

Is Your Town Planning for Agriculture?

*Establishing Local Public Policy To Support and
Protect Agriculture*

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Division of Land and Water Resources:
Agriculture Protection Unit

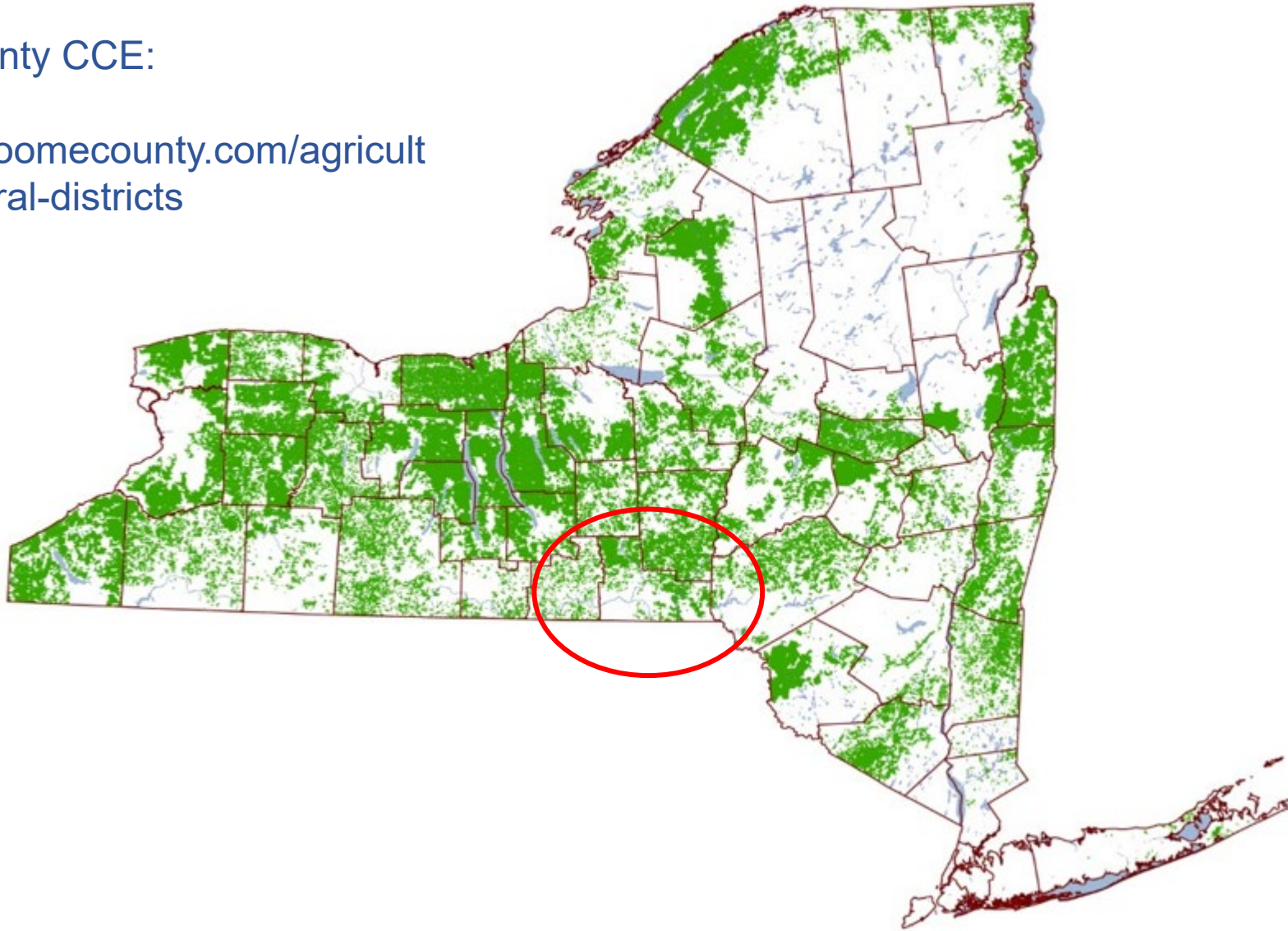


**Department of
Agriculture and Markets**

Agricultural Districts

Broome County CCE:

<https://ccebroomecounty.com/agriculture/agricultural-districts>




2021 Statewide Totals:

9,162,250 Acres

26,246 Farms

154 Districts

53 Counties

Download 

Shapefile

PDF

KML

Export Formats

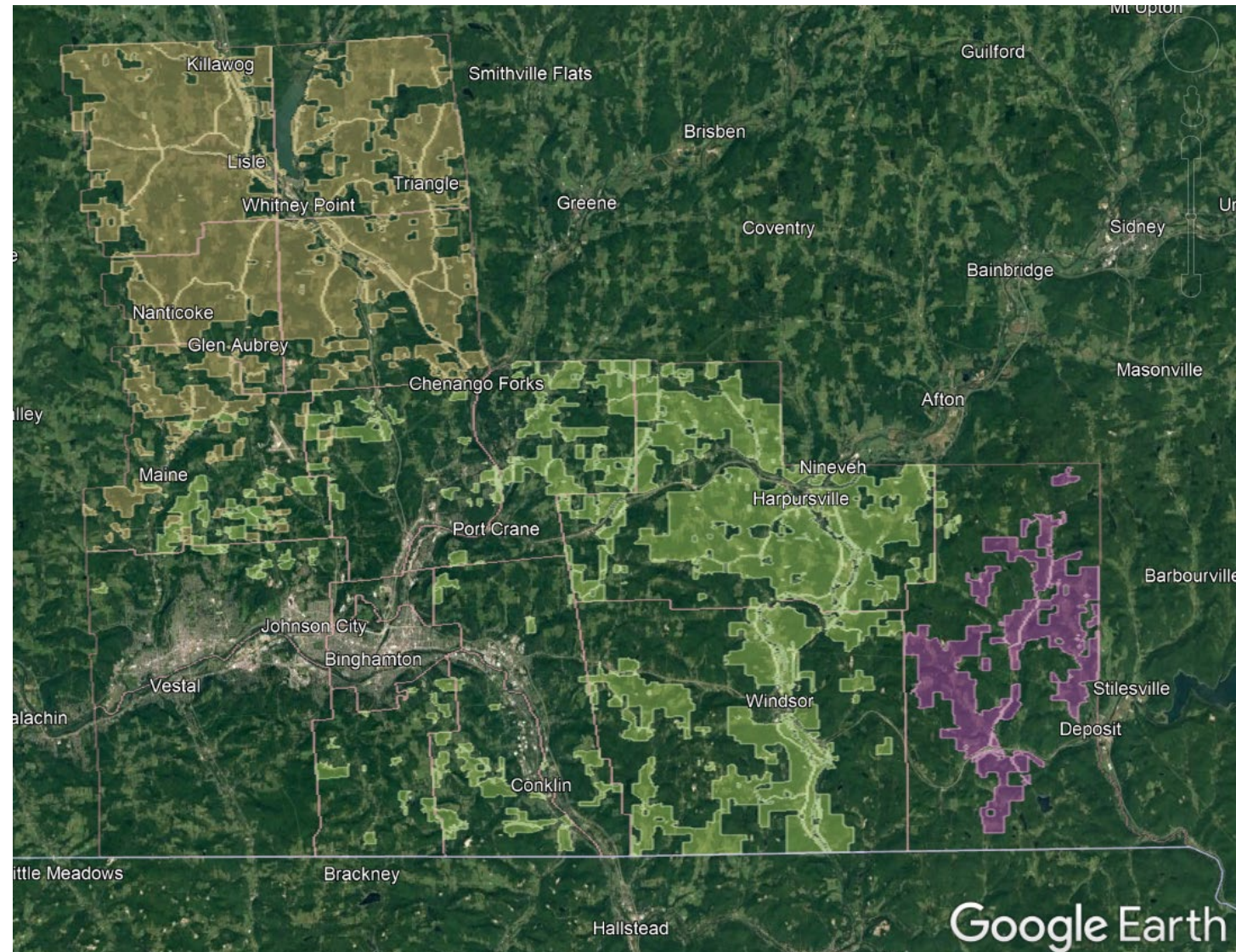
KMZ (generated) Export

GeoJSON (generated) Export

Totals:
155,974 Acres
333 Farms

2022 Open Enrollment
December 1- 31

Next 8-Year Review
January 11, 2027



When is a farm eligible for Ag District Protections?

**Farmers must obey local land use regulations*

Is Parcel Enrolled in Ag District? <https://cugir.library.cornell.edu/catalog/cugir-007950>

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

Have Local Administrative Remedies Been Exhausted by Landowner?

Notify Town!- Local Zoning- Area/Use Variances- Special Use Permit- Fees...

Towns can develop a streamlined application process for Farm Operation enrolled in an Ag District

Caveat: If Towns can show that public health or safety is threatened, local law stands.

Resources:

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

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

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

Emerging Opportunities in NYS Agriculture

CLCPA: [Climate Leadership and Community Protection Act](#)

-advance climate goals w/ Agriculture & Forest Products and practices(cover crops, BMP's, carbon research)
NYSERDA/SWCDs/ Climate Resilient Farming, AEM

Hemp v. Cannabis

Solar: ORES/ SEQRA/ NYSERDA

Agritourism: commercial tourism activities conducted in a working landscape

Craft Beverage Industry: Farm Brewery/Winery/Distillery ([SLA](#))

Food Systems Planning

Commercial Urban Agriculture v. Community Gardens = ([New York State 2023 Urban Farms and Community Gardens Grant Program RFP# 0280](#))

Continued Support for Women, Veterans, Minority, BIPOC, New and Beginning Farmers

Diversity and Racial Equity Report: https://agriculture.ny.gov/system/files/documents/2021/08/diversityracialequityreport_1.pdf

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

Ag & Farmland Protection Planning Grants

All Towns, Cities & Villages eligible!

- Up to **\$25K** per Town

\$1,700 Cash Match

\$6,700 In-Kind

- **Common Project Partners**

AFPB, CCE, SWCD, NRCS, County Planning, Real Property, Land Trusts, Ag. Colleges, beginning and veteran farmers

**TOWN OF
DRYDEN NEW YORK**

**AGRICULTURE AND
FARMLAND PROTECTION PLAN**

ADOPTED MARCH 2018



Key Elements of an Ag Protection Plan

Vision for Agriculture: Local perspective to help frame land use/ zoning

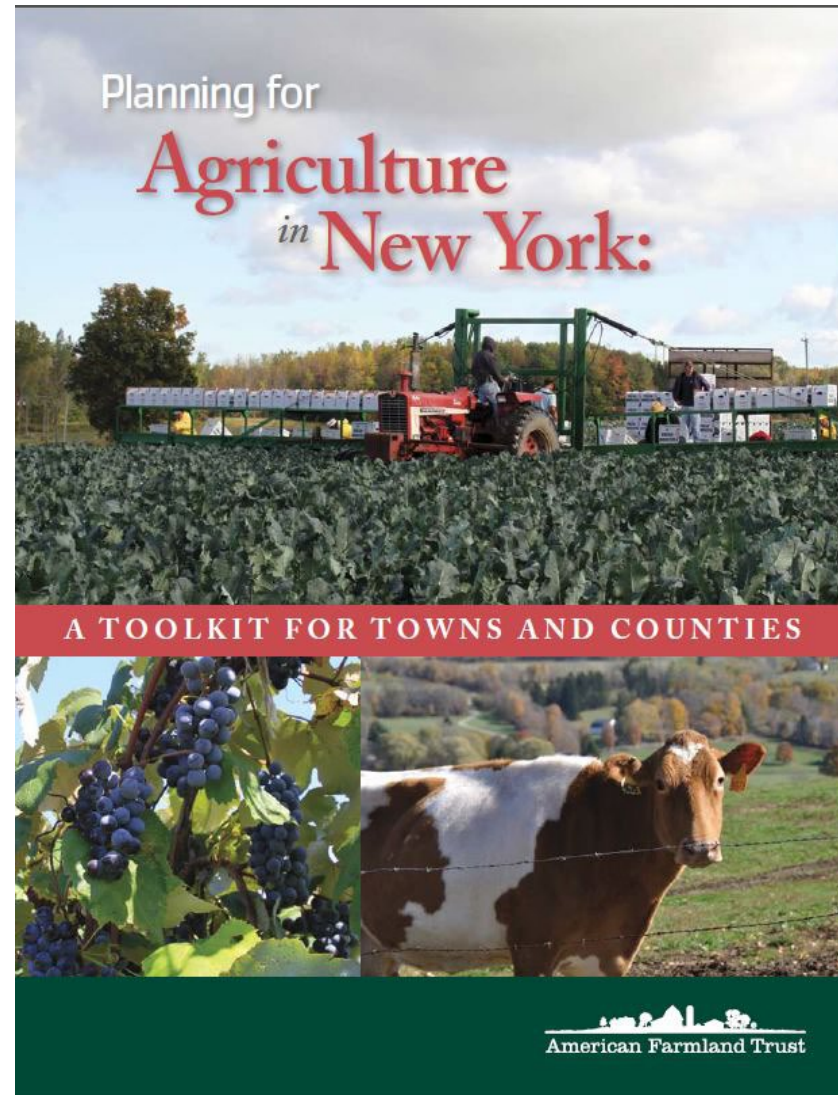
SWOT Analysis: Strength, Weakness, Opportunities, Threats
(derived from robust public participation process)

Farm Friendly Analysis: Do your laws accommodate agricultural pursuits?

Priority Farmlands Map: Prime soils, lands in production, Ag Assessed parcels, Ag Districts, proximity analysis (infrastructure/buffers/conserved lands)

Prioritized Recommendations: Ag Economic Development/ Ag Protection

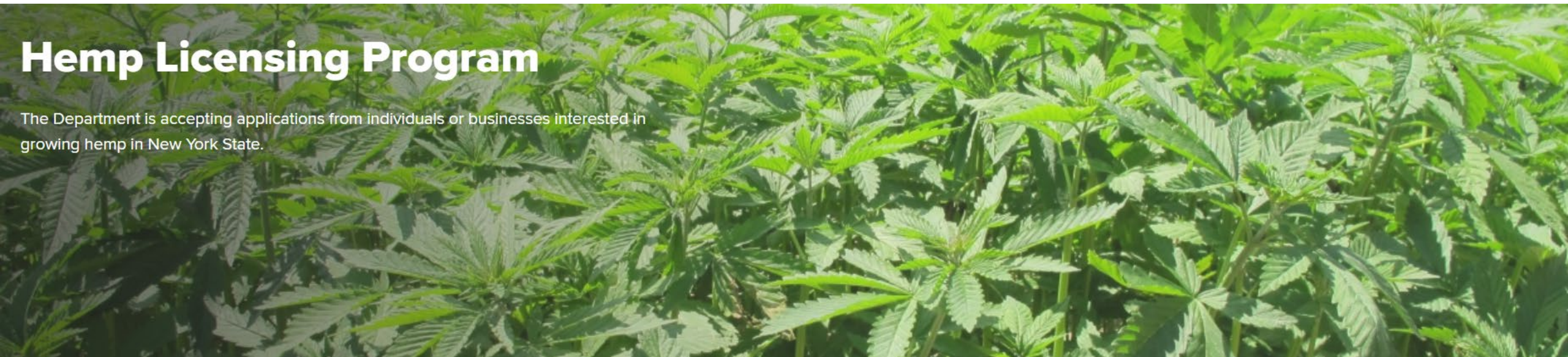
Planning For Agriculture (aka: Smart Growth!)



PDF Available:
www.farmlandinfo.org

Cannabis v. Hemp

- Office of Cannabis Management (DOH): <https://cannabis.ny.gov/>
 - Highly regulated for commercial and residential growers
- Industrial Hemp Program(Ag& Mkts): <https://agriculture.ny.gov/hemp>
 - Hemp is considered crop (AML25AA Section 301)



Hemp Licensing Program

The Department is accepting applications from individuals or businesses interested in growing hemp in New York State.



NYSERDA Assistance Offer for Municipalities

NYSERDA's Clean Energy Siting team is available to provide free technical assistance and resources for local governments who are navigating or preparing for solar development. Whether looking to adopt or update a zoning law, modify a comprehensive plan, or just get questions answered about solar, NYSERDA can provide one-on-one assistance to ensure municipalities feel prepared for solar.

cleanenergyhelp@nyserda.ny.gov

Ian Latimer Senior Project Manager
Clean Energy Siting

NYSERDA

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P: 212-971-5342 x 3151

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E: Ian.Latimer@nyserda.ny.gov



**Department of
Agriculture and Markets**

Resources

Agricultural Protection Unit, Division of Land and Water Resources:

Mike Saviola / Jason Mulford Large Scale Infrastructure/ Article 10/ORES Energy Projects:
Evan.Kelly@agriculture.ny.gov; Jason.Mulford@agriculture.ny.gov

David Behm Conservation Easements/ Purchase of Development Rights:
David.Behm@agriculture.ny.gov

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

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

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

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

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

Resources

(Supporting Departments)

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

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

Diane Ayers dag10@cornell.edu

Agricultural Value Assessment Program, Department of Taxation and Finance

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

Jeremy Kergel Jeremy.Kergel@tax.ny.gov

Local Government Services, Department of State

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

Building Standards and Codes, Department of State:

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

Farm Brewery/ Cidery/ Wineries etc. State Liquor Authority

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

Industrial Scale Solar Arrays: *NYS Solar Guidebook*

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

Thank You!

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**Department of
Agriculture and Markets**



Cornell Cooperative Extension Encouraging Investments to Grow Agriculture

Zoning for 21st Century Agriculture

November 16, 2022

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Cornell AAP
Architecture Art Planning

Planning for Agriculture

- Does your comprehensive plan support the long-term viability of your farm community?
 - Goals and Objectives;
 - Identifies lands to protect for agricultural production on future land use map;
 - Proposes policies and programs to support agriculture.
- Is there an adopted agriculture & farmland protection plan in place?



Planning for Agriculture



Zoning

- Crude but can be relatively effective in protecting land resource;
- Needs to reflect reality of modern agriculture;
- Must not infringe on ability to farm;
- Economic viability of agriculture critical.



Planning for Agriculture

3 Questions

- Does your zoning protect agricultural lands by channeling development away from actively farmed areas?
- Does your zoning unreasonably restrict farm operations?
- Does your zoning provide your farmers the flexibility they need to successfully compete economically?



Planning for Agriculture

- Does your local government support/ encourage farmers to take advantage of the NYS Agricultural Districts program?
- Does your local government support/ encourage farmers to participate in purchase of development rights programs?



Defining Agriculture



Zoning Definitions

- Are they clear?
- Are they concise?
- Are they comprehensive?



Defining Agriculture

Zoning Definitions

- Be comprehensive in your definitions section;
- Have a definition for any term/word that has specific meaning in the context of your zoning code.



Defining Agriculture



Zoning Definitions

- Make sure each definition is clear as to what you mean;
- Let Webster's take care of commonly utilized words, with generally accepted meanings;



Defining Agriculture

Is your definition of agriculture up-to-date & comprehensive?

“The use of land and on-farm buildings, equipment, manure processing and handling facilities, and practices which contribute to the production, preparation and marketing of crops, animal husbandry, livestock and livestock products as a commercial enterprise, including a commercial horse-boarding operation as defined in the Agriculture and Markets Law, Article 25-AA, § 301, and timber processing as defined in this Zoning Law.”

Town of Geneva NY Zoning Code



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Architecture Art Planning

Defining Agriculture

Definitions

- Agriculture;
- Agricultural tourism;
- Agricultural commerce;
- Commercial horse boarding vs. personal stable;
- Farm timber operation;
- Home occupation;
- Sign.



Defining Agriculture

Definitions

- Farm brewery vs. brewery?
- Farm cidery vs. cidery?
- Farm distillery vs. distillery?
- Farm winery vs winery?

“...as part of and subordinate to an active farm operation...”



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Architecture Art Planning

Defining Agriculture

Permitted Uses

- Agricultural tourism;
- Agricultural commerce;
- Alternative / renewable energy systems;
- Farm timber operations;
- Commercial horse boarding operations;
- Concentrated Animal Feed Operations;
- Manure storage & handling facilities.



Renewable Energy

Non-Commercial Farm

- Potential large economic benefits for farmers;
- Cut energy costs;
- Generate revenues;
- Recycle wastes.



Photo courtesy Renovus Energy, Ithaca, NY



Renewable Energy



Non-Commercial Wind

- Permitted use;
- Scaled to fit farm operation;
- Reasonable setbacks, height limitations;
- Avoid high quality soils.
- Commercial systems



Renewable Energy

Commercial Systems

- Wind generally compatible;
- Relatively small footprint;
- Access road design important;
- Soil/site restoration provisions;
- Decommissioning provisions.



Renewable Energy

Commercial Systems

- Commercial solar – not so compatible;
 - Permanence of systems;
 - Acreage requirements;
- Access road design important;
- Soil/site restoration provisions;
- Decommissioning provisions.



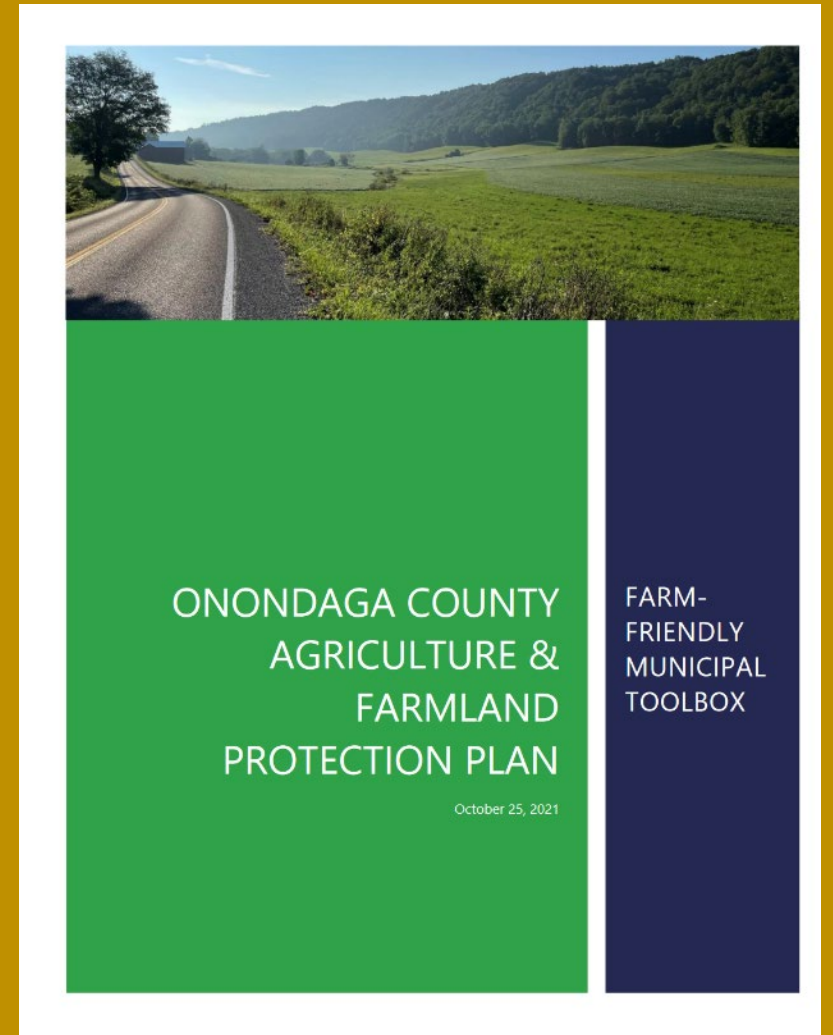
Renewable Energy

Zoning Protections

- Setback requirements;
- Direct away from prime soils & farmland of statewide importance;
- Landscaping & screening standards;
- Decommissioning provisions;
- Surety posting.



More Information



https://agriculture.ongov.net/wp-content/uploads/2021/10/2021-10-25_Farm-Friendly-Toolbox_FINAL_.pdf

Questions/Thoughts?



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