

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 for municipalities to have the ability to create a balance between the needs of the community, local interests, and the ever-changing agriculture industry. Cornell Cooperative Extension (CCE) 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 New York State Agriculture and Markets Law (AML). AML has the ability to adapt to the current and future needs of agriculture. Over the past 48 years, several amendments have been added to better define evolving farm operations and clarify the intentions of the law but the core principles have not changed. Enhancing and preserving a productive agricultural economy is fundamental. To access the most up-to-date information, AML should be referenced often during the process of policy development that may potentially affect agriculture.

Municipalities can have a significant impact on local farms. This is evident through 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 development pressures and aging farmers represents a threat to the future of these agriculture operations. Farms are local businesses that create jobs and stimulate 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, as farms generate more public revenue than they require for municipal services. Farmland is still the predominant non-residential land use in the County according to the most recent USDA Census of Agriculture, 967 farms utilize 24% of the total acreage of Oneida County and generate \$100.5 Million in farm sales.

2017 USDA Census of Agriculture report for Oneida County: \$100.5 Million in farm sales, of which more than half is from milk; the remainder is from diverse farm products, including:



-  \$60 Million in Milk Sales
-  \$8.5 Million in Field Crop Sales
-  \$8.2 Million in Cattle & Calf Sales
-  \$3.7 Million in Vegetable Crop Sales
-  \$2.5 Million in Fruit Crop Sales
-  \$2.3 Million in Nursery & Greenhouse Sales

See Appendix 1



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 the draft stage. Municipalities are encouraged to contact the 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, and 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 Department's website at <https://agriculture.ny.gov/land-and-water/section-305-review-restrictive-laws>



AGRICULTURAL ASSESSMENTS

Within the Agriculture and Markets Law 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: <https://www.tax.ny.gov/research/property/assess/valuation/agindex.htm> 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 7 or more acres. For agricultural operations that have less than 7 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 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. However, the parcel must be used for agricultural production.



Conversion

If a parcel receiving an agricultural assessment is converted to 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 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 an 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 7 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 NYSERDA. 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/research/property/assess/manuals/vol4/pt1/sec4_01/sec487.htm

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



Agricultural Exemption Form

○ **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*)



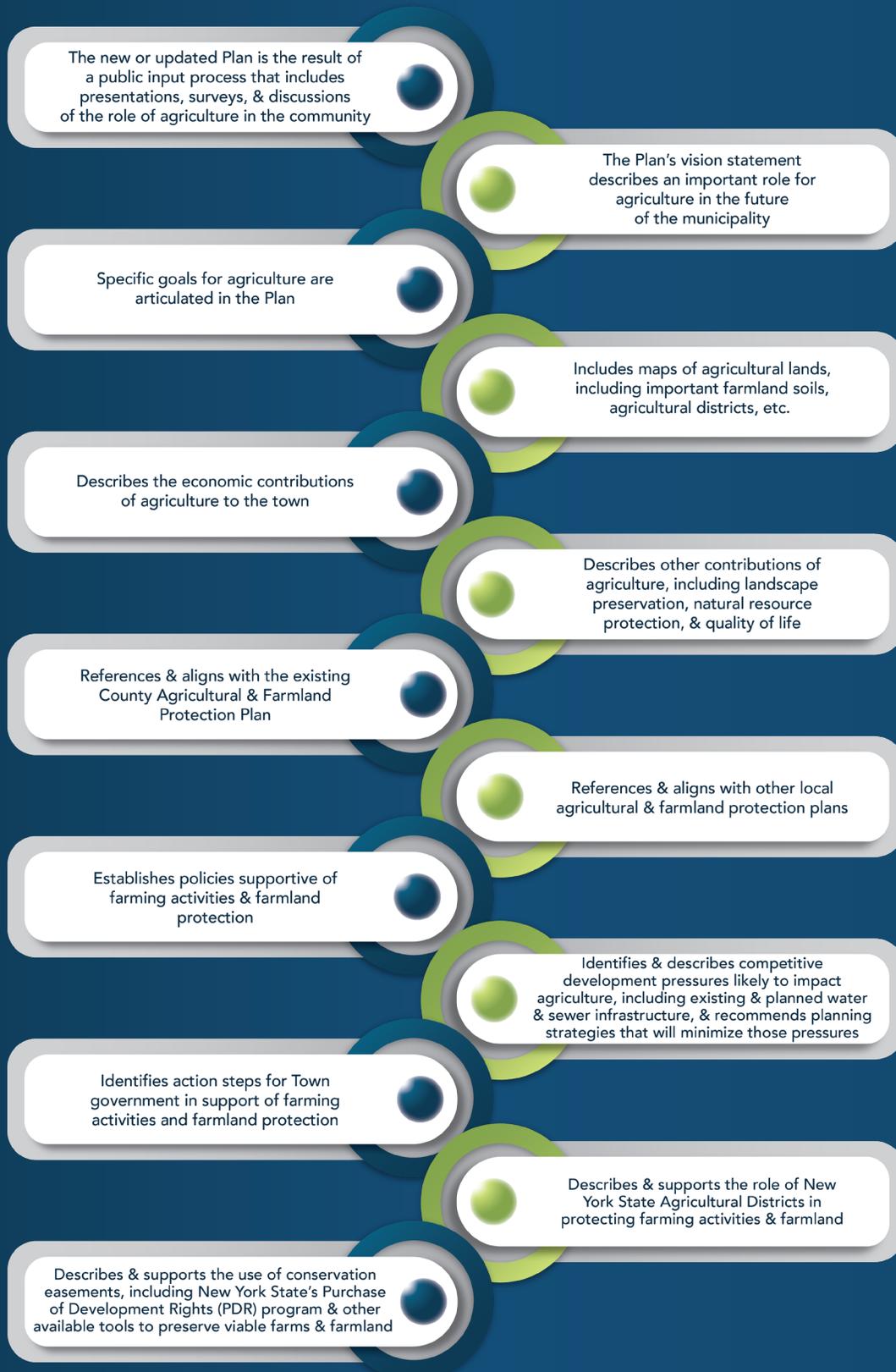
COMPREHENSIVE PLAN

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. Effective plans are updated to incorporate new emerging needs and should be aligned with the local government's planning and zoning regulations. 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 the 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 those in the local economy that depends 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. Effective agriculture-friendly plans should address threats to agricultural lands and provide solutions that meet the community's needs.

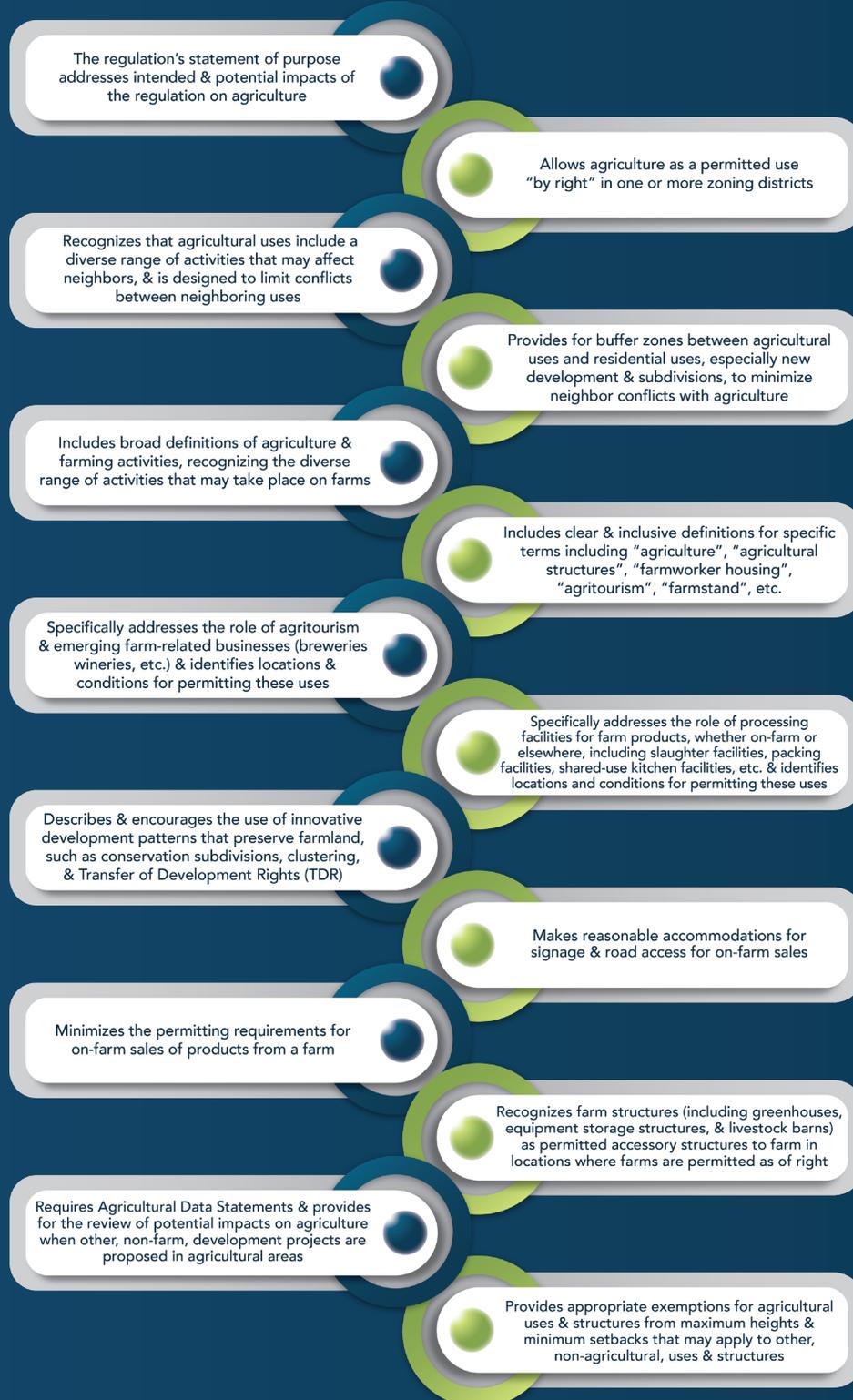
Characteristics of an Agriculture-Friendly Comprehensive Plan



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.

Characteristics of an Agriculture-Friendly Land Use Regulation



Carbon-Free Energy Sources (Wind and Solar)

Currently, New York State policy (Climate Act) dictates measures to reduce 85% of greenhouse gas emissions by 2050, 100% zero-emission electricity by 2040, and 70% renewable energy by 2030. These initiatives can be achieved through wind, solar and other emerging new technologies. Sometimes these large-scale energy facilities are referred to as wind or solar farms, but this is a mischaracterization, as this measure of the project is not considered a farm operation. The industry-standard naming is wind or solar array.

Wind energy developers seek windy locations that have an average wind speed of 14.5 mph or stronger at the turbine hub height. These types of projects must take into account the location of transmission lines, populated areas, terrain, roads, and other siting features.

Once an area is selected, on-site equipment is installed to gather weather information. Studies on the impacts on local flora and fauna may also be necessary. Large scale projects can take considerable time to develop because of the required siting needs, impact on affected municipalities, and specific location for optimal wind speeds. Effective March 3, 2021, projects over 25 MW will be required to seek permitting through the NYS Office of Renewable Energy Siting (ORES). Local municipalities will have an opportunity to provide input for proposed projects to the permitting agency. Smaller wind energy projects are typically reviewed locally through municipal land-use processes and the State Environmental Quality and Review Act (SEQRA).

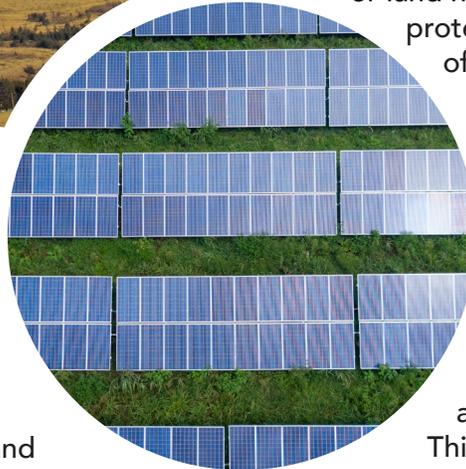
On-site community and utility-scale solar arrays can be an attractive method for achieving carbon-free energy goals in Oneida County, in part due to various incentives offered through New York State Energy Research and Development (NYSERDA) and other State or Federal Agencies. On-site or on-farm solar are smaller rooftop or ground systems that generate energy for the property. Community scale solar are medium-sized projects, consisting of 5MW or less and sell the energy to local subscribers. However, both these types of solar do not count towards the State's Climate Act goals.

Only utility-scale solar projects count towards climate objectives. Utility scale solar are larger systems that sell energy back into the grid. They are 5 MW minimum and up to 200 MW. Oneida County can be an appealing location for siting these projects because of the access to existing major transmission lines and substations across the County. Local municipalities will have the authority to review utility scale solar projects that are under 25 MW through their planning and zoning land-use processes. Projects over 25 MW will be required to seek permitting through the Office of Renewable Energy Siting (ORES). Local municipalities will have an opportunity to provide input for proposed projects through the agency permitting process.

The demand for community or utility scale solar continues to grow rapidly and may consume prime farmland. Community or utility solar offers long-term leases that may be an attractive enterprise for farmers by strengthening farmers' sustainability with a consistent revenue stream. Positioning these solar facilities on underutilized land or land not suitable for crop production protects prime farmland and offers benefit to the farmer and community. Local governments should have a balanced approach to preserve productive farmland while carefully positioning solar arrays in the community. Siting of utility scale solar arrays is typically addressed in local government's planning and zoning review processes.

This can be achieved through special-use permits under zoning regulations or by updating existing zoning or local laws to address solar project development specifically. Local governments should carefully consider all impacts of each solar project to determine the appropriate course of action for the community. Resources are available at the end of this document.

It should be noted that utility scale solar is not to 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. When reviewing these types of projects, a streamlined site plan review process should be considered.



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. Requiring a buffer between agricultural lands on a proposed residential subdivision or non-farm use can minimize possible concerns. Establishing separate farm-friendly review criteria when making determinations on projects within 500 feet of a state certified agricultural district. Agriculture uses should be evaluated no differently than a historical or environmental feature. Consider the compatibility and impact of a new subdivision during 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.

Encourage conservation subdivision designs 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 AML Article 25-AA. The nature of 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 purposes 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 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 days 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.
<https://agriculture.ny.gov/land-and-water/section-305-review-restrictive-laws>
- **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, a 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 an NYS Certified Agricultural District should be accompanied by 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. The form can be found at**
<http://www.ocgov.net/oneida/planning/GML239Apps>

Zoning

Farm properties can contain several different land uses including primary residence, farmworker 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 limiting a farm's ability to expand and diversify because of 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. 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 ag 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 AML Article 25-AA. The use of agricultural land for the 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. The form can be found at <http://www.ocgov.net/oneida/planning/GML239Apps>**

POLICY DEVELOPMENT

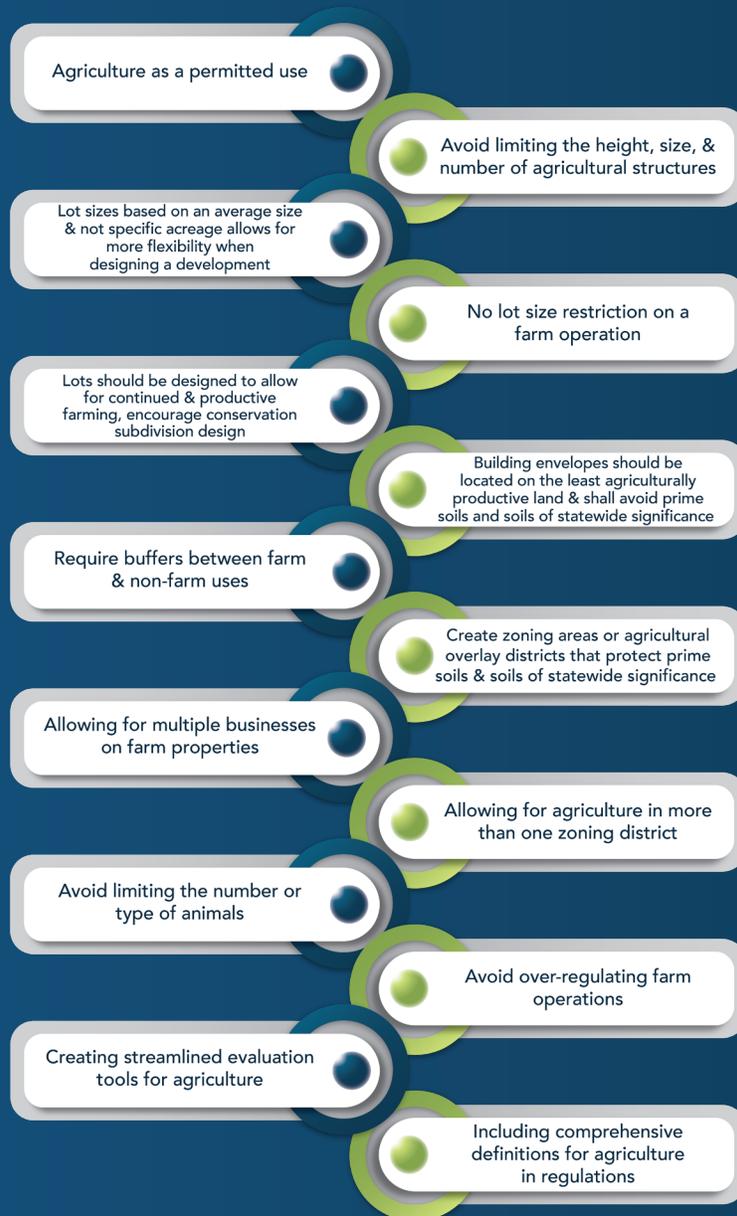
This section intends to address common issues that arise and provide examples for solutions that will support agricultural friendly language in local strategies. Each municipality has its own unique needs and plans for the future. Policies should be shaped to reflect the wishes and desires of their constituents.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

Mission Statement

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 land uses. They are mechanisms to evaluate and direct activities to appropriate areas within a municipality. These can 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. At the same time municipalities must be cognizant that regulations are in line with Article 25-AA before adopting or modifying policies that may affect agriculture.



¹ Krufft, David, *Agricultural Zoning*, August 2001, The Agricultural Law Resource and Reference Center, The Dickinson School of Law of The Pennsylvania State University. https://pennstatelaw.psu.edu/_file/aglaw/Agricultural_Zoning.pdf



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 those, they must be allowed to perform their work without unreasonable restrictions. A balance in the community can create harmony and avoid unnecessary conflicts.

By adopting a local Right-to-Farm Law, it reiterates the acknowledgment of agricultural protections within AML Article 25-AA. Towns and Villages can demonstrate their commitment by enacting a local regulation that support 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 the 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 finds 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 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 be sustainable 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 farmlands
- Identify the level of development pressure
- Describe actions municipalities 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

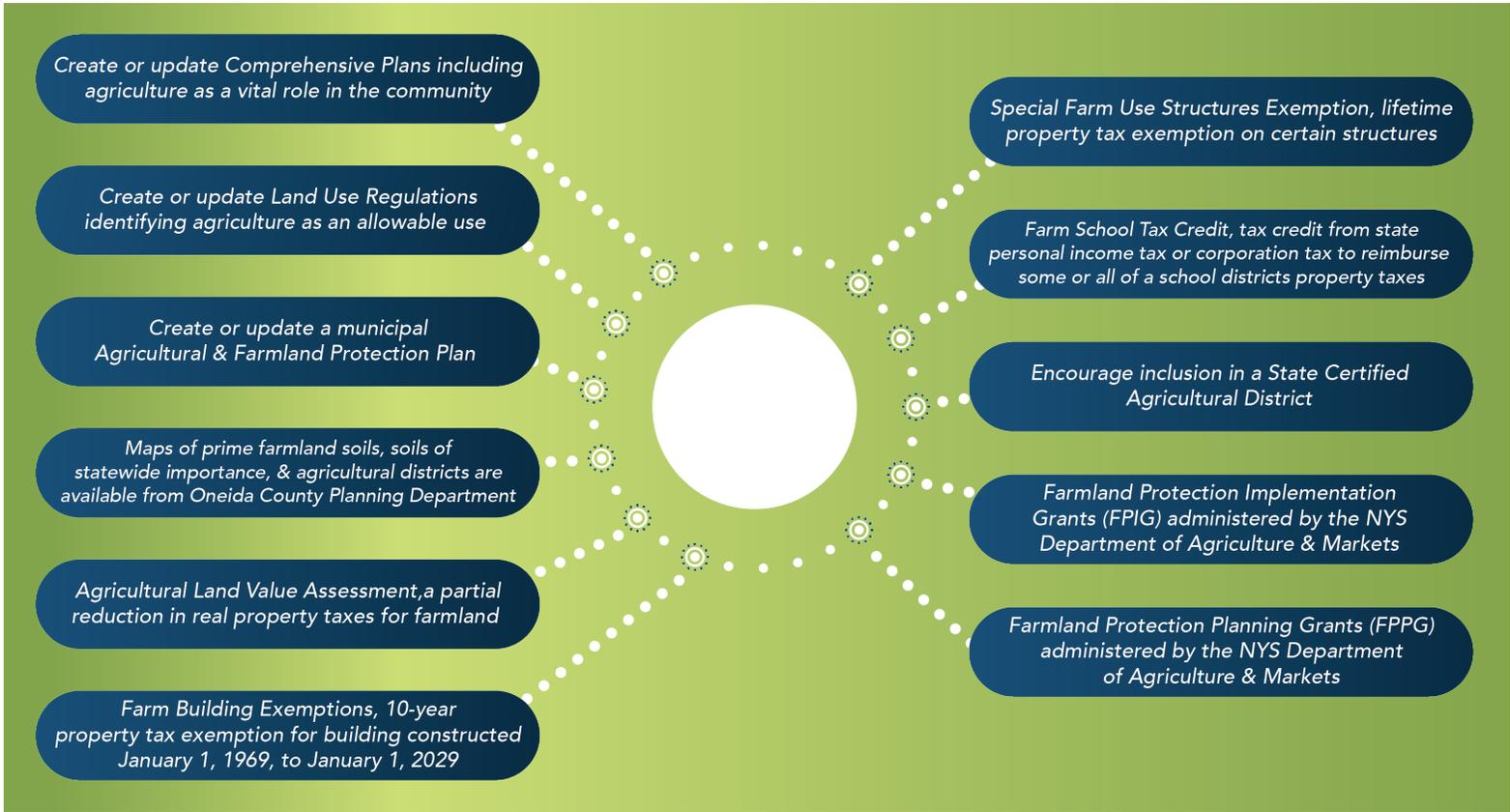
Currently, the New York State Department of Agriculture and Markets has funding available for Town level development of Agricultural and Farmland Protection Plans. Additional information on this funding opportunity and examples of Town Agricultural and Farmland Protection Plans can be found at

<https://agriculture.ny.gov/land-and-water/farmland-protection> or contact

NYS Department of Agriculture and Markets, 10B Airline Drive, Albany, NY 12235, (518) 457-4626

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 into 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 support initiatives are:



ACKNOWLEDGMENTS

REMI LINK
BONNIE COLLIONS

Cornell Cooperative Extension Oneida County
Cornell Cooperative Extension Oneida County

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DEFINITIONS

AGRICULTURAL DISTRICT 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 promotes the sale, marketing, production, harvesting, or use of the products of the farm and enhances 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 beehives 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)

APIARY PRODUCTS OPERATION:

An agricultural enterprise consisting of land owned by the operation upon which beehives 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 a 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 new residential development.

CONVERSION:

An outward or affirmative act changing the use of agricultural land and shall not mean the non use 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 that 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:

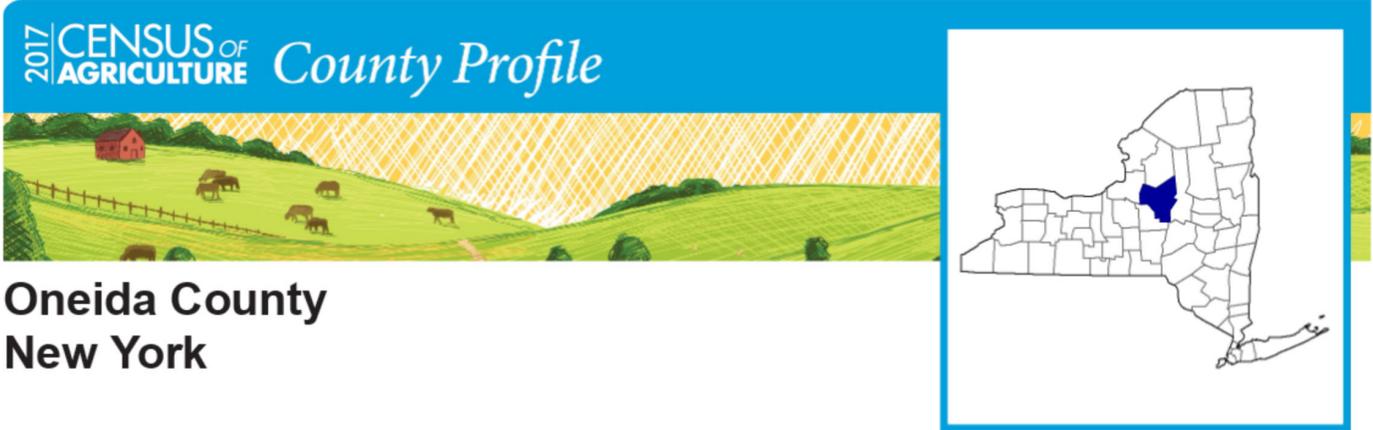
A direct marketing operation without a permanent structure and only offering outdoor shopping. Such an operation is seasonal in nature and features on-farm produced as well as locally produced agricultural products, enhanced agricultural products, and handmade crafts. (Source: NYS Direct Marketing Association)

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)

APPENDIX

APPENDIX 1: 2017 Census of Agriculture – Oneida 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



United States Department of Agriculture
National Agricultural Statistics Service

www.nass.usda.gov/AgCensus

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
Sex	
Male	1,043
Female	624
Age	
<35	163
35 – 64	1,052
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

Percent of farms that:

Have internet access	77
Farm organically	1
Sell directly to consumers	16
Hire farm labor	24
Are family farms	95

Top Crops in Acres ^d

Forage (hay/haylage), all	51,112
Corn for grain	16,136
Corn for silage or greenchop	11,012
Soybeans for beans	7,985
Vegetables harvested, all	2,293

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.

FINDING THE COMMON GROUND: UNDERSTANDING SPECIFIC ASPECTS OF FARMING

1

Timeliness and Seasonality of Farming Practices

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.

2

Manure Management

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 or 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.

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.

Accelerated Renewable Energy Growth and Community Benefit Act

For Local Governments



ACCELERATES
clean energy
development

ENSURES
benefits for host
communities

STRENGTHENS
New York's
green economy

call:
1-866-NYSERDA

email:
**cleanenergyhelp@
nyserdera.ny.gov**

visit:
nyserdera.ny.gov/Siting

Responsible and cost-effective siting of large-scale renewable energy and transmission projects

New York State has enacted the Accelerated Renewable Energy Growth and Community Benefit Act (the Act), landmark legislation aimed at improving the siting and construction of large-scale renewable energy projects in an environmentally responsible and cost-effective manner. The Act creates an Office of Renewable Energy Siting (the Siting Office), within the Department of State, which will establish a central forum to ensure siting decisions are predictable, responsible, and timely, while providing opportunities for local engagement.

Within one year of the Act's passage, the Siting Office will establish comprehensive regulations and uniform permit terms and conditions for large-scale renewable energy projects, working with involved State Agencies to consider potential environmental impacts and necessary mitigation efforts. Prior to the adoption of uniform permit terms and conditions, the Siting Office will conduct four public hearings across the State, providing a formal opportunity for local governments and stakeholders to offer input.

New Siting Process

Applicability and Timeline

- ❑ New large-scale renewable energy projects equal to or larger than 25 megawatts (MW) will be required to seek a permit through the Siting Office.
- ❑ New renewable energy projects between 20–25 MW, as well as existing projects in the initial phases of the Article 10 review process, may opt-in to this new review process.
- ❑ If deemed complete, applications for a permit through the Siting Office will be acted upon within one year; projects proposed on certain previously developed commercial and industrial sites will be acted upon within six months.
- ❑ If the Siting Office does not make a determination within the required timeframe, the draft permit will be deemed approved and a permit granted.

Opportunities for Local Input

Communities and local governments will have opportunities to provide valuable input throughout the new Siting Office review process:

- No application will be deemed complete without proof of consultation with the host community regarding procedural and substantive requirements of applicable local laws.
- Municipalities will be notified upon the publishing of an application's draft permit conditions and shall provide feedback on the draft permit conditions and the proposed facility's compliance with local laws within the subsequent 60-day public comment period. The Siting Office is required to consider any applicable local law when making a determination.
- If host community statements raise any substantive and significant issues that require adjudication, the Siting Office may establish a date for an adjudicatory hearing. If substantive or significant issues are raised and the Siting Office does not hold an adjudicatory hearing, a public hearing will be scheduled in the host community.

NYSERDA offers a variety of resources, including model zoning legislation, to support communities with responsibly siting clean energy projects. NYSERDA may update these resources, as necessary, to ensure alignment with any new standards.

Community and Local Government Benefits

- The Public Service Commission will hold a proceeding to determine how best to provide communities with a compensatory benefit for hosting a major renewable facility, such as a discount or credit on utility bills.
- Local government agencies and community intervenors will have access to funds (\$1,000/MW), administered by NYSERDA and distributed pursuant to regulations and at the direction of the Executive Director of the Siting Office, to ensure effective participation in the permitting process.
- As a condition for approval, permits will include a provision requiring host community benefits.

Build-Ready Program

- The Act authorizes NYSERDA's Clean Energy Resources Development and Incentives Program to rapidly advance new "Build-Ready" projects and prioritize the development of existing or abandoned commercial sites, brownfields, landfills, and otherwise underutilized sites.
- NYSERDA will engage landowners and local authorities on permitting and pre-construction development activities, in order to transfer build-ready sites to developers selected pursuant to a publicly noticed, competitive procurement.
- As part of this effort, NYSERDA will establish mechanisms through which property owners and communities would receive incentives for hosting major renewable energy facilities, such as property owner agreements, host community benefits, or payment in lieu of taxes agreements.
- NYSERDA will assess the need for—and availability of—workforce training in host communities to support green jobs development, with special attention given to environmental justice communities, and will establish one or more programs subject to available funding.

Power Grid Study and Investment Program

- The Act creates a State Power Grid Study and Investment Program to identify investments in distribution and local and bulk transmission necessary to meet the State's requirements under the Climate Leadership and Community Protection Act.
- The Act authorizes an expedited permitting process for transmission projects that are planned for existing rights-of-way.

Access NYSERDA resources.

Local governments can request free technical assistance or explore NYSERDA's solar, wind, and energy storage guidebooks by visiting nyserdera.ny.gov/siting or emailing cleanenergyhelp@nyserdera.ny.gov.



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 & Markets - Guidelines for Review of Local Zoning & Planning Laws

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

New York State Department of State - Guide to Planning and Zoning Laws (James A. Coon Local Government Technical Series)

<https://dos.ny.gov/system/files/documents/2019/05/guidetoplanningandzoninglaws.pdf>

American Farmland Trust Planning for Agriculture in New York

<https://farmlandinfo.org/publications/planning-for-agriculture-in-new-york-a-toolkit-for-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)

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

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

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

NY Ag District Program

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

Oneida County Right to Farm Law

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

New York State Department of Agriculture & Markets: Guidelines for Agricultural Mitigation for Solar Energy Projects

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

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

<https://codes.findlaw.com/ny/agriculture-and-markets-law/agm-sect-308.html>

RESOURCES FOR FARMLAND PROTECTION

New York State Municipal Planning Grants

<https://agriculture.ny.gov/land-and-water/farmland-protection-planning-grants-program>

American Farmland Trust

<https://www.farmland.org/>

RESOURCES FOR ENERGY

New York Solar Guidebook for Municipalities

<https://www.nyserda.ny.gov/-/media/NYSun/files/solar-guidebook.pdf>

New York Wind Energy Guidebook for Municipalities

<https://www.nyserda.ny.gov/-/media/Files/Publications/Research/Biomass-Solar-Wind/Wind-Energy-Guidebook.pdf>

Tug Hill Tomorrow Land Trust

<https://tughilltomorrowlandtrust.org/land-protection/>

American Farmland Trust Smart Solar Siting for New England

<https://farmland.org/project/smart-solar-siting-for-new-england/>