

**Cornell Cooperative Extension**  
**Dutchess County**

*SPECIAL DISTRICTS  
AND AGRICULTURE*

# *WHAT ARE SPECIAL DISTRICTS*

Services provided by a town through taxation.

- Fire
- Library
- Water
- Schools
- Lights
- Etc.





# *REDUCTIONS FOR FARMS, WHAT DOES THIS ENTAIL?*

The entity in charge of the budget for a special district can opt that agricultural lands (not the associated buildings) be assessed at the agricultural rate, not at full value.



EXAMPLE:  
FIRE TAX

*FIRE  
COMMISSIONERS  
OR BOARD*





*TOWN ASSESSOR  
WORKS WITH REAL  
PROPERTY TAX TO  
DETERMINE THE COST  
TO THE INDIVIDUAL  
HOMEOWNERS*

# *EXAMPLE: TOWN OF BEEKMAN*

- Fire Commissioners wanted information on the impact of Agricultural Value for farms versus full value on homeowners for the fire tax.
- Worked with Dutchess County Real Property Tax to crunch numbers.
- Impact: For a \$250,000 house in Beekman (circa 2018) the increase would be less than \$5.00/thousand assessed.
- Considerations: Mutual Aid companies (none); mutual town agreements within the fire district.





# *URBAN AGRICULTURE*

*There are no Ag Districts in cities, therefore no Ag Value Assessment.*

*The challenge becomes incentivizing property owners to reduce the cost of a lease to a farmer, when the owner realizes no other benefit, unlike agricultural lands.*

*Special District taxation could be key to incentivize more urban farming.*

*EACH SPECIAL DISTRICT  
HAS THE UNIQUE ABILITY  
TO MAKE THE DECISION  
WHEN IT COMES TO  
AGRICULTURAL LANDS.*

Most of the decision makers don't realize that they have this ability to propose reduced taxes on agricultural lands – it's a discussion that should be done with each entity and the Real Property Tax office. Numbers should be crunched to ensure that homeowners can be on-board with the plan.



*THERE IS A DISCONNECT BETWEEN FARMERS,  
HOMEOWNERS AND EVEN MUNICIPAL OFFICIALS  
WHEN IT COMES TO “TAX EXEMPTIONS”.*

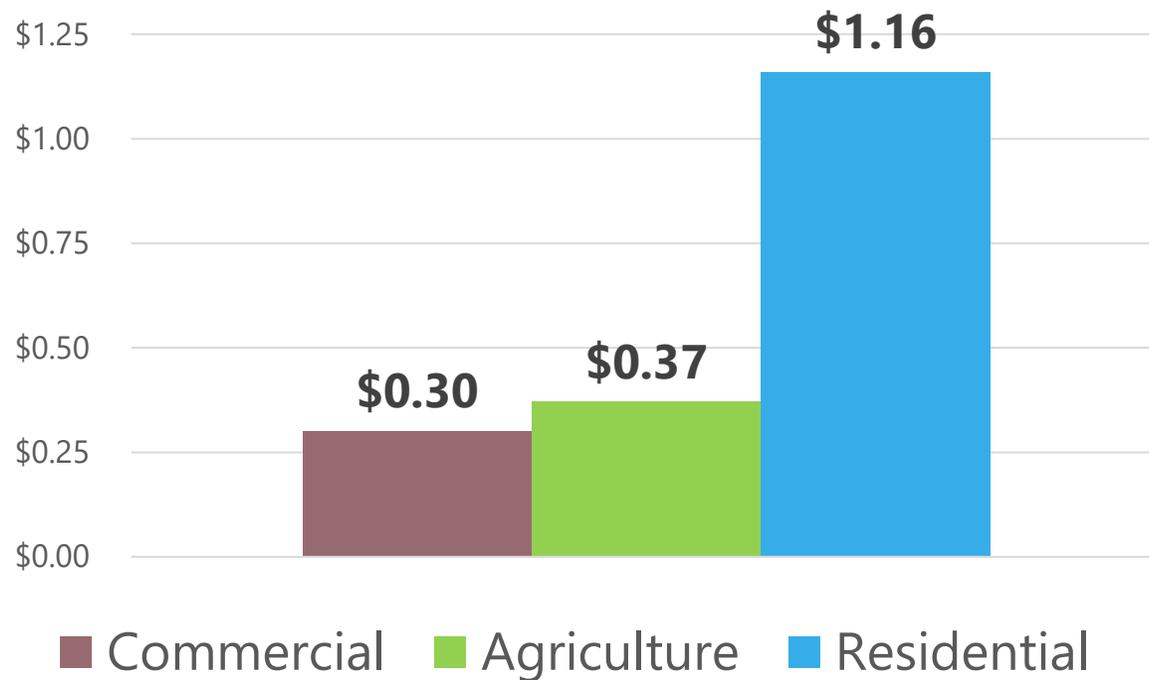
- Every town needs balance.



Agriculture is a good municipal investment



### Cost for public services per dollar revenue raised





*QUESTIONS?*

# **DUTCHESS COUNTY AGRICULTURE...IT'S A GROWING THING!** <sup>SM</sup>

**Cornell Cooperative Extension**  
**Dutchess County**



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**Th!nk**  
**DUTCHESS**  
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## Fielding Farm-Friendliness Through Planning and Zoning

By Shelby Tompkins-Frangk

Dutchess County has a rich and diverse history in agriculture – 620 farms span 101,948 acres of active farmland and generate almost \$44 million in agricultural products sold annually<sup>1</sup>. The scope of farming seen today could not have been predicted a few decades ago. When the 1998 Dutchess County Agricultural and Farmland Protection Plan was written, the biggest concerns facing agriculture were the continuing loss of farms and conversion of farmland into non-farm uses due to the high level of development pressure and the lack of profitable farm operations. Now, our agricultural diversity – composed of traditional livestock and dairy farming, fruit and vegetable operations, tree farms, nurseries/greenhouses, local distilleries, wineries, and breweries, u-pick farms, and newer farming ventures like community supported agriculture, among others – provides many benefits to our community including strong local economies, local food security, agri-tourism, preserved open space, and scenic viewsheds.

### Dutchess County Agricultural and Farmland Protection Plan

The [2015 Dutchess County Agricultural and Farmland Protection Plan](#) establishes a long-term vision of diversity, growth, and support for agriculture in Dutchess County. Broadly, the plan considers recent changes in agriculture, evaluates past successes, identifies current and future needs and opportunities, and develops new strategies to use moving forward. Five (5) priority initiatives were outlined, and serve as both the foundation to the plan as well as a method to implement it:

- Coordination and collaboration through an Agricultural Navigator and Agricultural Advisory

#### What's INSIDE

Dutchess County Agricultural and Farmland Protection Plan .....	1
Farm-Friendly Regulations .....	2
Farm-Friendly Audit .....	2
Municipal Toolkit for Implementing Farm-Friendliness in Your Zoning Code .....	4
Potential Land Use/Regulatory Tools .....	11
Farm-Friendly Audit Methodology & Process ..	11
Farm-Friendly Audit Facts & Figures .....	12
ALid for Every Pot .....	13



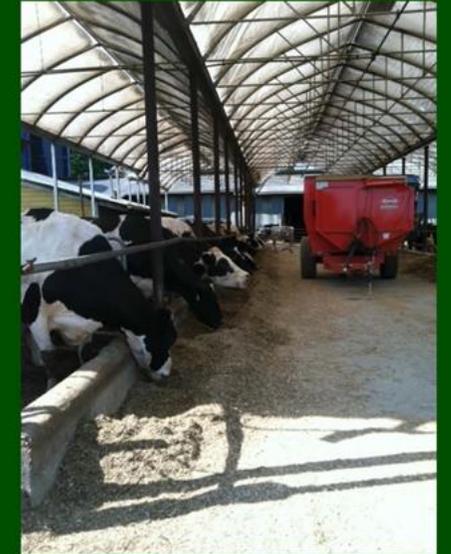
# Fielding Farm-Friendliness through Planning and Zoning

February 11, 2020

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 Planning & Development

# Dutchess County Agricultural & Farmland Protection Plan

- Plan Initiatives:
  - Coordination and collaboration through an Agricultural Navigator and Agricultural Advisory Committee
  - Agricultural Economic Development and Business Retention & Expansion Program
  - Farmland Preservation
  - **Farm-Friendly Regulation**
  - Marketing, Public Relations, and Awareness



Dutchess County  
Agricultural and Farmland  
Protection Plan

March 2015

# Countywide Farm-Friendly Audit

- Basis of “Blueprint” document
- 40 questions per community – 14 regarding comprehensive plans and 26 regarding zoning codes – totaling 1,200 questions
- **Goals:**
  - Understand the relationship between municipal regulations and agriculture
  - Remove barriers and enhance opportunities
  - Present communities with tools to create an environment where agriculture can thrive
- How can we prepare for the future of agriculture?
  - **By planning and zoning for it!**

Topic	T/Amenia	T/Beekman	T/Clinton	T/Dover	T/East Fishkill	T/Fishkill	T/Hyde Park	T/LaGrange	T/Milan	T/North East	T/Pawling	T/Pine Plains	T/Pleasant Valley	T/Poughkeepsie	T/Red Hook	T/Rhinebeck	T/Stanford	T/Union Vale	T/Wappinger	T/Washington	V/Fishkill	V/Millbrook	V/Millerton	V/Pawling	V/Red Hook	V/Rhinebeck	V/Tivoli	V/Wappingers Falls	C/Beacon	C/Poughkeepsie	County					
	Yes		Maybe		No								Yes		Maybe		No																			
	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%				
<b>Comprehensive Plan</b>																																				
Does the plan have a section on agriculture?	Y	Y	N	Y	Y	M	N	Y	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	N	M	Y	N	Y	N	N	N	N	N	17	57%	2	7%	11	37%
Does the comprehensive plan include maps of agricultural lands, important farmland soils, agricultural districts, etc?	Y	Y	Y	Y	Y	N	N	Y	Y	N	N	Y	Y	Y	N	Y	Y	Y	Y	Y	N	N	N	Y	Y	N	N	N	N	N	17	57%	0	0%	13	43%
Was the comprehensive plan based on public input that included questions or exploration about the role of agriculture in the community? (I.e. did a survey include questions about agriculture? Was there anything in workshops about it?)	N	Y	Y	Y	N	M	M	Y	Y	N	Y	Y	Y	N	N	Y	Y	Y	N	Y	N	M	N	N	N	N	N	N	N	12	40%	3	10%	15	50%	
Does the vision statement or goals address agriculture in any way? Is there any visible demonstration of the value of agriculture to the community in the plan?	Y	Y	Y	Y	M	M	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	M	Y	N	N	N	M	N	N	N	18	60%	4	13%	8	27%
Does the plan consider agriculture as an important resource in the community?	Y	Y	Y	Y	Y	M	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	M	Y	N	M	M	Y	N	N	N	21	70%	4	13%	5	17%
Does the plan recognize or reference a local or County agriculture and farmland protection plan?	N	Y	N	Y	N	Y	N	Y	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	4	13%	0	0%	26	87%
Does the plan include any data on farms and farmland? Acreage? Income or occupations from farming or other demographic data?	Y	Y	Y	Y	Y	Y	N	Y	N	N	Y	Y	N	Y	N	Y	Y	Y	Y	Y	N	Y	N	N	N	Y	N	N	N	Y	18	60%	0	0%	12	40%
Does the plan establish policies towards farmland and farming?	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	M	Y	N	M	M	Y	N	N	N	22	73%	3	10%	5	17%
Does it identify the economic value of farmland and farms to the community?	Y	Y	Y	Y	M	N	Y	Y	N	Y	Y	Y	Y	M	Y	Y	Y	Y	N	Y	N	N	Y	N	N	N	N	N	N	N	16	53%	2	7%	12	40%
Does it offer any recommended actions related to farming or farmland or ways to preserve or enhance farming?	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	M	Y	N	Y	M	Y	N	N	N	23	77%	2	7%	5	17%
Does the plan establish a policy and/or future actions for the agricultural use of open space that may be created in a conservation subdivision or clustering?	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	N	N	Y	Y	N	Y	N	25	83%	0	0%	5	17%
Does the plan discuss NYS agricultural districts and how the community can be supportive of that?	Y	Y	N	Y	Y	N	Y	Y	N	Y	Y	Y	N	Y	Y	Y	Y	Y	N	Y	N	N	Y	N	N	N	N	N	N	N	16	53%	0	0%	14	47%
Does it consider farmland a natural resource and encourage easements or other protections of that land? Is there a policy discussed for PDR, LDR or TDR?	Y	Y	Y	Y	Y	Y	M	Y	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	N	Y	N	N	Y	N	N	Y	N	21	70%	1	3%	8	27%
Is agriculture a consideration of where growth does or does not take place?	Y	Y	Y	Y	M	M	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	M	Y	Y	N	Y	Y	N	M	M	Y	N	N	N	20	67%	5	17%	5	17%

# Countywide Farm-Friendly Audit Results

The background of the slide is a photograph of a rural landscape. In the foreground, there is a lush green field with a rustic wooden fence made of vertical posts and horizontal rails. The middle ground shows rolling hills and a line of trees. The sky is filled with soft, warm light from a setting or rising sun, creating a hazy, golden glow over the entire scene.

- **Main Takeaway:** Most Dutchess County municipalities consider agriculture to be an important part of their community in the comprehensive plan, but often have regulatory barriers in their zoning codes that make supporting this industry challenging.
- **Next step:** Identify opportunities to enhance farm-friendly regulations across our County!

# Strengthening Farm-Friendliness in the Comprehensive Plan

- Include a specific section on agriculture
- Discuss and integrate agricultural data and maps
- Reference the County Agricultural & Farmland Protection Plan
- Discuss NYS Agricultural Districts



# Strengthening Farm-Friendliness in the Zoning Code

- **Consider farm-friendly regulations that are:**
  - Context-sensitive;
  - Based on the priority of the community;
  - Focused on “right-sizing” the process to meet both the needs of farmers and the community;
  - Considerate of impacts on adjacent agriculture operations; and
  - Not a “one size fits all” prescription.



# Municipal Toolkit for Implementing Farm-Friendliness in Your Zoning Code

**\*\*Local Dutchess County examples present throughout “Blueprint” document!**

- **Tool #1:** Define Agricultural Uses
- **Tool #2:** Employ Local Agricultural Zoning Districts
- **Tool #3:** Establish Agricultural Overlay Districts/Zones
- **Tool #4:** Utilize Agricultural Land Preservation
- **Tool #5:** Regulate Farms in the Zoning Code
- **Tool #6:** Employ a Modified Site Plan Review
- **Tool #7:** Zone for Farm Markets and Roadside Stands
- **Tool #8:** Zone for Agri-Tourism/Recreational Activities
- **Tool #9:** Allow Farmworker Housing
- **Tool #10:** Allow Alternative Energy for Agricultural Purposes
- **Tool #11:** Require Buffers and Setbacks for Agricultural Uses

# Tool #1: Define Agricultural Uses

- Be consistent with the definitions in the NYS Agricultural Districts Law (Article 25-AA, §301), particularly the definition for “farm operation”
- Contradictory terms/definitions give rise to conflict
- An omitted definition/term is usually a prohibited use



# Tool #2: Employ Local Agricultural Zoning Districts

- Based on Comp Plan, a clear idea of priority farming areas should be established
- Should clearly state the intent to support farms in its purpose statement
- May embed right-to-farm protections in its mission
- Not all land is created equal for farming or farm-compatible uses



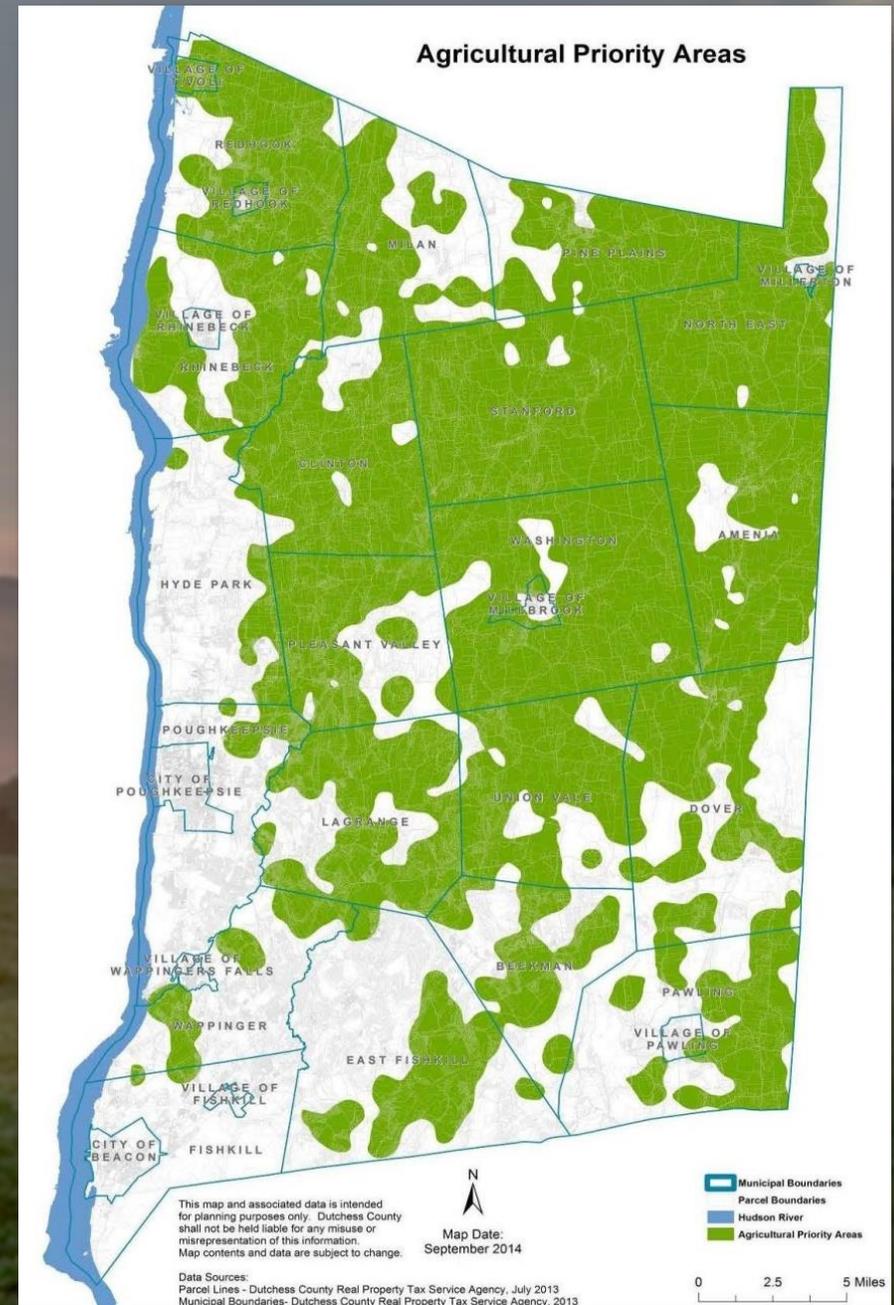
# Tool #3: Establish Agricultural Overlay Districts/Zones

- Inclusion of properties may be based on high-quality agricultural soils, location in a NYS certified ag district, or location in other specific ag districts
- Complementary uses to farm operations are also permitted
- Additional development standards may be required for parcels within district

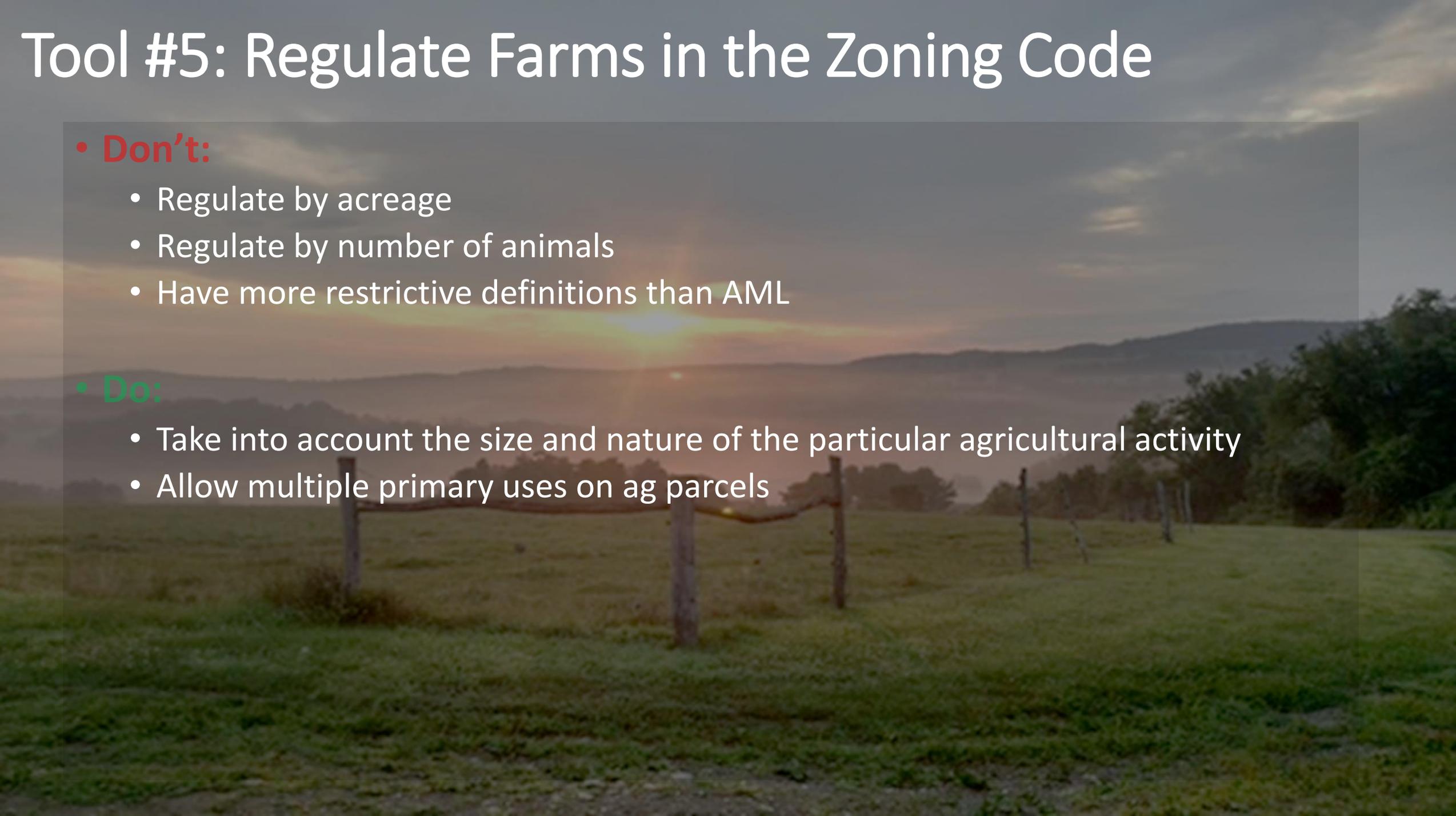


# Tool #4: Utilize Agricultural Land Preservation

- No “silver bullets” for protecting farmland
- Combining strategies and tools will yield the best results
- Protecting farmland stabilizes the agricultural base
- Balance land uses and focus growth into desired areas
  - Alliance with Greenway principles



# Tool #5: Regulate Farms in the Zoning Code



- **Don't:**

- Regulate by acreage
- Regulate by number of animals
- Have more restrictive definitions than AML

- **Do:**

- Take into account the size and nature of the particular agricultural activity
- Allow multiple primary uses on ag parcels

# Tool #6: Employ a Modified Site Plan Review

- NYSDAM generally views special use permit requirements for farm-related activities as unreasonable
- Respond to farmers' concerns while ensuring the ability to have local land use issues examined
- Take into account the size and nature of the particular agricultural activity
- Consider adopting use of modified site plan review:
  - Municipalities could specify that farm operations located within specific zoning districts must submit to site plan review
  - Municipalities may also elect to exempt farm operations, located within a State certified agricultural district, from their site plan review process

# Tool #7: Zone for Farm Markets and Roadside Stands

- Are your definitions adequate? If not, consider new definitions for “farm stand,” “roadside stands,” and “farmers’ markets”
- Signage – consider size and location when setting limitations
- Do not limit sales to products produced at that farm
- Consider the use of a modified site plan

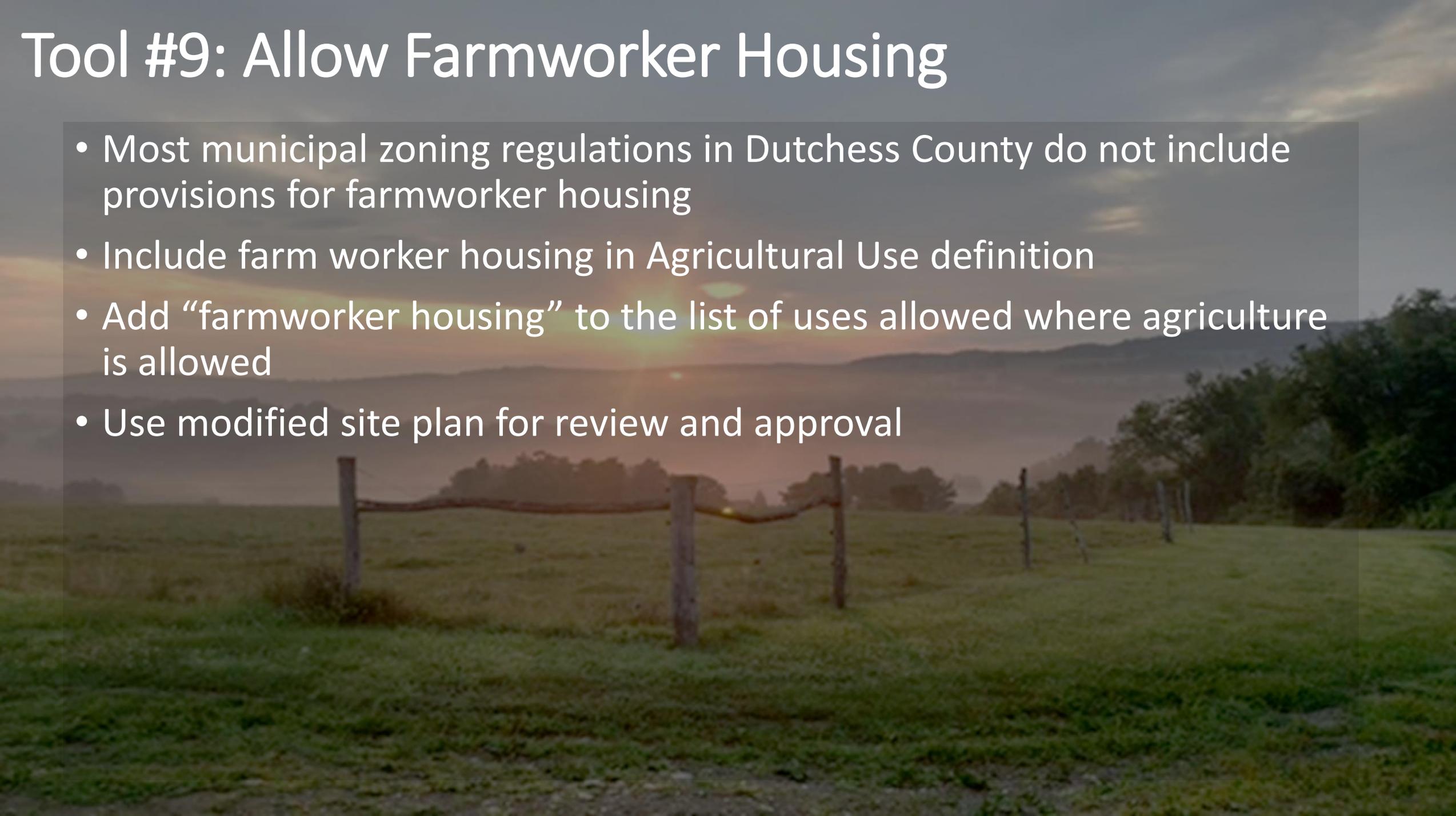


# Tool #8: Zone for Agri-Tourism/Recreational Activities

- Examples: Hayrides, petting zoos, corn mazes, and harvest festivals
- NYSDAM considers such activities as part of a farm operation under certain conditions. The events and activities must be:
  1. Directly related to the sale and promotion of the crops, livestock and livestock products produced at the farm;
  2. Incidental and subordinate to the retail sale of the farm's crops, livestock, and livestock products;
  3. Hosted by the farm; and
  4. Feature the farm's crops, livestock, and livestock products.
- Municipality can use modified site plan review process and/or event permit application

# Tool #9: Allow Farmworker Housing

- Most municipal zoning regulations in Dutchess County do not include provisions for farmworker housing
- Include farm worker housing in Agricultural Use definition
- Add “farmworker housing” to the list of uses allowed where agriculture is allowed
- Use modified site plan for review and approval



# Tool #10: Allow Alternative Energy for Agricultural Purposes

- NYSDAM considers small wind and solar facilities used to generate power for the farm (not exceeding 110% of demand) as a farm structure
- Consider allowing personal windmills or solar panels as a permitted use by right
- Use modified site plan for review and approval



# Tool #11: Require Buffers and Setbacks for Agricultural Uses

- Critical to minimize conflicts with new non-farm neighbors
- New residential development to provide buffering and screening
  - Good buffer zones make new neighbors into good neighbors!
- Balance the appropriateness of setbacks, as they could result in new houses being sited in the middle of prime farmland instead of the edge



# Additional Land Use/Regulatory Tools

- Right-to-Farm Laws
- Agricultural Data Statements
- Real Estate Disclosure Notices



# Summary

- Town boards, planning boards, and zoning boards of appeal have different responsibilities, but a common regulatory outlook is possible.
- If desired, you can increase your support for agriculture by implementing some or all the tools mentioned today.
  - No single tool will be able to address all the needs of local communities and local farmers.
- Balance is key.



# References/Resources



Cornell University  
Cooperative Extension  
Dutchess County



# Thank you!

- <https://www.dutchessny.gov/Departments/Planning/Docs/FieldingFarmFriendliness-FINAL.pdf> (“Blueprint” document)
- <https://www.dutchessny.gov/Departments/Planning/Docs/Auditresults-website-22MAR19.pdf> (Countywide Farm-Friendly Audit)
- <https://www.dutchessny.gov/Departments/Planning/agriculture.htm> (Dutchess County Dept. of Planning & Development Agriculture webpage)

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