry

products, fish and fish products, grain and grain products, honey, nuts, preserves, maple sap products, apple cider, fruit juice, wine, ornamental or vegetable plants, nursery products, flowers, firewood, and Christmas trees. (Source: NYS Agriculture & Markets Law, Article 22)

Farmers Market: Any building, structure or place, the property of a municipal corporation or under lease to or in possession of a public or private agency, individual or business used or intended to be used by two or more producers for the direct sale of a diversity of farm and food products, as defined in subdivision four of this section, from producers to consumers and food buyers. Such market may also include facilities for the packing, shipping, first-instance processing or storage of farm and food products, and shall include all equipment used or intended to be used in connection with such facilities. Such market may also include other businesses which reasonably serve the public or make the market more convenient, efficient, profitable or successful, including, but not limited to, food service, baking, and non-food retailing. (Source: NYS Agriculture & Markets Law, Article 22)

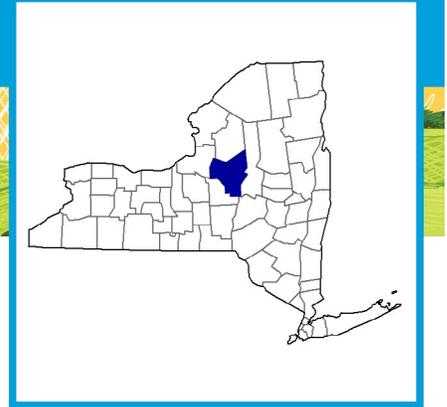
Farm Operation: The land and on-farm buildings, equipment, manure processing and handling facilities, and practices which contribute to the production, preparation, and marketing of crops, livestock, and livestock products as a commercial enterprise, including a 'commercial horse boarding operation' as defined in subdivision thirteen of this section, a 'timber operation' as defined in subdivision fourteen of this section and 'compost, mulch or other biomass crops' as defined in subdivision sixteen of this section, and 'commercial equine operation' as defined in subdivision seventeen of this section. Such farm operation may consist of one or more parcels of owned or rented land, which parcels may be contiguous or noncontiguous to each other. (Source: New York State Agriculture and Markets Law 25-AA, Section 301)

Prime Soils: 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 available for these uses. It could be cultivated land, pastureland, forestland, or other land, but it is not urban or built-up land or water areas. (Source: U.S. Department of Agriculture)

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

Sound Agricultural Practices: Those practices necessary for the on-farm production, preparation and marketing of agricultural commodities. (Source: New York State Agriculture and Markets Law 25AA Section 308 - Right to Farm)

2017 CENSUS OF AGRICULTURE County Profile



Oneida County New York

Total and Per Farm Overview, 2017 and change since 2012

	2017	% change since 2012
Number of farms	967	-9
Land in farms (acres)	192,767	-6
Average size of farm (acres)	199	+4
Total	(\$)	
Market value of products sold	100,455,000	-11
Government payments	1,066,000	-51
Farm-related income	4,344,000	-1
Total farm production expenses	76,548,000	-10
Net cash farm income	29,317,000	-15
Per farm average	(\$)	
Market value of products sold	103,884	-2
Government payments (average per farm receiving)	5,610	-13
Farm-related income	10,943	+11
Total farm production expenses	79,161	-1
Net cash farm income	30,318	-6

2 Percent of state agriculture sales

Share of Sales by Type (%)

Crops	30
Livestock, poultry, and products	70

Land in Farms by Use (%)^a

Cropland	62
Pastureland	9
Woodland	22
Other	7

Acres irrigated: 743

(Z)% of land in farms

Land Use Practices (% of farms)

No till	13
Reduced till	11
Intensive till	31
Cover crop	11

Farms by Value of Sales

	Number	Percent of Total ^a
Less than \$2,500	298	31
\$2,500 to \$4,999	115	12
\$5,000 to \$9,999	81	8
\$10,000 to \$24,999	135	14
\$25,000 to \$49,999	82	8
\$50,000 to \$99,999	70	7
\$100,000 or more	186	19

Farms by Size

	Number	Percent of Total ^a
1 to 9 acres	99	10
10 to 49 acres	231	24
50 to 179 acres	335	35
180 to 499 acres	229	24
500 to 999 acres	49	5
1,000 + acres	24	2

Market Value of Agricultural Products Sold

	Sales (\$1,000)	Rank in State ^b	Counties Producing Item	Rank in U.S. ^b	Counties Producing Item
Total	100,455	21	61	1,128	3,077
Crops	29,941	24	61	1,415	3,073
Grains, oilseeds, dry beans, dry peas	12,613	16	55	1,324	2,916
Tobacco	-	-	-	-	323
Cotton and cottonseed	-	-	-	-	647
Vegetables, melons, potatoes, sweet potatoes	3,718	26	60	404	2,821
Fruits, tree nuts, berries	2,533	20	60	289	2,748
Nursery, greenhouse, floriculture, sod	2,356	28	60	591	2,601
Cultivated Christmas trees, short rotation woody crops	256	12	53	156	1,384
Other crops and hay	8,465	19	55	306	3,040
Livestock, poultry, and products	70,514	16	58	720	3,073
Poultry and eggs	(D)	36	57	(D)	3,007
Cattle and calves	8,261	19	55	1,375	3,055
Milk from cows	60,046	16	51	144	1,892
Hogs and pigs	137	18	55	828	2,856
Sheep, goats, wool, mohair, milk	254	22	54	637	2,984
Horses, ponies, mules, burros, donkeys	272	25	55	778	2,970
Aquaculture	(D)	5	34	(D)	1,251
Other animals and animal products	564	12	58	273	2,878

Total Producers ^c	1,667	Percent of farms that:	Top Crops in Acres ^d
Sex		Have internet access	77
Male	1,043		
Female	624	Farm organically	1
Age		Sell directly to consumers	16
<35	163	Hire farm labor	24
35 – 64	1,052	Are family farms	95
65 and older	452		
Race			
American Indian/Alaska Native	-		
Asian	1		
Black or African American	1		
Native Hawaiian/Pacific Islander	6		
White	1,652		
More than one race	7		
Other characteristics			
Hispanic, Latino, Spanish origin	15		
With military service	166		
New and beginning farmers	461		
			Livestock Inventory (Dec 31, 2017)
			Broilers and other meat-type chickens
			1,142
			Cattle and calves
			37,499
			Goats
			957
			Hogs and pigs
			733
			Horses and ponies
			1,893
			Layers
			5,744
			Pullets
			2,108
			Sheep and lambs
			1,666
			Turkeys
			131

See 2017 Census of Agriculture, U.S. Summary and State Data, for complete footnotes, explanations, definitions, commodity descriptions, and methodology.

^a May not add to 100% due to rounding. ^b Among counties whose rank can be displayed. ^c Data collected for a maximum of four producers per farm.

^d Crop commodity names may be shortened; see full names at www.nass.usda.gov/go/cropnames.pdf. ^e Position below the line does not indicate rank.

(D) Withheld to avoid disclosing data for individual operations. (NA) Not available. (Z) Less than half of the unit shown. (-) Represents zero.

Appendix 2: Finding the Common Ground-Understanding Specific Aspects of Farming

Timeliness and Seasonality of Farming Practices

1

Certain types of farm work must be done within brief time periods. Such time constraints are why farmers sometimes work at night or on weekends. Many work activities occur only for a week or two each year, so any activity that might inconvenience neighbors through noise, odors, or other effects may be temporary.¹

Manure Management

2

Farms with a high density of animals may be subject to NYS Nutrient Management plans, meaning they are required to have and implement an approved plan by a specialist in local conservation district of State Conservation Commission staff.

3

Odors and Noise

At this point, there are no standards or rules regulating odors or noises from farming.

4

Use of Roads

Farmers frequently move equipment on public roads during spring and fall and take daily manure loads out to their fields throughout the year. Be cautious when passing farm machinery on the road. Always make sure the machinery is not about to turn left before you pass.

5

Use of Pesticides

When farmers need to spray there are stringent federal and state laws that must be followed and all applicators must attend pesticide safety, pass a test, must be certified, and maintain records of pesticide application.

6

Animals in Pastures

Pastured animals may need to cross public roads, tracking mud or dirt on the road, or even visit a neighbors' yard. A farmer may not know the animal is out and a simple telephone call to the farm could help avoid damage to others property and/or injury to individuals, the animal or property.

7

Farming is Changing

As farming changes, the rural landscape also will change. New agricultural business and existing farms may need to expand or change their operations. New residential and commercial development may occur as farms are sold.



¹ Source: Finding the common Ground: Understanding Your Community's Agriculture, September, 7, 2017, PennState Extension, <https://extension.psu.edu/finding-the-common-ground-understanding-your-communitys-agriculture>

Appendix 3: Oneida County Agricultural Data Statement

Oneida County Agricultural Data Statement

Town Village City of _____ Date _____

Ag District Number _____

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;
 Subdivision Approval

2. Description of proposed project:

3. Location of project: Tax Parcel ID# _____

4. Is this parcel actively farmed? NO YES

5. List all farm operations within a NYS Department of Ag & Markets Certified Agricultural District that are within 500 feet of your parcel. Attach additional sheets if necessary.*

Name: _____ Address: _____ _____	Name: _____ Address: _____ _____
Tax Parcel ID # _____	Tax Parcel ID # _____
Name: _____ Address: _____ _____	Name: _____ Address: _____ _____
Tax Parcel ID # _____	Tax Parcel ID # _____

* Attach a tax map showing the site of the proposed project relative to the location of farm operations identified above. Ag District maps can be obtained from your municipal assessor, municipal clerk or the County Planning Department.

Signature of Applicant

Signature of Owner (if other than applicant)

NOTE TO MUNICIPALITY: All applications requiring an Agricultural Data Statement **must** be referred to the Oneida County Planning Department in accordance with amended Sections 239-m and 239-n of New York State General Municipal Law.

Additional Resources

Local Resources

Cornell Cooperative Extension Oneida County

Ph. (315) 736-3394; www.cceoneida.com

Oneida County Planning Department

Ph. (315) 798-5710; www.ocgov.net/oneida/planning

Oneida County Agricultural District Maps

<http://hoccpp.maps.arcgis.com/apps/MapSeries/index.html?appid=e3294fa7657d45299a7c17aec7d386d9>

Oneida County Soil & Water Conservation District

Ph. (315) 736-3334; www.oneidaswcd.org

Oneida County Tourism

Ph. (888) 999-6560; www.oneidacountytourism.com

Resources for Comprehensive Planning/Land Use Regulations

New York State Department of Agriculture and Markets - Guidelines for Review of Local Zoning and Planning Laws

www.agriculture.ny.gov/AP/agservices/guidancedocuments/305-aZoningGuidelines.pdf

New York State Department of State - Guide to Planning and Zoning Laws

(James A. Coon Local Government Technical Series)

www.dos.ny.gov/lg/publications/Guide_to_planning_and_zoning_laws.pdf

New York State Local Open Space Planning Guide

www.dos.ny.gov/lg/publications/Local_Open_Space_Planning_Guide.pdf

American Farmland Trust Planning for Agriculture in New York

<https://www.farmlandinfo.org/planning-agriculture-new-york-toolkit-towns-and-counties>

Resources for Agricultural Districts/Right to Farm

Oneida County Agricultural and Farmland Protection Plan

<http://cceoneida.com/agriculture/ag-economic-development/oneida-county-farmland-protection>

New York's Agricultural Districts - Frequently Asked Questions (Brochure)

www.agriculture.ny.gov/ap/agservices/Agricultural_Districts_FAQ.pdf

New York State Department of Agriculture and Markets - Local Laws and Agricultural Districts: Guidance for Local Governments and Farmers

www.agriculture.ny.gov/AP/agservices/new305/guidance.pdf

NY Ag District Program

<https://www.agriculture.ny.gov/ap/agservices/dis8/Summary-AgrDistrict-Law.pdf>

Oneida County Right to Farm Law

<https://s3.amazonaws.com/assets.cce.cornell.edu/attachments/21214/OCRighttoFarmLaw.pdf?1488990111>

New York State Right to Farm Law (AML 25AA S. 308)

codes.findlaw.com/ny/agriculture-and-markets-law/agm-sect-308.html

Resources for Farmland Protection

New York State Municipal Planning Grants

https://www.agriculture.ny.gov/ap/agservices/fp_plan_grants.html

American Farmland Trust <https://www.farmland.org/>