

THE TOWN OF CLINTON

# FARMLAND PROTECTION PLAN

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Prepared for:

The Town of Clinton Town Board

PREPARED BY:

The Town of Clinton Open Space Committee

with assistance from

GREENPLAN Inc.&

The Hudson Group

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DRAFT MARCH 2010

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## CHAPTER 1 - INTRODUCTION

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### THE AGRICULTURAL LANDSCAPE

Clinton's agricultural landscape has transformed over the years from primarily wheat production to one which mixes history, innovation and diversification. Some farms from the 1800s remain unchanged, raising livestock and Christmas trees, with their original "Dutch" style barns still in use. New barns employ solar power and recycled materials. Dairy farms no longer line the roads every few miles. Cattle are also raised for beef, some farms have reintroduced heritage breeds. Several highly acclaimed horse operations participate in the breeding and training of horses for racing, jumping and dressage. Others support recreational riding and a few have teams of draft horses. Clinton is home to an award winning vineyard which produces wine from local fruits. Several growers produce vegetables, fruit, flowers, plant materials, honey or eggs. Some are targeting the New York City Green Markets. Production techniques combine traditional methods with a renewed focus on sustainability and organic methods. The diversification of the farming industry from wheat to other products also includes livestock production with several farms raising beef, lamb, chicken and hogs or an occasional alpaca and llama.

### FARMLAND PROTECTION DEFINED

Farmland protection is commonly defined as the permanent preservation of agricultural land to ensure its future use by the next generation. But it is more than that to the residents and farmers in Clinton. Farmland protection is also about the people who work the land. If the agricultural endeavor is economically viable, both the farmer and the farmland will be preserved. Those are the major goals of this plan.

### THE PLANNING PROCESS

In 2007, the Town secured \$25,000 from the New York State Department of Agriculture and Markets for a farmland protection plan. Additionally, the town secured \$10,000 from the New York State Hudson River Valley Greenway for an open space plan. With the availability of funding, the Town appointed an Open Space Committee and Farmland Protection Committee, which began working on the plan in April 2008. The Committee is preparing two documents; this *Farmland Protection Plan* (FPP) and an *Open Space Plan* (OSP).

Agricultural lands are a component of the town's larger open space system. Currently, the town is participating in a process to develop an update to its *Comprehensive Plan* and is also preparing an *Open Space Plan*. It is anticipated that once all of the planning processes are complete, the Town Board will work to reconcile the documents.

The goals of the Open Space and Farmland Protection Committee were to:

- Encourage conservation
- Preserve and protect open space and farmland
- Enable and encourage farming
- Propose guidelines and alternatives for future development

The Committee has met twice a month since April, has conducted four successful farm tours throughout 2008 and one in 2009. These tours provided the public with a first hand experience of what types of agriculture is occurring in their town. The descriptions below provide a glimpse at the variety of agricultural enterprises in Clinton. Detailed description of the tours has been provided in Appendix A.

<b><u>Tour Date</u></b>	<b><u>Farm Name</u></b>	<b><u>Description</u></b>
<b>June 28, 2008</b>	<i>O'Leary Farm</i>	This dairy operation is a part of the Hudson Valley Fresh dairy cooperative, featuring milk from cows which are not fed growth hormones.
	<i>Meadowland Farm</i>	This farm raised grass fed beef, hay and holiday trees.
	<i>Clinton Vineyards</i>	Participants experienced their orchard and wine-making center featuring samples of their highly recognized seyval blanc and cassis, made from black currants.
<b>September 20, 2008</b>	<i>Kross Creek Farm</i>	This farm is a dressage training facility, which boards horses being trained in all levels of dressage. Dressage, a training regime which originated in the military in about 400 A.D., is often called "ballet on horseback." Residents watched Brandy doing a training ride on one of the specially-bred horses and toured the stable and riding arena, which features a new riding surface, a sprinkler system, mirrors along one side of the arena for viewing the horses and riders and piped in music. Barns and fields are being restored for the use of this new dressage training farm.
<b>October 11, 2008</b>	<i>Primrose Hill Farm</i>	Primrose Hill has been in continuous agricultural operation since the 1800's and is currently producing Christmas trees. The farm contains a 17 <sup>th</sup> century Dutch Barn, a rare historic treasure in this region.
	<i>Greg Quinn's Farm</i>	Greg is producing black currants and doing value added processing by creating juice products sold both locally and regionally.

	<i>Custom Forest Products</i>	This operation harvests timber on-site and purchases local timber to create custom sheds. Additionally, the land is in production for hay, corn and livestock.
<b>September 12, 2009</b>	<i>The Adriance Farm</i>	Producing heritage breeds of livestock, including Cheviot sheep, Scottish Highland cattle and Suffolk Punch horses. Participants also had the opportunity to tour restored barns dating to the late 1700's.
	<i>Edition Farm</i>	This farm raises prize-winning thoroughbreds for the race track. The tour included their "green" barn and participants learned how pastures are managed. There was also an opportunity to view mares and foals.
	<i>Sunny Gardens North</i>	Annual flowering plants are grown for sale at a related business, Sunny Gardens in Wappingers. Participants learned how seedlings are grown to garden-ready plants.

The Committee has held an interactive public forum on farmland protection, conducted a survey of owners of agricultural enterprises, in conjunction with the September 12, 2009 farm tour sponsored a presentation on the open space and farmland protection planning process and held a public forum on the survey results including providing examples of potential recommendations for consideration. Results of the survey are discussed in Chapter 3 of this Plan.

### COMMUNITY VALUES

In addition to working on this FPP and the OSP, the Town is also in the process of updating its *Comprehensive Plan*. As part of the Comprehensive Planning process, a community values survey of Clinton residents was conducted in 2007 and information from that survey has informed the Open Space and Farmland Protection Committee.

It is clear from the survey that Clinton's greatest assets are its natural beauty and rural atmosphere with more than 97% ranking these features as high priority assets. In addition, 95% of the respondents felt the hamlet areas are important to the character of Clinton. There was strong support (93%+) for regulations to protect prime agricultural soils, steep slopes, wildlife, wetlands, and water resources. There was slightly less, but still significant support (89%) for controlling logging.

To accommodate future growth, respondents were in favor (94%) of arranging homes in a way which maintained rural character and 92% want to avoid strip development. Ninety-four percent of the respondents also support the concept of the developer preserving open space in large projects. More than three-quarters of the respondents (77%) supported financing conserving easements to protect land.

## VISION STATEMENT

A vision statement defines the desired or intended future state of the community. The vision statement is a long term view that provides the strategic direction or objective(s) of a community. The vision statement serves as a guide for evaluating goals, objectives and strategies which will achieve this long term view. The Town of Clinton's vision statement for both the FPP and the OSP is:

***The Town of Clinton desires to maintain its rural character consisting of natural landscapes, native ecosystems, working farms, hamlet-scale development and historic structures and to preserve its scenic quality while promoting our small town atmosphere and maintaining our quality of life.***

The Open Space and Farmland Protection Committee believes this statement reflects the values of the Clinton's residents as expressed both formally and informally through the Community Value survey conducted as part of the *Comprehensive Plan* update process and the numerous public farm and open space tours which occurred throughout this planning process.



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## CHAPTER 2 – HISTORY

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### HISTORY OF FARMING IN CLINTON<sup>1</sup>

During Colonial times, large land holdings were divided for settlement purposes. By 1786, the Town of Clinton had been established which included what we know today as Hyde Park and Pleasant Valley. Clinton, like many other communities in the Hudson Valley sustained a high level of agricultural activity which provided not only for family food needs but also for income. Agricultural production, principally wheat, was brought to Clinton's new grist mills at Clinton Hollow, Schultzville and Hibernia as well as other small mills, after which it travelled to Rhinebeck and Poughkeepsie to be loaded onto sloops for its trip down the Hudson River. By the 1800's the median size farm was 120 acres.

Between 1830 and 1900, significant changes occurred in the primary enterprise, agriculture. While the size of farms remained essentially the same, the number of acres cultivated gradually grew from the average of 10-15 acres to about 20-30 acres. In part, this was the result of steady clearing of forest land, but the increased interest in commercial farming also contributed to the change. Additionally, the high prices for agricultural products in the 1820s and 1830s encouraged production. Also during this period, the kind of crops which were planted changed. Wheat, a mainstay crop during the early years, declined, and finally all but disappeared. Pestilence and disease endemic to the wheat crop had taken its toll by 1845. A gradual shift to dairy farming and raising pigs and cattle stimulated an increase in crops such as corn, hay, rye and other grains. Beef and pork became important cash products. But the dairy product was butter for much of this period; milk production for sale as fluid milk developed in the last quarter of the century. Wool from 6,400 sheep made a small contribution to the family income, until it too declined by mid-century. During most of the 19th century, 80% of Clinton's landscape was cultivated, in pasture or in meadow, reflecting its agrarian economy.

In the early 1900's agriculture remained the economic base of the town, however it continued to change. The average 100-acre farm gradually moved to producing fluid milk for distant markets. By the 1940s and 1950s, milk became almost the sole source of farm income. The tractor, which appeared in the 1930s, together with refrigeration on the farm and transport by trucks and railroads, made it possible to increase the amount of milk produced. Yet, the number of farms continued to decline. Many individuals, often residents of New York City, began to purchase farms for weekend retreats in the 1930s and 1940s. A few continued farming through a farm manager. The decline continued into the 1950s and beyond. But the principal reason for the decline of the family farm was the rising value of land and the associated increase in property taxes. In an enterprise which provided only a marginal income, the increase in costs and the prospect of income from the sale of land were, for many farmers, conditions too realistic to ignore. Land values increased as the numbers of people enticed to Dutchess County by growing industry, particularly I.B.M., increased. Farmland was needed to provide housing for the growing population.

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<sup>1</sup> This section is a summary from Chapter 2 – Historic Preservation of the *Comprehensive Plan Update* (date).

At the end of the 20<sup>th</sup> century and into the 21<sup>st</sup> century, pasture land has been increasingly used to farm horses, cattle and sheep, with horse farms making up the predominant agricultural land use. The examples which follow provide a few samples of modern day activities occurring in the town. Clinton horse farms produce winners at the thoroughbred race track and winners in the dressage show ring. Breeding, raising and training horses, and growing hay to feed the horses has kept many farms in active agricultural production. Several cattle farms sell grass-fed beef, and one farm markets grass-fed lamb to the Culinary Institute of America in Hyde Park. One farm sells free range chicken meat in New York City farmer's market. Three local greenhouse businesses sell plants to local markets and to the farmer's market in New York City. With energy costs increasing, more residents are seeking locally-grown food, in preference to food grown and shipped from a distance.

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## CHAPTER 3 – THE AGRICULTURAL ECONOMY

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### DATA ABOUT FARMS

The information about Clinton's farming economy presented here is based upon a survey of agricultural firms. The questionnaire was distributed to known owners and operators in Clinton with the assistance of the Open Space and Farmland Protection Committee. The survey was necessary because existing information about agriculture in Dutchess County as well as in other counties in New York is almost exclusively available only at county level. Therefore, detailed information about agricultural operations at Town level could only be obtained by direct contact with farm owners and/or operators. A copy of the survey is located in Appendix B.

The Open Space and Farmland Protection Committee, working with its consultants GREENPLAN and the Hudson Group, prepared, distributed, compiled, analyzed and developed a report on the results of the survey. Highlights of the report are described below and the complete report is available in Appendix C for review. Approximately 150 surveys were mailed to landowners who were in the Agricultural District or those who were receiving an agricultural tax exemption along with other large landowners identified by the Committee. Twenty-eight surveys were returned resulting in a response rate of nineteen percent (19%). Treatment of the returned surveys assumes that they represent the majority of agricultural enterprise still active in the Town. However, it is known that at least one or more farms did not respond to the survey and that for the surveys which were returned, not questions were answered. The Committee believes the report underestimates the economic impact of agriculture in the community. Errors and misinterpretation of the information provided by the survey respondents are the responsibility of the Hudson Group.

### HIGHLIGHTS OF CLINTON'S AGRICULTURAL ECONOMY

After nearly a century of change that has transformed a great deal of the lower Hudson Valley from a rural to a suburban and residential landscape, the Town of Clinton still supports a diverse mix of farms and agricultural activity.

At least twenty-eight enterprises contribute to the agricultural economy, culture and landscape of the Town of Clinton. Their diverse products range from dairy, beef, hogs, sheep, poultry, wine, fruits and vegetables, ornamental horticulture, to horse breeding, recreational equestrian services, sawmill products, and Christmas trees.

These farms have been under management by the current owners for various periods, ranging from one to sixty years, to eight generations by the same family. The median current owner/management tenure for most of the farms is about twenty years.

Twenty-four of these owner/managers expressed their intention to continue their agricultural operations in Clinton during the next five years, while one expressed some uncertainty due to the current state of the economy. One indicated they do not intend to continue farming because they are losing money each year.

Agricultural production is the principal source of income and employment for half of the owners and operators of these enterprises. However, half rely primarily on non-agricultural sources such as banking, financial planning services, social work, general contracting, truck sales, fashion design, and retirement annuity from previous employment. About seven owners of farms within Clinton also engage in farming at locations outside the Town. For Dutchess County as a whole, about fifty-five percent of the owners and operators of farm enterprises engage in farming as their principal occupation.

### **ECONOMIC ACTIVITY GENERATED BY CLINTON'S AGRICULTURAL ENTERPRISE**

The most recent annual gross value of products sold by Clinton's agricultural establishments which returned the surveys exceeded \$3.5 million. About one fourth of these sales were to markets wholly within Clinton; a fourth to markets outside the Town; and about half to a combination of both. These sales represent about eight percent of the value of agricultural products sold by all Dutchess County agricultural producers, including those in Clinton.

These farms spent an estimated \$1 million for non-capital operating supplies, equipment and services in 2008, about 40% of which was spent on purchases from vendors located in the Town of Clinton. Such purchases included seed, fertilizer, timber, hardware supplies, motor fuel and lubricants, insurance, office and mill supplies.

Twenty-three farm owners reported spending substantial amounts for agriculturally related major items of equipment and farm improvements during the past five years. While ten reported spending less than \$50 thousand, eight reported spending between \$50 thousand and \$200 thousand, and five reported spending more than \$200 thousand. Equipment purchases included tractors, trucks, fertilizer and seed spreaders, fencing, irrigation and water systems, barns, land clearing and planting, field equipment, and a riding ring.

Owners also spent substantially for purchases unrelated to their agricultural operations during the last five years. While eight respondents reported spending less than \$50 thousand, one reported spending between \$50 thousand and \$200 thousand, and three reported spending more than \$200 thousand for such purchases. These purchases were chiefly for on-farm homes and for residential renovations and improvements there-to.

Nineteen of these establishments currently provide on-farm employment to twenty-two family members full time and eighteen family members part time. Sixteen of these establishments also employ twenty-one salaried workers full time and twenty-six part time, for a total of 47 paid workers. Seven establishments rely wholly on salaried employees for their farm production work force. The Census of Agriculture enumerated more than 1,100 full and part time paid workers employed on farms in Dutchess County in 2007.

Eleven farm operators report that they allow visits to their farms by individuals as well as school and civic groups. Such visits entail activities like viewing gardens and barns, hiking on farm trails, viewing horses and horseback riding, a petting zoo, hay rides, fish feeding, touring a sawmill, and selecting and cutting Christmas trees. It is not clear whether most of those who visit Clinton farms for these purposes are tourists who travel from outside the Town, or are local residents. All of the farm owners surveyed said that they do not offer bed and breakfast hospitality services, nor would consider doing so. The implication is that these farms are not managed with the intention of attracting tourists from outside the area whose

expenditures contribute to the farm's income and the Town's economy. It seems reasonable to conclude, therefore, that most of the farm visits reported in the survey was by local residents.

All of the farms in Clinton pay property taxes to support financing the cost of local schools, Town and County government, and Special Districts. **Fewer than half** those surveyed reported the amount of property taxes paid to these taxing jurisdictions during the 2008-2009 tax years. Of those who did respond, eleven paid \$99,149 to School Districts in the 2008-2009 tax year; and \$7,848, \$16,557 and \$7,371 in Town, County, and Special District taxes respectively in the 2009 tax year. In addition, two respondents paid a combined total of \$7,700 to the four jurisdictions in their most recent tax year. With fewer than half the tax payments accounted for, Clinton's farming community surveyed paid a total of \$138,625 in property taxes this year, however the **amount is in fact much more**.

### **LAND USED IN AGRICULTURAL PRODUCTION**

Twenty-five enterprises responding to the survey use 3,206 acres of owned land and 1,030 acres of leased land to support their farming operations. This does not include vacant land that may be held by owners or lessees that is not actively used to support agricultural production. Most of this farmed acreage is located in the southwest quadrant of the Town in the rolling hills and valleys that slope toward the Hudson River. This actively farmed area constitutes about 17% of the area of the Town.

All but 636 acres of owned land are located in an agricultural district, and all but one parcel of the leased acreage is in an agricultural district. While it is unclear from the survey results, it is reasonable to assume that all of the acreage located within an agricultural district is eligible for and receives the benefits of agricultural assessment as provided for by the State Real Property Tax law.

Of the land that is owned, twelve firms farm more than 100 acres each, ranging in size from 108 acres to 536 acres. Eight firms farm more than 50 acres but less than 100 acres; and four firms farm less than 50 acres each, including one that is two acres in size.

Eight firms farm a combination of owned and leased land, the largest of which is 200 acres owned with 340 acres leased. The smallest is 60 acres owned with 60 acres leased. One firm relies solely on 300 acres of leased land to support its agricultural operations.

Proportionately, Clinton has fewer small farms than does Dutchess County as a whole, where forty-six percent of all farms listed are less than 50 acres in size..

Much of the acreage in the larger farm holdings is devoted to the production of field crops and hay used for livestock feed, and for pasturage. Substantial acreage in several farms is committed to perennial crops including orchards, vineyards, berries and Christmas trees. And significant acreage in the smaller farms is tilled annually to support vegetable production.

Seven of the twenty-eight owners/operators respondents indicated they are contemplating diversification of their operations and land use to expand or shift production to food items like fruit, vegetables, poultry, and sheep and lamb to address growing consumer demand for

locally produced food. Increased participation in farmers markets, green markets, truck farming, and developing Community Supported Agriculture coalitions with local residents are part of this apparent business strategy. This could lead to both increased income and earnings for producers at retail prices, and some shift in the existing pattern of agricultural land use in Clinton.

### **BENEFITS OF AGRICULTURE TO THE LANDSCAPE AND CULTURE OF CLINTON**

Asked how agriculture contributes to the culture and landscape of Clinton, survey respondents replied:

- Keeping open space, preventing development, and maintaining land beautiful and water resources clean.
- Suppressing impact of development on local government service costs.
- Supporting wildlife habitat.
- Maintaining local view-sheds.
- Providing a local source of food supply.
- Keeping Clinton rural.

### **PUBLIC POLICIES AND ACTIONS THAT WILL INFLUENCE CONTINUED VIABILITY OF AGRICULTURE IN CLINTON**

Survey respondents variously stated:

- Keep property taxes low and reduce them.
- Keep farming economically viable.
- Active government policy support for and advocacy for buying local, farm retailing, farmers markets, CSA, truck farming, etc.
- Make Town government easier to work with regards to agriculture.
- Improve understanding of agriculture and its operations by Town officials and administrators.
- Reasonable regulation of agricultural land use.
- Improve road maintenance.
- Lower tax assessments on farm structures.
- Cap property taxes for seniors.
- Preserve open space.
- Appreciate farming and farmers.

- Relax zoning restrictions on farm retail operations.
- Encourage community support of agriculture.

#### **SALE OR LEASE OF DEVELOPMENT RIGHTS TO FARMLAND**

Seventeen respondents said they are familiar with this kind of program; eight said they are not; and three did not respond.

Asked whether they would consider selling or leasing the development rights to some or all of their farmland to advance community goals to preserve the Town's farm economy, respondents were divided on this subject. Twelve answered that they would consider it, and fourteen said they would not do so. Two did not respond.

Reasons given by those who responded affirmatively were generally to keep land in agricultural use, preserve open space, and prevent development. Two of these respondents stated that they already have conservation easements on part or all of their farms.

Those who responded in the negative to the question answered variously as follows:

- Property use provisions are too restrictive.
- How would it be helpful, and to whom?
- Selling development rights to subsidize the income of the current owner is the practice. How would future owners retire?
- When I retire, income from sale of the farm would be needed.
- Economic benefits are not sufficiently compelling as compared with the estate value provided for in my will.
- Not enough land.

## CHAPTER 4 - AGRICULTURE IN DUTCHESS COUNTY

A healthy and diversified agricultural sector in Clinton can best be sustained in the long term if agriculture in nearby communities in the County and region are, in the aggregate, sizable in magnitude and financially profitable. Furthermore, the continuing diversification of crops, horticulture, and livestock production at County level as a whole to meet the diverse market demands of a changing food economy is important to Clinton's agricultural base. A well sized aggregate County agricultural sector is also necessary to maintaining the supporting infrastructure of services of farm supply and equipment, veterinary services, and other services essential to a strong farm system. Clinton's farm sector, by itself, is too small to sustain these types of supporting businesses and services.

### DUTCHESS COUNTY DATA

The agricultural sector in Dutchess County as a whole is as diversified with respect to crop and farm product offerings to the market as is the farm sector in the Town of Clinton. The benchmark US Census of Agriculture and annual data from the Department of Ag and Markets provides a wealth of relatively current and historical information about this subject. Unfortunately, information below the County level concerning agriculture is not similarly available, and hence the need to conduct the survey.

Agriculture overall in the southern half of the County, particularly in the central and western sections of the County, has declined due to suburbanization and increasing growth in non-agricultural ventures in this area since the 1960's. Land in farms and the average size of farms in the County have declined substantially in the past 30 years, as shown in Table 1 below. However, there are more farms now than there were 30 years ago.

<b>Table 1: Trends in Farms 1978-2008</b>			
	<b># of Farms</b>	<b>Total Acreage</b>	<b>Average Acreage</b>
<b>1978</b>	593	140,368	237
<b>1998</b>	635	112,000	176
<b>2008</b>	660	101,300	153
<b>'78-08 Percent Change</b>	<b>11%</b>	<b>-38%</b>	<b>-35%</b>

**Source:** NY Agriculture Statistics Services. [www.nass.usda.gov/ny](http://www.nass.usda.gov/ny)

Despite the County-wide loss in aggregate acreage, agriculture, which has concentrated principally in the northern half of the county, has remained substantially stable and diversified as shown by the data in Tables 2 and 2A. However, the commodities dairy industry has declined, as commercial farmers have shifted to higher values crops – vegetables and fruit and poultry/lamb livestock, beef production and horse breeding and raising.



<b>Table 2: Agriculture in Dutchess County - Summary Economic Profile</b>			
	<b>1987</b>	<b>1997</b>	<b>2007</b>
<b>Market Value Products Sold (all in \$ 000)</b>	\$37,545	\$33,964	\$44,866
<b>Crops, including nurseries/green houses</b>	13,782	16,473	23,408
<i>Nurseries/green houses</i>	5,634	7,365	6,860
<i>Vegetables</i>	2,621	4,051	5,840
<i>Fruits, nuts, berries</i>	2,809	1,896	3,638
<i>Other*</i>	2,718	3,161	7,070
<b>Livestock &amp; their products</b>	23,763	17,491	21,457
<i>Milk /dairy product from cows</i>	14,684	9,198	9,004
<i>Horses/ponies/ other animals</i>	4,887	5,005	7,589
<i>Cattle and calves</i>	3,520	2,581	(d)
Poultry & eggs	458	520	650
Other**	214	186	4,214
<b>Farms by Value of Sales</b>			
<i>Less than \$10,000</i>		250	346
<i>\$10,000-49,999</i>		164	193
<i>\$50,000-99,999</i>		43	52
<i>\$100,00-249,999</i>		53	62
<i>\$250,00 or more</i>		29	38
<b>Primary occupation of principal operator</b>			
<i>Farming</i>	336	295	364
<i>Other</i>	277	244	292
<b>Notes:</b>			
* Grains, hay, dry beans, peas, Christmas trees and misc, crop type farm product sales			
** Sheep, goats, their products and other animals and their products. For 2007 includes cattle and calves.			
(d) Data not shown because of disclosure rules.			

**Source:** US Census of Agriculture –Online for 2007, 1997 and 1987

<b>Table 2A: Agriculture in Dutchess County - Summary Economic Profile, Percent Distribution</b>			
	<b>1987</b>	<b>1997</b>	<b>2007</b>
<b>Market Value Products Sold (all in \$ 000)</b>	100%	100%	100%
<b>Crops, including nurseries/green houses</b>	36.7	48.5	52.1
<i>Nurseries/green houses</i>	15.0	21.7	15.2
<i>Vegetables</i>	7.0	11.9	13.0
<i>Fruits, nuts, berries</i>	7.5	5.5	8.1
<i>Other*</i>	7.2	9.3	15.8
<b>Livestock &amp; their products</b>	63.3	51.5	47.8
<i>Milk /dairy product from cows</i>	39.1	27.1	20.1
<i>Horses/ponies/ other animals</i>	13.0	14.7	16.9
<i>Cattle &amp; calves</i>	9.4	7.5	(d)
<i>Poultry &amp; eggs</i>	1.2	1.5	1.4
<i>Other**</i>	0.6	0.5	9.3
<b>Farms by Value of Sales</b>		100.0	100.0
<i>Less than \$10,000</i>		46.4	50.0
<i>\$10,000-49,999</i>		30.4	27.9
<i>\$50,000-99,999</i>		8.0	7.5
<i>\$100,00-249,999</i>		9.8	8.9
<i>\$250,00 or more</i>		5.3	5.4
<b>Primary occupation of principal operator</b>	100.0	100.0	100.0
<i>Farming</i>	54.8	54.7	55.5
<i>Other</i>	45.2	45.3	44.5
<b>Notes:</b>			
<b>* Grains, hay, dry beans, peas, Christmas trees and misc, crop type farm product sales</b>			
<b>** Sheep, goats, their products and other animals and their products. For 2007 includes cattle and calves.</b>			
<b>(d) Data not shown because of disclosure rules.</b>			

**Source:** US Census of Agriculture –Online for 2007, 1997 and 1987

Early in this decade, and in more recent years, many communities in northern Dutchess County were beginning to experience growth in residential development and suburbanization of land use pressures. Continuation of this momentum will immediately threaten the viability of many of the areas' operating farms. The housing bust of the past three years in the nation, Hudson Valley, and Dutchess County, and the major economic recession that we are currently experiencing has reduced much of this development pressure, at least in the near term. However, a return to a more normalized residential and commercial development investment climate in Clinton and other municipalities in the County over the near and long-term appears to be inevitable, absent targeted public policies to protect and

preserve farmland and operating farms. This trend could threaten farming land use in the Town and in other nearby communities.

## REGIONWIDE OUTLOOK

The Dutchess County Government website has the following to say about the future of agriculture in the County:

*Farming will continue to play an important role in the County's economic future for many reasons. Key reasons are outlined below:*

- *Agricultural land and farmsteads use fewer services than residential development; therefore, the costs of services are kept in check.*
- *Family farms return 60-70% of their revenues to the local economy.*
- *Keeping farms productive ensures a local and regional food supply for the people of the Hudson Valley.*
- *The direct marketing of farms and agricultural lands that make up scenic vistas play an integral part in the health of our tourism industry.*
- *Agriculture contributes substantially to our quality of life. Scenic vistas, agricultural lands, the farming lifestyle and the diversity provided by farms and farmsteads are an asset to our community.*

County government has been proactive in seeking to protect farmlands and operating farms. The Open Space and Farmland Protection Matching Grant Program was established as a proposal of the County Executive and adopted in December, 1999 to implement the Dutchess County Agriculture and Farmland Protection Plan and to protect important agricultural and open space resources. This grant program will provide a matching portion of fee simple, development rights, or conservation easement purchase price up to fifty percent (50%) of the total project cost. Applicants will have secured the remainder from public or private sources that must be identified in their application for County funds.

In a broader context, the economic outlook for farming the Mid-Hudson Valley appears better now than in earlier post World War II decades that saw more rapid demographic growth and suburbanization of large area in this region. A recent report of the Glynwood Center<sup>2</sup> in Cold Spring, finds that:

*There is reason to be hopeful about the future of agriculture in the region. In summary:*

- *There is a substantial amount of farmland left in the Valley, with small farms producing a variety of products;*
- *Alternative use of agricultural land that are more economically viable than food production are keeping the land open but free of development;*

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<sup>2</sup> *The State of Agriculture in the Hudson Valley*, Jayne Daley, Director of Programs, Glynwood Center, online PDF document pages 11 & 12 (Note - document undated, but 2004 or later).

- *Farmers are becoming more and more willing to think and act creatively to sell their products in ways that give sustainable economic returns; and*
- *Nonprofit agencies, towns and villages are becoming actively involved in farmland protection and support of regional agriculture.*

Another more comprehensive study found mixed conditions and prospects for agriculture in the region. That report, ***Agricultural Economic Development for the Hudson Valley*** was completed in 2004 for American Farmland Trust. Its assessment of competitiveness found that the region's agricultural sector, defined as Dutchess, Columbia, Greene, Orange, Ulster, and Westchester counties, had some characteristics and features that were strong, but others that were weak and mixed in outlook. Among the strengths were market access, innovation and entrepreneurship, and the region's recreation and tourism economy. Weaknesses included development patterns, service and supply networks, and the cost of doing business (page 12 of the report).

The 2004 study<sup>3</sup> recommended four main strategies upon which to base regional agricultural development and land use policy. Those strategies, paraphrased, are:

- Establish an entity to implement all or some of the programmatic recommendations of the report
- Create a regional effort to enhance regional agribusiness to support production agriculture.
- Improve technical and professional services for agribusiness and farms.
- Encourage more program flexibility and greater funding for purchase of development rights, targeted to farms with prime and productive soils ( pages 46-48 of report).

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<sup>3</sup> ***Agricultural Economic Development for the Hudson Valley: Technical Report and Recommendations.*** Submitted to American Farmland Trust Northeast Regional Office by ACDS, LLC of Columbia, Maryland, 2004.

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## CHAPTER 5 - INVENTORY OF LOCAL RESOURCES

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The Open Space and Farmland Protection Committee approached the concept of identifying local agricultural resources by mapping lands currently receiving the agricultural tax assessment, lands located in the Agricultural District and areas which contained valuable agricultural soils including prime soils and soils of statewide importance. These four attributes were deemed to be the most critical elements in the preliminary identification of the town's agricultural assets. For the Town to plan appropriately for the future of farming and to accommodate residential and commercial growth which does not hinder the continuation of farming, the Town must understand the geographic relationship of the agricultural areas to the remainder of the Town. A description of each attribute is provided below. Please also refer to Figure 5.1 to review locations of agricultural resources.

### PRIME AND STATEWIDE SIGNIFICANT AGRICULTURAL SOILS

Prime farmland soils are defined by the United States Department of Agriculture<sup>4</sup> (USDA) and the as "land that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, and oilseed crops and is also available for these uses (the land could be cropland, pastureland, rangeland, forest land, or other land but not urban built-up land or water). It has the soil quality, growing season, and moisture supply needed to produce, economically, sustained high yields of crops when treated and managed, including water management, according to acceptable farming methods." Based on 2006 mapping provided by the USDA, areas in Clinton mapped as prime farmland soils are relatively limited in size and are scattered throughout the Town without any noteworthy areas of widespread occurrence. Several "pockets" of prime farmland soils are located in the west-central portion of the Town, near Rhynders Road, and along southern sections of the Little Wappinger Creek floodplain. There are 1,076 acres of prime farmland soils in the Town representing 4% of all soils.

Soils of Statewide Importance are identified as soils that are used "for the production of food, feed, fiber, forage, and oilseed crops. Criteria for defining and delineating this land are to be determined by the appropriate State agency or agencies. Generally, additional farmlands of statewide importance include those that are nearly prime farmland and that economically produce high yields of crops when treated and managed according to acceptable farming methods."<sup>5</sup> Statewide important soils are mapped throughout the southern half of the Town with expanses of acreage extending north along the Little Wappinger Creek floodplain and the lowlands surrounding Silver Lake, Mud Pond, and Long Pond. There are 11,825 acres of statewide important soils in the Town representing 47% of all soils.

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<sup>4</sup> USDA Departmental Regulations. Number 9500-003 dated March 22, 1983 and also referenced in the Soil Survey Manual (*Soil Survey Division Staff. 1993. Soil survey manual. Soil Conservation Service. U.S. Department of Agriculture Handbook 18.*)

<sup>5</sup> USDA Departmental Regulations. Number 9500-003 dated March 22, 1983 and also referenced in the Soil Survey Manual (*Soil Survey Division Staff. 1993. Soil survey manual. Soil Conservation Service. U.S. Department of Agriculture Handbook 18.*)

## **AGRICULTURAL DISTRICTS**

New York State enacted an Agricultural Districts Law in 1971 to provide basic "right to farm" protections in order to keep agricultural land in production. The law is administered by the New York State Department of Agriculture and Markets (NYS Ag & Markets) and participation in the district is voluntary. Participation in the district provides the following benefits to landowners:

- NYS Ag & Markets can make a determination of what constitutes a "sound agricultural practice" or what land uses are agricultural. This can aid the farmer in nuisance lawsuits or zoning disputes.
- The taxation of farmland for municipal improvements such as water, sewer, lighting, non-farm drainage, solid waste disposal and other landfill operations is limited.
- Farmers can call upon NYS Ag & Markets to intervene if a local government regulations that unreasonably restrict farm operations in an agricultural district.
- For projects proposed within an agricultural district, there are requirements to: complete an agricultural impact statement describing how the project will or will not impact neighboring agricultural lands, file a notice of intent for actions of state agencies, public benefit corporation or any local government and provide a real estate disclosure notice for the sale or exchange of land.

The Open Space and Farmland Protection Committee considered parcels participating in the agricultural district program an indicator of farming activity.

## **AGRICULTURAL ASSESSMENT**

New York State Agricultural Districts Law also provides for a reduction in property taxes for land in agricultural production by limiting the assessed value to a "use value" rather than its market value. In order for lands to receive the agricultural assessment, the following qualifications are considered:

- Total acreage is generally a minimum of seven (7) acres and is farmed by a single operation.
- Lands must have been used in production for the preceding two years.
- Farm operation must gross an average of \$10,000 or more in sales per year.
- Total acreage less than seven (7) may qualify, but average gross sales must be at least \$50,000 per year.

As noted above, the Open Space and Farmland Protection Committee considered parcels participating in the agricultural assessment program an indicator of farming activity.

Insert Ag Resources Map

## **IMPORTANT FARMLAND AREAS**

The Open Space and Farmland Protection Committee began a process to identify important farmland areas within the Town. The evaluation was based on four agricultural resource attributes: prime farmland soils, soils of statewide significance, participation in the agricultural districts program and participation in the agricultural assessment program as described in the previous section. Additionally, the Committee selected to limit the review to parcel which were 20 acres and greater based on several factors. One factor was the potential for the land to be developed meaning that these parcels were un-developed or under-developed. The second factor related to the Town's existing Zoning Districts. With the majority of the Town zoned as 3 and 5 acre minimum lot sizes, it was determined that these larger parcels are more likely to be affected by development pressures. Please see Figure 5.2 to review the location of the 260 parcels.

The Committee reviewed each of the 260 parcels of 20 acres and greater for the presence of the agricultural resource attributes. For soils data, if the presence of an attribute on a parcel covered more than fifty percent (50%) of the parcel, it received a significant rating. If the attribute covered twenty-five percent (25%) to fifty percent (50%) of the parcel, it received a moderate rating and if the attribute covered less than twenty-five percent (25%) of the parcel, it was noted as a minor rating. If the parcel participated in the agricultural assessment, was noted as significant. If the parcel participated in the agricultural districts it was noted as significant if it was also receiving the agricultural exemption and it was noted as moderate if it was not. A greater emphasis was placed on the participation in the Agricultural District if the parcel was also receiving the agricultural exemption because it is quite possible to have lands in the agricultural districts program which are not currently in production.

The ratings were then converted to a numeric value based on the average of the range as follows: significant = .75, moderate = .375 and minor = .125. The numeric values were totaled for each parcel so that a parcel would have an overall score. The overall score was then mapped to show potential priorities for agricultural preservation. Higher scores are parcels which contain multiple agricultural resource attributes. Figure 5.3 shows the locations of these parcels their ranking category.

For a complete list of the 260 parcels, their attribute ratings and overall scores, please see Appendix D.

This preliminary assessment will guide future decision making on how to further refine the priority areas, including possible assessment of parcels less than twenty acres which are participating either in the agricultural district or the agricultural assessment programs. This will assist the Town in deciding which tools and programs are best suited to meet the goals of this plan.



Insert Revised Important Farmland Areas Map

## CHAPTER 6 - DEVELOPMENT PRESSURE

Clinton had a population of approximately 4,000 people according to the 2000 US Census. 2008 Census Bureau estimates reveal a population of roughly 4,200 people representing a five percent (5%) increase. Historically, Clinton's fastest rate of growth occurred between 1960 and 1970 where the population increased by nearly 59% to 2,604 residents. This growth was followed in 1980 by another substantial increase of 30% bringing Clinton's population to 3,394. Between 1980 and 2000, the town saw a decline in the rate of growth; however population was still on the rise.

Development has primarily been in the form of residential units. Table 3 below shows the number of residential and commercial building permits issued between 1999 and 2008. The data shows that new commercial buildings are fairly rare in the Town.

<b>Table 3 - Town of Clinton Building Permits Issued</b>											
<b>1999-2008</b>											
<b>Residential</b>	<b>1999</b>	<b>2000</b>	<b>2001</b>	<b>2002</b>	<b>2003</b>	<b>2004</b>	<b>2005</b>	<b>2006</b>	<b>2007</b>	<b>2008</b>	<b>Total</b>
<b># Issued</b>	20	32	18	33	18	12	26	18	9	6	192
<b>Commercial</b>											
<b># Issued</b>	2	0	0	0	0	0	0	0	1	0	3

Between 1998 and 2008, the Planning Board approved a total of 52 subdivisions resulting in the creation of 170 new lots. According to information in the Town's *Comprehensive Plan* update, residential land use dominates. Almost all residential uses are low-density, single family homes which are scattered throughout the town along county and town roads. A limited number of small commercial uses are located in the hamlet areas and there is one active manufacturing use.

<b>Table 4 - Town of Clinton Subdivisions Approved</b>												
<b>1998-2008</b>												
	<b>1998</b>	<b>1999</b>	<b>2000</b>	<b>2001</b>	<b>2002</b>	<b>2003</b>	<b>2004</b>	<b>2005</b>	<b>2006</b>	<b>2007</b>	<b>2008</b>	<b>Total</b>
<b># Approved</b>	8	6	2	3	4	5	8	6	3	5	2	52
<b># of Lots</b>	16	29	5	10	12	16	17	25	18	17	5	170

Population projections prepared by the Poughkeepsie-Dutchess County Transportation Council estimate a population of 4,850 for the Town of Clinton by the year 2025. To put this in terms of housing units, the population projection of 4,850 minus the current population estimate of 4,200 can be divided by the average household size of 2.63 from the 2000 US Census to estimate 247 new units could be needed in the Town.

## WATER AND SEWER INFRASTRUCTURE

The Town of Clinton does not have any municipal water or sewer districts.

## POTENTIAL IMPACT ON FARMLAND

A build-out analysis of an important farming area within the Town was conducted to illustrate the potential impact of development on agricultural resources and the implications to municipal and school services. A build-out analysis is a planning exercise that “estimate[s] the impact of cumulative growth upon a town’s land areas once all the developable land has been consumed and converted to uses permitted under the current regulatory framework.”<sup>6</sup> The build-out analysis helps visualize the patterns of growth and is a “test” to see if the goals of the community’s comprehensive plan are working. A summary of the analysis is provided below and the full report is included in Appendix E of this Plan.

The Salt Point area was selected because it is currently home to several active farming operations located primarily in the Very Low Density Agricultural (AR5) with some land in the Clustered Residential Agricultural (CR1) Districts. These districts require a minimum lot size of 5 acres and 1 acre respectively. This area was also identified in the ***Dutchess County Agricultural and Farmland Protection Plan*** as an important farmland area in the County.

The buildout involved nine parcels representing 870 acres (approximately 4% of the total town acreage) located on both the east and west side of the Taconic State Parkway. This location, with its convenient access to a major transportation route, makes it attractive for development purposes. Please see Figure 1 of Appendix E which identifies these parcels in red outline, their Zoning Districts and shows its location relative to the remainder of the Town.

The build-out analysis has found that a total of 146 additional single family dwelling units could be constructed under current Zoning regulations and based upon the assumptions identified herein in the Salt Point agricultural area. The results indicate 605 acres of agricultural soils, both prime and statewide, will likely be removed from production. There is a possibility that a small amount of these soils, 6% (35 acres), could be retained in the CR1 District due to the open space requirements associated with the Town's Cluster Zoning regulations. Currently, the Town's land use regulations rely solely on the use of cluster subdivision to protect farmland. Whether this technique alone can protect a critical mass of farmland to sustain the industry remains a question. Figure 6 in Appendix E provides an overview of the important agricultural soils on the build-out parcels.

According to the 2000 US Census, the population in Clinton at that time was 4,010 persons and there were 1,734 existing housing units. The results of the build-out indicate the Town's population could increase by 549, raising the existing population 14% to a total of 4,559 persons and increasing the number of housing units by 8%. This is likely to cause an additional 292 vehicles on the roadways making 1,394 trips per day. There would be an additional 40 acres of impervious surface along with 55,480 gallons of water needed per day

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<sup>6</sup> *Manual of Build-out Analysis*. (1990) Center for Rural Massachusetts.

and an equal amount of sewage generated and disposed of in the same place where water is derived (assuming all wells and septic systems). Table 5 below summarizes these findings.

<b>Table 5</b> <b>Summary of Build-Out Impacts</b>		
	<u>Potential Impacts</u>	<u>Impact Factor</u>
<b># of Buildable Acres (BA)</b>	695	n/a
<b># of Prime Farmland Soil Acres removed from production</b>	86	n/a
<b># of Statewide Soil Acres removed from production</b>	519	n/a
<b># Acres required as open space in CR1 District (40%)</b>	35	n/a
<b># of New Units</b>	146	n/a
<b>Additional Residents</b>	549	3.76/unit
<b>Additional School Age Children</b>	170	1.16/unit
<b>Acres of Impervious Surface</b>	40.35	7% * BA for AR5 10% * BA for CR1
<b>Additional Vehicles on Roads</b>	292	2/unit
<b>Additional Vehicle Trips/Day</b>	1,394	9.55/unit
<b>Additional Water Consumed (gpd)</b>	55,480	380 gpd/unit
<b>Additional Sewage Generated (gpd)</b>	55,480	380 gpd/unit

It is important to remind the reader that a build-out analysis is a policy-making tool, not a crystal ball into the future. There is no specific time dimension associated with this analysis. In reality, future development for the area depends on an array of potential growth factors in the town, county, and Hudson Valley in the next 10, 20, 30, 50 or more years. This build-out represents only the *available supply side* of the market under current zoning/physical and regulatory development constraints.

This build-out analysis has shown that current zoning practices will take viable agricultural lands out of production. Once this occurs, the land will never be utilized for the production of crops or livestock again. It also shows that traffic will increase on the roadways in the Town, and there will be an increase in impervious surfaces, which is a major cause of pollution of New York's waterways.

The build-out analysis did not include a fiscal analysis detailing the potential impacts on municipal revenues and expenditures. However utilizing a technique called "Cost of Communities Services" or COCS, the American Farmland Trust (AFT) generally concludes that farmland and other open space lands generate more public revenue than they require in public services. Over the past twenty years, AFT reports the median COCS for residential land is about \$1.19 meaning that for each dollar in tax revenue generated by residential

development, it requires a \$1.19 in services. For farmland and open space, the number is \$.37 and for commercial land, it is reported as \$.29. These results make it attractive for a community, from a fiscal perspective, to encourage the maintenance of agricultural and open space lands in their communities. It does not indicate however, that communities should not plan for residential development. In fact, AFT encourages communities to balance goals such as affordable housing, jobs, infrastructure needs and conservation in their land use planning efforts.

For more information on COCS studies, please see the Farmland Information Center Fact Sheet on Cost of Community Service Studies in Appendix F.

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## CHAPTER 7 - ANALYSIS OF EXISTING ZONING

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For farming to be a successful operation, it is important that the town's policies, regulations and programs take into account the unique situation the practice of farming represents in a community. Farming is both a land use and a business enterprise. It differs from the other aspects of open space discussed in this plan in that it is a developed use of the land whereas other components of open space are often in their natural state. Farming warrants both preservation and protection but also the ability to conduct a variety of economically viable ancillary uses. The Town's existing Zoning Law was reviewed to determine how "farmer-friendly" the regulations are in allowing for the flexibility needed to survive in today's economy.

Agriculture and forestry are principal uses in all Zoning Districts which implies that agriculture is a desired land use in the town. While a community has the authority to develop land use regulations under Municipal Home Rule Law, it is important to recognize that state affords additional consideration for agricultural interest. The New York State Office of Agriculture and Markets has produced several guidance documents for communities to consider as they develop their land use tools. Amongst these documents, is a publication entitled ***Guidelines for Review of Local Zoning and Planning Laws*** which references changes in NYS Town Law § 283-a(1)<sup>7</sup> that requires local governments "exercise their powers to enact local laws, ordinances, rules, regulations that apply to farm operations in an agricultural district in a manner which does not unreasonably restrict or regulate farm operations in contravention of the purposes of article twenty-five-AA of the agriculture and markets law unless it can be shown that the public health or safety is threatened."<sup>8</sup> A review of the Zoning law has revealed some instances where the current regulations may be considered unreasonably restrictive.

For example, the Zoning Law includes a definition for nursery which is separate from the definition of agriculture and is not consistent with the current definition of agriculture for the purposes of being in a state certified agricultural district. Furthermore, the Schedule of Use Regulations indicates a nursery is a special permitted use in the Conservation Agricultural Residential (C), Very Low Density Agricultural (AR5), Low Density Agricultural Residential (AR3) districts and is prohibited in the Clustered Agricultural Residential (CR1) district. It should be noted that these four districts specifically cite agriculture as a continued use for the land. Nurseries are legitimate agricultural operations and the requirement for a special use permit could be considered overly restrictive.

In 2001, the State amended the definition of a farm operation to include commercial horse board facilities. The Town's Zoning Law contains a definition for a "Stable, Public or Riding Academy". The Town may wish to review that definition and clarify the difference between them to acknowledge the distinction of a commercial horse boarding facility as an agricultural operation.

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<sup>7</sup> Amended in 2002

<sup>8</sup> New York State Agriculture and Markets. 2003. Pg. 3.

In general, however, the Town may wish to consider two other areas in regards to farming. These include how to best expand on-farm economic opportunities through Zoning and how to effectively use buffers.

Please see the **Recommendations and Implementation** section of this plan for other specific proposed changes to the Zoning.

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## CHAPTER 8 – RECOMMENDATIONS & IMPLEMENTATION STRATEGIES

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This chapter identifies the recommendations and implementation strategies that should be considered and evaluated in order to implement this *Agricultural and Farmland Protection Plan* for the Town of Clinton. A summary of these recommendations along with a time frame for completion and identification of the responsible entity for carrying out the action, anticipated cost and potential funding sources is provided at the end of this chapter.

### POLICY RECOMMENDATIONS

**1. *Adopt this Plan and establish an Agricultural Committee to coordinate the implementation of this Plan and to update the Plan every 5 years.***

This is a critical step in the process. This committee should fully engage the farming community as well as the public to devise programs which promote implementation of this plan. It is recommended that the Resolution to approve the Plan include the creation of the Agricultural Committee charged with the task of implementing the Plan. The Agricultural Committee should prepare an annual report to the Town Board detailing activities and progress on Plan implementation.

**2. *Refine Important Farmland Areas Map.*** The map included in this document should be considered a work-in-progress. Additional work to further analyze and refine may involve additional GIS work and consideration of other criteria such as natural resources and/or historic structures to aid in prioritizing parcels for town/county/state preservation program funding. Parcels of less than 20 acres in size may also be considered because the State recognizes farms as small as seven acres in size. Further this Plan acknowledges the town is undergoing two additional planning processes to develop a *Comprehensive Plan Update* and an *Open Space Plan*. It likely this map will be integrated with the final recommendations of those two plans.

**3. *Enact Zoning revisions to create consistency with current agricultural practices protected by the NYS Agricultural Districts Law and ones that would allow for a variety of agricultural uses and ancillary business to create a farm friendly environment in the Town***

- a. Consider revisions to the definition of **Agriculture**. The town should consider crafting a definition referencing NYS Agricultural District Law which provides definitions of "crops, livestock and livestock products" and "farm operation". See Appendix G for copies of current NYS Agricultural District Law definitions.

- b. Consider revisions to the definition of **Farm**. The current definition is:

*A parcel of land of not less than five (5) acres used for the production of crops, livestock or livestock products, including dairy, poultry, aquaculture, fruit, vegetable and field crop farms, plantations, orchards, nurseries, greenhouses or other similar operations used*



*primarily for the raising of agricultural or horticultural commodities and having an annual gross sales value of production of one thousand (\$1,000) dollars or more. The term "farm" includes necessary farm structures within the prescribed limits of the farm parcel and the storage of equipment as part of the farm operation. The term "farm" excludes public stables and dog kennels. See related definitions and regulations for "animal husbandry", "public stables", "kennels" and "veterinarian's office".*

This definition includes a 5 acre minimum and sets forth a list of agricultural commodities. By changing the definition of **Agriculture** as noted above, the list of commodities would no longer need to be stated. Further, it is recommended that the 5 acre minimum be removed from the definition to promote the potential for smaller operations to be recognized as farms at the local level. While this will not provide state agricultural district protections to a small operation, it may enable start-up operations to grow and expand so that in the future they may be eligible to participate in the agricultural district. It is recommended that the definition maintain the requirement for gross sales from production at \$1,000. This is consistent with USDA guidelines for what constitutes a farm and will help to promote start-up operations.

- c. The Town may wish to consider additional ancillary uses additional economic opportunities for farmers to earn income. The following is offered as an example of other ancillary agricultural or agritourism uses so long as the general agricultural character of the farm is maintained:
  - \* Educational experiences such as farm tours, day camps, farming and food preserving classes, cooking classes, nature hikes
  - \* Bakeries selling baked goods
  - \* Petting zoos, animal display, and pony rides
  - \* Wagon, sleigh, and hayrides
  - \* Seasonal outdoor crop mazes
  - \* Family-oriented animated barns (e.g. fun houses, haunted houses)
  - \* Small-scale entertainment, harvest festivals, barn dances
  - \* Nature trails
  - \* Historical agricultural exhibits
  - \* Gift shops for the sale of non-agriculturally related products such as antiques or crafts
- d. The definition of **Animal Husbandry** should be reviewed and modified to indicate the activities are not part of an agricultural operation so there is no confusion regarding the restrictions described in Section 5.6 of the Zoning.
- e. The existing definition of **Roadside Stand** limits the products to be sold at the stand to those only produced on the farm. The Town may wish to alter this definition to allow for a limited amount of products from other producers to be sold at the stand.
- f. The definition of **Stable, Public or Riding Academy** should be replaced with two separate definitions. Public Stables (commercial boarding facilities)

are considered an agricultural activity according to the NYS Department of Agricultural and Markets, but riding academies are not. These definitions should be separate and distinct.

- g. The Schedule of Use Regulations prohibits **public stables or riding academies** in the C and CR1 and requires a special use permit in the AR3 and AR5 districts. This may be considered unreasonable because commercial horse boarding facilities are specifically acknowledged in Agricultural District Law as a farm operation. We recommend this use be a permitted use in all agricultural districts. Please note the regulations governing a public stable or riding academy in 5.39 in Zoning may also be overly restrictive.
- h. The Schedule of Use Regulations indicates a **nursery** is a special permitted use in C, AR3 and AR5 districts and is prohibited in the CR1 district. Nurseries are legitimate agricultural operations and the requirement for a special use permit could be considered overly restrictive. We recommend this use be a permitted use in all Zoning districts which permit agricultural.
- i. Review Section 5.24 – Farming. It is recommended to revise the notice to prospective neighbors (subsection C.) to include approval for special use and site plan in addition to building permits and subdivision plats.
- j. Review Section 5.48 – Temporary Permits, subsection D. – Roadside Stands. The Town may want to consider revising this section. Limiting the stand size to 100 square feet is very restrictive. Item 6 in this subsection is a bit confusing as it states "such restrictions or permit requirements shall not apply to farms". The Town could also consider adding provisions for a Farm Market, which would be larger than a roadside stand and should decide if there is a difference between a Farm Market (typically located on the farm) and a Farmers Market (which could be located in other areas). These may need to be more clearly defined in the Zoning.

#### ***4. Review of Subdivision regulations.***

Unlike zoning ordinances, which address whether specific uses are permitted, subdivision regulations specify how development will actually occur and exactly what form it will take. For example, zoning ordinances designate how many lots can be developed on a parcel, but subdivision regulations determine where those lots will be located and how the land is developed. One element which is critical to the long term success of agricultural properties relates to how adjoining properties are developed. It is generally accepted and recommended by Ag & Markets that a buffer between the adjoining non-farm use and the farm be placed on the non-farm property. The following language regarding buffers is offered as an example for consideration:

*Wherever agricultural uses and proposed non-agricultural uses adjoin, the applicant for the non-agricultural use shall provide buffers to reduce the exposure of these abutting uses to odors, noise, and other potential nuisances associated with the agricultural operation. Said buffer strips may consist of*

*vegetative screening, woodlands, vegetated berms, or natural topographic features and, when required, shall be no less than one hundred (100) feet in width and may be required up to a width of three hundred (300) feet, depending upon the type of agriculture or farm use, the topography and the proposed design and planting of such buffer. It shall be the responsibility of the applicant, subject to approval by the Planning Board, to provide an effective buffer that will reasonably protect adjacent residential living areas from agricultural practices.*

Another technique to consider is mitigation of agricultural soils. Mitigation techniques applied to high quality farmland refers to a “no net loss” approach to farmland protection. Land taken out of agricultural use must be replaced with either new land of equal size and productivity being brought into agricultural use, or a fee paid into a farmland protection fund by a developer to permanently protect acreage elsewhere on a one to one basis.

- 5. The Town has provisions in the Zoning regulations which allow for the development of cluster subdivisions. There has been limited use of these regulations in practice by the Planning Board. It is recommended that the Town consider strengthening the Planning Board's authority to require a cluster subdivision when an application involves agricultural lands. One way to encourage the use of cluster subdivision is to provide incentives to developers. These incentives typically involve a density bonus. Appendix H provides an example of density bonuses offered by the Town of Amenia through its Conservation Subdivision regulations. Additionally, it is recommended the Town review the Four Step Conservation Subdivision process described in Appendix H which provides greater detail on how to design a conservation (or cluster) subdivision.***

The four step design process is being utilized by several communities in the Hudson Valley such as Warwick, Amenia and Saratoga Springs. It is a flexible tool where each community can tailor the process to accommodate their goals. For example, in the first step of the design process, applicants are asked to identify primary and secondary conservation areas. These primary and secondary areas can reflect the primary goals of the community. For example, in a community where the primary goal is to conserve farmland, agricultural soils would be primary conservation areas. In a community where water resource protection is the primary goal, wetlands would be primary conservation areas. The Town will need to weigh and balance their conservation goals. Samples of Zoning language from the Town of Warwick, Orange County and the Town of Amenia, Dutchess County has been provided to show different approaches to cluster subdivision regulations is provided in Appendix H.

- 6. The Town is encouraged to endorse the Centers and Greenspace concept prepared by Dutchess County Department of Planning and Development which identifies areas for growth and preservation within the town.***

The town of Clinton does not contain a mixed use (commercial and residential) village area or "center", however there are several smaller hamlet areas. The growth areas presented in the Centers and Greenspace plan generally coincide with the existing hamlet areas of the Town. The Open Space and Farmland Protection

committee, during a preliminary review of the proposed concept, believe the most viable areas for additional growth involve Bulls Head, Schultzville and Clinton Corners. The committee examined the hamlets of Clinton Hollow, Frost Mills and Pleasant Plains for potential expansion. Due to a variety of constraints, these three were deemed less favorable. The committee encourages the Town to use this smart growth concept as a basis for discussion of town-wide planning. It will be important for the Town to consider the appropriate tools for promoting preservation and conservation of areas while identifying the tools which will promote future growth in the designated areas. This effort should be coordinated with the current *Comprehensive Plan Update* and the forthcoming *Open Space Plan*. Please see Figure 8.1 for the Centers and Greenspaces concept diagram.

**7. *Enact a Lease of Development Rights Program which provides tax abatements to landowners who voluntarily agree to keep their land undeveloped for a specified number of years.***

Since the 1970's, the Town of Perinton, NY (Monroe County) has used this tool. The Town has exercised its authority under § 247 of the NYS General Municipal Law to acquire conservation easements on farmland and other open spaces, paying for those easements with preferential tax treatment. Landowners apply for the program and the decision to accept or reject the application is made on the basis of benefit to the Town. These applications are reviewed by a Conservation Board and are subject to a public hearing. The owners are also required to principally and actively use the property for "bona fide agricultural production" for the term of the easement. Easements can be cancelled through a similar application but penalties apply. The proportion of pre-easement property value remaining subject to taxation varies depending on the length of the easement, ranging from 40% for 5 year easements (the minimum length accepted) to 10% for agreements of 15 years or more.

The Town of Red Hook, NY (Dutchess County) enacted a similar law in 2005. The process is similar and the minimum term is 8 years which receives a forty percent (40%) reduction. There is no maximum term and for an agreement of 15 years or more, there is a 75% reduction. Penalties are assessed if the landowners withdraws from the program prior the expiration of the term and there is a ten acre minimum requirement in excess of the minimum lot required for the specific Zoning district. For example, to be eligible to participate in a RD3 Zone, a landowner must own 13 acres of which 10 will be placed into the term conservation easement.

Please see the Town of Red Hook law in Appendix I for an example.

*Insert C & G map*

**8. *Prepare a brochure on conservation easements and tax credits/refunds/exemptions available to landowners.***

Please see Appendix J for an example from the Winnakee Land Trust based in Rhinebeck, NY which describes tax benefits when landowners donate an easement. This could be a starting point for the brochure which would describe other state programs available.

**9. *Continue the public education program to raise awareness of agriculture in the community.***

- a. Support locating a farmer's market within the Town by assisting in locating grant opportunities, promoting community awareness and considering to offer rent free space for start-up period of the market.
- b. Develop a map of retail farm locations.
- c. Continue to organize annual tours of farm operations.
- d. Communicate to the general public and educate about the impact local, county and state programs in which farms/farmers are eligible to participate.

**10. *Develop a Town of Clinton Purchase of Development Rights (PDR) program where landowners are paid to voluntarily extinguish their rights to develop their land and a conservation easement is placed on the property.***

In general, landowners possess a variety of rights to their property, including the rights to use water resources, harvest timber, or develop the property consistent with local regulations. Some or all of these rights can be transferred or sold to another person. PDR programs enable landowners to voluntarily separate and sell their right to develop land from their other property rights. Participating farmers are typically offered the difference between the restricted value of the land and the fair market value of the land. A permanent conservation easement is recorded in the land records binding all future owners. The land remains in private ownership and on the tax rolls. Agricultural producers often use PDR program funds to buy and/or improve land, buildings and equipment, retire debt and increase the viability of their operations. The reinvestment of PDR funds in equipment, livestock, and other farm inputs may also stimulate local agricultural economies.

- a. Encourage participation in State and County funding opportunities for PDR. Appendix K provides detail on the New York State and Dutchess County funding criteria. Federal funding should also be explored such as the USDA Farm and Ranchland Preservation program. Appendix K includes a fact sheet from the American Farmland Trust on the Farm and Ranch Lands Protection program.
- b. Consider establishing a funding mechanism for town PDR program. Possibilities include a bond or the using the Community Preservation Act (CPA) to create a Community Preservation Fund (CPF). Several towns on

Long Island, Town of Warwick (Orange County) and the Town of Red Hook (Dutchess County) have enacted both a bond and the CPF to fund local PDR programs.

The CPA is a tool which allows a community to collect up to a two percent (2%) real estate transfer fee on sales transactions of residential and/or commercial property. The fee is collected on the portion of the sale which exceeds county median home sales figure. The process involves requesting special legislation from the State legislature followed by a local referendum.

***11. Develop a Transfer of Development Rights or Incentive Zoning program to encourage the purchase of development rights to productive agricultural land in exchange for the right to build at a higher density in locations identified by the town as desirable for development.***

*Transfer of Development Rights* (TDR) is a Zoning concept which allows for the purchase of the right to develop land located in a designated sending area (e.g. preservation or conservation area) and the transfer of these rights to land located in a designated receiving area (e.g. village or hamlet). *Incentive Zoning* is a system by which zoning incentives are provided to developers on the condition that specific physical, social, or cultural benefits are provided to the community. Examples of incentives include increases in the permissible number of residential units or gross square footage of development, or waivers of height, setback use or area requirements of the zoning regulations. Examples of benefits to the community include affordable housing, recreational facilities, water and/or sewer infrastructure, open space or cash in lieu of. Appendix L contains the Incentive Zoning language from the Town of Clifton Park, NY.

***12. Develop a program to match landowners with farmers looking to rent land for production.***

For many start-up agricultural operations, the cost to purchase land in the Hudson Valley can be prohibitive. However, there is potential for new farmers to engage owners of large tracts of land in rental arrangements providing benefit to both landowner and tenant. The Town could facilitate and gather information on landowners willing to entertain such agreements and should work with local agricultural focused organizations to identify potential farmers. This information should include an understanding of the expectations of both parties.

***13. Participate in regional agricultural economic development efforts to promote improvements to existing agribusiness infrastructure or the creation of new agricultural support businesses.***

- a.*** To facilitate ways for farmers to store, process, package, market, and distribute local products more efficiently, the Town should indentify ways to participate with regional organizations working on agricultural economic development issues. There are a number of such organizations including but not limited to the following: Hudson Valley Agribusiness Development

Corporation, Cornell Cooperative Extension of Dutchess County, the Dutchess County Farmland Protection Board, Dutchess County Tourism, Dutchess County Economic Development Corporation, Dutchess County Industrial Development Agency and the Glynwood Center. The Town should consider identifying a member of the Agricultural Committee as a point of contact or liaison with these types of organizations.

- b.* Identify resources to assist farmers who wish to diversify their operations and take advantage of new opportunities, such as transitioning to specialty crops, beef cattle, organic milk production, extended growing seasons, etc.
- c.* One responsibility of the Agricultural Committee could be to maintain a list of value added processing facilities with the region and make this list available to farmers as a resource.
- d.* The Town, through its Agricultural Committee, could host networking opportunities for Clinton's farmers to share ideas on any variety of issues, for example, ranging from production techniques, pricing, marketing, collaboration on distribution, estate planning, farm transition planning or developing lease arrangements.

***14. Infrastructure Management. In the future, if the Town develops a municipal water and/or sewer project which serve non-farm structures, ensure the requirements of New York State Agricultural District Law is complied with to ensure adverse impacts to agricultural lands are minimized or avoided.***

Section 305 of the Agricultural Districts law requires local governments to file a notice of intent with the Commissioner of Agriculture and Markets and with the County Farmland Protection Board which describes the action along with a detailed agricultural data statement. Please see Appendix M for NYS Ag & Markets recommendations for permit conditions related to municipal infrastructure projects.

***15. Develop benchmarks to track the progress of Plan implementation.***

These benchmarks should be tangible items which can be accomplished by the Town such as setting a conservation target (acres) or developing a timeline to have programs in place.



**IMPLEMENTATION STRATEGY**

The following table identifies a path for the Town to proceed on in order to turn the policy recommendations into action items. These action items will implement the Plan and can be used as part of the benchmarking process. The action items include a responsible party and a timeframe objective. The timeframe outlines when the item should ideally be accomplished and are noted as Short term (1 year), Mid-term (1-5 years) and Long-term (5+ years)

<b><u>Recommendation</u></b>	<b><u>Considerations:</u></b>	<b><u>Responsible Board/Committee</u></b>	<b><u>Timeframe</u></b>
<b>1a. Adopt Plan</b>	- Follow procedures for public review	Town Board	Short
<b>1b. Establish Agricultural Committee</b>	- Identify potential members - Identify the mission/purpose of the committee - Establish timeframe for review of Plan	Town Board	Short
<b>2. Refine Important Farmland Areas Map</b>	- Determine if additional criteria will be used - Determine if parcels less than 20 acres will be considered - Consider coordination with Open Space Plan	Ag Committee with GIS assistance	Short (6 months)
<b>3, 4 &amp; 5. Finalize proposed Zoning/Subdivision language related to Ag</b>	- Ensure consistency with Ag & Markets regulations - Encourage viable economic uses (permitted and accessory)	Ag Committee to draft propose changes Town Board for adoption	Mid
<b>6. Centers &amp; Greenspaces</b>	- Develop implementation strategies	Ag Committee Possible others	Mid
<b>7. Lease of Development Rights</b>	- Study examples - Craft program for Town Board	Ag Committee/Town Board	Mid
<b>8. Conservation brochure</b>	- Research available programs - Develop brochure	Ag Committee/ CAC	Mid
<b>9. Public education program</b>	- Identify possibilities for a farmers market - Develop map of retail farm locations - Continue farm tours	Ag Committee	Short/ On-going
<b>10. PDR/CPF program</b>	- Research Community Preservation Act - Research funding opportunities	Ag Committee	Long
<b>11. Consider TDR/Incentive Zoning</b>	- Coordinate with Centers and Greenspaces effort	Ag Committee/ CAC/ Town Board	Mid

<b><u>Recommendation</u></b>	<b><u>Considerations:</u></b>	<b><u>Responsible Board/Committee</u></b>	<b><u>Timeframe</u></b>
<b>12. Establish Landowners/Renters Program</b>	- Work with the Glynwood Center model - Develop model lease agreement	Ag Committee	Mid
<b>13. Coordinate with regional agricultural organizations to identify economic development opportunities</b>	- Identify opportunities which are applicable and appropriate for the town's farmers	Ag Committee	On-going
<b>14. Infrastructure Management</b>	- Coordinate with Centers & Greenspace effort	Town Board	Long
<b>15. Develop benchmarks program</b>	- Identify quantifiable goals	Ag Committee	Short

PLEASE NOTE:

APPENDICES ARE INSERTED AT THE END OF THIS DOCUMENT

**APPENDIX A – FARM TOURS**

**APPENDIX B – AGRICULTURAL OPERATORS SURVEY**

**APPENDIX C – FINAL REPORT ON CLINTON'S AGRICULTURAL ECONOMY**

**APPENDIX D – AGRICULTURAL RESOURCE EVALUATION SPREADSHEETS**

**APPENDIX E – TOWN OF CLINTON BUILD-OUT ANALYSIS: SELECTED FARMS IN THE  
SALT POINT AREA**

**APPENDIX F – FARMLAND INFORMATION CENTER FACT SHEET ON COST OF  
COMMUNITY SERVICES**

**APPENDIX G – EXCERPTS FROM NYS AGRICULTURAL & MARKETS LAW**

**APPENDIX H – EXAMPLES OF CONSERVATION SUBDIVISIONS LAWS**

**APPENDIX I – TOWN OF RED HOOK TERM EASEMENT LAW**

**APPENDIX J – SUMMARY OF TAX BENEFITS FOR CONSERVATION EASEMENTS**

**APPENDIX K – FEDERAL/STATE/COUNTY PDR FUNDING CRITERIA**

**APPENDIX L – TOWN OF CLIFTON PARK INCENTIVE ZONING LAW**

**APPENDIX M – RECOMMENDATIONS FOR PERMIT CONDITIONS RELATED TO  
MUNICIPAL WATER/SEWER PROJECT**

## CLINTON CELEBRATES FARMS

On Saturday, June 28, 100 Clinton residents attended a celebration of Clinton's farms held at the 1777 Creek Meeting House to hear David Haight, Director of the American Farmland Trust for New York speak about the importance of planning for the protection of the town's remaining farms. Mr. Haight told the group that they had a unique opportunity through a grant awarded by the New York State Department of Agriculture and Markets to develop strategies to assist farms and ensure their survival in the future. Many positive comments and offers of support were made by residents.

The event featured a light brunch of local foods, most of which were donated by local farmers and markets, including white and chocolate milk from Hudson Valley Fresh, eggs from Knoll Krest Farm, black currant nectar from Greg Quinn, baked goods from Wild Hive Farm and strawberries from Wonderland Nursery. Beautiful flowering plants were provided by Oak Grove Farm. Phyllis Feder of Clinton Vineyard spoke about the history of their prize-winning farm. Pat Hancock explained his role as manager of Meadowland Farm, which had been in his family for many years.

After the presentations, the residents toured three local farms. The town's only dairy farm, managed by John Conklin, on the property of the O'Leary family, was a popular stop. John Conklin's dairy operation is a part of the Hudson Valley Fresh dairy cooperative, featuring milk from cows which are not fed growth hormones. Tours of Meadowland Farm, owned by Michele and Judah Kraushaar and managed by Pat Hancock, featured grass fed beef, hay and holiday trees. Phyllis and Ben Feder of Clinton Vineyard showed their orchard and wine-making center and featured samples of their highly recognized seyval blanc and cassis, made from black currants.

Clinton will sponsor more farm tours in the fall. Discussions are taking place with consultants from Greenplan, Inc. to map the town's open space, analyze markets for agriculture, assist farmers with management issues and alter the town laws to support farming and open space protection.

## CLINTON RESIDENTS CELEBRATE FARMS AND OPEN SPACE

Sunny, warm fall weather greeted 140 Clinton residents on Saturday, September 20<sup>th</sup>, as they toured farms and a hunt club to enjoy some of the scenic open space of the town. As part of Clinton's efforts to develop a farmland protection plan through a grant awarded by New York State Department of Agriculture and Markets, the town hopes to make residents aware of the variety of farms and open space.

Residents were welcomed at the Casperkill Gun Club by two Belgian draft horses pulling a wagon through a portion of the property owned by this sportsman's association. Viewing land which is maintained as forest and open field to encourage game animals and healthy forests, participants learned that the club was formed in 1935 in Poughkeepsie and moved to Clinton. The club has purchased several properties over time, growing to their present 536 acres. They have improved an older building to use as a lodge. The 46 members live throughout the New York metropolitan area. Some members are not hunters, but belong to the club for the quiet enjoyment of the beautiful land.

Kross Creek Farm on Centre Road has belonged to Bill Hamilton and Peter Kross since February, 2008. They have developed a dressage training facility, which boards horses being trained in all levels of dressage by Brandy Riviera. Dressage, a training regime which originated in the military in about 400 A.D., is often called "ballet on horseback." Residents watched Brandy doing a training ride on one of the specially-bred horses and toured the stable and riding arena, which features a new riding surface, a sprinkler system, mirrors along one side of the arena for viewing the horses and riders and piped in music. Barns and fields are being restored for the use of this new dressage training farm.

Tale of the Hawk Farm on Fiddler's Bridge Road, with owners and caretakers Lenore Maroney and Dottie Distal, has restored barns and shed of a farm which dates back to the original Nine Partners' Patent. Currently, sheep owned by Clinton resident, Bill Martin, are pastured on the farm. Hayfields are being cared for and cut by Phil Keck, who also has restored the old farm buildings. On this beautiful fall day, Clinton residents walked to the hill above the farm buildings to view the pastures and old apple orchards, which the owners are restoring and replanting, as well as Long Pond, which adjoins the farm.

The Omega Institute, located on Long Pond, invited Clinton residents to eat lunch in their dining room, providing delicious food grown on local farms, including bread and rolls prepared with local grains and baked in Clinton Corners. Skip Backus, Director of Omega, welcomed Clinton residents, stating that The Omega Center supports the preservation of farms and open space as part of their efforts for sustainability. Town Supervisor, Jeff Burns, thanked Omega for being a good neighbor and expressed hopes that Clinton will develop a strong farm and open space protection plan.

## CLINTON RESIDENTS TOUR FARMS AND OPEN SPACE

On Saturday, October 11, 2008, about 100 residents toured farms and a sawmill operation in Clinton. Visitors were greeted by members of the Cookingham family who have been farming on Primrose Hill Farm on Fiddler's Bridge Road since about 1800. Robert and Bob Schoch demonstrated how holiday trees were planted and trimmed and how the surrounding fields were cared for to maintain the trees. Viola Schoch has photographs of families which have been returning to their farm for 30 years to cut holiday trees, some from as far away as Long Island. The Dutch barn is an example of the 17<sup>th</sup> century history of the family farm.

Greg Quinn of Walnut Lane gave tours of his fields of currants, a new venture in farming in New York State. Greg explained the process of growing and caring for currants and spoke about the high nutrient value of the fruit. Greg is marketing black currant juice in stores throughout the area.

Michael Seelbach and Jeffrey Babcock, owners of Custom Forest Products on Meadowbrook Lane demonstrated the cutting of timbers to manufacture sheds in business. Forester Lou Turrilo gave tours of the efficient operation. Other land on the farm are involved in the production of hay, corn and livestock.

Clinton residents then gathered at West Clinton Firehouse #1 for a pot luck lunch and discussion how best to protect Clinton's beautiful open space and farmland. Many excellent ideas were expressed as residents thought about how best to plan for the future.



**August 11, 2009**

**All Clinton residents are cordially invited to:**

## A Celebration of Clinton Farms and Open Space

**Saturday, September 12<sup>th</sup> starting at 10 AM -**

---

### **Rain or Shine**

- **The Adriance Farm**, 149 North Creek Road, with barns dating to the late 1700's will give a tour of their recently restored barns. View the heritage breeds of livestock, including Cheviot sheep, Scottish Highland cattle and Suffolk Punch horses. (Please see map.)
- **Edition Farm**, 90 Spooky Hollow Road, raises prize-winning thoroughbreds for the race track. We will tour the farm including their "green" barn, learn how pastures are managed and view mares and foals.
- **Sean Giles**, 178 Deer Ridge Drive, will offer a tour of his farm and greenhouses where annual flowering plants are grown for sale at his business, Sunny Gardens in Wappingers. Learn how seedlings are grown to garden-ready plants.
- **Wild Hive Farm Bakery** invites Clinton residents to have a lunch of pizza, soup, salad and dessert served at the Creek Meeting House at 2433 Salt Point Turnpike at 1 PM. **The cost of lunch will be donated by the Omega Institute and the Clinton Area Business Association.**

If your last name starts with the letter:	10 AM	11 AM	12 Noon
A through F, please go to	Adriance Farm	Edition Farm	Sean Giles
G through N, please go to	Sean Giles	Adriance Farm	Edition Farm
O through Z, please go to	Edition Farm	Sean Giles	Adriance Farm

**Then, proceed to the Creek Meeting House for lunch at 1 PM.**

Join your neighbors in celebrating Clinton farms and open space. **There is no cost to attend.** Please call the Supervisor's office at 266-5721 ext. 130 before September 1, 2009, to let us know you are coming so Wild Hive Farm Bakery may plan for food.

**Jeffrey Burns, Town Supervisor • Town of Clinton • P.O. Box 208 • Clinton  
Corners, NY 12514**



### Clinton Agricultural Industry Survey

The Town of Clinton is providing this survey to you as part of the Town's efforts to develop a farmland protection plan. The results of the survey will be used to solicit information from producers about the future of farming in Clinton and to estimate the value and benefits of farming enterprise to the economy of the Town of Clinton, and to assess the future prospects for this sector of the Town's economy.

Information generated by responses to the survey will be analyzed and reported by class or type of enterprise, such as dairy, beef, poultry, fruit, vegetable, horticultural product, field crops and grains produced for sale, etc

**Please note the identity of individual growers will be kept confidential and individual responses will not be included in the report. Please return the survey by March 9, 2009.**

Name of person responding \_\_\_\_\_

Check as applicable: Owner \_\_\_\_ Operator / manager \_\_\_\_ Both \_\_\_\_

Contact information for follow-up to survey:

Phone \_\_\_\_\_ Email \_\_\_\_\_

1. Describe briefly the type or class of agricultural activity undertaken at this location and at other locations that you own or operate in the Town of Clinton in the most recent year of agricultural production, and check below all that apply as appropriate.

Describe:

Dairy \_\_\_\_ Beef \_\_\_\_ Poultry \_\_\_\_ Sheep \_\_\_\_ Hogs \_\_\_\_ Fruit \_\_\_\_ Vegetables \_\_\_\_  
Ornamental horticulture \_\_\_\_ Field crops produced for sale \_\_\_\_  
Horses bred and raised for competition \_\_\_\_  
Horses boarded and trained for recreational riding \_\_\_\_  
Riding lessons offered \_\_\_\_  
Other (Please specify) \_\_\_\_\_

2. Is this your principal business/occupation ? Yes \_\_\_\_ No \_\_\_\_
3. If not, what is your principal business and County of location?  
\_\_\_\_\_

4. Do you own or operate an agricultural production enterprise in locations outside the Town of Clinton in Dutchess County? Yes \_\_\_\_ No \_\_\_\_

5. Length of time that your agricultural enterprise has been in operation under management by the current producer / owner. Years \_\_\_\_
6. Gross value of agricultural product(s) and services sold in most recent year.  
  
Less than \$10 thousand \_\_\_\_ \$10 thousand to \$50 thousand \_\_\_\_  
  
\$50 thousand to \$200 thousand \_\_\_\_ More than \$200 thousand \_\_\_\_
7. Location of markets in which your product(s) are sold / provided.  
  
Percent within the Town of Clinton \_\_\_\_ Percent outside the Town of Clinton \_\_\_\_
8. On-farm employment engaged in agricultural production.  
  
Family members: Full time (#) \_\_\_\_ Part time (#) \_\_\_\_  
  
Hired / salaried help: Full time (#) \_\_\_\_ Part time (#) \_\_\_\_
9. Land actively used in agricultural production  
  
Acres owned \_\_\_\_ Located within an Agricultural District ? Yes \_\_\_\_ No \_\_\_\_  
  
Owned tax parcels receiving an Agricultural exemption # \_\_\_\_  
  
Acres leased \_\_\_\_ Located within an Agricultural District ? Yes \_\_\_\_ No \_\_\_\_  
  
Leased tax parcels receiving an Agricultural exemption. # \_\_\_\_
10. Non-capital purchases for supplies, equipment, and services (seed, fertilizer., pest control products, small equipment / tools, building materials., fuel, veterinary services) used in agricultural production during 2008. Estimated total \$ \_\_\_\_  
  
From vendors doing business within the Town of Clinton. Estimated % \_\_\_\_  
  
From vendors doing business outside the Town of Clinton. Estimated % \_\_\_\_
11. Have your total non-capital agricultural purchases changed substantially during the past five years ? Yes \_\_\_\_ No \_\_\_\_

12. Describe briefly and estimate the total capital expenditures you incurred for agriculturally related major items of equipment (tractors, cultivators, irrigation systems, etc. ) and facilities and structures ( barns, silos, stables, greenhouses, outbuildings, fencing, roads, water & sewer systems, etc.) at the locations in the Town that you owned or operated during the past five years.

Type(s) of equipment or facility / structure \_\_\_\_\_

Estimated total expenditure: ( ) Less than \$ 50 thousand

( ) \$ 50 thousand to \$ 200 thousand ( ) More than \$ 200 thousand

13. Describe briefly and estimate the total capital expenditures you incurred for non-agriculturally related major items of equipment and facilities and structures at this and other locations within the Town that you owned or operated during the past five years.

Type(s) of facility or structure \_\_\_\_\_

Estimated total expenditure: ( ) Less than \$ 50 thousand

( ) \$ 50 thousand to \$ 200 thousand ( ) More than \$ 200 thousand

14. Property taxes paid in most recent tax year on land actively used in agricultural production as well as on land classified as agricultural for assessment purposes.

Fiscal year 2008-2009 School District tax \$ \_\_\_\_\_

Fiscal year 2009 Town wide tax paid to Town of Clinton \$ \_\_\_\_\_

Fiscal year 2009 County tax paid to Dutchess County \$ \_\_\_\_\_

Fiscal year 2009 Special District (fire, lighting, etc.) taxes \$ \_\_\_\_\_

15. In addition to the property taxes that you pay to support schools and government, describe the benefits to the community and the Town of Clinton that you ascribe to the continued operation of your agricultural enterprise.

16. Do you contemplate continued operation of your agricultural enterprise at this and other locations that you own and manage in the Town of Clinton during the next five years?

Yes \_\_\_\_ No \_\_\_\_ If no, please explain.

17. Do you contemplate diversification or redirection of your agricultural enterprise in the Town of Clinton to produce new or discontinue existing products?

Yes \_\_\_\_ No \_\_\_\_ If yes, please specify or explain.

18. Please identify the three most important factors that, in your opinion, will influence the continued viability of your agricultural operations in the Town of Clinton during the next ten years.

1. \_\_\_\_\_

2. \_\_\_\_\_

3. \_\_\_\_\_

19. Please list the three most important public actions that, in your opinion, are needed to sustain the continued viability of agricultural enterprise in the Town of Clinton during the next ten years.

1. \_\_\_\_\_

2. \_\_\_\_\_

3. \_\_\_\_\_

20. Do the Town's zoning and land use regulations interfere with or impede your plans or intentions for the future agricultural or non-agricultural use of your land or portions thereof?

No \_\_\_\_ Yes \_\_\_\_

If yes, please describe those features of zoning or land use regulations that adversely affect your plans.

21. Agri-tourism:

Do you allow tourists to visit your farm?

Yes \_\_\_\_ No \_\_\_\_

Do you school groups or other civic groups to tour your farm?

Yes \_\_\_\_ No \_\_\_\_

If **yes** to either or both questions above, on average over the past 2-3 years, please estimate how many tourist come to your farm. # \_\_\_\_\_

Indicate which season of the year gets the most visitors and the least using a scale of 1-4 with 1 being the most and 4 being the least.

Spring \_\_\_\_ Summer \_\_\_\_ Fall \_\_\_\_ Winter \_\_\_\_

Do you offer bed and breakfast hospitality services?

Yes \_\_\_\_ No \_\_\_\_

What types of activities do you offer for visitors (hay rides, wine tasting, etc)?

If **no**, would you consider opening your farm to visitors in the future?

Yes \_\_\_\_ No \_\_\_\_

22. Are you familiar with the selling or leasing of development rights?

Yes \_\_\_\_ No \_\_\_\_

If not, would you like more information?

Yes \_\_\_\_ No \_\_\_\_

23. Have you considered selling or leasing the development rights to some or all of the land you own to a Town or County farmland preservation program to advance community goals of preserving the Town's farming economy?

Yes \_\_\_\_ No \_\_\_\_

Would you share your reasons for why you would or would not?

24. Can you identify other issues you would like the plan to address?

25. Additional comments:

Thank you!

Please return the survey by **March 9, 2009** to:  
Supervisor Jeff Burns  
Town of Clinton Town Hall  
PO Box 208  
Clinton Corners, NY 12514

*The Town of Clinton's Agricultural Economy*

**Submitted By:**



**Submitted To:**

**Town of Clinton Open Space  
and  
Farmland Protection Committee**

**DECEMBER 2009**

## **The Town of Clinton's Agricultural Economy**

### **Agricultural Enterprise in a Dutchess County, New York Town**

#### **Introduction**

After nearly a century of change that has transformed a great deal of the lower Hudson Valley from a rural to a suburban and residential landscape, the Town of Clinton still supports a diverse mix of farms and agricultural activity.

The information about Clinton's farming economy presented here is based upon a survey of agricultural firms developed and undertaken by Mary Ann Johnson, consultant to the Town, and The Hudson Group, a subcontractor. The survey questionnaire was designed by the latter consultant in cooperation with Ms. Johnson. The questionnaire was distributed to known owners and operators in Clinton with the assistance of an agricultural advisory committee overseeing an Agricultural Protection Planning Study being sponsored by the Town. That study is being funded in part by a grant from the New York State Department of Agriculture and Markets.

The survey was necessary because existing information about agriculture in Dutchess County as well as in other counties in New York is almost exclusively available only at county level. Therefore, detailed information about agricultural operations at Town level could only be obtained by direct contact with farm owners and/or operators.

Responses to the survey were organized by Ms. Johnson and provided to the Hudson Group for this analysis. Treatment of the returned surveys assumes that they represent the majority of agricultural enterprise still active in the Town. It is known that at least one or more farms were not surveyed or returned them. Errors and misinterpretation of the information provided by the survey respondents are the responsibility of the Hudson Group.

As context for the analysis of Town's farm economy, the Hudson Group prepared a brief assessment of Dutchess County's agricultural sector based upon benchmark United States Census of Agriculture and annual data published by the New York State Department of Agriculture and Markets. That report is included herewith.

A question by question compilation of the survey responses are attached as Appendix I to this report.

#### **Highlights of Clinton's Agricultural Economy**

At least twenty-nine enterprises contribute to the agricultural economy, culture and landscape of the Town of Clinton. Their diverse products range from dairy, beef, hogs, sheep, poultry, wine, fruits and vegetables, ornamental horticulture, to horse breeding, recreational equestrian services, sawmill products, and Christmas trees.



These farms have been under management by the current owners for various periods, ranging from one to sixty years, to eight generations by the same family. The median current owner/management tenure for most of the farms is about twenty years.

Twenty-four of these owner/managers expressed their intention to continue their agricultural operations in Clinton during the next five years, while one expressed some uncertainty due to the current state of the economy. One indicated they do not intend to continue farming because they are losing money each year.

Agricultural production is the principal source of income and employment for half of the owners and operators of these enterprises. However, half rely primarily on non-agricultural sources such as banking, financial planning services, social work, general contracting, truck sales, fashion design, and retirement annuity from previous employment. About seven owners of farms within Clinton also engage in farming at locations outside the Town. For Dutchess County as a whole, about fifty-five percent of the owners and operators of farm enterprises engage in farming as their principal occupation.

#### Economic activity generated by Clinton's agricultural enterprise

The most recent annual gross value of products sold by Clinton's agricultural establishments exceeded \$3.5 million. About one fourth of these sales were to markets wholly within Clinton; a fourth to markets outside the Town; and about half to a combination of both. These sales represent about eight percent of the value of agricultural products sold by all Dutchess County agricultural producers, including those in Clinton.

These farms spent an estimated \$1 million for non-capital operating supplies, equipment and services in 2008, about 40% of which was spent on purchases from vendors located in the Town of Clinton. Such purchases included seed, fertilizer, timber, hardware supplies, motor fuel and lubricants, insurance, office and mill supplies.

Twenty-three farm owners reported spending substantial amounts for agriculturally related major items of equipment and farm improvements during the past five years. While ten reported spending something but less than \$50 thousand, eight reported spending between \$50 thousand and \$200 thousand, and five reported spending more than \$200 thousand. Equipment purchases included tractors, trucks, fertilizer and seed spreaders, fencing, irrigation and water systems, barns, land clearing and planting, field equipment, and a riding ring.

Owners also spent substantially for purchases unrelated to their agricultural operations during the last five years. While eight reported spending some but less than \$50 thousand, one reported spending between \$50 thousand and \$200 thousand, and three reported spending more than \$200 thousand for such purchases. These purchases were chiefly for on-farm homes and for residential renovations and improvements there-to.

Nineteen of these establishments currently provide on-farm employment to twenty-two family members full time and eighteen family members part time. Sixteen of these establishments also employ twenty-one salaried workers full time and twenty-six part time, for a total of 47 paid

workers. Seven establishments rely wholly on salaried employees for their farm production work force. The Census of Agriculture enumerated more than 1,100 full and part time paid workers employed on farms in Dutchess County in 2007.

Eleven farm operators report that they allow visits to their farms by individuals as well as school and civic groups. Such visits entail activities like viewing gardens and barns, hiking on farm trails, viewing horses and horseback riding, a petting zoo, hay rides, fish feeding, touring a sawmill, and selecting and cutting Christmas trees. It is not clear whether most of those who visit Clinton farms for these purposes are tourists who travel from outside the Town, or are local residents. All of the farm owners surveyed said that they do not offer bed and breakfast hospitality services, nor would consider doing so. The implication is that these farms are not managed with the intention of attracting tourists from outside the area whose expenditures contribute to the farm's income and the Town's economy. It seems reasonable to conclude, therefore, that most of the farm visits reported in the survey were by local residents.

All of the farms in Clinton pay property taxes to support financing the cost of local schools, Town and County government, and Special Districts. Fewer than half those surveyed reported property taxes paid to these taxing jurisdictions during the most recent tax year. Of those who did respond, eleven paid \$99,149 to School Districts in the 2008-2009 tax year; and \$7,848, \$16,557 and \$7,371 in Town, County, and Special District taxes respectively in the 2009 tax year. In addition, two respondents paid a combined total of \$7,700 to the four jurisdictions in their most recent tax year. With fewer than half the tax payments accounted for, Clinton's farming community paid a total of \$138,625 in property taxes this year.

#### Land used in agricultural production

Twenty-five enterprises in Clinton use 3,206 acres of owned land and 1,030 acres of leased land to support their farming operations. This does not include vacant land that may be held by owners or lessees that is not actively used to support agricultural production. Most of this farmed acreage is located in the southwest quadrant of the Town in the rolling hills and valleys that slope toward the Hudson River. This actively farmed area constitutes about 17% of the area of the Town.

All but 636 acres of owned land are located in an agricultural district, and all but one parcel of the leased acreage is in an agricultural district. While it is unclear from the survey results, it is reasonable to assume that all of the acreage located within an agricultural district is eligible for and receives the benefits of agricultural assessment as provided for by the State Real Property Tax law.

Of the land that is owned, twelve firms farm more than 100 acres each, ranging in size from 108 acres to 536 acres. Eight firms farm more than 50 acres but less than 100 acres; and four firms farm less than 50 acres each, including one that is two acres in size.

Eight firms farm a combination of owned and leased land, the largest of which is 200 acres owned with 340 acres leased. The smallest is 60 acres owned with 60 acres leased. One firm relies solely on 300 acres of leased land to support its agricultural operations.

Proportionately, Clinton has fewer small farms than does Dutchess County as a whole, where forty-six percent of all farms listed are under 50 acres in size..

Much of the acreage in the larger farm holdings is devoted to the production of field crops and hay used for livestock feed, and for pasturage. Substantial acreage in several farms is committed to perennial crops including orchards, vineyards, berries and Christmas trees. And significant acreage in the smaller farms is tilled annually to support vegetable production.

Seven of the twenty-eight owners/operators surveyed indicated they are contemplating diversification of their operations and land use to expand or shift production to food items like fruit, vegetables, poultry, and sheep and lamb to address growing consumer demand for locally produced food. Increased participation in farmers markets, green markets, truck farming, and developing Community Supported Agriculture coalitions with local residents are part of this apparent business strategy. This could lead to both increased income and earnings for producers at retail prices, and some shift in the existing pattern of agricultural land use in Clinton.

#### Benefits of agriculture to the landscape and culture of Clinton.

Asked how agriculture contributes to the culture and landscape of Clinton, survey respondents replied:

- a. Keeping open space, preventing development, and maintaining land beautiful and water resources clean.
- b. Suppressing impact of development on local government service costs.
- c. Supporting wildlife habitat.
- d. Maintaining local view-sheds.
- e. Providing a local source of food supply.
- f. Keeping Clinton rural.

#### Public policies and actions that will influence continued viability of agriculture in Clinton

Survey respondents variously responded:

- a. Keep property taxes low and reducing them.
- b. Keep farming economically viable.
- c. Active government policy support for and advocacy for buying local, farm retailing, farmers markets, CSA, truck farming, etc.
- d. Make Town government easier to work with re agriculture.
- e. Improve understanding of agriculture and its operations by Town officials and administrators
- .f. Reasonable regulation of agricultural land use.
- g. Improve road maintenance.
- h. Lower tax assessments on farm structures.
- i. Cap property taxes for seniors.
- j. Preserve open space.
- k. Appreciate farming and farmers.

- l. Relax zoning restrictions on farm retail operations.
- m. Encourage community support of agriculture.

#### Sale or lease of development rights to farmland

Seventeen respondents said they are familiar with this kind of program; eight said they are not; and three did not respond.

Asked whether they would consider selling or leasing the development rights to some or all of their farmland to advance community goals to preserve the Town's farm economy, respondents were divided on this subject. Twelve answered that they would consider it, and fourteen said they would not do so. Two did not respond.

Reasons given by those who responded affirmatively were generally to keep land in agricultural use, preserve open space, and prevent development. Two of these respondents stated that they already have conservation easements on part or all of their farms.

Those who responded in the negative to the question answered variously as follows:

1. Property use provisions are too restrictive.
2. How would it be helpful, and to whom?
3. Selling development rights to subsidize the income of the current owner is the practice. How would future owners retire?
4. When I retire, income from sale of the farm would be needed.
5. Economic benefits are not sufficiently compelling as compared with the estate value provided for in my will.
6. Not enough land.

### **Agriculture in Dutchess County**

A healthy and diversified agricultural sector in Clinton can best be sustained in the long term if agriculture in nearby communities in the County and region are, in the aggregate, sizable in magnitude and financially profitable. Furthermore, the continuing diversification of crops, horticulture, and livestock production at County level as a whole to meet the diverse market demands of a changing food economy is important to Clinton's agricultural base. A well sized aggregate County agricultural sector is also necessary to maintaining the supporting infrastructure of services of farm supply and equipment, veterinary services, and other services essential to a strong farm system. Clinton's farm sector, by itself, is too small to sustain these types of supporting businesses and services.

The agricultural sector in Dutchess County as a whole is as diversified with respect to crop and farm product offerings to the market as is the farm sector in the Town of Clinton. The benchmark US Census of Agriculture and annual data from the Department of Ag and Markets provides a

wealth of relatively current and historical information about this subject. Unfortunately, information below the County level concerning agriculture is not similarly available, and hence the need to conduct the survey.

Agriculture overall in the southern half of the County, particularly in the central and western sections of the County, has declined due to suburbanization and increasing growth in non-agricultural ventures in this area since the 1960's. Land in farms and the average size of farms in the County have declined substantially in the past 30 years, as shown in Table 1 below. However, there are more farms now than there were 30 years ago.

Table 1: Trends in Farm 1978-2008

	<u>No of Farms</u>	<u>Total Acreage</u>	<u>Average Acreage</u>
1978	593	140,368	237
1998	635	112,000	176
2008	660	101,300	153
<hr/>			
'78-'08 % Chge	11%	-38%	-35%

Source: NY Agriculture Statistics Services. [www.nass.usda.gov/ny](http://www.nass.usda.gov/ny)

Despite the County-wide loss in aggregate acreage, agriculture, which has concentrated principally in the northern half of the county, has remained substantially stable and diversified as shown by the data in Tables 2 and 2A,. However, the commodities dairy industry has declined, as commercial farmers have shifted to higher values crops – vegetables and fruit and poultry/lamb livestock, beef production, and horse breeding and raising.

Early in this decade, and in more recent years, many communities in northern Dutchess County were beginning to experience growth in residential development and suburbanization of land use pressures. Continuation of this momentum will immediately threaten the viability of many of the areas' operating farms. The housing bust of the past three years in the nation, Hudson Valley, and Dutchess County, and the major economic recession that we are currently experiencing has reduced much of this development pressure, at least in the near term. However, a return to a more normalized residential and commercial development investment climate in Clinton and other municipalities in the County over the near and long-term appears to be inevitable, absent targeted public policies to protect and preserve farmland and operating farms. This trend could threaten farming land use in the Town and in other nearby communities.

### Outlook and Policy Implications

The Dutchess County Government website has the following to say about the future of agriculture in the County.

“Farming will continue to play an important role in the County's economic future for many reasons. Key reasons are outlined below:

1. Agricultural land and farmsteads use fewer services than residential development; therefore, the costs of services are kept in check.
2. Family farms return 60-70% of their revenues to the local economy.
3. Keeping farms productive ensures a local and regional food supply for the people of the Hudson Valley.
4. The direct marketing of farms and agricultural lands that make up scenic vistas play an integral part in the health of our tourism industry.
5. Agriculture contributes substantially to our quality of life. Scenic vistas, agricultural lands, the farming lifestyle and the diversity provided by farms and farmsteads are an asset to our community.”

County government has been proactive in seeking to protect farmlands and operating farms. The Open Space and Farmland Protection Matching Grant Program was established as a proposal of the County Executive and adopted in December, 1999 to implement the *Dutchess County Agriculture and Farmland Protection Plan* and to protect important agricultural and open space resources. This grant program will provide a matching portion of fee simple, development rights, or conservation easement purchase price up to fifty percent (50%) of the total project cost. Applicants will have secured the remainder from public or private sources that must be identified in their application for County funds.

Other complementary County grant programs and policy initiatives focus on aiding local governments to develop and implement *sustainable or manageable growth* and preserve open space (see Appendix I).

In a broader context, the economic outlook for farming the Mid-Hudson Valley appears better now than in earlier post World War II decades that saw more rapid demographic growth and suburbanization of large area in this region. A recent report of the Glynwood Center in Cold Spring, southern Dutchess County, finds that:

“There is reason to be hopeful about the future of agriculture in the region. In summary:

- There is a substantial amount of farmland left in the Valley, with small farms producing a variety of products;

- Alternative use of agricultural land that are more economically viable than food production are keeping the land open but free of development;

- Farmers are becoming more and more willing to think and act creatively to sell their products in ways that give sustainable economic returns; and

- Nonprofit agencies, towns and villages are becoming actively involved in farmland protection and support of regional agriculture.”

Source: *The State of Agriculture in The Hudson Valley*, Jayne Daley, Director of Programs, GYLWOOD CENTER, online PDF document pages 11 & 12 (Note - document undated, but 2004 or later).

### Not-for Profit Initiatives

Another more comprehensive study found mixed conditions and prospects for agriculture in the region. That report, *Agricultural Economic Development for the Hudson Valley* was completed in 2004 for American Farmland Trust. Its assessment of competitiveness found that the region's agricultural sector, defined as Dutchess, Columbia, Greene, Orange, Ulster, and Westchester counties, had some characteristics and features that were strong, but others that were weak and mixed in outlook. Among the strengths were market access, innovation and entrepreneurship, and the region's recreation and tourism economy. Weaknesses included development patterns, service and supply networks, and the cost of doing business (page 12 of the report).

The 2004 study recommended four main strategies upon which to base regional agricultural development and land use policy. Those strategies, paraphrased, are:

- Establish an entity to implement all or some of the programmatic recommendations of the report
- Create a regional effort to enhance regional agribusiness to support production agriculture
- Improve technical and professional services for agribusiness and farms
- Encourage more program flexibility and greater funding for purchase of development rights, targeted to farms with prime and productive soils ( pages 46-48 of report).

Source: *Agricultural Economic Development for the Hudson Valley* : Technical Report and Recommendations. Submitted to American Farmland Trust Northeast Regional Office by ACDS, LLC of Columbia, Maryland, 2004.

### State Government Initiatives

Centered in the New York State Department of Agriculture and Markets, New York State government administers a number of programs devoted to protection and development of agriculture and agribusiness. Among these, as noted earlier, are the special property tax assessment reduction policies for actively farmed land located in Agricultural Districts, which most farm businesses in Clinton benefit from. Farmland protection planning grants, such as funded for this study, are a recent initiative, as well as the established purchase of development rights grant funding program.

Numerous Department programs are devoted to improving markets for and promoting New York State farm products and agribusiness. A complete description of these programs is found on the Department's website: [www.agmk.state.ny.us](http://www.agmk.state.ny.us).

**Table 2: Agriculture in Dutchess County - Summary Economic Profile**

	<u>1987</u>	<u>1997</u>	<u>2007</u>
Market Value Products Sold (all in \$ 000)	\$37,545	33,964	\$44,866
Crops, Incl. nurseries green houses	13,782	16,473	23,408
Nurseries/green houses	5,634	7,365	6,860
Vegetables	2,621	4,051	5,840
Fruits, nuts, berries	2,809	1,896	3,638
Other*	2,718	3,161	7,070
Livestock & their products	23,763	17,491	21,457
Milk /dairy product from cows	14,684	9,198	9,004
Horses/ponies/ other animals	4,887	5,005	7,589
Cattle and calves	3,520	2,581	(d)
Poultry & eggs	458	520	650
Other**	214	186	4,214
Farms by Value of Sales			
Less than \$10,000		250	346
\$10,000-49,999		164	193
\$50,000-99,999		43	52
\$100,00-249,999		53	62
\$250,00 or more		29	38
Primary occupation of principal operator			
Farming	336	295	364
Other	277	244	292

**Source:** US Census of Agriculture –Online for 2007, 1997 and 1987

Notes: \* Grains, hay, dry beans, peas, Christmas trees and misc, crop type farm product sales

\*\* Sheep goats., their products and other animals and their products. For 2007 includes cattle and calves.

(d) Data not shown because of disclosure rules.



**Table 2A: Agriculture in Dutchess County - Summary Economic Profile, Percent Distribution**

	<u>1987</u>	<u>1997</u>	<u>2007</u>
Market Value Products Sold (all in \$ 000)	100.0%	100.0%	100.0%
Crops, Incl. nurseries green houses	36.7	48.5	52.1
Nurseries/green houses	15.0	21.7	15.2
Vegetables	7.0	11.9	13.0
Fruits, nuts, berries	7.5	5.5	8.1
Other*	7.2	9.3	15.8
Livestock & their products	63.3	51.5	47.8
Milk /dairy product from cows	39.1	27.1	20.1
Horses/ponies/ other animals	13.0	14.7	16.9
Cattle and calves	9.4	7.5	(d)
Poultry & eggs	1.2	1.5	1.4
Other**	0.6	0.5	9.3
Farms by Value of Sales		100.0	100.0
Less than \$10,000		46.4	50.0
\$10,000-49,999		30.4	27.9
\$50,000-99,999		8.0	7.5
\$100,00-249,999		9.8	8.9
\$250,00 or more		5.3	5.4
Primary occupation of principal operator	100.0	100.0	100.0
Farming	54.8	54.7	55.5
Other	45.2	45.3	44.5

**Source:** See Table 2 above

Notes: \* Grains, hay, dry beans, peas, Christmas trees and misc, crop type farm product sales

## **Conclusions and Policy Implications/Opportunities for Clinton**

Preserving agriculture in Dutchess County and the mid-Hudson Valley in general has become an important public objective for both economic and quality of life reasons. Economic imperatives and State and County government policies have been developed to provide the policies and tools to preserve farmland and sustain the agricultural economy.

Town government land use practices and an assortment of policy initiatives can be brought into play to create the local climate that can sustain a vibrant agriculture in Clinton. These could include but not be limited to:

1. Adopt and support policies and programs that enable the Town's agricultural firms to grow, diversify, and become and remain profitable, such as:
  - Support the growth of the horse breeding and equine industry to acquire the larger farm acreage for hay production and pasturage as dairy declines.
  - Encourage expansion of the beef, poultry, sheep & lamb, vegetable, small fruit, vineyard, orchard, and greenhouse/nursery sectors to meet growing consumer demand for these products.
  - Promote 'buy local' food purchasing practices by residents.
  - Sponsor a Clinton farmers market.
  - Support on-farm retailing initiatives by farm owners/operators.
  - Encourage Town residents to participate in Community Supported Agriculture agreements with Clinton's farmers.
  - Co-sponsor farm tours by Town officials, residents, civic organizations and school groups.
  - Market Clinton's farm culture ambiance and open space landscape to attract tourists from outside the area.
2. Improve relationship between the farm community and Town government.

Create a collaborative consulting arrangement with Clinton's Agricultural District Advisory Boards and the Dutchess County Farm Bureau to review development and revision of Town government policies and rules that affect farms and agricultural operations.
3. Land use, protection and development.
  - Undertake a purchase or lease of development rights program affecting active farmland only in the context of an adopted Town-wide land use plan that identifies specific areas or zones for open space / view-shed preservation. Collaborate with Dutchess County in the development of this plan.
  - Consult with the agricultural community and individual farmland owners on the development and implementation of purchase or lease of development rights policies, actions and financing.

- Avoid subdivision approvals within 500 feet of Agricultural District boundaries.
- Require realtors to advise clients of the proximity of agricultural operations, where appropriate.

4. Fiscal and property tax policy.

Moderate policies and actions, including assessment methodology consistent with State law and technical guidance, to dampen increases in the tax levy on farms and agricultural enterprise operations.

## **Appendix I: Clinton Agricultural Survey Responses**

Responses by farm owner/operators to the survey are itemized here. They are organized by topic or subject addressed by each item in the survey. The responses are summarized and aggregated to protect the identity of individual respondents.

### Numbers of farms and principal products

As of 2009, The Town of Clinton supports a total of twenty-eight active agricultural enterprises that were surveyed. (A twenty-ninth enterprise, for which no survey information is available, specializes in the production of a variety of currents).

Of these, two are chiefly dairy, each of which support secondary production of hogs and field crops in one instance, and secondary production of beef, sheep and field crops in the other.

Five enterprises are primarily beef producers. All of these engage in secondary production of a variety of multiple products ranging from Christmas trees, poultry, sheep and fruits & vegetables, to hogs and field crops, to custom sawmill products, to poultry and horticulture, to poultry and horse breeding.

Five firms engage chiefly in fruit and/or vegetable production, including one that supports a vineyard and winery.

Four enterprises specialize in ornamental horticulture; five primarily in horse breeding for competition; four chiefly in horse raising or boarding for showing and/or recreational uses; and one each principally in sheep, poultry and Christmas tree production.

### Owner / operator management

Eight of the enterprises responding are exclusively owner operated and managed. Three farms are exclusively managed and run by non-owner operators. And sixteen are managed by a combination of both owner and operator.

### Agriculture as principal occupation of owner/operator

Fourteen of the respondents stated that agriculture is their principal occupation and source of income. Fourteen of the twenty-eight respondents indicated that agriculture is secondary to other occupations and sources of income outside Clinton. Those sources reported range from banking and investment planning, to fashion design in Manhattan, to social work and counseling, to general contracting, to reliance on retirement income, to truck sales.

### Agricultural ventures outside Clinton

Seven respondents reported that they are also engaged in agricultural enterprise in locations outside of as well as within Clinton, while twenty said they are not. One respondent did not address this question.

### Length of time engaged in farming in Clinton

Responses varied, ranging from one year to sixty, to lifetime, to eight generations. The median duration in years reported was twenty-one.

### Gross value of product sold in most recent year, and principal market location

Eight firms reported gross sales of less than \$10 thousand; nine reported sales between \$10 thousand and \$50 thousand; seven indicated value of product sold was between \$50 thousand and \$200 thousand; and three reported gross sales exceeding \$200 thousand.

Excluding those firms reporting sales of less than \$10,000, the most recent annual gross product value generated by Clinton's agricultural enterprise firms ranges from \$440,000 to more than \$2,450,000, and in total exceeds \$ 3 million.

Six firms reported that 100% of their product was sold within Clinton; six reported that 100% was sold outside Clinton; and eleven reported a combination of product market locations. Three respondents did not respond to the market location question.

### On farm employment engaged in agricultural production

Nineteen establishments reported a total of twenty-two family members engaged full time and eighteen engaged part time in on-farm employment.

Sixteen establishments reported twenty-one full time and twenty-six part time, non-family salaried workers employed. Seven of these reported that only salaried workers, no family members, are employed in support of their farming operations.

### Land used in agricultural production

Twenty-five respondents reported a total of 3,206 acres of owned land are actively used in agricultural production in Clinton, of which all but 636 acres in two separate parcels (536 acres and 100 acres) are located in an agricultural district. Twelve firms farm more than 100 owned acres each, ranging in size from 108 acres to 536 acres. Eight firms farm more than 50 but less than 100 owned acres each; and four farm fewer than 50 owned acres each.

Nine firms also reported a total of 1030 acres of leased land actively used in their agricultural operations, all but one parcel of which is located in an agricultural district. Eight of these firms farm a combination of owned and leased land, the largest of which is 200 acres owned with 340 acres leased, and the smallest of which is 60 acres owned with 60 acres leased. One firm relies wholly on 300 acres of leased land for their agricultural enterprise operation, reporting no owned land used in their enterprise.

Therefore, of the 25,000 acre area of the Town, approximately 17% is devoted to active agricultural use by the firms responding to the survey.

### Non-capital purchases of supplies, equipment and services in 2008

Twenty-one respondents reported a total of \$1,039,814 spent by them for non-capital items like supplies, equipment, and services in 2008. Of that amount, respondents estimated that 40% was spent on purchases from Clinton vendors, and 60% spent on purchases from vendors outside Clinton. Of those responding, thirteen said that this pattern of purchasing has not changed significantly in the past five years, and eight stated that the pattern has changed during that period.

### Expenditures for agriculturally related major items of equipment during past five years

Ten firms reported spending less than \$50 thousand for major items of agriculturally related major items of equipment during the past five years. Six firms spent between \$50 thousand and \$200 thousand for such equipment during the same period, and five firms reported spending more than \$ 200 thousand for such major equipment items during that period. Expenditures included purchase of tractors, trucks, fertilizer and seed spreaders, irrigation and water system improvements, barn and riding ring improvements, land clearing and planting, and various items of field equipment.

Five firms reported no such purchases or did not respond.

### Expenditures for non-agriculturally related items during past five years

Eight firms reported spending less than \$50 thousand for such items; one firm reported spending between \$ 50 thousand and \$ 200 thousand; and three reported spending more than \$ 200 thousand for non-agriculturally related items. A majority of these expenditures were for residential and structural improvements and renovations.

### Property taxes paid in most recent tax year

	2008-2009	2009	2009	2009
	<u>School taxes</u>	<u>Town taxes</u>	<u>County taxes</u>	<u>Special District taxes</u>
Eleven paid	\$99,149	\$7,848	\$11,557	\$7,371

Two paid a combined total of \$7,700 to all four taxing jurisdictions undistributed. Fifteen did not respond or don't know.

Thus, thirteen of the twenty-eight farm firms that responded paid a total of \$133,625 in School, Town, County and Special District property taxes in the most recent tax year.

### Intentions to continue in agriculture in Clinton during the next five years

Twenty-four of the respondents said they intend to continue engaging in their agricultural operations in Clinton during the next five years. One respondent reported uncertainty, due to

current economic conditions. One respondent said “no, it’s too expensive, we’re losing money each year, and we’re too small for tax breaks”. Two respondents did not address this question.

#### Firms contemplating diversification in their agricultural product offerings

Six firms said they are seriously considering changing their farming operations to supply the consumer market directly with food product offerings, participate in the retail consumer market, engage in CSA production growing, participate in vegetable truck farm marketing, and expand sheep & chicken production to meet consumer demands.

Nineteen firms responded that they are not considering a shift in their production and market offerings at this time.

Three firms did not respond to this question.

#### Town zoning and land use regulations that impede plans or intentions for future use of your land for agricultural or non-agricultural use of your land

Seven respondents said that set-back requirements and parcel size impede future plans for their land used in agriculture today. Zoning unreasonably restricts or prohibits a building lot to construct a home for family children on the farm. One response stated that Town officials and Zoning and Planning Board members do not understand agriculture and the nature of farming operations sufficiently to address farm-related issues knowledgeably and effectively.

Seventeen respondents to this question said that they have no concerns or problems with current Town zoning and land use regulations as they affect future plans for their farms and farm land use.

Four surveyed did not respond.

#### Agri-tourism This is a four part question.

1. Do you allow tourists to visit your farm? Twelve responded that they do, and thirteen said that they don’t. Three did not respond.
2. Do you allow school and civic groups to visit? Eleven said that they do, and fourteen said that they do not. Three did not respond.
3. Would you consider opening your farm to visitors?

Twelve said they would, and three said they would not.

4. Types of activity engaged in by visitors. Wine tasting, gawking, hay rides, Christmas tree selection and cutting, viewing sawmill operations, looking at horses and observing dressage, hiking, petting zoo, corn maize, fish feeding, and touring gardens and barns.

Season of most and least visits to farms (1 most to 4 least)

Respondents reported a differential seasonal frequency of visits to their farms, ranked on a scale of one (1), most frequent, to four (4), least frequent, as follows:

- a. Spring. Three farms said their visitor density was heaviest in the spring months; two reported that it ranked # 2 in the spring period; and seven reported that spring visitor density ranked # 3 to # 4.
- b Summer. Seven respondents ranked summer visitation density # 1; two ranked it # 2; and two said it ranked # 4.
- c. Fall. Four respondents reported fall visitor density as # 1; four reported it as # 2; and two reported fall visitation as # 4.
- d. Winter. Two respondents ranked visitation to their farms in the winter months as # 1; two ranked winter visits as # 3; and eight ranked winter visits as # 4.

Do you offer bed and breakfast hospitality?

Twenty-five said that they do not; none said they do; and three did not respond.

Are you familiar with the selling and leasing of farmland development rights?

Seventeen responded that they are; eight said that they are not; three did not respond.

Would you consider leasing or selling the development rights to some or all of the land you own to advance community goals to preserve the farm economy?

Two did not respond.

Twelve answered that they would consider it. Reasons given include:

- a. To help farming and to preserve open space. Two reported that they already have conservation easements on all or a portion of their farm.

Fourteen said they would not because::

- a. Property use provisions are too restrictive
- b. Subsidizing the retirement of the current owner may be the objective, but how would future farmers finance their retirement?
- c. How would it be helpful, and to whom?
- d. Near term economic benefits are not sufficiently compelling as compared with the estate value provided for in my will.

Identify the three most important factors that, in your opinion, will influence the continued viability of your agricultural operations in the Town of Clinton during the next ten years.

Four did not respond.



Seventeen of those responding listed taxes, including lowering taxes, larger ag exemption, tax exemption, and reasonable tax levies (particularly school taxes), among the three most important.

Six identified maintaining and increasing local customers, including farmers markets, for their products as among the most important.

List the three most important public actions that, in your opinion, are needed to sustain the viability of your agricultural enterprise in the Town of Clinton during the next ten years.

Six did not respond.

Five listed public support of farm markets, buying ag products locally, and loosening zoning restrictions on farm retail operations.

Two listed good care of road and utility lines.

Parcel ID	Prime Soils ( a )	Statewide Soils ( b )	Ag Exempt ( c )	Subtotal (a+b+c)	Ag District	Ag District Significant	Ag District Moderate	Priority
1	0	0	0	0	0	0	0	0
2	0	0	0	0	0	0	0	0
3	0	0	0	0	0	0	0	0
4	0.375	0.125	0	0.5	0	0	0	0.5
5	0	0.125	0	0.125	0	0	0	0.125
6	0.375	0.375	0	0.75	0	0	0	0.75
7	0.75	0	0	0.75	0	0	0	0.75
8	0	0.125	0	0.125	0	0	0	0.125
9	0	0.75	0	0.75	0	0	0	0.75
10	0	0.375	0	0.375	0	0	0	0.375
11	0.375	0.375	0	0.75	0	0	0	0.75
12	0	0.375	0	0.375	0	0	0	0.375
13	0	0.75	0	0.75	0	0	0	0.75
14	0	0.125	0	0.125	0	0	0	0.125
15	0	0.375	0	0.375	0	0	0	0.375
16	0	0.75	0	0.75	0	0	0	0.75
17	0	0.75	0	0.75	Yes	0.75	0.375	1.125
18	0.125	0.375	0	0.5	0	0	0	0.5
19	0	0.75	0	0.75	0	0	0	0.75
20	0	0.125	0	0.125	Yes	0.75	0.375	0.5
21	0	0	0.75	0.75	0	0	0	0.75
22	0.125	0.375	0	0.5	0	0	0	0.5
23	0	0.125	0	0.125	0	0	0	0.125
24	0	0.125	0	0.125	Yes	0.75	0.375	0.5
25	0	0.375	0	0.375	0	0	0	0.375
26	0.125	0.75	0	0.875	0	0	0	0.875
27	0	0.125	0	0.125	Yes	0.75	0.375	0.5
28	0	0.375	0	0.375	0	0	0	0.375
29	0	0.375	0	0.375	0	0	0	0.375
30	0.125	0.125	0	0.25	Yes	0.75	0.375	0.625
31	0	0.125	0	0.125	0	0	0	0.125
32	0	0.125	0	0.125	0	0	0	0.125
33	0	0.375	0	0.375	0	0	0	0.375
34	0	0.375	0	0.375	0	0	0	0.375
35	0	0.75	0	0.75	Yes	0.75	0.375	1.125
36	0.375	0.125	0	0.5	0	0	0	0.5
37	0	0	0	0	0	0	0	0
38	0.125	0.375	0	0.5	0	0	0	0.5
39	0.125	0.75	0	0.875	0	0	0	0.875
40	0.125	0.75	0	0.875	0	0	0	0.875
41	0	0.75	0.75	1.5	Yes	0.75	0.375	2.25
42	0.125	0.75	0	0.875	0	0	0	0.875
43	0	0.375	0	0.375	Yes	0.75	0.375	0.75
44	0	0.375	0	0.375	0	0	0	0.375
45	0	0.125	0	0.125	0	0	0	0.125
46	0.125	0.75	0.75	1.625	Yes	0.75	0.375	2.375
47	0	0.75	0	0.75	Yes	0.75	0.375	1.125
48	0	0.375	0	0.375	0	0	0	0.375

<b>Parcel ID</b>	<b>Prime Soils ( a )</b>	<b>Statewide Soils ( b )</b>	<b>Ag Exempt ( c )</b>	<b>Subtotal (a+b+c)</b>	<b>Ag District</b>	<b>Ag District Significant</b>	<b>Ag District Moderate</b>	<b>Priority</b>
49	0	0.75	0	0.75	0	0	0	0.75
50	0.375	0.75	0	1.125	Yes	0.75	0.375	1.5
51	0	0.75	0.75	1.5	0	0	0	1.5
52	0	0.375	0	0.375	0	0	0	0.375
53	0	0.75	0	0.75	0	0	0	0.75
54	0	0.75	0.75	1.5	Yes	0.75	0.375	2.25
55	0	0.75	0	0.75	Yes	0.75	0.375	1.125
56	0.125	0.75	0	0.875	0	0	0	0.875
57	0	0.75	0	0.75	Yes	0.75	0.375	1.125
58	0	0.375	0	0.375	0	0	0	0.375
59	0.375	0.375	0	0.75	0	0	0	0.75
60	0.125	0.75	0	0.875	0	0	0	0.875
61	0	0.375	0.75	1.125	Yes	0.75	0.375	1.875
62	0	0.75	0	0.75	0	0	0	0.75
63	0	0.75	0.75	1.5	Yes	0.75	0.375	2.25
64	0	0.75	0.75	1.5	Yes	0.75	0.375	2.25
65	0	0.125	0	0.125	0	0	0	0.125
66	0.125	0.75	0	0.875	Yes	0.75	0.375	1.25
67	0	0.75	0.75	1.5	Yes	0.75	0.375	2.25
68	0	0.75	0.75	1.5	Yes	0.75	0.375	2.25
69	0.125	0.75	0	0.875	Yes	0.75	0.375	1.25
70	0	0.125	0	0.125	0	0	0	0.125
71	0.125	0.75	0	0.875	Yes	0.75	0.375	1.25
72	0	0.75	0.75	1.5	0	0	0	1.5
73	0	0.125	0	0.125	Yes	0.75	0.375	0.5
74	0	0.375	0	0.375	0	0	0	0.375
75	0	0.125	0	0.125	0	0	0	0.125
76	0	0.375	0.75	1.125	Yes	0.75	0.375	1.875
77	0.125	0.375	0	0.5	0	0	0	0.5
78	0	0.125	0	0.125	0	0	0	0.125
79	0	0.125	0	0.125	0	0	0	0.125
80	0	0.125	0	0.125	Yes	0.75	0.375	0.5
81	0	0.375	0.75	1.125	Yes	0.75	0.375	1.875
82	0	0.375	0	0.375	0	0	0	0.375
83	0	0.125	0	0.125	0	0	0	0.125
84	0	0.375	0	0.375	0	0	0	0.375
85	0	0	0	0	0	0	0	0
86	0.125	0.75	0	0.875	Yes	0.75	0.375	1.25
87	0	0.375	0.75	1.125	Yes	0.75	0.375	1.875
88	0	0.75	0.75	1.5	Yes	0.75	0.375	2.25
89	0	0.125	0	0.125	0	0	0	0.125
90	0.125	0.125	0	0.25	0	0	0	0.25
91	0	0.125	0	0.125	0	0	0	0.125
92	0	0.125	0	0.125	0	0	0	0.125
93	0	0.125	0	0.125	Yes	0.75	0.375	0.5
94	0	0.75	0	0.75	Yes	0.75	0.375	1.125
95	0	0.125	0	0.125	0	0	0	0.125
96	0	0.375	0	0.375	Yes	0.75	0.375	0.75

Parcel ID	Prime Soils ( a )	Statewide Soils ( b )	Ag Exempt ( c )	Subtotal (a+b+c)	Ag District	Ag District Significant	Ag District Moderate	Priority
97	0	0.375	0	0.375	Yes	0.75	0.375	0.75
98	0	0.375	0	0.375	0	0	0	0.375
99	0	0.75	0.75	1.5	Yes	0.75	0.375	2.25
100	0	0.75	0	0.75	0	0	0	0.75
101	0.375	0.125	0	0.5	0	0	0	0.5
102	0	0.375	0	0.375	0	0	0	0.375
103	0	0.375	0	0.375	0	0	0	0.375
104	0	0.75	0	0.75	0	0	0	0.75
105	0	0.375	0	0.375	Yes	0.75	0.375	0.75
106	0	0.75	0	0.75	0	0	0	0.75
107	0	0.125	0	0.125	0	0	0	0.125
108	0.125	0.75	0.75	1.625	Yes	0.75	0.375	2.375
109	0	0.75	0.75	1.5	0	0	0	1.5
110	0	0.375	0	0.375	0	0	0	0.375
111	0	0.75	0.75	1.5	Yes	0.75	0.375	2.25
112	0	0.75	0	0.75	0	0	0	0.75
113	0.125	0.125	0	0.25	Yes	0.75	0.375	0.625
114	0	0.375	0	0.375	0	0	0	0.375
115	0.125	0.75	0	0.875	Yes	0.75	0.375	1.25
116	0	0.75	0	0.75	0	0	0	0.75
117	0	0.75	0	0.75	0	0	0	0.75
118	0.125	0.75	0.75	1.625	Yes	0.75	0.375	2.375
119	0	0.375	0	0.375	0	0	0	0.375
120	0	0.75	0.75	1.5	Yes	0.75	0.375	2.25
121	0	0.75	0.75	1.5	Yes	0.75	0.375	2.25
122	0	0.75	0	0.75	0	0	0	0.75
123	0.125	0.75	0	0.875	Yes	0.75	0.375	1.25
124	0.125	0.75	0.75	1.625	Yes	0.75	0.375	2.375
125	0	0.75	0	0.75	0	0	0	0.75
126	0.125	0.375	0	0.5	Yes	0.75	0.375	0.875
127	0	0.125	0	0.125	0	0	0	0.125
128	0	0.375	0	0.375	0	0	0	0.375
129	0.375	0.375	0	0.75	Yes	0.75	0.375	1.125
130	0.375	0.75	0.75	1.875	Yes	0.75	0.375	2.625
131	0	0.75	0	0.75	0	0	0	0.75
132	0	0.75	0	0.75	0	0	0	0.75
133	0	0.125	0	0.125	Yes	0.75	0.375	0.5
134	0	0.375	0	0.375	Yes	0.75	0.375	0.75
135	0	0.75	0.75	1.5	Yes	0.75	0.375	2.25
136	0	0.75	0	0.75	Yes	0.75	0.375	1.125
137	0	0.75	0	0.75	0	0	0	0.75
138	0	0.375	0	0.375	Yes	0.75	0.375	0.75
139	0.375	0.375	0	0.75	0	0	0	0.75
140	0	0.125	0	0.125	0	0	0	0.125
141	0.125	0.375	0	0.5	0	0	0	0.5
142	0.125	0.125	0	0.25	Yes	0.75	0.375	0.625
143	0.125	0.75	0.75	1.625	0	0	0	1.625
144	0	0.75	0	0.75	Yes	0.75	0.375	1.125

Parcel ID	Prime Soils ( a )	Statewide Soils ( b )	Ag Exempt ( c )	Subtotal (a+b+c)	Ag District	Ag District Significant	Ag District Moderate	Priority
145	0	0.375	0	0.375	0	0	0	0.375
146	0	0.75	0	0.75	0	0	0	0.75
147	0	0.75	0.75	1.5	Yes	0.75	0.375	2.25
148	0	0.375	0	0.375	0	0	0	0.375
149	0	0.75	0	0.75	Yes	0.75	0.375	1.125
150	0.375	0.375	0	0.75	0	0	0	0.75
151	0	0.375	0	0.375	Yes	0.75	0.375	0.75
152	0	0.375	0	0.375	0	0	0	0.375
153	0	0.125	0	0.125	0	0	0	0.125
154	0	0	0	0	0	0	0	0
155	0	0.375	0	0.375	0	0	0	0.375
156	0	0.375	0	0.375	0	0	0	0.375
157	0	0.75	0.75	1.5	Yes	0.75	0.375	2.25
158	0	0.75	0	0.75	Yes	0.75	0.375	1.125
159	0	0	0	0	0	0	0	0
160	0	0.375	0	0.375	Yes	0.75	0.375	0.75
161	0	0.125	0	0.125	0	0	0	0.125
162	0	0.375	0	0.375	0	0	0	0.375
163	0.125	0.75	0.75	1.625	Yes	0.75	0.375	2.375
164	0	0	0	0	0	0	0	0
165	0	0.125	0	0.125	Yes	0.75	0.375	0.5
166	0.125	0.125	0	0.25	0	0	0	0.25
167	0	0.75	0	0.75	0	0	0	0.75
168	0	0.375	0	0.375	0	0	0	0.375
169	0	0.75	0	0.75	0	0	0	0.75
170	0	0.125	0	0.125	0	0	0	0.125
171	0.375	0.375	0	0.75	0	0	0	0.75
172	0	0.125	0	0.125	0	0	0	0.125
173	0	0.375	0	0.375	0	0	0	0.375
174	0	0.75	0.75	1.5	Yes	0.75	0.375	2.25
175	0.125	0.75	0	0.875	Yes	0.75	0.375	1.25
176	0.125	0.375	0	0.5	0	0	0	0.5
177	0	0.375	0	0.375	0	0	0	0.375
178	0	0.375	0	0.375	0	0	0	0.375
179	0.125	0.375	0	0.5	Yes	0.75	0.375	0.875
180	0	0.125	0	0.125	0	0	0	0.125
181	0.125	0.125	0	0.25	Yes	0.75	0.375	0.625
182	0	0.75	0	0.75	Yes	0.75	0.375	1.125
183	0	0.75	0	0.75	0	0	0	0.75
184	0.375	0.75	0	1.125	0	0	0	1.125
185	0.375	0.75	0.75	1.875	Yes	0.75	0.375	2.625
186	0.125	0.75	0	0.875	0	0	0	0.875
187	0	0.375	0	0.375	0	0	0	0.375
188	0.125	0.125	0	0.25	0	0	0	0.25
189	0.125	0.125	0	0.25	Yes	0.75	0.375	0.625
190	0.125	0.375	0	0.5	Yes	0.75	0.375	0.875
191	0	0.375	0	0.375	0	0	0	0.375
192	0	0.75	0	0.75	Yes	0.75	0.375	1.125

Parcel ID	Prime Soils ( a )	Statewide Soils ( b )	Ag Exempt ( c )	Subtotal (a+b+c)	Ag District	Ag District Significant	Ag District Moderate	Priority
193	0	0.375	0	0.375	Yes	0.75	0.375	0.75
194	0	0.375	0	0.375	0	0	0	0.375
195	0.75	0.375	0	1.125	Yes	0.75	0.375	1.5
196	0.125	0.75	0	0.875	Yes	0.75	0.375	1.25
197	0	0.125	0	0.125	Yes	0.75	0.375	0.5
198	0	0.375	0	0.375	0	0	0	0.375
199	0	0.75	0.75	1.5	Yes	0.75	0.375	2.25
200	0	0	0	0	Yes	0.75	0.375	0.375
201	0	0.125	0	0.125	0	0	0	0.125
202	0	0.125	0	0.125	0	0	0	0.125
203	0	0.125	0	0.125	0	0	0	0.125
204	0	0	0	0	0	0	0	0
205	0	0.75	0	0.75	Yes	0.75	0.375	1.125
206	0	0.75	0	0.75	0	0	0	0.75
207	0	0.375	0	0.375	0	0	0	0.375
208	0.125	0.75	0	0.875	Yes	0.75	0.375	1.25
209	0	0.375	0.75	1.125	0	0	0	1.125
210	0	0.75	0	0.75	Yes	0.75	0.375	1.125
211	0	0.75	0.75	1.5	0	0	0	1.5
212	0	0.75	0	0.75	Yes	0.75	0.375	1.125
213	0.125	0.375	0.75	1.25	Yes	0.75	0.375	2
214	0.375	0	0	0.375	0	0	0	0.375
215	0.75	0.125	0	0.875	Yes	0.75	0.375	1.25
216	0.125	0.75	0	0.875	0	0	0	0.875
217	0	0.375	0	0.375	Yes	0.75	0.375	0.75
218	0.125	0.75	0	0.875	0	0	0	0.875
219	0.125	0.125	0	0.25	0	0	0	0.25
220	0.125	0.75	0	0.875	Yes	0.75	0.375	1.25
221	0	0.75	0	0.75	Yes	0.75	0.375	1.125
222	0.125	0.125	0.75	1	Yes	0.75	0.375	1.75
223	0	0	0	0	Yes	0.75	0.375	0.375
224	0	0.125	0	0.125	Yes	0.75	0.375	0.5
225	0	0.75	0	0.75	Yes	0.75	0.375	1.125
226	0	0.75	0	0.75	Yes	0.75	0.375	1.125
227	0	0.375	0.75	1.125	Yes	0.75	0.375	1.875
228	0.125	0.75	0	0.875	0	0	0	0.875
229	0.125	0.75	0	0.875	Yes	0.75	0.375	1.25
230	0.125	0.75	0.75	1.625	Yes	0.75	0.375	2.375
231	0	0.125	0	0.125	0	0	0	0.125
232	0.125	0.75	0.75	1.625	0	0	0	1.625
233	0.375	0.75	0	1.125	0	0	0	1.125
234	0.125	0.75	0	0.875	Yes	0.75	0.375	1.25
235	0	0	0.75	0.75	0	0	0	0.75
236	0	0.375	0	0.375	Yes	0.75	0.375	0.75
237	0	0.125	0	0.125	0	0	0	0.125
238	0	0.75	0	0.75	Yes	0.75	0.375	1.125
239	0.125	0.375	0	0.5	0	0	0	0.5
240	0	0.125	0	0.125	0	0	0	0.125

<b>Parcel ID</b>	<b>Prime Soils ( a )</b>	<b>Statewide Soils ( b )</b>	<b>Ag Exempt ( c )</b>	<b>Subtotal (a+b+c)</b>	<b>Ag District</b>	<b>Ag District Significant</b>	<b>Ag District Moderate</b>	<b>Priority</b>
241	0	0.75	0.75	1.5	Yes	0.75	0.375	2.25
242	0.125	0.75	0	0.875	0	0	0	0.875
243	0	0.75	0	0.75	0	0	0	0.75
244	0.125	0.75	0	0.875	0	0	0	0.875
245	0	0.75	0.75	1.5	Yes	0.75	0.375	2.25
246	0.125	0.375	0	0.5	0	0	0	0.5
247	0	0.375	0	0.375	0	0	0	0.375
248	0.125	0.375	0	0.5	0	0	0	0.5
249	0	0.375	0	0.375	0	0	0	0.375
250	0	0	0	0	0	0	0	0
251	0	0.375	0	0.375	0	0	0	0.375
252	0	0.75	0	0.75	0	0	0	0.75
253	0.125	0.375	0	0.5	0	0	0	0.5
254	0	0.75	0	0.75	0	0	0	0.75
255	0.125	0.75	0	0.875	Yes	0.75	0.375	1.25
256	0.125	0.375	0	0.5	0	0	0	0.5
257	0.125	0.125	0	0.25	Yes	0.75	0.375	0.625
258	0	0.375	0	0.375	0	0	0	0.375
259	0	0.375	0	0.375	0	0	0	0.375
260	0	0.125	0	0.125	Yes	0.75	0.375	0.5

Parcel ID	Prime Soils (a)	Statewide Soils (b)	Ag Exempt (c)	Subtotal (a+b+c)	Ag District	Ag District Significant	Ag District Moderate	Priority
130	0.375	0.75	0.75	1.875	Yes	0.75	0.375	2.625
185	0.375	0.75	0.75	1.875	Yes	0.75	0.375	2.625
46	0.125	0.75	0.75	1.625	Yes	0.75	0.375	2.375
108	0.125	0.75	0.75	1.625	Yes	0.75	0.375	2.375
118	0.125	0.75	0.75	1.625	Yes	0.75	0.375	2.375
124	0.125	0.75	0.75	1.625	Yes	0.75	0.375	2.375
163	0.125	0.75	0.75	1.625	Yes	0.75	0.375	2.375
230	0.125	0.75	0.75	1.625	Yes	0.75	0.375	2.375
41	0	0.75	0.75	1.5	Yes	0.75	0.375	2.25
54	0	0.75	0.75	1.5	Yes	0.75	0.375	2.25
63	0	0.75	0.75	1.5	Yes	0.75	0.375	2.25
64	0	0.75	0.75	1.5	Yes	0.75	0.375	2.25
67	0	0.75	0.75	1.5	Yes	0.75	0.375	2.25
68	0	0.75	0.75	1.5	Yes	0.75	0.375	2.25
88	0	0.75	0.75	1.5	Yes	0.75	0.375	2.25
99	0	0.75	0.75	1.5	Yes	0.75	0.375	2.25
111	0	0.75	0.75	1.5	Yes	0.75	0.375	2.25
120	0	0.75	0.75	1.5	Yes	0.75	0.375	2.25
121	0	0.75	0.75	1.5	Yes	0.75	0.375	2.25
135	0	0.75	0.75	1.5	Yes	0.75	0.375	2.25
147	0	0.75	0.75	1.5	Yes	0.75	0.375	2.25
157	0	0.75	0.75	1.5	Yes	0.75	0.375	2.25
174	0	0.75	0.75	1.5	Yes	0.75	0.375	2.25
199	0	0.75	0.75	1.5	Yes	0.75	0.375	2.25
241	0	0.75	0.75	1.5	Yes	0.75	0.375	2.25
245	0	0.75	0.75	1.5	Yes	0.75	0.375	2.25
213	0.125	0.375	0.75	1.25	Yes	0.75	0.375	2
61	0	0.375	0.75	1.125	Yes	0.75	0.375	1.875
76	0	0.375	0.75	1.125	Yes	0.75	0.375	1.875
81	0	0.375	0.75	1.125	Yes	0.75	0.375	1.875
87	0	0.375	0.75	1.125	Yes	0.75	0.375	1.875
227	0	0.375	0.75	1.125	Yes	0.75	0.375	1.875
222	0.125	0.125	0.75	1	Yes	0.75	0.375	1.75
143	0.125	0.75	0.75	1.625	0	0	0	1.625
232	0.125	0.75	0.75	1.625	0	0	0	1.625
50	0.375	0.75	0	1.125	Yes	0.75	0.375	1.5
51	0	0.75	0.75	1.5	0	0	0	1.5
72	0	0.75	0.75	1.5	0	0	0	1.5
109	0	0.75	0.75	1.5	0	0	0	1.5
195	0.75	0.375	0	1.125	Yes	0.75	0.375	1.5
211	0	0.75	0.75	1.5	0	0	0	1.5
66	0.125	0.75	0	0.875	Yes	0.75	0.375	1.25
69	0.125	0.75	0	0.875	Yes	0.75	0.375	1.25
71	0.125	0.75	0	0.875	Yes	0.75	0.375	1.25
86	0.125	0.75	0	0.875	Yes	0.75	0.375	1.25
115	0.125	0.75	0	0.875	Yes	0.75	0.375	1.25
123	0.125	0.75	0	0.875	Yes	0.75	0.375	1.25
175	0.125	0.75	0	0.875	Yes	0.75	0.375	1.25



Parcel ID	Prime Soils ( a )	Statewide Soils ( b )	Ag Exempt ( c )	Subtotal (a+b+c)	Ag District	Ag District Significant	Ag District Moderate	Priority
196	0.125	0.75	0	0.875	Yes	0.75	0.375	1.25
208	0.125	0.75	0	0.875	Yes	0.75	0.375	1.25
215	0.75	0.125	0	0.875	Yes	0.75	0.375	1.25
220	0.125	0.75	0	0.875	Yes	0.75	0.375	1.25
229	0.125	0.75	0	0.875	Yes	0.75	0.375	1.25
234	0.125	0.75	0	0.875	Yes	0.75	0.375	1.25
255	0.125	0.75	0	0.875	Yes	0.75	0.375	1.25
17	0	0.75	0	0.75	Yes	0.75	0.375	1.125
35	0	0.75	0	0.75	Yes	0.75	0.375	1.125
47	0	0.75	0	0.75	Yes	0.75	0.375	1.125
55	0	0.75	0	0.75	Yes	0.75	0.375	1.125
57	0	0.75	0	0.75	Yes	0.75	0.375	1.125
94	0	0.75	0	0.75	Yes	0.75	0.375	1.125
129	0.375	0.375	0	0.75	Yes	0.75	0.375	1.125
136	0	0.75	0	0.75	Yes	0.75	0.375	1.125
144	0	0.75	0	0.75	Yes	0.75	0.375	1.125
149	0	0.75	0	0.75	Yes	0.75	0.375	1.125
158	0	0.75	0	0.75	Yes	0.75	0.375	1.125
182	0	0.75	0	0.75	Yes	0.75	0.375	1.125
184	0.375	0.75	0	1.125	0	0	0	1.125
192	0	0.75	0	0.75	Yes	0.75	0.375	1.125
205	0	0.75	0	0.75	Yes	0.75	0.375	1.125
209	0	0.375	0.75	1.125	0	0	0	1.125
210	0	0.75	0	0.75	Yes	0.75	0.375	1.125
212	0	0.75	0	0.75	Yes	0.75	0.375	1.125
221	0	0.75	0	0.75	Yes	0.75	0.375	1.125
225	0	0.75	0	0.75	Yes	0.75	0.375	1.125
226	0	0.75	0	0.75	Yes	0.75	0.375	1.125
233	0.375	0.75	0	1.125	0	0	0	1.125
238	0	0.75	0	0.75	Yes	0.75	0.375	1.125
26	0.125	0.75	0	0.875	0	0	0	0.875
39	0.125	0.75	0	0.875	0	0	0	0.875
40	0.125	0.75	0	0.875	0	0	0	0.875
42	0.125	0.75	0	0.875	0	0	0	0.875
56	0.125	0.75	0	0.875	0	0	0	0.875
60	0.125	0.75	0	0.875	0	0	0	0.875
126	0.125	0.375	0	0.5	Yes	0.75	0.375	0.875
179	0.125	0.375	0	0.5	Yes	0.75	0.375	0.875
186	0.125	0.75	0	0.875	0	0	0	0.875
190	0.125	0.375	0	0.5	Yes	0.75	0.375	0.875
216	0.125	0.75	0	0.875	0	0	0	0.875
218	0.125	0.75	0	0.875	0	0	0	0.875
228	0.125	0.75	0	0.875	0	0	0	0.875
242	0.125	0.75	0	0.875	0	0	0	0.875
244	0.125	0.75	0	0.875	0	0	0	0.875
6	0.375	0.375	0	0.75	0	0	0	0.75
7	0.75	0	0	0.75	0	0	0	0.75
9	0	0.75	0	0.75	0	0	0	0.75

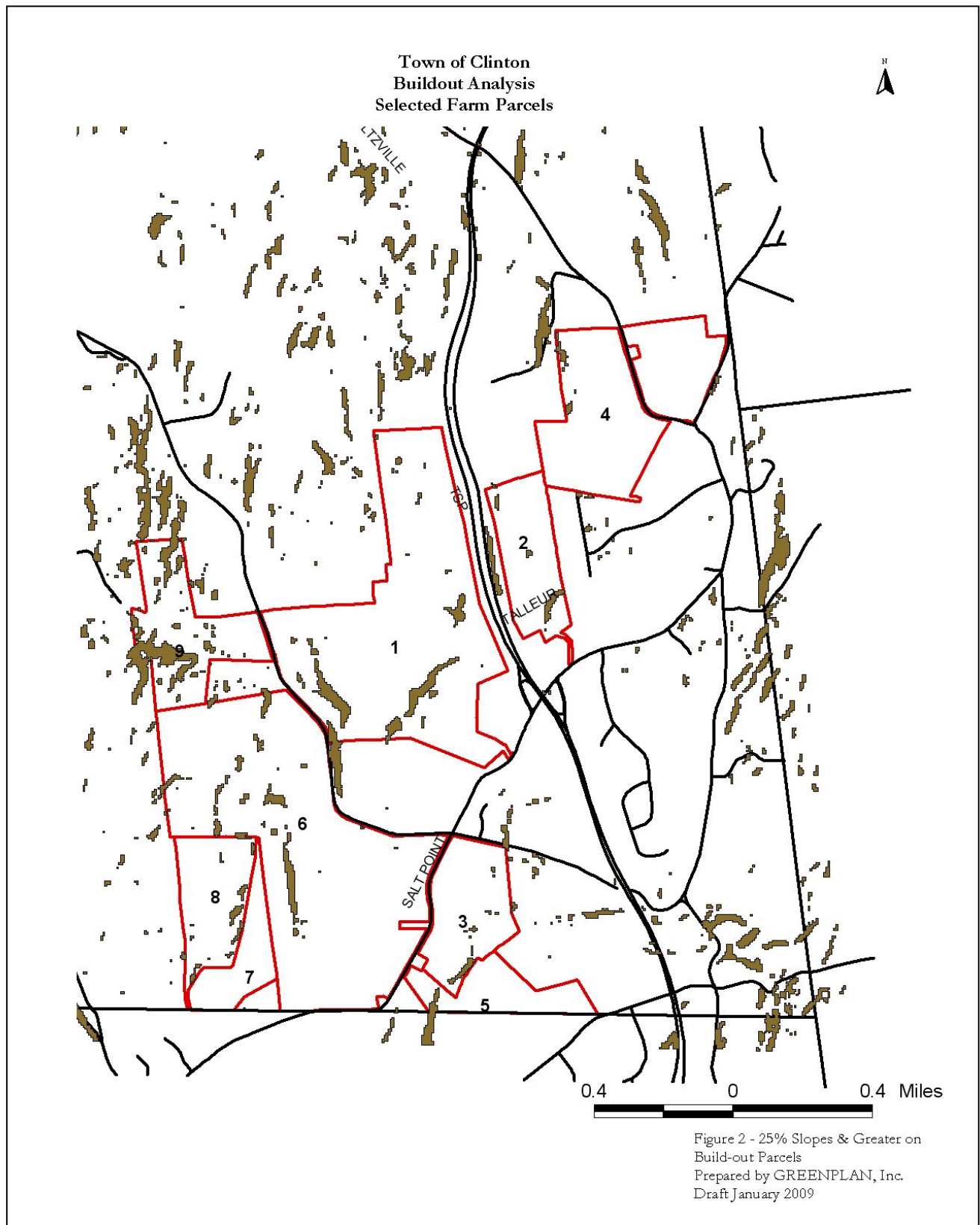
Parcel ID	Prime Soils ( a )	Statewide Soils ( b )	Ag Exempt ( c )	Subtotal (a+b+c)	Ag District	Ag District Significant	Ag District Moderate	Priority
11	0.375	0.375	0	0.75	0	0	0	0.75
13	0	0.75	0	0.75	0	0	0	0.75
16	0	0.75	0	0.75	0	0	0	0.75
19	0	0.75	0	0.75	0	0	0	0.75
21	0	0	0.75	0.75	0	0	0	0.75
43	0	0.375	0	0.375	Yes	0.75	0.375	0.75
49	0	0.75	0	0.75	0	0	0	0.75
53	0	0.75	0	0.75	0	0	0	0.75
59	0.375	0.375	0	0.75	0	0	0	0.75
62	0	0.75	0	0.75	0	0	0	0.75
96	0	0.375	0	0.375	Yes	0.75	0.375	0.75
97	0	0.375	0	0.375	Yes	0.75	0.375	0.75
100	0	0.75	0	0.75	0	0	0	0.75
104	0	0.75	0	0.75	0	0	0	0.75
105	0	0.375	0	0.375	Yes	0.75	0.375	0.75
106	0	0.75	0	0.75	0	0	0	0.75
112	0	0.75	0	0.75	0	0	0	0.75
116	0	0.75	0	0.75	0	0	0	0.75
117	0	0.75	0	0.75	0	0	0	0.75
122	0	0.75	0	0.75	0	0	0	0.75
125	0	0.75	0	0.75	0	0	0	0.75
131	0	0.75	0	0.75	0	0	0	0.75
132	0	0.75	0	0.75	0	0	0	0.75
134	0	0.375	0	0.375	Yes	0.75	0.375	0.75
137	0	0.75	0	0.75	0	0	0	0.75
138	0	0.375	0	0.375	Yes	0.75	0.375	0.75
139	0.375	0.375	0	0.75	0	0	0	0.75
146	0	0.75	0	0.75	0	0	0	0.75
150	0.375	0.375	0	0.75	0	0	0	0.75
151	0	0.375	0	0.375	Yes	0.75	0.375	0.75
160	0	0.375	0	0.375	Yes	0.75	0.375	0.75
167	0	0.75	0	0.75	0	0	0	0.75
169	0	0.75	0	0.75	0	0	0	0.75
171	0.375	0.375	0	0.75	0	0	0	0.75
183	0	0.75	0	0.75	0	0	0	0.75
193	0	0.375	0	0.375	Yes	0.75	0.375	0.75
206	0	0.75	0	0.75	0	0	0	0.75
217	0	0.375	0	0.375	Yes	0.75	0.375	0.75
235	0	0	0.75	0.75	0	0	0	0.75
236	0	0.375	0	0.375	Yes	0.75	0.375	0.75
243	0	0.75	0	0.75	0	0	0	0.75
252	0	0.75	0	0.75	0	0	0	0.75
254	0	0.75	0	0.75	0	0	0	0.75
30	0.125	0.125	0	0.25	Yes	0.75	0.375	0.625
113	0.125	0.125	0	0.25	Yes	0.75	0.375	0.625
142	0.125	0.125	0	0.25	Yes	0.75	0.375	0.625
181	0.125	0.125	0	0.25	Yes	0.75	0.375	0.625
189	0.125	0.125	0	0.25	Yes	0.75	0.375	0.625

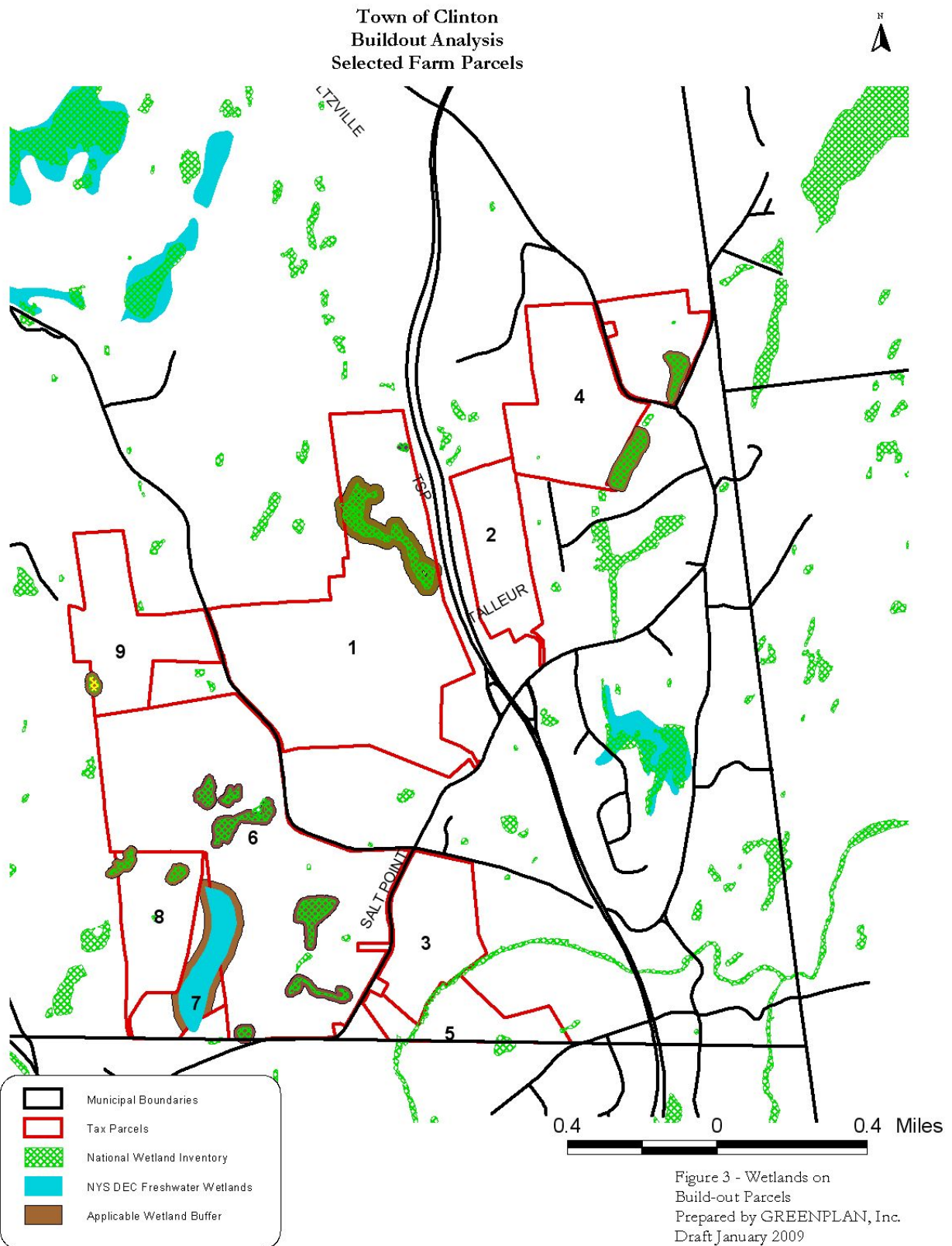
Parcel ID	Prime Soils ( a )	Statewide Soils ( b )	Ag Exempt ( c )	Subtotal (a+b+c)	Ag District	Ag District Significant	Ag District Moderate	Priority
257	0.125	0.125	0	0.25	Yes	0.75	0.375	0.625
4	0.375	0.125	0	0.5	0	0	0	0.5
18	0.125	0.375	0	0.5	0	0	0	0.5
20	0	0.125	0	0.125	Yes	0.75	0.375	0.5
22	0.125	0.375	0	0.5	0	0	0	0.5
24	0	0.125	0	0.125	Yes	0.75	0.375	0.5
27	0	0.125	0	0.125	Yes	0.75	0.375	0.5
36	0.375	0.125	0	0.5	0	0	0	0.5
38	0.125	0.375	0	0.5	0	0	0	0.5
73	0	0.125	0	0.125	Yes	0.75	0.375	0.5
77	0.125	0.375	0	0.5	0	0	0	0.5
80	0	0.125	0	0.125	Yes	0.75	0.375	0.5
93	0	0.125	0	0.125	Yes	0.75	0.375	0.5
101	0.375	0.125	0	0.5	0	0	0	0.5
133	0	0.125	0	0.125	Yes	0.75	0.375	0.5
141	0.125	0.375	0	0.5	0	0	0	0.5
165	0	0.125	0	0.125	Yes	0.75	0.375	0.5
176	0.125	0.375	0	0.5	0	0	0	0.5
197	0	0.125	0	0.125	Yes	0.75	0.375	0.5
224	0	0.125	0	0.125	Yes	0.75	0.375	0.5
239	0.125	0.375	0	0.5	0	0	0	0.5
246	0.125	0.375	0	0.5	0	0	0	0.5
248	0.125	0.375	0	0.5	0	0	0	0.5
253	0.125	0.375	0	0.5	0	0	0	0.5
256	0.125	0.375	0	0.5	0	0	0	0.5
260	0	0.125	0	0.125	Yes	0.75	0.375	0.5
10	0	0.375	0	0.375	0	0	0	0.375
12	0	0.375	0	0.375	0	0	0	0.375
15	0	0.375	0	0.375	0	0	0	0.375
25	0	0.375	0	0.375	0	0	0	0.375
28	0	0.375	0	0.375	0	0	0	0.375
29	0	0.375	0	0.375	0	0	0	0.375
33	0	0.375	0	0.375	0	0	0	0.375
34	0	0.375	0	0.375	0	0	0	0.375
44	0	0.375	0	0.375	0	0	0	0.375
48	0	0.375	0	0.375	0	0	0	0.375
52	0	0.375	0	0.375	0	0	0	0.375
58	0	0.375	0	0.375	0	0	0	0.375
74	0	0.375	0	0.375	0	0	0	0.375
82	0	0.375	0	0.375	0	0	0	0.375
84	0	0.375	0	0.375	0	0	0	0.375
98	0	0.375	0	0.375	0	0	0	0.375
102	0	0.375	0	0.375	0	0	0	0.375
103	0	0.375	0	0.375	0	0	0	0.375
110	0	0.375	0	0.375	0	0	0	0.375
114	0	0.375	0	0.375	0	0	0	0.375
119	0	0.375	0	0.375	0	0	0	0.375
128	0	0.375	0	0.375	0	0	0	0.375

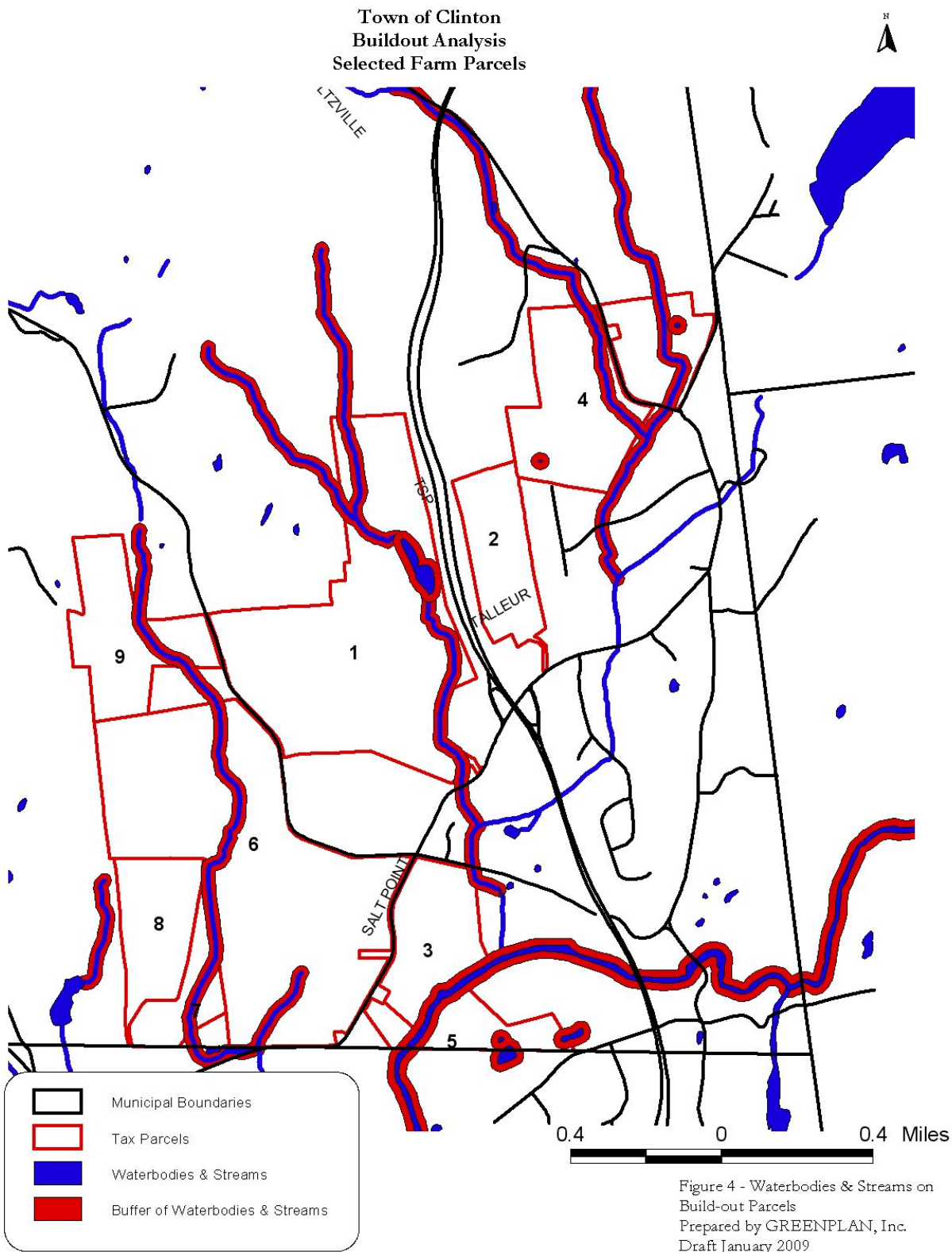
Parcel ID	Prime Soils ( a )	Statewide Soils ( b )	Ag Exempt ( c )	Subtotal (a+b+c)	Ag District	Ag District Significant	Ag District Moderate	Priority
145	0	0.375	0	0.375	0	0	0	0.375
148	0	0.375	0	0.375	0	0	0	0.375
152	0	0.375	0	0.375	0	0	0	0.375
155	0	0.375	0	0.375	0	0	0	0.375
156	0	0.375	0	0.375	0	0	0	0.375
162	0	0.375	0	0.375	0	0	0	0.375
168	0	0.375	0	0.375	0	0	0	0.375
173	0	0.375	0	0.375	0	0	0	0.375
177	0	0.375	0	0.375	0	0	0	0.375
178	0	0.375	0	0.375	0	0	0	0.375
187	0	0.375	0	0.375	0	0	0	0.375
191	0	0.375	0	0.375	0	0	0	0.375
194	0	0.375	0	0.375	0	0	0	0.375
198	0	0.375	0	0.375	0	0	0	0.375
200	0	0	0	0	Yes	0.75	0.375	0.375
207	0	0.375	0	0.375	0	0	0	0.375
214	0.375	0	0	0.375	0	0	0	0.375
223	0	0	0	0	Yes	0.75	0.375	0.375
247	0	0.375	0	0.375	0	0	0	0.375
249	0	0.375	0	0.375	0	0	0	0.375
251	0	0.375	0	0.375	0	0	0	0.375
258	0	0.375	0	0.375	0	0	0	0.375
259	0	0.375	0	0.375	0	0	0	0.375
90	0.125	0.125	0	0.25	0	0	0	0.25
166	0.125	0.125	0	0.25	0	0	0	0.25
188	0.125	0.125	0	0.25	0	0	0	0.25
219	0.125	0.125	0	0.25	0	0	0	0.25
5	0	0.125	0	0.125	0	0	0	0.125
8	0	0.125	0	0.125	0	0	0	0.125
14	0	0.125	0	0.125	0	0	0	0.125
23	0	0.125	0	0.125	0	0	0	0.125
31	0	0.125	0	0.125	0	0	0	0.125
32	0	0.125	0	0.125	0	0	0	0.125
45	0	0.125	0	0.125	0	0	0	0.125
65	0	0.125	0	0.125	0	0	0	0.125
70	0	0.125	0	0.125	0	0	0	0.125
75	0	0.125	0	0.125	0	0	0	0.125
78	0	0.125	0	0.125	0	0	0	0.125
79	0	0.125	0	0.125	0	0	0	0.125
83	0	0.125	0	0.125	0	0	0	0.125
89	0	0.125	0	0.125	0	0	0	0.125
91	0	0.125	0	0.125	0	0	0	0.125
92	0	0.125	0	0.125	0	0	0	0.125
95	0	0.125	0	0.125	0	0	0	0.125
107	0	0.125	0	0.125	0	0	0	0.125
127	0	0.125	0	0.125	0	0	0	0.125
140	0	0.125	0	0.125	0	0	0	0.125
153	0	0.125	0	0.125	0	0	0	0.125

<b>Parcel ID</b>	<b>Prime Soils ( a )</b>	<b>Statewide Soils ( b )</b>	<b>Ag Exempt ( c )</b>	<b>Subtotal (a+b+c)</b>	<b>Ag District</b>	<b>Ag District Significant</b>	<b>Ag District Moderate</b>	<b>Priority</b>
161	0	0.125	0	0.125	0	0	0	0.125
170	0	0.125	0	0.125	0	0	0	0.125
172	0	0.125	0	0.125	0	0	0	0.125
180	0	0.125	0	0.125	0	0	0	0.125
201	0	0.125	0	0.125	0	0	0	0.125
202	0	0.125	0	0.125	0	0	0	0.125
203	0	0.125	0	0.125	0	0	0	0.125
231	0	0.125	0	0.125	0	0	0	0.125
237	0	0.125	0	0.125	0	0	0	0.125
240	0	0.125	0	0.125	0	0	0	0.125
1	0	0	0	0	0	0	0	0
2	0	0	0	0	0	0	0	0
3	0	0	0	0	0	0	0	0
37	0	0	0	0	0	0	0	0
85	0	0	0	0	0	0	0	0
154	0	0	0	0	0	0	0	0
159	0	0	0	0	0	0	0	0
164	0	0	0	0	0	0	0	0
204	0	0	0	0	0	0	0	0
250	0	0	0	0	0	0	0	0

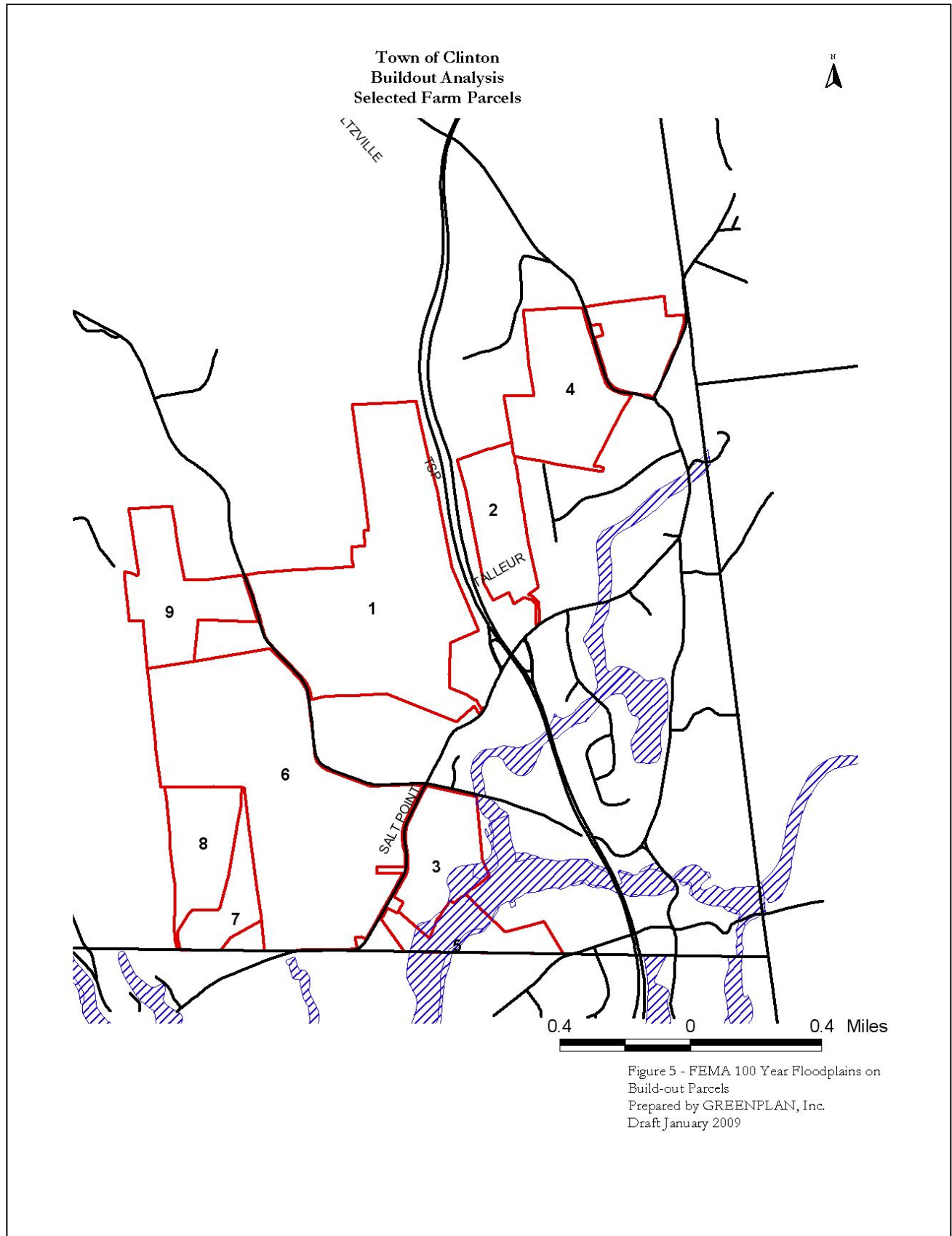
## Appendix A – Build-Out Maps

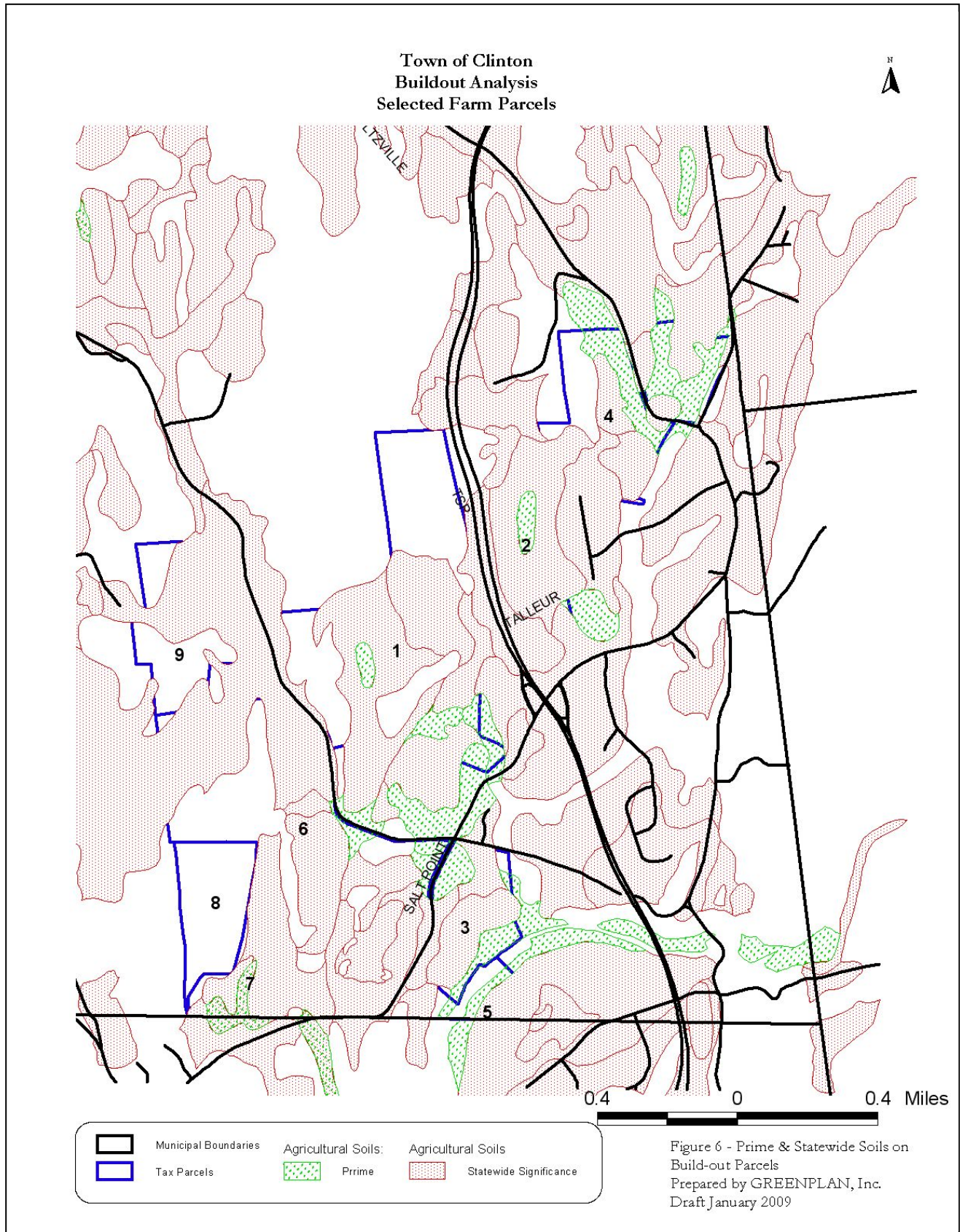




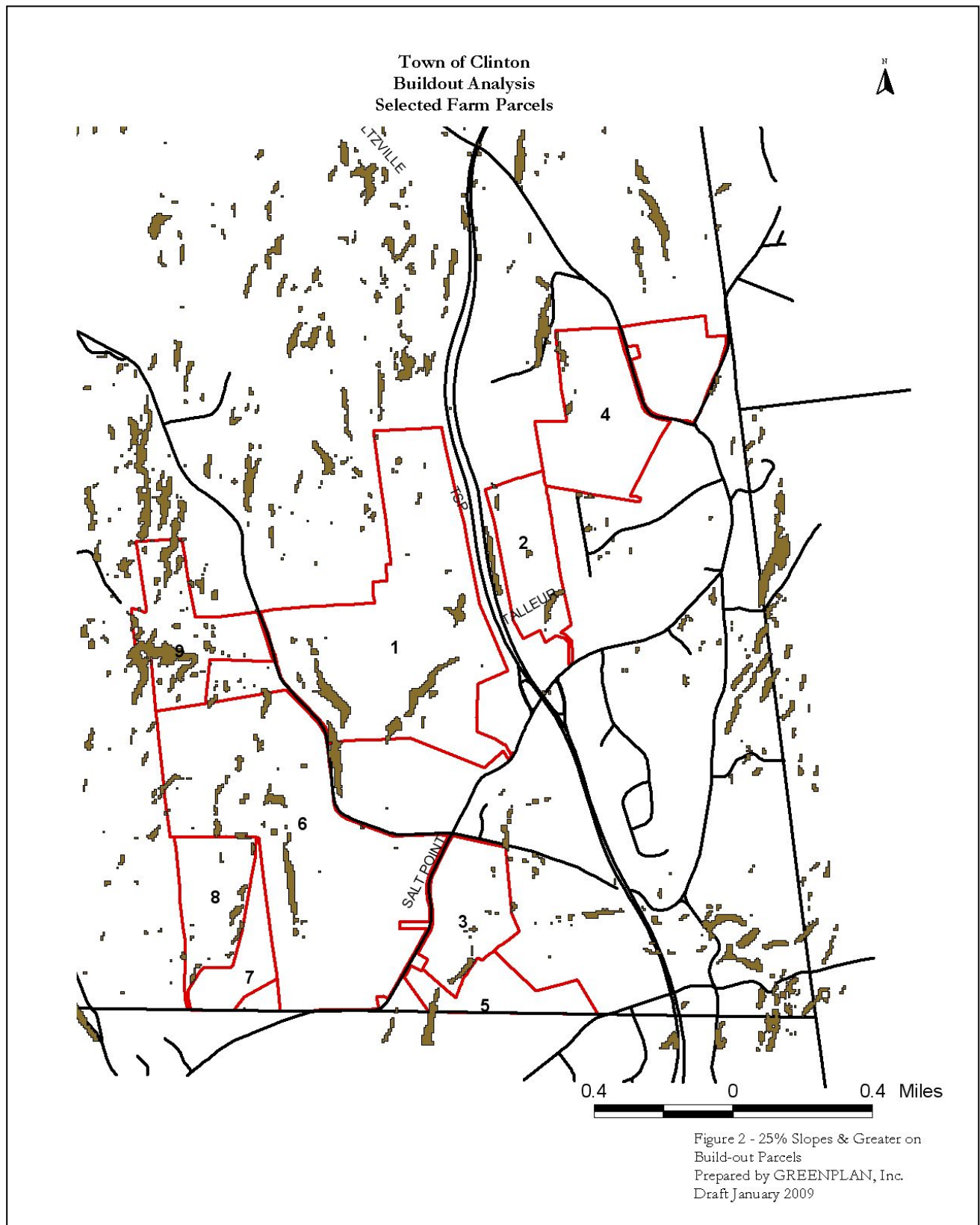




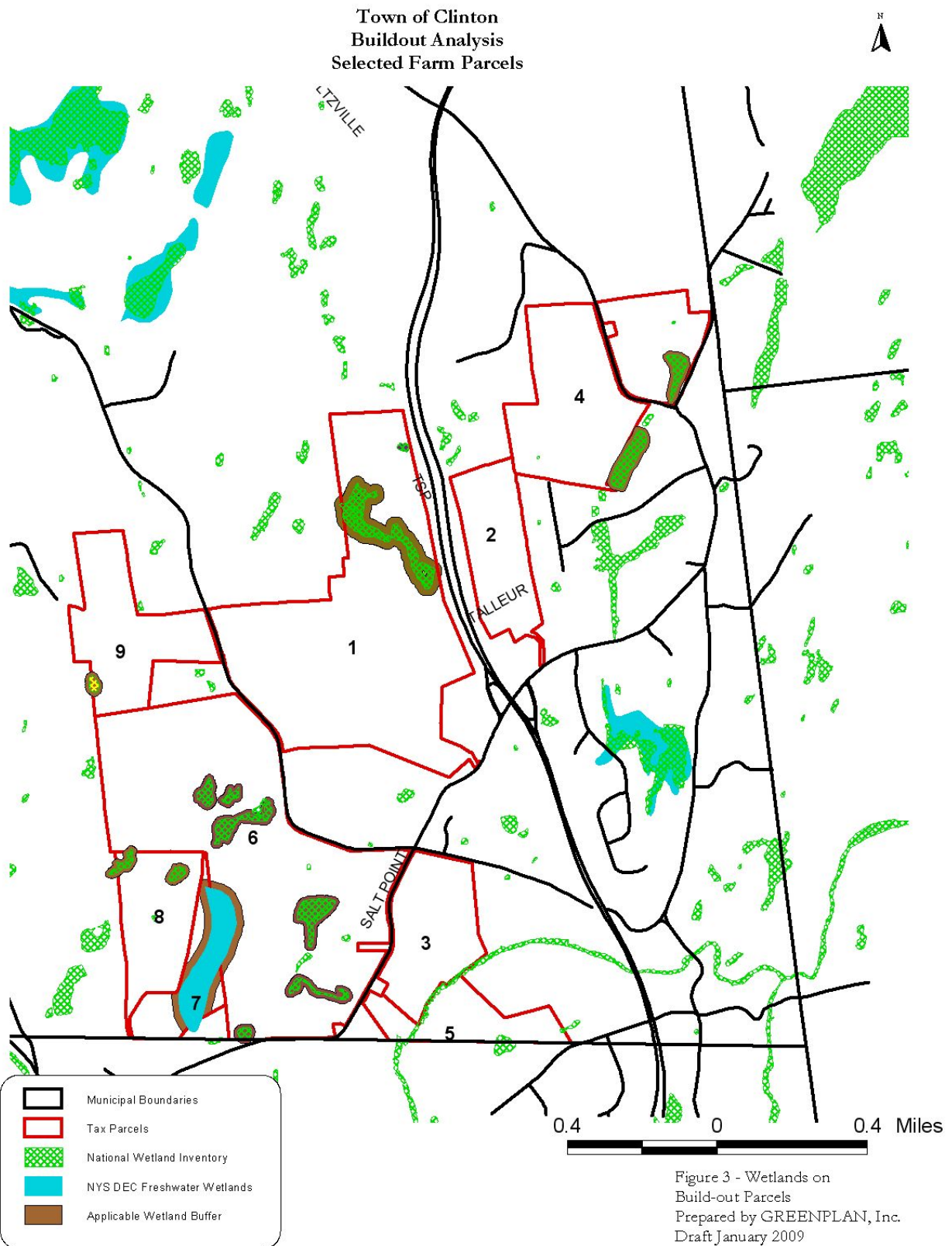




## Appendix A – Build-Out Maps







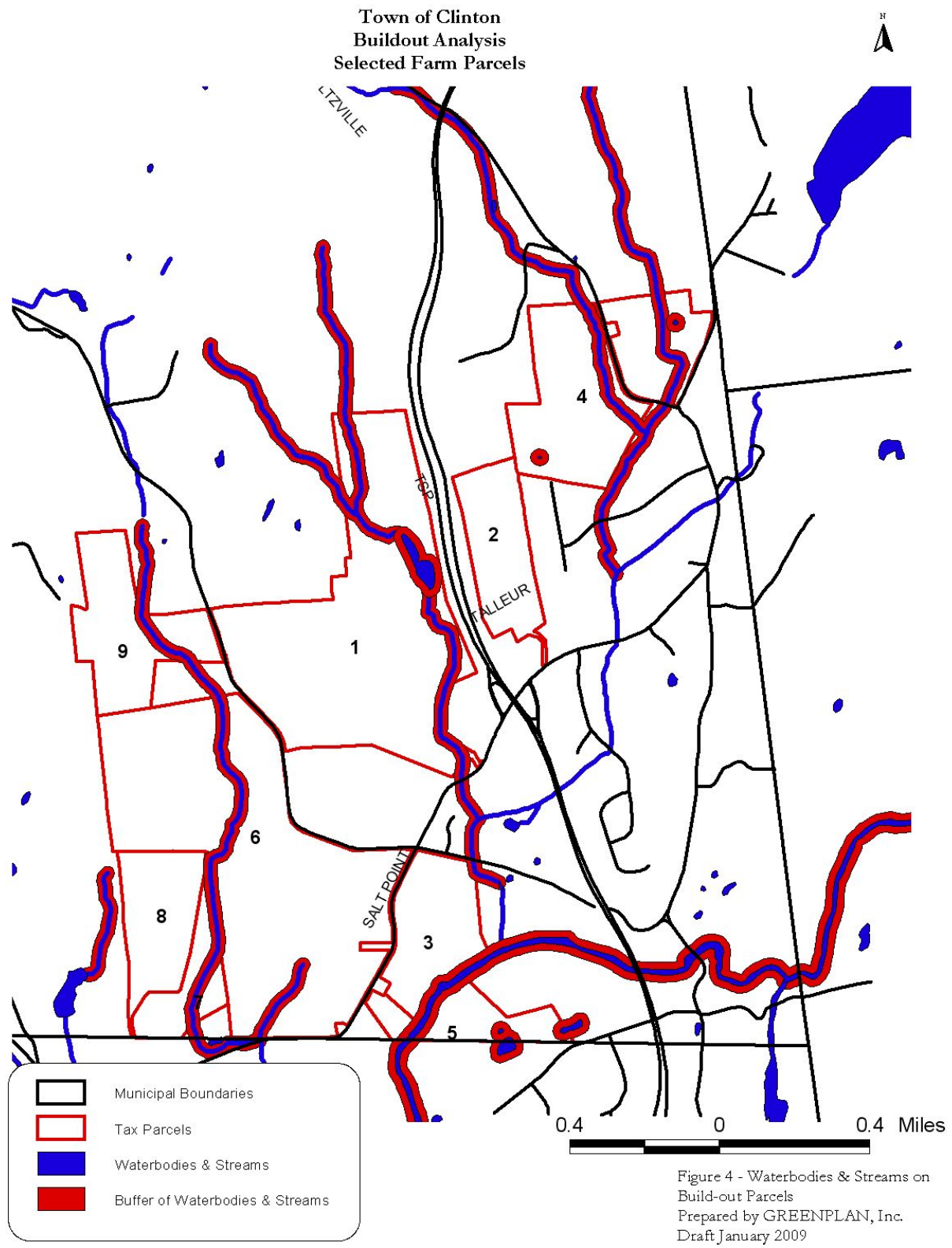
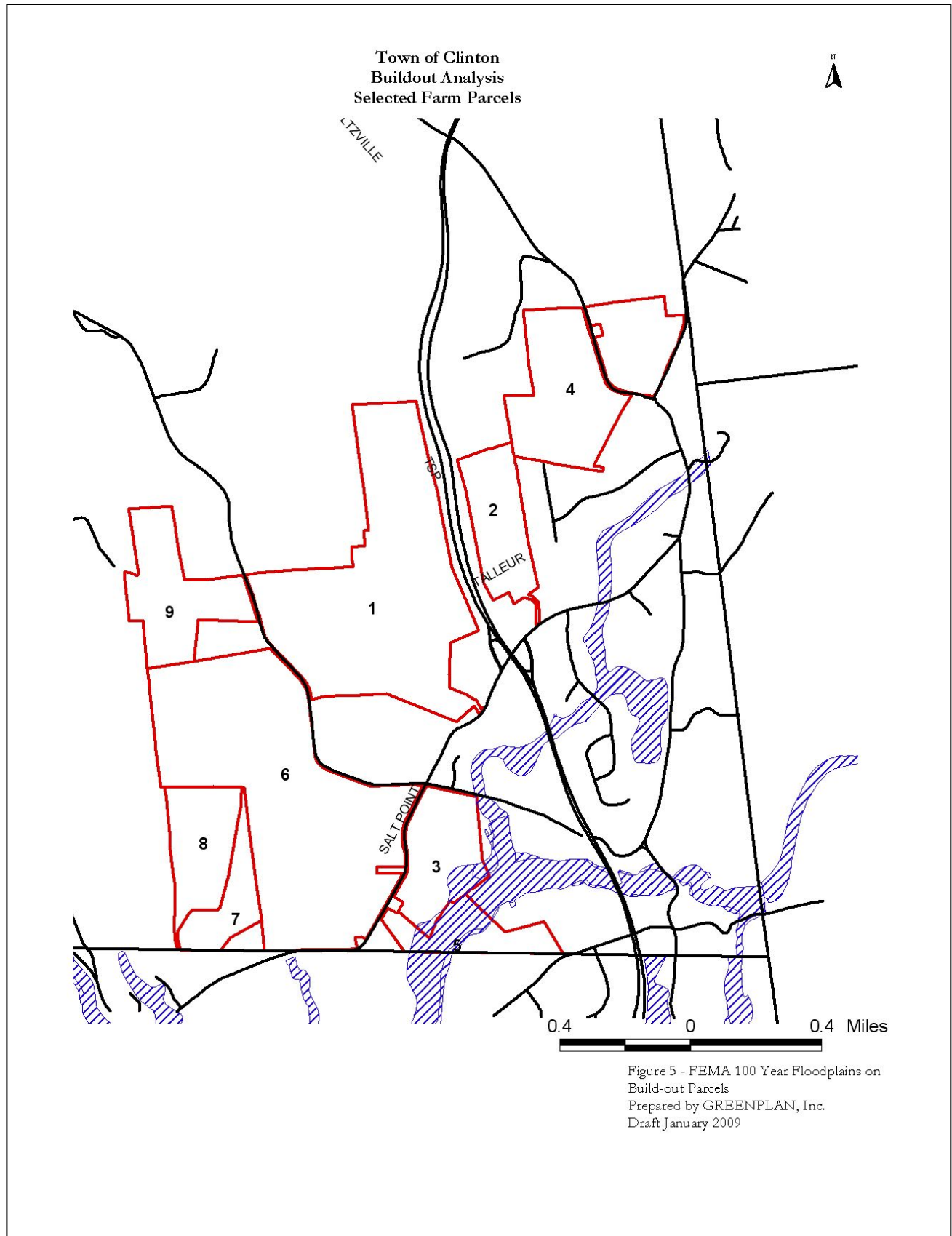
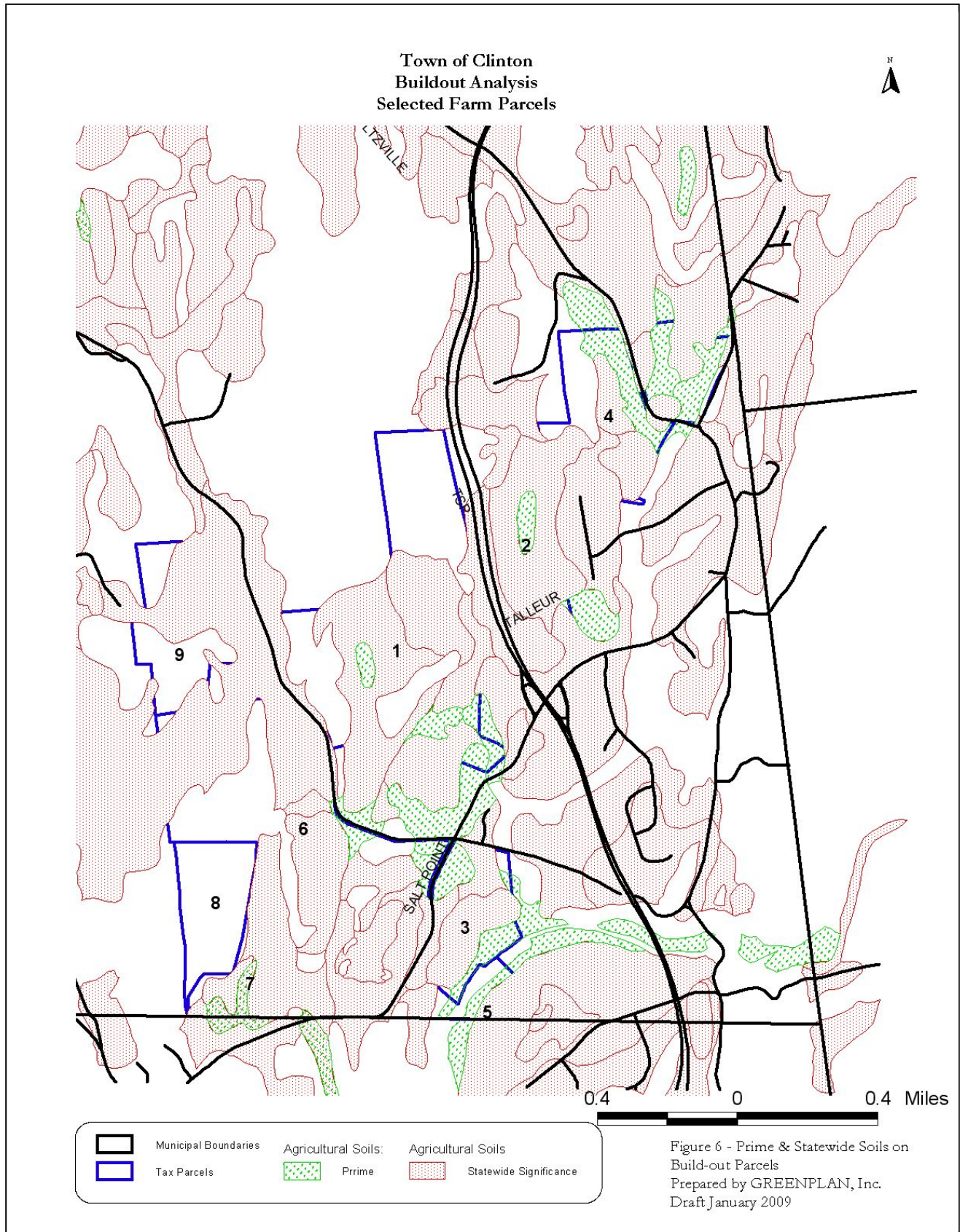
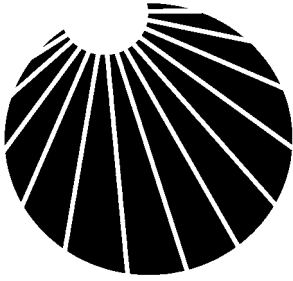


Figure 4 - Waterbodies & Streams on  
Build-out Parcels  
Prepared by GREENPLAN, Inc.  
Draft January 2009









FARMLAND  
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# FACT SHEET

## COST OF COMMUNITY SERVICES STUDIES



American Farmland Trust

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### DESCRIPTION

Cost of Community Services (COCS) studies are a case study approach used to determine the fiscal contribution of existing local land uses. A subset of the much larger field of fiscal analysis, COCS studies have emerged as an inexpensive and reliable tool to measure direct fiscal relationships. Their particular niche is to evaluate working and open lands on equal ground with residential, commercial and industrial land uses.

COCS studies are a snapshot in time of costs versus revenues for each type of land use. They do not predict future costs or revenues or the impact of future growth. They do provide a baseline of current information to help local officials and citizens make informed land use and policy decisions.

### METHODOLOGY

In a COCS study, researchers organize financial records to assign the cost of municipal services to working and open lands, as well as to residential, commercial and industrial development. Researchers meet with local sponsors to define the scope of the project and identify land use categories to study. For example, working lands may include farm, forest and/or ranch lands. Residential development includes all housing, including rentals, but if there is a migrant agricultural work force, temporary housing for these workers would be considered part of agricultural land use. Often in rural communities, commercial and industrial land uses are combined. COCS studies findings are displayed as a set of ratios that compare annual revenues to annual expenditures for a community's unique mix of land uses.

COCS studies involve three basic steps:

1. Collect data on local revenues and expenditures.
2. Group revenues and expenditures and allocate them to the community's major land use categories.
3. Analyze the data and calculate revenue-to-expenditure ratios for each land use category.

The process is straightforward, but ensuring reliable figures requires local oversight. The most complicated task is interpreting existing records to reflect COCS land use categories. Allocating revenues and expenses requires a significant amount of research, including extensive interviews with financial officers and public administrators.

### HISTORY

Communities often evaluate the impact of growth on local budgets by conducting or commissioning fiscal impact analyses. Fiscal impact studies project public costs and revenues from different land development patterns. They generally show that residential development is a net fiscal loss for communities and recommend commercial and industrial development as a strategy to balance local budgets.

Rural towns and counties that would benefit from fiscal impact analysis may not have the expertise or resources to conduct a study. Also, fiscal impact analyses rarely consider the contribution of working and other open lands, which is very important to rural economies.

American Farmland Trust (AFT) developed COCS studies in the mid-1980s to provide communities with a straightforward and inexpensive way to measure the contribution of agricultural lands to the local tax base. Since then, COCS studies have been conducted in at least 128 communities in the United States.

### FUNCTIONS & PURPOSES

Communities pay a high price for unplanned growth. Scattered development frequently causes traffic congestion, air and water pollution, loss of open space and increased demand for costly public services. This is why it is important for citizens and local leaders to understand the relationships between residential and commercial growth, agricultural land use, conservation and their community's bottom line.



## COST OF COMMUNITY SERVICES STUDIES

For additional information on farmland protection and stewardship contact the Farmland Information Center. The FIC offers a staffed answer service, online library, program monitoring, fact sheets and other educational materials.

[www.farmlandinfo.org](http://www.farmlandinfo.org)

(800) 370-4879

COCS studies help address three claims that are commonly made in rural or suburban communities facing growth pressures:

1. Open lands—including productive farms and forests—are an interim land use that should be developed to their “highest and best use.”
2. Agricultural land gets an unfair tax break when it is assessed at its current use value for farming or ranching instead of at its potential use value for residential or commercial development.
3. Residential development will lower property taxes by increasing the tax base.

While it is true that an acre of land with a new house generates more total revenue than an acre of hay or corn, this tells us little about a community's bottom line. In areas where agriculture or forestry are major industries, it is especially important to consider the real property tax contribution of privately owned working lands. Working and other open lands may generate less revenue than residential, commercial or industrial properties, but they require little public infrastructure and few services.

COCS studies conducted over the last 20 years show working lands generate more public revenues than they receive back in public services. Their impact on community coffers is similar to that of other commercial and industrial land uses. On average, because residential land uses

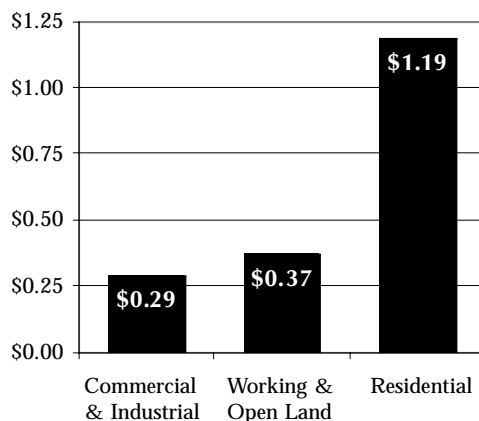
do not cover their costs, they must be subsidized by other community land uses. Converting agricultural land to residential land use should not be seen as a way to balance local budgets.

The findings of COCS studies are consistent with those of conventional fiscal impact analyses, which document the high cost of residential development and recommend commercial and industrial development to help balance local budgets. What is unique about COCS studies is that they show that agricultural land is similar to other commercial and industrial uses. In every community studied, farmland has generated a fiscal surplus to help offset the shortfall created by residential demand for public services. This is true even when the land is assessed at its current, agricultural use. However as more communities invest in agriculture this tendency may change. For example, if a community establishes a purchase of agricultural conservation easement program, working and open lands may generate a net negative.

Communities need reliable information to help them see the full picture of their land uses. COCS studies are an inexpensive way to evaluate the net contribution of working and open lands. They can help local leaders discard the notion that natural resources must be converted to other uses to ensure fiscal stability. They also dispel the myths that residential development leads to lower taxes, that differential assessment programs give landowners an “unfair” tax break and that farmland is an interim land use just waiting around for development.

One type of land use is not intrinsically better than another, and COCS studies are not meant to judge the overall public good or long-term merits of any land use or taxing structure. It is up to communities to balance goals such as maintaining affordable housing, creating jobs and conserving land. With good planning, these goals can complement rather than compete with each other. COCS studies give communities another tool to make decisions about their futures.

**Median COCS Results**



*Median cost per dollar of revenue raised to provide public services to different land uses.*

## SUMMARY OF COST OF COMMUNITY SERVICES STUDIES, REVENUE-TO-EXPENDITURE RATIOS IN DOLLARS

Community	Residential including farm houses	Commercial & Industrial	Working & Open Land	Source
<b>Colorado</b>				
Custer County	1 : 1.16	1 : 0.71	1 : 0.54	Haggerty, 2000
Sagauche County	1 : 1.17	1 : 0.53	1 : 0.35	Dirt, Inc., 2001
<b>Connecticut</b>				
Bolton	1 : 1.05	1 : 0.23	1 : 0.50	Geisler, 1998
Durham	1 : 1.07	1 : 0.27	1 : 0.23	Southern New England Forest Consortium, 1995
Farmington	1 : 1.33	1 : 0.32	1 : 0.31	Southern New England Forest Consortium, 1995
Hebron	1 : 1.06	1 : 0.47	1 : 0.43	American Farmland Trust, 1986
Litchfield	1 : 1.11	1 : 0.34	1 : 0.34	Southern New England Forest Consortium, 1995
Pomfret	1 : 1.06	1 : 0.27	1 : 0.86	Southern New England Forest Consortium, 1995
<b>Florida</b>				
Leon County	1 : 1.39	1 : 0.36	1 : 0.42	Dorfman, 2004
<b>Georgia</b>				
Appling County	1 : 2.27	1 : 0.17	1 : 0.35	Dorfman, 2004
Athens-Clarke County	1 : 1.39	1 : 0.41	1 : 2.04	Dorfman, 2004
Brooks County	1 : 1.56	1 : 0.42	1 : 0.39	Dorfman, 2004
Carroll County	1 : 1.29	1 : 0.37	1 : 0.55	Dorfman and Black, 2002
Cherokee County	1 : 1.59	1 : 0.12	1 : 0.20	Dorfman, 2004
Colquitt County	1 : 1.28	1 : 0.45	1 : 0.80	Dorfman, 2004
Dooly County	1 : 2.04	1 : 0.50	1 : 0.27	Dorfman, 2004
Grady County	1 : 1.72	1 : 0.10	1 : 0.38	Dorfman, 2003
Hall County	1 : 1.25	1 : 0.66	1 : 0.22	Dorfman, 2004
Jones County	1 : 1.23	1 : 0.65	1 : 0.35	Dorfman, 2004
Miller County	1 : 1.54	1 : 0.52	1 : 0.53	Dorfman, 2004
Mitchell County	1 : 1.39	1 : 0.46	1 : 0.60	Dorfman, 2004
Thomas County	1 : 1.64	1 : 0.38	1 : 0.67	Dorfman, 2003
Union County	1 : 1.13	1 : 0.43	1 : 0.72	Dorfman and Lavigno, 2006
<b>Idaho</b>				
Canyon County	1 : 1.08	1 : 0.79	1 : 0.54	Hartmans and Meyer, 1997
Cassia County	1 : 1.19	1 : 0.87	1 : 0.41	Hartmans and Meyer, 1997
<b>Kentucky</b>				
Campbell County	1 : 1.21	1 : 0.30	1 : 0.38	American Farmland Trust, 2005
Kenton County	1 : 1.19	1 : 0.19	1 : 0.51	American Farmland Trust, 2005
Lexington-Fayette County	1 : 1.64	1 : 0.22	1 : 0.93	American Farmland Trust, 1999
Oldham County	1 : 1.05	1 : 0.29	1 : 0.44	American Farmland Trust, 2003
Shelby County	1 : 1.21	1 : 0.24	1 : 0.41	American Farmland Trust, 2005
<b>Maine</b>				
Bethel	1 : 1.29	1 : 0.59	1 : 0.06	Good, 1994
<b>Maryland</b>				
Carroll County	1 : 1.15	1 : 0.48	1 : 0.45	Carroll County Dept. of Management & Budget, 1994
Cecil County	1 : 1.17	1 : 0.34	1 : 0.66	American Farmland Trust, 2001
Cecil County	1 : 1.12	1 : 0.28	1 : 0.37	Cecil County Office of Economic Development, 1994

## SUMMARY OF COST OF COMMUNITY SERVICES STUDIES, REVENUE-TO-EXPENDITURE RATIOS IN DOLLARS

Community	Residential including farm houses	Commercial & Industrial	Working & Open Land	Source
Frederick County	1 : 1.14	1 : 0.50	1 : 0.53	American Farmland Trust, 1997
Harford County	1 : 1.11	1 : 0.40	1 : 0.91	American Farmland Trust, 2003
Kent County	1 : 1.05	1 : 0.64	1 : 0.42	American Farmland Trust, 2002
Wicomico County	1 : 1.21	1 : 0.33	1 : 0.96	American Farmland Trust, 2001
<b>Massachusetts</b>				
Agawam	1 : 1.05	1 : 0.44	1 : 0.31	American Farmland Trust, 1992
Becket	1 : 1.02	1 : 0.83	1 : 0.72	Southern New England Forest Consortium, 1995
Deerfield	1 : 1.16	1 : 0.38	1 : 0.29	American Farmland Trust, 1992
Franklin	1 : 1.02	1 : 0.58	1 : 0.40	Southern New England Forest Consortium, 1995
Gill	1 : 1.15	1 : 0.43	1 : 0.38	American Farmland Trust, 1992
Leverett	1 : 1.15	1 : 0.29	1 : 0.25	Southern New England Forest Consortium, 1995
Middleboro	1 : 1.08	1 : 0.47	1 : 0.70	American Farmland Trust, 2001
Southborough	1 : 1.03	1 : 0.26	1 : 0.45	Adams and Hines, 1997
Westford	1 : 1.15	1 : 0.53	1 : 0.39	Southern New England Forest Consortium, 1995
Williamstown	1 : 1.11	1 : 0.34	1 : 0.40	Hazler et al., 1992
<b>Michigan</b>				
Marshall Twp., Calhoun County	1 : 1.47	1 : 0.20	1 : 0.27	American Farmland Trust, 2001
Newton Twp., Calhoun County	1 : 1.20	1 : 0.25	1 : 0.24	American Farmland Trust, 2001
Scio Twp., Washtenaw County	1 : 1.40	1 : 0.28	1 : 0.62	University of Michigan, 1994
<b>Minnesota</b>				
Farmington	1 : 1.02	1 : 0.79	1 : 0.77	American Farmland Trust, 1994
Lake Elmo	1 : 1.07	1 : 0.20	1 : 0.27	American Farmland Trust, 1994
Independence	1 : 1.03	1 : 0.19	1 : 0.47	American Farmland Trust, 1994
<b>Montana</b>				
Carbon County	1 : 1.60	1 : 0.21	1 : 0.34	Prinzing, 1997
Gallatin County	1 : 1.45	1 : 0.16	1 : 0.25	Haggerty, 1996
Flathead County	1 : 1.23	1 : 0.26	1 : 0.34	Citizens for a Better Flathead, 1999
<b>New Hampshire</b>				
Deerfield	1 : 1.15	1 : 0.22	1 : 0.35	Auger, 1994
Dover	1 : 1.15	1 : 0.63	1 : 0.94	Kingsley, et al., 1993
Exeter	1 : 1.07	1 : 0.40	1 : 0.82	Niebling, 1997
Fremont	1 : 1.04	1 : 0.94	1 : 0.36	Auger, 1994
Groton	1 : 1.01	1 : 0.12	1 : 0.88	New Hampshire Wildlife Federation, 2001
Stratham	1 : 1.15	1 : 0.19	1 : 0.40	Auger, 1994
Lyme	1 : 1.05	1 : 0.28	1 : 0.23	Pickard, 2000
<b>New Jersey</b>				
Freehold Township	1 : 1.51	1 : 0.17	1 : 0.33	American Farmland Trust, 1998
Holmdel Township	1 : 1.38	1 : 0.21	1 : 0.66	American Farmland Trust, 1998
Middletown Township	1 : 1.14	1 : 0.34	1 : 0.36	American Farmland Trust, 1998
Upper Freehold Township	1 : 1.18	1 : 0.20	1 : 0.35	American Farmland Trust, 1998
Wall Township	1 : 1.28	1 : 0.30	1 : 0.54	American Farmland Trust, 1998

## SUMMARY OF COST OF COMMUNITY SERVICES STUDIES, REVENUE-TO-EXPENDITURE RATIOS IN DOLLARS

Community	Residential including farm houses	Commercial & Industrial	Working & Open Land	Source
<b>New York</b>				
Amenia	1 : 1.23	1 : 0.25	1 : 0.17	Bucknall, 1989
Beekman	1 : 1.12	1 : 0.18	1 : 0.48	American Farmland Trust, 1989
Dix	1 : 1.51	1 : 0.27	1 : 0.31	Schuyler County League of Women Voters, 1993
Farmington	1 : 1.22	1 : 0.27	1 : 0.72	Kinsman et al., 1991
Fishkill	1 : 1.23	1 : 0.31	1 : 0.74	Bucknall, 1989
Hector	1 : 1.30	1 : 0.15	1 : 0.28	Schuyler County League of Women Voters, 1993
Kinderhook	1 : 1.05	1 : 0.21	1 : 0.17	Concerned Citizens of Kinderhook, 1996
Montour	1 : 1.50	1 : 0.28	1 : 0.29	Schuyler County League of Women Voters, 1992
Northeast	1 : 1.36	1 : 0.29	1 : 0.21	American Farmland Trust, 1989
Reading	1 : 1.88	1 : 0.26	1 : 0.32	Schuyler County League of Women Voters, 1992
Red Hook	1 : 1.11	1 : 0.20	1 : 0.22	Bucknall, 1989
<b>North Carolina</b>				
Alamance County	1 : 1.46	1 : 0.23	1 : 0.59	Renkow, 2006
Chatham County	1 : 1.14	1 : 0.33	1 : 0.58	Renkow, 2007
Orange County	1 : 1.31	1 : 0.24	1 : 0.72	Renkow, 2006
Union County	1 : 1.30	1 : 0.41	1 : 0.24	Dorfman, 2004
Wake County	1 : 1.54	1 : 0.18	1 : 0.49	Renkow, 2001
<b>Ohio</b>				
Butler County	1 : 1.12	1 : 0.45	1 : 0.49	American Farmland Trust, 2003
Clark County	1 : 1.11	1 : 0.38	1 : 0.30	American Farmland Trust, 2003
Knox County	1 : 1.05	1 : 0.38	1 : 0.29	American Farmland Trust, 2003
Madison Village, Lake County	1 : 1.67	1 : 0.20	1 : 0.38	American Farmland Trust, 1993
Madison Twp., Lake County	1 : 1.40	1 : 0.25	1 : 0.30	American Farmland Trust, 1993
Shalersville Township	1 : 1.58	1 : 0.17	1 : 0.31	Portage County Regional Planning Commission, 1997
<b>Pennsylvania</b>				
Allegheny Twp., Westmoreland County	1 : 1.06	1 : 0.14	1 : 0.13	Kelsey, 1997
Bedminster Twp., Bucks County	1 : 1.12	1 : 0.05	1 : 0.04	Kelsey, 1997
Bethel Twp., Lebanon County	1 : 1.08	1 : 0.17	1 : 0.06	Kelsey, 1992
Bingham Twp., Potter County	1 : 1.56	1 : 0.16	1 : 0.15	Kelsey, 1994
Buckingham Twp., Bucks County	1 : 1.04	1 : 0.15	1 : 0.08	Kelsey, 1996
Carroll Twp., Perry County	1 : 1.03	1 : 0.06	1 : 0.02	Kelsey, 1992
Hopewell Twp., York County	1 : 1.27	1 : 0.32	1 : 0.59	The South Central Assembly for Effective Governance, 2002
Maiden Creek Twp., Berks County	1 : 1.28	1 : 0.11	1 : 0.06	Kelsey, 1998
Richmond Twp., Berks County	1 : 1.24	1 : 0.09	1 : 0.04	Kelsey, 1998
Shrewsbury Twp., York County	1 : 1.22	1 : 0.15	1 : 0.17	The South Central Assembly for Effective Governance, 2002
Stewardson Twp., Potter County	1 : 2.11	1 : 0.23	1 : 0.31	Kelsey, 1994
Straban Twp., Adams County	1 : 1.10	1 : 0.16	1 : 0.06	Kelsey, 1992
Sweden Twp., Potter County	1 : 1.38	1 : 0.07	1 : 0.08	Kelsey, 1994
<b>Rhode Island</b>				
Hopkinton	1 : 1.08	1 : 0.31	1 : 0.31	Southern New England Forest Consortium, 1995
Little Compton	1 : 1.05	1 : 0.56	1 : 0.37	Southern New England Forest Consortium, 1995
West Greenwich	1 : 1.46	1 : 0.40	1 : 0.46	Southern New England Forest Consortium, 1995

## SUMMARY OF COST OF COMMUNITY SERVICES STUDIES, REVENUE-TO-EXPENDITURE RATIOS IN DOLLARS

Community	Residential including farm houses	Commercial & Industrial	Working & Open Land	Source
<b>Tennessee</b>				
Blount County	1 : 1.23	1 : 0.25	1 : 0.41	American Farmland Trust, 2006
Robertson County	1 : 1.13	1 : 0.22	1 : 0.26	American Farmland Trust, 2006
Tipton County	1 : 1.07	1 : 0.32	1 : 0.57	American Farmland Trust, 2006
<b>Texas</b>				
Bandera County	1 : 1.10	1 : 0.26	1 : 0.26	American Farmland Trust, 2002
Bexar County	1 : 1.15	1 : 0.20	1 : 0.18	American Farmland Trust, 2004
Hays County	1 : 1.26	1 : 0.30	1 : 0.33	American Farmland Trust, 2000
<b>Utah</b>				
Cache County	1 : 1.27	1 : 0.25	1 : 0.57	Snyder and Ferguson, 1994
Sevier County	1 : 1.11	1 : 0.31	1 : 0.99	Snyder and Ferguson, 1994
Utah County	1 : 1.23	1 : 0.26	1 : 0.82	Snyder and Ferguson, 1994
<b>Virginia</b>				
Augusta County	1 : 1.22	1 : 0.20	1 : 0.80	Valley Conservation Council, 1997
Bedford County	1 : 1.07	1 : 0.40	1 : 0.25	American Farmland Trust, 2005
Clarke County	1 : 1.26	1 : 0.21	1 : 0.15	Piedmont Environmental Council, 1994
Culpepper County	1 : 1.22	1 : 0.41	1 : 0.32	American Farmland Trust, 2003
Frederick County	1 : 1.19	1 : 0.23	1 : 0.33	American Farmland Trust, 2003
Northampton County	1 : 1.13	1 : 0.97	1 : 0.23	American Farmland Trust, 1999
<b>Washington</b>				
Okanogan County	1 : 1.06	1 : 0.59	1 : 0.56	American Farmland Trust, 2007
Skagit County	1 : 1.25	1 : 0.30	1 : 0.51	American Farmland Trust, 1999
<b>Wisconsin</b>				
Dunn	1 : 1.06	1 : 0.29	1 : 0.18	Town of Dunn, 1994
Dunn	1 : 1.02	1 : 0.55	1 : 0.15	Wisconsin Land Use Research Program, 1999
Perry	1 : 1.20	1 : 1.04	1 : 0.41	Wisconsin Land Use Research Program, 1999
Westport	1 : 1.11	1 : 0.31	1 : 0.13	Wisconsin Land Use Research Program, 1999

**Note:** Some studies break out land uses into more than three distinct categories. For these studies, AFT requested data from the researcher and recalculated the final ratios for the land use categories listed in this table. The Okanogan County, Wash., study is unique in that it analyzed the fiscal contribution of tax-exempt state, federal and tribal lands.

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**New York State**  
**Department of Agriculture and Markets**  
**10B Airline Drive**  
**Albany, New York 12235**  
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**CIRCULAR 1150**

**ARTICLE 25AA -- AGRICULTURAL DISTRICTS**

**AGRICULTURE AND MARKETS LAW**  
**(AS AMENDED THROUGH January 1, 2009)**  
**AGRICULTURAL DISTRICTS LAW**

## Summary of **1999 Amendments** to the Agricultural Districts Law

### Section Amended:§301(4)(e) and §301(9)(e)

Description: Provides that land set aside through participation in a federal conservation program, regardless of the income derived from the land, shall be eligible for an agricultural assessment.

Effective Date: 9/7/99

### Section Amended:§301(9)(e)

Description: Adds a new paragraph (e) to allow payments received for land set aside under a federal conservation reserve program to be included in calculating the average gross sales value of products produced in determining whether land used as a single farm operation qualifies as "land used in agricultural production."

Effective Date: 9/7/99

### Section Amended:§303-a(4)

Description: Renumbers subdivision (4) to subdivision (5)

Effective Date: 7/20/99

### Section Amended:§303-a(4)

Description: Adds a new subdivision (4) that states that if the county legislative body does not review a district upon its anniversary date, the agricultural district remains as originally constituted or until such time that the agricultural district is modified or terminated.

Effective Date: 7/20/99

### Section Amended:§305(7)

Description: Provides that the real property tax exemption for agricultural land which is used solely for the purpose of replanting or crop expansion as part of an orchard or vineyard may be greater than 20% of the total acreage of such orchard or vineyard when such orchard or vineyard is located within an area declared by the Governor to be a disaster emergency.

Effective Date: 9/7/99 and shall apply to assessment rolls prepared on the basis of taxable status dates occurring on or after 9/7/99.

### Section Amended:§308(3)

Description: Renumbers subdivision (3), which was added by Chapter 362 of the Laws of 1998, to subdivision (4)

Effective Date: 4/6/99

### Section Repealed: §309(8) & (9)

Description: Repeals the two subdivisions

Effective Date: 7/20/99

### Section Amended:§309(10)

Description: Renumbers subdivision (10) to subdivision (8)

Effective Date: 7/20/99

### Section Amended §310(1)

Description: Adds language to the agricultural district disclosure statement to notify a prospective buyer of land within an agricultural district that under certain circumstances, the availability of water and sewer services may be limited.

Effective Date: 7/1/00

#### Summary of **2000 Amendments** to the Agricultural Districts Law

Section Amended: §305(1)(d)(v) and §306(2)(b)(iii)

Description: Revises reporting requirement of assessors to the State Board of Real Property Services when land receiving an agricultural assessment is converted to non-agricultural uses.

Effective Date: 7/11/00

Section Amended: §308(1)(b)

Description: Requires the Commissioner to give consideration to a practice conducted under the Agricultural Environmental Management (AEM) Program when making a sound agricultural practice determination.

Effective Date: 11/8/00

#### Summary of **2001 Amendments** to the Agricultural Districts Law

Section Amended: §301(11)

Description: Includes manure processing and handling facilities as part of a “farm operation” for purposes of administering the Agricultural Districts Law.

Effective Date: 10/23/01

Section Amended: §301(11)

Description: Includes “commercial horse boarding operations” as part of a “farm operation” for purposes of administering the Agricultural Districts Law.

Effective Date: 10/31/01

#### Summary of **2002 Amendments** to the Agricultural Districts Law

Section Amended: §301(4)

Description: Eliminates county legislative body approval for the designation of eligible horse boarding operations as land used in agricultural production.

Effective Date: 1/30/03

Sections Amended: §301(4), §301(4)(b), and §301(4)(f)

Description: Reduces the number of acres needed to qualify for agricultural real property assessment from ten acres to 7 or more acres as long as the value of crops produced exceeds \$10,000 on average in the preceding two years. The size of rented land eligible for an agricultural assessment is reduced from 10 acres to 7 acres as long as the smaller parcel yields at least \$10,000 in average annual gross sales independently or in conjunction with land owned by the farmer renting the parcel. The amendment also reduces the number of acres needed to qualify as land used in agricultural production from not less than ten acres to seven or more acres and average gross sales of \$10,000 or



more in the preceding two years or less than seven acres and average gross sales \$50,000 or more in the preceding two years.

Effective Date: 1/1/03

Section Added: §301(9)(f)  
 Description: Allows payments received by thoroughbred breeders pursuant to Section 247 of the racing pari-mutuel wagering and breeding law to be included in the definition of "gross sales value" for agricultural assessment purposes.

Effective Date: 9/17/02

Section Amended: §301(11)  
 Description: Amends the definition of farm operation to indicate that such operation may consist of one or more parcels of owned or rented land and such parcels may or may not be contiguous to each other.

Effective Date: 1/1/03

Section Amended: §301(13)  
 Description: Reduces the minimum acreage required for a commercial horse boarding operation from ten to seven acres.

Effective Date: 1/1/03

Sections Amended: §303(2)(a)(1), §303(4), §303(5)(a) and (b), §303(6)(a) and (b), §303(7) and §303(8)  
 Description: Amends various sections of the law to allow a landowner to include viable agricultural land within a certified agricultural district prior to its eight, twelve or twenty year review period.

Effective Date: 12/20/02

#### Summary of **2003 Amendments** to the Agricultural Districts Law

Section Added: §301(4)(h)  
 Description: Adds a new paragraph (h) to allow first year farmers to receive an agricultural assessment if they meet the gross sales value requirements during their first year of operation.

Effective Date: 9/9/03

Sections Amended: §301(5), §305(1)(d)(iv), and §306(2)(c)  
 Description: Amends various sections of the law so that conversion penalties are not assessed on farmland that is being used in agricultural production and receives an agricultural assessment when such land is converted to wind energy generation facilities.

Effective Date: 9/22/03

Sections Amended: §303-b, §303(2)(a)(1) and §303(4)

Description: Adds a new section 303-b to establish an annual 30-day period during which a farmer can submit proposals to include viable land within a certified agricultural district.

Effective Date: 9/17/03

Sections Amended: §303(5)(b), §303(6)(b) and §303(8)

Description: Repeals various sections of the law to conform with the provisions of a new section 303-b.

Effective Date: 9/17/03

#### Summary of **2004 Amendment** to the Agricultural Districts Law

Section Amended: §301(4)(h)

Description: Amends paragraph (h) to allow a farm operation to receive an agricultural assessment if it meets the acreage and gross sales value requirements during its first or second year of agricultural production.

Effective Date: 2/24/04

Section Amended: §301(4)(i)

Description: Adds a new paragraph (i) to allow start-up farm operations that plant orchard or vineyard crops to immediately become eligible to receive an agricultural assessment in its first, second, third or fourth year of production.

Effective Date: 1/1/05

#### Summary of **2005 Amendments** to the Agricultural Districts Law

Section Amended: §301(2)(e)

Description: Amends paragraph (e) by adding wool bearing animals, such as alpacas and llamas, to the definition of "livestock and livestock products."

Effective Date: 7/12/05

Section Amended: §301(4)(h) and §301(13)

Description: Amends paragraph (h) to allow a "commercial horse boarding operation" to receive an agricultural assessment if it meets the acreage and gross sales value requirements during its first or second year of agricultural production. The definition of "commercial horse boarding operation" is amended by stating that such operations may qualify as a "farm operation" in its first or second year of operation if it meets the acreage and number of horse requirements.

Effective Date: 8/23/05

Section Amended: §301(11) and §301(14)

Description: Includes "timber processing" as part of a "farm operation" for purposes of administering the Agricultural Districts Law and adds a new section by defining the term "timber processing."

Effective Date: 8/23/05

Section Amended:§305-b

Description: Adds a new section that authorizes the Commissioner to review and comment upon the proposed rules and regulations of other State agencies which may have an adverse impact on agriculture and farming operations in the State.

Effective Date: 10/4/05 (Shall apply to proposed rules and regulations publicly noticed 60 or more days following the effective date.)

Summary of **2006 Amendments** to the Agricultural Districts Law

Section Amended:§301(4)

Description: Adds a new section (j) to allow newly planted Christmas tree farms to be eligible for agricultural assessment in their first through fifth years of agricultural production.

Effective Date: 1/1/07 and applies to assessment rolls prepared on the basis of taxable status dates occurring on or after such date.

Section Amended:§§301 and 308(1)

Description: Adds a new subdivision (15) to §301 to define “agricultural tourism” and amends §308(1) to add “agricultural tourism” to the list of examples of activities which entail practices the Commissioner may consider for sound agricultural practice opinions.

Effective Date: 8/16/06

Section Amended:§305(1)(a)

Description: Amends paragraph (1)(a) to allow filing of an application after taxable status date where failure to timely file resulted from a death of applicant’s spouse, child, parent, brother or sister or illness of the applicant or applicant’s spouse, child, parent, brother or sister which prevents timely filing, as certified by a licensed physician.

Effective Date: 9/13/06 and applies to assessment rolls prepared on the basis of a taxable status date occurring on or after such date.

Section Amended:§305(7)

Description: Amends paragraph (7) to extend the 100% exemption for newly planted orchards and vineyards from 4 to 6 years.

Effective Date: 9/13/06 and applies to assessment rolls prepared on the basis of a taxable status date occurring on or after 1/1/06.

Section Amended:§310(1), §308(5)

Description: Amends AML §§310(1), 308(5) and RPL §333-c(1) relative to the disclosure notice required for prospective purchasers of property within an agricultural district.

Effective Date: 7/26/06

Summary of **2007 Amendments** to the Agricultural Districts Law

Section Amended: §§303, 303-a & 304-b, repeals §303-a(2)(b) and (c)

Description: Amends AML §§303, 303-a and 304-b concerning the review of agricultural districts and the reporting of agricultural district data and repeals certain provisions of such law relating thereto.

Effective Date: 7/3/07

Section Amended: §304-a

Description: Amends AML §304-a to limit an increase in the base agricultural assessment values for any given year to 10 percent or less of the assessment value of the preceding year.

Effective Date: 6/4/07

Section Amended: §305(1)(a)

Description: Amends AML §305(1)(a) in relation to authorizing the filing of an application for an agricultural assessment after the taxable status date in the event of a natural disaster or destruction of farm structures.

Effective Date: 8/15/07

#### Summary of **2008 Amendments** to the Agricultural Districts Law

Section Amended: §§301(2)(j), 301(4)(k) and 301(16)

Description: Adds a new paragraph (j) to §301(2) to add “apiary products” to the definition of “crops, livestock and livestock products,” adds a new paragraph (k) to §301(4) to independently qualify apiaries for an agricultural assessment and adds a new subdivision (16) to define “apiary products operation.”

Effective Date: 7/21/08 and applies to assessment rolls prepared on the basis of a taxable status date occurring on or after 7/21/08 .

Section Amended: §§301(11) and 308(1)(b)

Description: Amends subdivision (11) of §301 to add the “production, management and harvesting of ‘farm woodland’” to the definition of “farm operation” and amends §308(1)(b) to add the “production, management and harvesting of ‘farm woodland’” to the list of examples of activities which entail practices the Commissioner may consider for sound agricultural practice opinions.

Effective Date: 9/4/08

Section Amended: §§301(9), 301(11), and 301(16)

Description: Adds a new paragraph (g) to §301(9) to allow up to \$5,000 from the sale of “compost, mulch or other organic biomass crops” to help meet the eligibility requirements for an agricultural assessment; amends subdivision (11) of §301 to add “compost, mulch or other biomass crops” to the definition of “farm operation” and adds a new subdivision (16) to define “compost, mulch or other organic biomass crops.”

Effective Date: 9/4/08

## **ARTICLE 25AA - AGRICULTURAL DISTRICTS**

Sec.

- 300. Declaration of legislative findings and intent.
- 301. Definitions.
- 302. County agricultural and farmland protection board.
- 303. Agricultural districts; creation.
- 303-a. Agricultural districts; review.
- 303-b. Agricultural districts; inclusion of viable agricultural land.
- 304. Unique and irreplaceable agricultural land; creation of districts.
- 304-a. Agricultural assessment values.
- 304-b. Agricultural district data collection.
- 305. Agricultural districts; effects.
- 305-a. Coordination of local planning and land use decision-making with the agricultural districts program.
- 305-b. Review of proposed rules and regulations of state agencies affecting the agricultural industry.
- 306. Agricultural lands outside of districts; agricultural assessments.
- 307. Promulgation of rules and regulations.
- 308. Right to farm.
- 308-a. Fees and expenses in certain private nuisance actions.
- 309. Advisory council on agriculture.
- 310. Disclosure.

### **300. Declaration of legislative findings and intent**

It is hereby found and declared that many of the agricultural lands in New York state are in jeopardy of being lost for any agricultural purposes. When nonagricultural development extends into farm areas, competition for limited land resources results. Ordinances inhibiting farming tend to follow, farm taxes rise, and hopes for speculative gains discourage investments in farm improvements, often leading to the idling or conversion of potentially productive agricultural land.

The socio-economic vitality of agriculture in this state is essential to the economic stability and growth of many local communities and the state as a whole. It is, therefore, the declared policy of the state to conserve, protect and encourage the development and improvement of its agricultural land for production of food and other agricultural products. It is also the declared policy of the state to conserve and protect agricultural lands as valued natural and ecological resources which provide needed open spaces for clean air sheds, as well as for aesthetic purposes.

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

### 301. Definitions

When used in this article:

1. "Agricultural assessment value" means the value per acre assigned to land for assessment purposes determined pursuant to the capitalized value of production procedure prescribed by section three hundred four-a of this article.
2. "Crops, livestock and livestock products" shall include but not be limited to the following:
  - a. Field crops, including corn, wheat, oats, rye, barley, hay, potatoes and dry beans.
  - b. Fruits, including apples, peaches, grapes, cherries and berries.
  - c. Vegetables, including tomatoes, snap beans, cabbage, carrots, beets and onions.
  - d. Horticultural specialties, including nursery stock, ornamental shrubs, ornamental trees and flowers.
  - e. Livestock and livestock products, including cattle, sheep, hogs, goats, horses, poultry, ratites, such as ostriches, emus, rheas and kiwis, farmed deer, farmed buffalo, fur bearing animals, wool bearing animals, such as alpacas and llamas, milk, eggs and furs.
  - f. Maple sap.
  - g. Christmas trees derived from a managed Christmas tree operation whether dug for transplanting or cut from the stump.
  - h. Aquaculture products, including fish, fish products, water plants and shellfish.
  - i. Woody biomass, which means short rotation woody crops raised for bioenergy, and shall not include farm woodland.
  - j. Apiary products, including honey, beeswax, royal jelly, bee pollen, propolis, package bees, nucs and queens. For the purposes of this paragraph, "nucs" shall mean small honey bee colonies created from larger colonies including the nuc box, which is a smaller version of a beehive, designed to hold up to five frames from an existing colony.
3. "Farm woodland" means land used for the production for sale of woodland products, including but not limited to logs, lumber, posts and firewood. Farm woodland shall not include land used to produce Christmas trees or land used for the processing or retail merchandising of woodland products.
4. "Land used in agricultural production" means not less than seven acres of land used as a single operation in the preceding two years for the production for sale of crops, livestock or livestock products of an average gross sales value of ten thousand dollars or more; or, not less than seven acres of land used in the preceding two years to support a commercial horse boarding operation with annual gross receipts of ten thousand dollars or more. Land used in agricultural production shall not include land or portions thereof used for processing or retail merchandising of such crops, livestock or livestock products. Land used in agricultural production shall also include:
  - a. Rented land which otherwise satisfies the requirements for eligibility for an agricultural assessment.
  - b. Land of not less than seven acres used as a single operation for the production for sale of crops, livestock or livestock products, exclusive of woodland products, which does not independently satisfy the gross sales value requirement, where such land was used in such production for the preceding two years and currently is being so used under a written rental arrangement of five or more years in conjunction with land which is eligible for an agricultural assessment.
  - c. Land used in support of a farm operation or land used in agricultural production, constituting a portion of a parcel, as identified on the assessment roll, which also contains land qualified for an agricultural assessment.

- d. Farm woodland which is part of land which is qualified for an agricultural assessment, provided, however, that such farm woodland attributable to any separately described and assessed parcel shall not exceed fifty acres.
- e. Land set aside through participation in a federal conservation program pursuant to title one of the federal food security act of nineteen hundred eighty-five or any subsequent federal programs established for the purposes of replenishing highly erodible land which has been depleted by continuous tilling or reducing national surpluses of agricultural commodities and such land shall qualify for agricultural assessment upon application made pursuant to paragraph a of subdivision one of section three hundred five of this article, except that no minimum gross sales value shall be required.
- f. Land of not less than seven acres used as a single operation in the preceding two years for the production for sale of crops, livestock or livestock products of an average gross sales value of ten thousand dollars or more, or land of less than seven acres used as a single operation in the preceding two years for the production for sale of crops, livestock or livestock products of an average gross sales value of fifty thousand dollars or more.
- g. Land under a structure within which crops, livestock or livestock products are produced, provided that the sales of such crops, livestock or livestock products meet the gross sales requirements of paragraph f of this subdivision.
- h. Land that is owned or rented by a farm operation in its first or second year of agricultural production, or, in the case of a commercial horse boarding operation in its first or second year of operation, that consists of (1) not less than seven acres used as a single operation for the production for sale of crops, livestock or livestock products of an annual gross sales value of ten thousand dollars or more; or (2) less than seven acres used as a single operation for the production for sale of crops, livestock or livestock products of an annual gross sales value of fifty thousand dollars or more; or (3) land situated under a structure within which crops, livestock or livestock products are produced, provided that such crops, livestock or livestock products have an annual gross sales value of (i) ten thousand dollars or more, if the farm operation uses seven or more acres in agricultural production, or (ii) fifty thousand dollars or more, if the farm operation uses less than seven acres in agricultural production; or (4) not less than seven acres used as a single operation to support a commercial horse boarding operation with annual gross receipts of ten thousand dollars or more.
- i. Land of not less than seven acres used as a single operation for the production for sale of orchard or vineyard crops when such land is used solely for the purpose of planting a new orchard or vineyard and when such land is also owned or rented by a newly established farm operation in its first, second, third or fourth year of agricultural production.
- j. Land of not less than seven acres used as a single operation for the production and sale of Christmas trees when such land is used solely for the purpose of planting Christmas trees that will be made available for sale, whether dug for transplanting or cut from the stump and when such land is owned or rented by a newly established farm operation in its first, second, third, fourth or fifth year of agricultural production.
- k. Land used to support an apiary products operation which is owned by the operation and consists of (i) not less than seven acres nor more than ten acres used as a single operation in the preceding two years for the production for sale of crops, livestock or livestock products of an average gross sales value of ten thousand dollars or more or (ii) less than seven acres used as a single operation in

the preceding two years for the production for sale of crops, livestock or livestock products of an average gross sales value of fifty thousand dollars or more. The land used to support an apiary products operation shall include, but not be limited to, the land under a structure within which apiary products are produced, harvested and stored for sale; and a buffer area maintained by the operation between the operation and adjacent landowners. Notwithstanding any other provision of this subdivision, rented land associated with an apiary products operation is not eligible for an agricultural assessment based on this paragraph.

5. "Oil , gas or wind exploration, development or extraction activities" means the installation and use of fixtures and equipment which are necessary for the exploration, development or extraction of oil, natural gas or wind energy, including access roads, drilling apparatus, pumping facilities, pipelines, and wind turbines.
6. "Unique and irreplaceable agricultural land" means land which is uniquely suited for the production of high value crops, including, but not limited to fruits, vegetables and horticultural specialties.
7. "Viable agricultural land" means land highly suitable for agricultural production and which will continue to be economically feasible for such use if real property taxes, farm use restrictions, and speculative activities are limited to levels approximating those in commercial agricultural areas not influenced by the proximity of non-agricultural development.
8. "Conversion" means an outward or affirmative act changing the use of agricultural land and shall not mean the nonuse or idling of such land.
9. "Gross sales value" means the proceeds from the sale of:
  - a. Crops, livestock and livestock products produced on land used in agricultural production provided, however, that whenever a crop is processed before sale, the proceeds shall be based upon the market value of such crop in its unprocessed state;
  - b. Woodland products from farm woodland eligible to receive an agricultural assessment, not to exceed two thousand dollars annually;
  - c. Honey and beeswax produced by bees in hives located on an otherwise qualified farm operation but which does not independently satisfy the gross sales requirement; and
  - d. Maple syrup processed from maple sap produced on land used in agricultural production in conjunction with the same or an otherwise qualified farm operation.
  - e. Or payments received by reason of land set aside pursuant to paragraph e of subdivision four of this section.
  - f. Or payments received by thoroughbred breeders pursuant to section two hundred forty-seven of the racing, pari-mutuel wagering and breeding law.
  - g. Compost, mulch or other organic biomass crops as defined in subdivision sixteen of this section produced on land used in agricultural production, not to exceed five thousand dollars annually.
11. "Farm operation" means 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 and "timber processing" as defined in subdivision fourteen of this section and "compost, mulch or other biomass crops" as defined in subdivision sixteen of this section. For the purposes of this section, such farm operation shall also include the production, management and harvesting of "farm woodland", as defined in subdivision



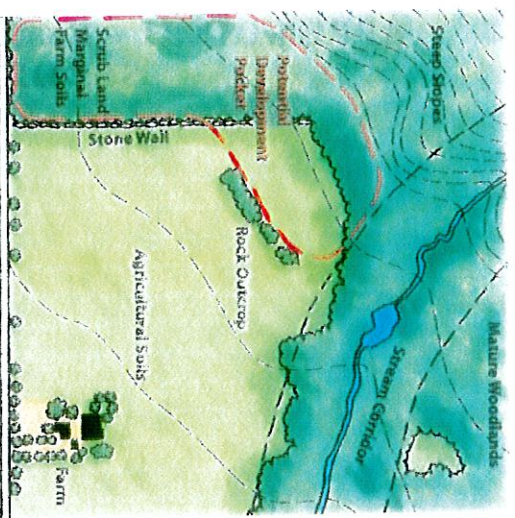
- three of this section. Such farm operation may consist of one or more parcels of owned or rented land, which parcels may be contiguous or noncontiguous to each other.<sup>1</sup>
12. "Agricultural data statement" means an identification of farm operations within an agricultural district located within 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-a of this article.
  13. "Commercial horse boarding operation" means an agricultural enterprise, consisting of at least seven acres and boarding at least ten horses, regardless of ownership, that receives ten thousand dollars or more in gross receipts annually from fees generated either through the boarding of horses or through the production for sale of crops, livestock, and livestock products, or through both such boarding and such production. Under no circumstances shall this subdivision be construed to include operations whose primary on site function is horse racing. Notwithstanding any other provision of this subdivision, a commercial horse boarding operation that is proposed or in its first or second year of operation may qualify as a farm operation if it is an agricultural enterprise, consisting of at least seven acres, and boarding at least ten horses, regardless of ownership, by the end of the first year of operation.
  14. "Timber processing" means the on-farm processing of timber grown on a farm operation into woodland products, including but not limited to logs, lumber, posts and firewood, through the use of a readily moveable, nonpermanent saw mill, provided that such farm operation consists of at least seven acres and produces for sale crops, livestock or livestock products of an annual gross sales value of ten thousand dollars or more and that the annual gross sales value of such processed woodland products does not exceed the annual gross sales value of such crops, livestock or livestock products.
  15. "Agricultural tourism" means activities conducted by a farmer on-farm for the enjoyment 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.
  16. "Apiary products operation" means 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.
  16. "Compost, mulch or other organic biomass crops" means the on-farm processing, mixing, handling or marketing of organic matter that is grown or produced by such farm operation to rid such farm operation of its excess agricultural waste; and the on-farm processing, mixing or handling of off-farm generated organic matter that is transported to such farm operation and is necessary to facilitate the composting of such farm operation's agricultural waste. This shall also include the on-farm processing, mixing or handling of off-farm generated organic matter for use only on that farm operation. Such organic matter shall include, but not be limited to, manure, hay, leaves, yard waste, silage, organic farm waste, vegetation, wood biomass or by-products of agricultural products that have been processed on such farm operation. The resulting products shall be converted into compost, mulch or other organic biomass crops that can be used as fertilizers, soil enhancers or supplements, or bedding materials. For purposes of this section, "compost" shall be processed by the aerobic, thermophilic decomposition of solid organic constituents of solid waste to produce a stable, humus-like material.

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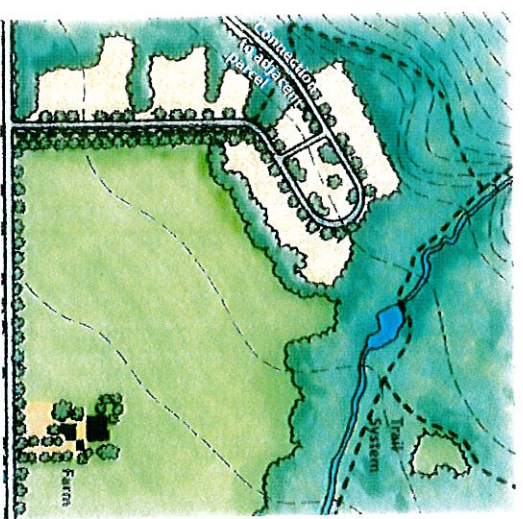
<sup>1</sup> The definition of "farm operation" was separately amended by Chapters 374 and 388 of the Laws of 2001 to add "manure processing and handling facilities" (Chapter 374) and "commercial horse boarding operations" (Chapter 388) and in 2005, "timber processing" (Chapter 573).

## **APPENDIX H – EXAMPLES OF CONSERVATION SUBDIVISIONS LAWS**

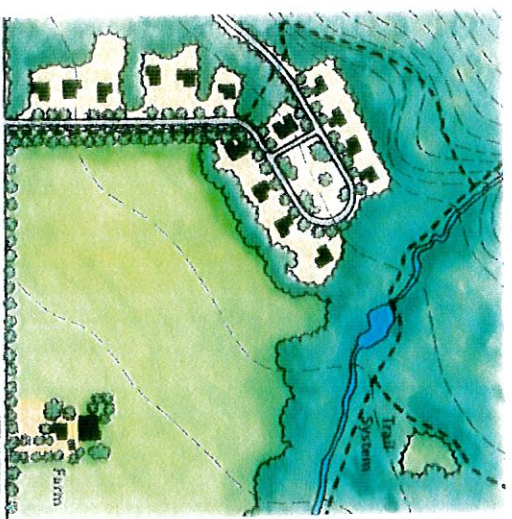
# Conservation Subdivision Design -- Four Step Process



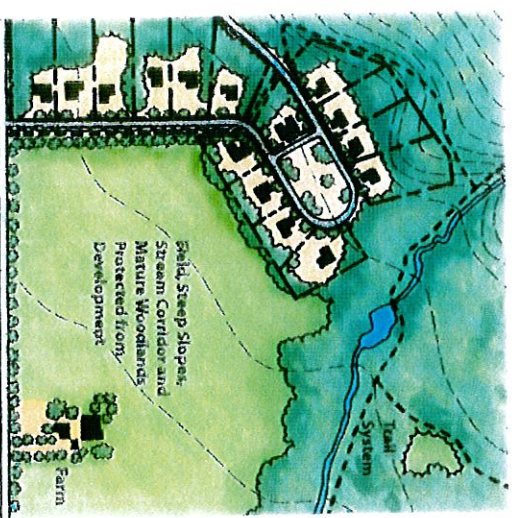
Step 1: Identify primary and secondary conservation areas



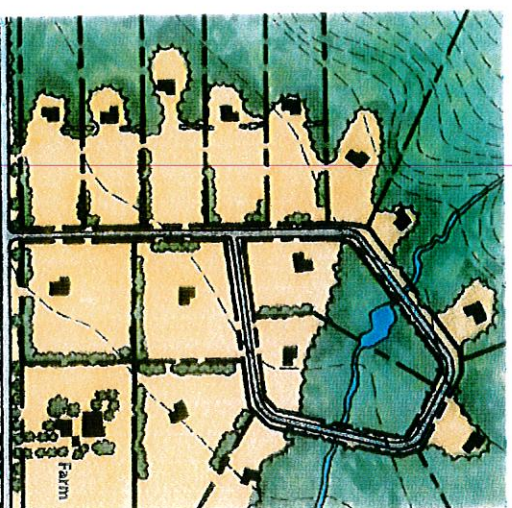
Step 2: Locate streets and trails



Step 3: Locate house sites



Step 4: Draw in lot lines



Yield Plan

## § 164-41.1 Cluster Subdivision

**A. Purposes.** A subdivision is considered a cluster subdivision when lots and dwelling units are clustered closer together than otherwise possible in a conventional subdivision and where open space is created on the remainder of the property without increasing density for the tract as a whole. Cluster subdivisions are authorized under § 278 of New York State Town Law, are also referred to as conservation subdivisions or open space subdivisions, and are encouraged herein. In conformance with the Town's *Comprehensive Plan*, the purposes of cluster subdivision are as follows:

- (1) To provide greater economy, efficiency and convenience in the siting of services and infrastructure, including the opportunity to reduce road lengths, utility runs, and the amount of paving required;
- (2) To conserve important open lands, including those areas containing unique and sensitive natural features such as steep slopes, floodplains, stream corridors, and wetlands by permanently setting them aside from development;
- (3) To protect areas of the Town with productive agricultural soils for continued or future agricultural use, by conserving blocks of land large enough to allow for efficient farm operations;
- (4) To provide multiple options for landowners to minimize impacts on environmental resources and natural or cultural features such as mature woodlands, hedgerows and tree lines, critical wildlife habitats, historic buildings and sites, and fieldstone walls;
- (5) To create neighborhoods with direct visual access to open land, with amenities in the form of neighborhood open space, with a strong neighborhood identity;
- (6) To provide for a balanced range of lot sizes, building densities, and housing choices to accommodate a variety of age and income groups and residential preferences, so that Warwick's population diversity may be maintained;
- (7) To provide a reasonable setback for new development adjacent to lands in active farming due to potential incompatibility with non-farm uses;
- (8) To implement policies to conserve a variety of irreplaceable and environmentally sensitive resource lands as set forth in the Town's *Comprehensive Plan*, including provisions to create a greenway trail system and other areas for active or passive recreational use for the benefit of present and future residents;
- (9) To conserve scenic views and elements of the Town's rural character, and to minimize perceived density, by limiting views of new development from existing roads; and
- (10) To promote development in harmony with the goals and objectives of the Town's *Comprehensive Plan*.
- (11) To mitigate identified environmental impacts under the State Environmental Quality Review Act (SEQR).

**B. Authorization.** Authorization is hereby granted to the Planning Board to modify applicable provisions of this Zoning Law as to lot size, lot width, depth, yard, and other applicable requirements of the Zoning Law, Subdivision Regulations and Street Specifications (in consultation with the Commissioner of Public Works), as well as type of residential use, subject to the purposes, standards and procedures contained herein, so as to accommodate cluster subdivisions. The Planning Board may require cluster subdivision where it finds any one (1) of the following elements present, as determined through review

of an *Existing Resources Map and Site Analysis Plan* as described herein, justifying conservation of natural, cultural or historic resources, scenic features, or preservation of neighborhood character.

- (1) Slopes: slopes of fifteen (15) percent or greater on twenty-five (25) percent or more of the property.
- (2) Water resources: wetlands, aquifer and aquifer recharge areas, municipal water supply watershed areas, flood-prone areas as shown on Federal Emergency Management Agency maps, New York State Protected Streams, or a Town Designated Protection Area.
- (3) Agricultural lands: active farmland within a New York State certified Agricultural District, lands within 2,000 feet of a New York State certified Agricultural District, or soils classified in groups 1 to 4 of the New York State Soil Classification System.
- (4) Community water and/or sewer: sites where community sewer, community water, or community water and sewer are available or planned.
- (5) Critical Environmental Areas. Lands within or contiguous to a Critical Environmental Area designated pursuant to Article 8 of the Environmental Conservation Law.
- (6) Designated open space areas: lands contiguous to publicly owned or designated open space areas, privately owned designated natural areas, or areas identified on the Town of Warwick Open Space Index.
- (7) Historic structures and sites: historic structures or areas of national, state or local importance.
- (8) Scenic Viewsheds and Special Features: sites bordering designated State, County or Town Scenic Roads, or "special features" identified in the Town's *Comprehensive Plan*.
- (9) Significant natural areas and features: areas with rare vegetation, significant habitats, or habitats of endangered, threatened or special concern species as determined by the New York Department of Environmental Conservation (Natural Heritage Program) or the Town Conservation Board, mature forests over 100 years old, locally important vegetation (such as trees over 24" in diameter at breast height), or unique natural or geological formations.
- (10) Trails: existing and potential trails, bikeways, and pedestrian routes of Town, State or County significance.
- (11) Recreation: lakes, ponds or other significant recreational areas, or opportunities or sites designated in the Town's *Comprehensive Plan*.
- (12) Applicant Request: on lands where the applicant has requested approval of a cluster subdivision.

**C. Permitted, accessory and special permit uses:**

- (1) Permitted, accessory and special permit uses within a cluster subdivision shall be the same as those otherwise allowed in the zoning district in which the development is located. As an alternative to single-family detached dwellings, townhouse style architecture is also permitted in cluster subdivisions provided common areas are in condominium or cooperative ownership and subject to review by the Town Attorney or Deputy Town Attorney.
- (2) Open space land, comprising a portion of the cluster subdivision, as defined in § 164-41.1J.

**D. Density.** The permitted number of dwelling units shall not exceed the number of units that, in the Planning Board's judgment, would be permitted if the land were subdivided into lots conforming to the minimum lot size and density requirements of this chapter applicable to the district or districts in which such land is situated and conforming to all other requirements of the Town of Warwick Code.



Exceptions to the density requirements will be made in the TN-O District under the Town of Warwick Transfer of Development Rights (TDR) and Zoning Incentives for Open Space Preservation programs described in §§ 164-47.4 and 47.6. To determine density, the applicant shall submit a Yield Plan meeting the following requirements:

- (1) Yield Plans shall be prepared as a conceptual sketch plan in accordance with the minimum lot sizes and other development standards for the Zoning district involved. Yield plans shall show proposed lots, streets, rights-of-way, and other pertinent features. Yield plan density shall be based upon an analysis conducted in accordance with the Town's Environmental Control Formula contained in § 164-41.3 (see Table ECF). Nothing herein shall preclude an applicant from submitting a fully engineered conventional subdivision plan that meets all of the requirements of the Zoning Law, Subdivision Regulations, and Street Specifications to determine lot yield.
- E. **Cluster subdivision design process.** Once the maximum permissible number of lots in a cluster subdivision has been established, the next step is to create a cluster design layout. This layout shall include an identification of primary and secondary conservation lands within a parcel(s), which includes those elements most highly valued by the community. Illustrations of the design process are provided herein to assist applicants and landowners.
- (1) **Sketch Plan.** A Sketch Plan shall be submitted by the applicant as a diagrammatic basis for informal discussions with the Planning Board regarding the design of a proposed subdivision or land development. The purpose of a sketch plan is to facilitate an expedient review of proposed new subdivisions in conformance with the Town Zoning Law and *Comprehensive Plan*. Sketch Plan submission is a way to help applicants and Planning Board members develop a better understanding of the property and to help establish an overall design approach that respects its special or noteworthy features, while providing for the density permitted under the Zoning Law. To provide a full understanding of the site's potential and to facilitate the most effective exchange with the Planning Board, the Sketch Plan shall include the information listed below. Many of these items can be taken from the *Existing Resources and Site Analysis Plan*, a document that must in any case be prepared and submitted no later than the date of the Site Inspection, which precedes the Preliminary Plan.
    - (a) The information required by § 137-26A of the Subdivision Regulations;
    - (b) 100-year floodplain limits, and approximate location of State and/or Federal wetlands, if any;
    - (c) Topographical and physical features, including existing structures, wooded areas, hedgerows and other significant vegetation, steep slopes (over 15%), soil types, ponds, streams within two hundred (200) feet of the tract, and existing rights-of-way and easements;
    - (d) Schematic layout indicating a general concept for land conservation and development ("bubble" format is acceptable for this delineation of conservation areas); and
    - (e) In the case of land development plans, proposed general layout, including building locations, parking lots, and open spaces.
  - (f) **Site Context Map.** A map showing the location of the proposed subdivision within its neighborhood context shall be submitted. For all sites, such maps shall be at a scale not less than 1"= 1000', and shall show the relationship of the subject property to natural and man-made features existing within 2,000 feet of the site. The features that shall be shown on Site Context Maps include topography (from USGS maps), stream valleys, State and/or Federal wetlands, woodlands over one-half acre in area (from aerial photographs), ridge lines, public roads and trails, utility easements and rights of way, public land, and land protected under conservation easements.

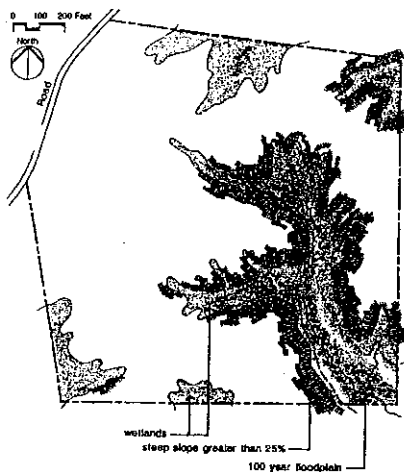
- (2) Preliminary Plan Documents. A preliminary cluster subdivision plan shall consist of and be prepared in accordance with the following requirements, which are designed to supplement and, where appropriate, replace the requirements of § 137 of the Warwick Code:

- (a) Preliminary Plan. The submission requirements for a Preliminary Plan include the requirements for Sketch Plans listed in § 164-41.1E(1) above and;
- (b) The submission requirements of §§ 137-27 or 28 of the Subdivision Regulations, and;
- (c) Existing Resources and Site Analysis Plan. For all cluster subdivisions (except those in which all proposed lots are to be ten or more acres in area), an *Existing Resources and Site Analysis Plan* shall be prepared to provide the developer and the Planning Board with a comprehensive analysis of existing conditions, both on the proposed development site and within 500 feet of the site. Conditions beyond the parcel boundaries may be described on the basis of existing published data available from governmental agencies, and from aerial photographs.

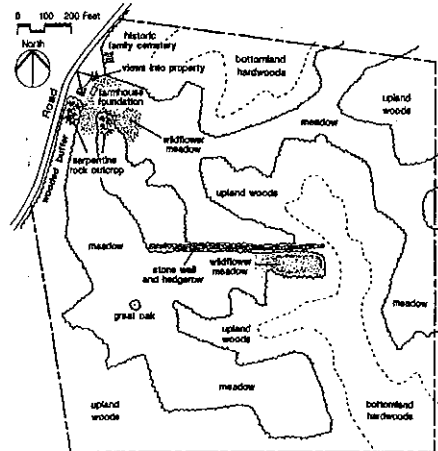
The Planning Board shall review the Plan to assess its accuracy and thoroughness. Unless otherwise specified by the Planning Board, such plans shall generally be prepared at the scale of 1"=100' or 1"=200', whichever would fit best on a single standard size sheet (24" x 36"). The following information shall be included in this Plan:

- [1] Topography, the contour lines of which shall be at two-foot intervals, determined by photogrammetry (although 10-foot intervals are permissible beyond the parcel boundaries, interpolated from published USGS maps). The determination of appropriate contour intervals shall be made by the Planning Board, which may specify greater or lesser intervals on exceptionally steep or flat sites. Slopes between 15 and 25 percent and exceeding 25 percent shall be clearly indicated. Topography for major subdivisions shall be prepared by a professional land surveyor or professional engineer from an actual field survey of the site or from stereoscopic aerial photography and shall be coordinated with official USGS benchmarks.
- [2] The location and delineation of ponds, streams, and natural drainage swales as well as the 100-year floodplains and wetlands, as defined by the State of New York and the US Army Corps of Engineers.
- [3] Vegetative cover conditions on the property according to general cover type including cultivated land, permanent grass land, old field, hedgerow, woodland and wetland, isolated trees with a caliper in excess of twelve (12) inches, the actual canopy line of existing trees and woodlands. Vegetative types shall be described by plant community, relative age and condition.
- [4] Soil series, types and phases, as mapped by the U.S. Department of Agriculture, Natural Resources Conservation Service in the Orange County Soil Survey, and accompanying data published for each soil relating to its suitability for construction (and, in unsewered areas, for septic suitability).
- [5] Ridge lines and watershed boundaries shall be identified.
- [6] A viewshed analysis showing the location and extent of views into the property from public roads and from public parks, public forests, and state game lands.
- [7] Geologic formations on the proposed development parcel, based on available published information or more detailed data obtained by the applicant.

- [8] The location and dimensions of all existing streets, roads, buildings, utilities and other man-made improvements.
  - [9] Locations of all historically significant sites or structures on the tract and on any abutting tract.
  - [10] Locations of trails that have been in public use (pedestrian, equestrian, bicycle, etc.) or proposed on the Town of Warwick Greenway Trail map.
  - [11] All easements and other encumbrances of property which are or have been filed of record with the Orange County Clerk's Office shall be shown on the plan.
- (3) Four-Step Design Process for Cluster Subdivisions. All sketch plans shall include Step 1 of the four step design process. All preliminary plans shall include documentation of a four-step design process in determining the layout of proposed open space lands, house sites, streets and lot lines, as described below.
- (a) Step 1: Delineation of Open Space Lands. Proposed open space lands shall be designated using the *Existing Resources and Site Analysis Plan* as a base map and complying with § 164-41.1E(2)(c) and § 137 of the Town Code, dealing with Resource Conservation and Greenway Delineation Standards. The Town's *Comprehensive Plan* and *Open Space Index* shall also be considered. Primary Conservation Areas shall be delineated comprising floodplains, wetlands and slopes over 15 percent as shown on Figure 1a. In delineating Secondary Conservation Areas as shown on Figure 1b, the applicant shall prioritize natural and cultural resources on the tract in terms of their highest to least suitability for inclusion in the proposed open space, in consultation with the Planning Board to create a prioritized list of resources to be conserved. On the basis of those priorities and practical considerations given to the tract's configuration, its context in relation to resource areas on adjoining and neighboring properties, and the applicant's subdivision objectives, Secondary Conservation Areas shall be delineated (see Figure 1b) to meet at least the minimum area percentage requirements for open space lands and in a manner clearly indicating their boundaries as well as the types of resources included within them. Calculations shall be provided indicating the applicant's compliance with the acreage requirements for open space areas on the tract. The result is shown on Figure 1c, potential development areas.



1a. Primary Conservation Areas



1b. Secondary Conservation Areas



- (b) Step 2: Location of House Sites. Potential house sites shall be tentatively located, using the proposed open space lands as a base map as well as other relevant data on the *Existing Resources and Site Analysis Plan* such as topography and soils. House sites should generally be located not closer than 100 feet from Primary Conservation Areas and 50 feet from Secondary Conservation Areas, taking into consideration the potential negative impacts of residential development on such areas as well as the potential positive benefits of such locations to provide attractive views and visual settings for residences.



1c. Potential Development Areas



2. House Sites

- (c) Step 3: Alignment of Streets and Trails. Upon designating the house sites, a street plan shall be designed to provide vehicular access to each house, complying with the standards identified herein and bearing a logical relationship to topographic conditions. Impacts of the street plan on proposed open space lands shall be minimized, particularly with respect to crossing environmentally sensitive areas such as wetlands and traversing slopes exceeding 15%. Existing and future street connections are encouraged to eliminate the number of new cul-de-sacs to be maintained by the Town and to facilitate access to and from homes in different parts of the tract and adjoining parcels. Cul-de-sacs are appropriate when they support greater open space conservation or provide extensive pedestrian linkages.
- (d) Step 4: Drawing In the Lot Lines. Upon completion of the preceding three steps, lot lines are drawn as required to delineate the boundaries of individual residential lots.



3. Aligning Streets and Trails



4. Drawing in the Lot Lines

- (e) Note on the Four-Step Site Design Process for hamlets and adjoining villages. The design process for developing cluster subdivisions in or adjacent to hamlets and villages shall be a variation on the four-step process for conservation subdivisions, as described herein. In hamlets and near villages, where traditional streetscape and "terminal vistas" are of greater importance, Steps Two and Three may be reversed, so that streets and squares are located during the second step, and house sites are located immediately thereafter. The first step is to identify open space lands, including both Primary and Secondary Conservation Areas.

**F. Dimensional standards.** Except as specified herein, all dimensional standards normally applicable to other subdivisions and uses shall also be applicable to cluster subdivision.

- (1) Minimum required open space: In all Zoning districts, a cluster subdivision must preserve at least fifty (50) percent of the tract's developed acreage as open space land. Parking areas and roads shall not be included in the calculation of the minimum required open space.
- (2) Minimum lot width at building line: 80 feet.
- (3) Minimum street frontage: 20 feet
- (4) Yard regulations: the builder or developer is urged to consider variations in the principal building position and orientation, but shall observe the following minimum standards:
 

Front yard:	20 feet
Rear yard:	40 feet
Side yard:	30 feet separation for principal buildings, with no side yard less than 10 feet
- (5) Maximum impervious coverage. No more than 35 percent of any given acre shall be covered with impervious surface in the form of access drives, parking areas or structures.
- (6) Minimum lot size. The minimum lot size for developments in fee simple ownership shall be ten thousand (10,000) square feet per single-family unit. Attached or townhouse style units shall be in condominium, cooperative, or other acceptable ownership options.

**G. Open space standards:**

- (1) The required open space land consists of a combination of Primary Conservation Areas and Secondary Conservation Areas. Primary Conservation Areas include wetlands with a one hundred (100) foot surrounding buffer area where practical, lands within the 100-year floodplain, and lands having slopes of fifteen (15) percent or more. The proposed subdivision design shall strictly minimize disturbance of these environmentally sensitive areas. Primary Conservation Areas shall be included in the required open space area to the greatest extent practical. The applicant shall also demonstrate that such features will be protected by the proposed subdivision plan. Secondary Conservation Areas include special features of the property that would ordinarily be overlooked or ignored during the design process such as agricultural lands, woodlands, significant natural areas and features, stone walls, hedgerows, meadows, historic structures and sites, historic rural corridors, scenic viewsheds, and trails. Secondary Conservation Areas shall be included in the required open space area to the greatest extent practical such that protecting these resources will, in the judgment of the Planning Board, achieve the purposes of this section.
- (2) Open space lands shall be laid out in general accordance with the Town's *Comprehensive Plan* to better enable an interconnected network of open space.
- (3) A recreational fee in lieu of land, as set forth in the Town's fee schedule, shall be imposed to accommodate the foreseeable recreational needs of the proposed subdivision's residents. Upon the recommendation of the Planning Board and where the Town Board deems it appropriate for land to be deeded to the Town for recreational purposes, up to ten (10) percent of the total acreage may be subject to the Town's recreational land dedication requirement. Typically, this acreage will be used to provide potential connections within the Town's long-range trail network.
- (4) Active agricultural land with farm buildings may be used to meet the minimum required open space land. Access to open space land used for agriculture may be appropriately restricted for public safety and to prevent interference with agricultural operations. Land used for agricultural purposes shall be buffered from residential uses, either bordering or within the tract, by a setback at least two hundred (200) feet deep if practical. No clearing of trees or understory growth shall be permitted in this setback (except as may be necessary for street or trail construction). Where this buffer is unwooded, the Planning Board may require vegetative screening to be planted, or that it be managed to encourage natural forest succession through "no-mow" policies and the periodic removal of invasive alien plant and tree species.
- (5) Open space land should generally remain undivided. No individual parcel of common open space shall be less than one (1) acre except as to roadway median strips, traffic islands, walkways, trails, courtyards, play areas, recreation facilities, drainageways leading directly to streams, historic sites or unique natural features requiring common ownership protection.
- (6) No portion of any house lot may be used for meeting the minimum required open space land unless encumbered with a restriction.

**H. House lot standards.** Development areas for the location of house lots include the necessary building envelope for each dwelling unit, constituting the remaining lands of the tract outside of the designated open space areas. House lots shall be designed in accordance with the following standards:

- (1) House lots shall not encroach upon Primary Conservation Areas and their layout shall respect Secondary Conservation Areas.
- (2) All new dwellings shall meet the following setback requirements to the greatest extent practicable:
  - (a) From all external road ultimate right-of-ways 100 feet
  - (b) From all other tract boundaries 50 feet

- (c) From agricultural lands, as defined in F(3)(c),  
either bordering or within the tract 200 feet
- (d) From buildings or barnyards housing livestock 300 feet
- (e) From active recreation areas such as courts or  
playing fields (not including tot lots) 150 feet
- (3) Views of house lots from exterior roads and abutting properties shall be minimized by the use of changes in topography, existing vegetation, or additional landscaping which meets the landscaping requirements of the Zoning Law and Subdivision Regulations.
- (4) House lots shall generally be accessed from interior streets, rather than from roads bordering the tract. New intersections with existing public roads shall be minimized. Although two access ways into and out of subdivisions containing twenty (20) or more dwellings are generally required for safety, proposals for more than two entrances onto public roads shall be discouraged if they would unnecessarily disrupt traffic flow or unduly impact the environment.
- (5) At least three-quarters of the lots shall directly abut or face conserved open space, if practical.

**I. Streets and driveways.**

- (1) Common driveway access may be provided. A pedestrian circulation and/or trail system shall be designated and installed sufficient for the needs of residents, as deemed practical by the Planning Board.
- (2) Cluster subdivision streets shall meet the Town Street Specifications. Where appropriate, the Planning Board shall work with the Commissioner of Public Works to ensure that the Town of Warwick's Street Specifications, normally applicable to conventional subdivisions, do not impact or detract from the rural and environmental character of a cluster subdivision. The Commissioner of Public Works has the ability to make a recommendation as to the interpretation of any part of the street specification requirements and to modify such requirements under § A168-22 of the Town Code.
- (3) From an aesthetic and speed control perspective, curving roads are preferred in an informal rural cluster to avoid long straight segments. Shorter straight segments connected by 90 degree and 135 degree bends are preferred in a more formal or traditional arrangement.
- (4) Whenever appropriate, street systems should produce terminal vistas of open space in accordance with the conservation emphasis of the cluster subdivision design and to positively contribute to the Town's open space goals.
- (5) The use of reverse curves should be considered for local access streets in cluster subdivisions in conjunction with long horizontal curve radii (at least 250 feet) and where traffic speeds will not exceed 30 mph.
- (6) Single-loaded streets are encouraged alongside conservation areas to provide views of the conservation lands for residents and visitors.

**J. Permanent protection of open space.** Conservation easements are the preferred method to protect open space under New York State Law. Other instruments, such as deed restrictions acceptable to the Town Attorney, may also be used to protect open space at the option of the applicant. Regardless of the method chosen, the permanent preservation of such open space shall be legally assured to the satisfaction of the Planning Board and Town Attorney. In all cases, the Town Board shall be granted third party enforcement rights to enforce the terms of the easement or other legally binding instrument. The following regulations shall apply:

- (1) Conservation easements shall be titled to a private conservation organization or to the Town of Warwick, provided that:
  - (a) The conservation organization is acceptable to Town and is a *bona fide* conservation organization as defined in Article 49 of the New York State Environmental Conservation Law;
  - (b) The conveyance contains appropriate provisions for proper reverter or retransfer in the event that the conservation organization or Town of Warwick becomes unwilling or unable to continue carrying out its functions; and
  - (c) A maintenance agreement acceptable to the Town is established between the owner and the conservation organization or Town of Warwick to insure perpetual maintenance of the open space.
- (2) The conservation easement or other legally binding instrument shall permanently restrict the open space from future subdivision, shall define the range of permitted activities, and, if held by a conservation organization, shall give the Town the ability to enforce these restrictions. Under no circumstances shall any development be permitted in the open space at any time, except for the following uses:
  - (a) Conservation of open land in its natural state (for example, woodland, fallow field, or managed meadow). The clearing of woodland shall generally be prohibited, except as necessary to create trails, active recreation facilities, and to install subsurface sewage disposal systems. The determination of necessity shall lie with the Planning Board.
  - (b) Agricultural and horticultural uses, including raising crops or livestock, wholesale nurseries, and associated buildings, that are specifically needed to support an active, viable agricultural or horticultural operation. Specifically excluded are Concentrated Animal Feeding Operations (CAFO's) as defined by the US Environmental Protection Agency, or commercial livestock operations involving swine, poultry, mink, ratites, and other animals likely to produce highly offensive odors.
  - (c) Game preserve, wildlife sanctuary, or other similar conservation use.
  - (d) Woodlots, arboreta, and silviculture in keeping with established standards for selective harvesting and sustained-yield forestry.
  - (e) Neighborhood open space uses such as village greens, commons, picnic areas, community gardens, trails, and similar low-impact passive recreational uses specifically excluding motorized off-road vehicles, rifle ranges, and other uses similar in character and potential impact as determined by the Planning Board.
  - (f) Active non-commercial recreation areas, such as playing fields, playgrounds, and courts, provided such areas do not consume more than half of the minimum required open space land or five acres, whichever is less. Playing fields, playgrounds, and courts shall not be located within 150 feet of abutting properties nor shall such facilities be equipped with lighting. Parking facilities for the same shall also be permitted, and they shall generally be gravel-surfaced, unlighted, properly drained, provide safe ingress and egress, and contain no more than ten parking spaces. Such recreation uses may be a public park or recreation area owned and operated by a public or private nonprofit agency, but shall not include storage of materials, trucking or repair facilities, or private or municipal sanitary landfills.
  - (g) Golf courses may comprise the required open space land, but shall not include miniature golf. Their parking areas and any associated structures shall not be included within the open space requirement; their parking and access ways may be paved and lighted.

- (h) Water supply and sewage disposal systems, and stormwater detention areas designed, landscaped, and available for use as an integral part of the open space area.
- (i) Easements for drainage; access, sewer or water lines, or other public purposes.
- (j) Underground utility rights-of-way. Above ground utility and street rights-of-way may traverse conservation areas but shall not count toward the minimum required open space land.

**K. Ownership of open space land and common facilities.** The following methods may be used, either individually or in combination, for ownership of open space land (exclusive of its conservation easement) and common facilities. Open space trails may be initially offered for dedication to the Town. Open space land and common facilities shall not be transferred to another entity except for transfer to another method of ownership permitted under this section. Ownership methods shall conform to the following:

- (1) Fee simple dedication to the Town. The Town may, but shall not be required to, accept any portion of the open space land and common facilities, provided that:
  - (a) There is no substantial cost of acquisition to the Town; and
  - (b) the Town agrees to and has access to maintain such facilities; and
  - (c) such facilities for public use shall be accessible to residents of the Town.
- (2) Homeowners' Association. Open space land and common facilities may be held in common ownership by a homeowners' association, subject to all of the provisions for homeowners' associations set forth in New York State regulations. In addition, the following regulations shall be met:
  - (a) The applicant shall provide the Town with a description of the organization of the proposed association, including its by-laws, and all documents governing ownership, maintenance, and use restrictions for common facilities.
  - (b) The proposed association shall be established by the owner or applicant and shall be operating (with financial subsidization by the owner or applicant, if necessary) before the sale of any dwelling units in the development.
  - (c) Membership in the association shall be mandatory for each property owner within the subdivision and successive owners in title with voting of one vote per lot or unit, and the subdivider's control, therefore, passing to the individual lot/unit owners on sale of the majority of the lots or units.
  - (d) The association shall be responsible for liability insurance, local taxes and maintenance of open space land, recreational facilities and other commonly held facilities.
  - (e) The by-laws shall confer legal authority on the association to place a lien on the real property of any member who falls delinquent in his or her dues. Such dues shall be paid with the accrued interest before the lien may be lifted.
  - (f) Written notice of any proposed transfer of common facilities by the association or the assumption of maintenance for common facilities must be given to all members of the association and to the Town no less than thirty days prior to such event.
  - (g) The association shall have adequate resources to administer, maintain, and operate such common facilities.

- (3) Non-common private ownership. The required open space land may be included within one or more large "conservancy lots" provided the open space is permanently restricted from future development, except for those uses listed in § 164-41.1J(2). This option may be preferable for open space land that is intended for agricultural, horticultural, or silvicultural use.

- L. Maintenance.** Unless otherwise agreed to by the Planning Board, the cost and responsibility of maintaining common open space and facilities shall be borne by the homeowners' association, conservation organization, private owner, or, in the case of open space and facilities deeded to the Town, the municipality.
- M. Sewage treatment systems.** Sanitary sewage disposal systems of either an individual or community nature may be located within or extend into required open space areas, provided that subsurface sewage disposal methods are employed, all required separation distances are observed and the ownership and maintenance responsibilities associated therewith are clearly defined in agreements submitted for approval as part of the subdivision application. No application shall be approved that does not provide lot buyers with both the legal authority and the responsibility, individually or collectively, to maintain all sewer facilities on a continuing basis. This may include the creation of a special district under Articles 12 and 12-a of New York State Town Law.

flag lots, see the Subdivision Law, § 105-21F.

#### **F. Small-Scale Development**

Small-scale development is any development of land in the RA or RR Districts that results in the creation of no more than three new residential lots (excluding the parent parcel from which they are subdivided, which constitutes a fourth lot), subject to the requirements in Section 121-23. Small-scale development also includes the development of residential lots that existed prior to the enactment of this Chapter and do not meet the dimensional standards for a conventional subdivision in this Chapter. This option is designed to minimize the burden and cost of development for landowners building on existing lots or creating only a small number of new lots. Small amounts of such development on a portion of a larger parcel, when combined with a Town program to preserve open space, enable the Town to preserve its rural character and natural environment while allowing some small lot development. See Section 121-23.

#### **§121-20 STANDARDS FOR CONSERVATION SUBDIVISIONS**

In order to approve a conservation subdivision, the Planning Board must find that the proposed subdivision meets the standards in this section. Conservation Subdivisions are permitted in the RA, RR, and SR Districts and are intended to allow design flexibility while preserving important natural attributes of the land.

##### **A. Conservation Analysis.**

1. As part of any Sketch Plan submission for a conservation subdivision (or as required for a conventional subdivision in § 121-19A above), an applicant shall submit a conservation analysis, consisting of inventory maps, description of the land, and an analysis of the conservation value of various site features. Applicants shall consult the report "Significant Habitats in the Town of Amenia, Dutchess County, New York" by Hudsonia Ltd (2006) (hereinafter cited as the "Hudsonia Report") in preparing the conservation analysis. Applicants are encouraged to consult with the Dutchess Land Conservancy and Dutchess County Soil and Water Conservation District when preparing a conservation analysis. The Planning Board may waive some of the requirements below for portions of a property where the applicant makes a binding representation that no development will occur and which have been identified as priority conservation areas by the Hudsonia Report or where the collection of field information listed below would be an unreasonable burden to the property owner. The Board may also waive any requirements that, in its sole discretion, it deems unnecessary for a complete conservation analysis. The conservation analysis shall show lands with conservation value on the parcel and within 200 feet of the boundaries of the parcel, including but not limited to the following:

- a. Wetlands, watercourses, slopes 15% to 30% and slopes over 30%.
  - b. Prime and statewide important farmland soils, land in active agricultural use, trail corridors, scenic viewsheds, public water supply wellheads, park and recreation land, unfragmented forestland, wildlife corridors and habitats, vernal pools, and historic and archaeological sites, if such areas are specifically identified in the Comprehensive Plan, in the Hudsonia Report, in the New York Natural Heritage Program, in biodiversity maps prepared for the Town by an environmental consulting organization, or in any adopted open space or farmland protection plan.
  - c. Designated overlay zones for stream corridors, aquifers, scenic protection, and floodplains.
  - d. Buffer areas necessary for screening new development from adjoining parcels
  - e. Stone walls and individual trees or forested areas containing trees that are 18" diameter at breast height (dbh) or larger.
  - f. Land that has been disturbed or altered in the past and therefore may be more suitable for development. (This does not include land disturbed by an applicant prior to applying for a development approval.)
  - g. If identified by the Planning Board or the Town's planning consultant in the course of pre-application discussions, other land exhibiting present or potential future recreational, historic, ecological, agricultural, water resource, scenic or other natural resource value
2. The conservation analysis shall describe the importance and the current and potential conservation value of all land on the site identified in (1) above as well as potential ecological connections to adjacent parcels. In the course



of pre-application conferences and initial Sketch Plan review, the Planning Board shall indicate to the applicant which of the lands identified as being of conservation value are most important to preserve. In making this determination, the Planning Board shall take into account the purposes of this Chapter and of the various overlay districts, the recommendations in the *Amenia Comprehensive Plan*, and the Town's goal of protecting biodiversity.

The Planning Board may, at the applicant's expense, seek the guidance of a conservation organization or retain a consultant to assist in making this determination. Such expenses shall be paid from deposits made into an escrow account pursuant to §121-58.

3. The outcome of the conservation analysis and the Planning Board's determination shall be incorporated into the Sketch Plan showing land recommended to be permanently preserved by a conservation easement, as well as recommended conservation uses, ownership, and management guidelines for such land. The Sketch Plan shall also show preferred locations for intensive development as well as acceptable locations for less dense development.

4. The determination as to which land has the most conservation value and should be protected from development by conservation easement shall be made by the Planning Board, which shall make written findings supporting its decision (the "conservation findings"). The Planning Board shall not endorse any application that does not include a complete conservation analysis sufficient for the Board to make its conservation findings. The Planning Board's conservation findings shall be subject to revision based upon field analysis of the site and information developed in the course of the SEQRA process.

#### **B. Density calculation**

Conservation subdivisions are intended to allow flexibility while preserving important natural attributes of the land. Density is calculated following a formula based upon the net acreage of the property. In order to determine the net acreage of a given area of land, it is necessary to subtract land that is unbuildable or that presents other development constraints.

1. To determine net acreage, subtract from the total (gross) acreage of the site the total acreage of all wetlands, watercourses, floodplains, and slopes over 30%, as well as 50% of the acreage of fifteen-to-thirty percent slopes (slopes measured as 5,000 square feet or more of contiguous sloped area at least ten feet in width). Fractional units of .5 or less shall be rounded down and fractional units greater than .5 shall be rounded up.
2. To determine the base number of allowable residential units on the site, multiply this net acreage by .85 (to account for roads and lot shape irregularities) and divide by the maximum density in the district for a conservation subdivision (see Dimensional Table in §121-11B).

#### **C. Density Bonuses**

The maximum density permitted in (B)(2) above may be increased through density bonuses designed to advance important goals of the *Comprehensive Plan*. These density bonuses may be combined to result in a total density bonus not exceeding 100%, except that the use of a density transfer may increase this percentage up to 150%. The density permitted by this section shall not be reduced as a result of the conservation analysis required in Subsection A above or as a result of the reservation of parkland during the subdivision process. Density bonuses are given at the discretion of the Planning Board based upon written findings by the Planning Board documenting the expected public benefit. Density bonuses shall not be granted without written findings that the proposed density bonus will not adversely affect the environment or the availability of affordable housing in the Town of *Amenia*. Density bonuses are calculated by first determining the allowable base density under (B)(2) and then multiplying that number by 100% plus the percentages that follow:

1. If the applicant allows public access to the protected open space on the property and the Planning Board finds that such public access provides a significant recreational benefit to the Town (such as a trail connector or access to an important natural area): a maximum of 25%.
2. If the applicant preserves at least 60% of the parcel as working farmland (including the creation and preservation of new working farmland): a maximum of 25%.
3. If the applicant preserves as permanent open space more than the required amount of land: a maximum 10%

density bonus per additional 5% of the parcel preserved as open space.

4. If the applicant receives approval for a density transfer under § 121-21: the number of units transferred from the sending parcel, up to a maximum of 50% of the base density of the receiving parcel.

**D. Minimum lot size**

The limiting factor on lot size in conservation subdivisions is the availability of water and sewer infrastructure. Therefore, minimum lot sizes are based upon the availability of such infrastructure, and are the same as indicated for the hamlet districts in § 121-11D.

**E. Arrangement of lots**

Lots shall be arranged in a manner that protects land of conservation value, minimizes habitat fragmentation, and facilitates pedestrian and bicycle circulation. The lot layout shall be designed with consideration of applicable portions of the Rural Design Guidelines and Hamlet Design Guidelines published by the New York Planning Federation (1994). Such guidelines shall be adapted to conform to the requirements of this chapter.

**F. Front, side and rear yards and road frontage**

Appropriate minimum yard setbacks in a conservation subdivision will depend upon the lot sizes, the type of road frontage (state, county, town or private) and the character of the subdivision (hamlet, suburban or rural). Accordingly, yard requirements shall be established at the time of plat approval and shall be shown in a chart on the plat. Minimum yard and road frontage requirements shall be same as in the HM District for lots on Town roads.

**G. Impervious surface coverage**

The amount of pavement and building area is a major factor in determining the impact of a development. Therefore, limiting impervious surface coverage, as defined in §121-74, is critical in maintaining environmental integrity. The limitation on impervious surface coverage for each district shown on the Dimensional Table in §121-11B applies to the entire area to be subdivided, including all open space areas. Thus, individual lots may be allowed higher impervious surface coverage allotments, as long as the total coverage is within the limits prescribed. Conservation subdivision plats shall show on a table the impervious surface coverage limit for each building lot in order to establish compliance with this Subsection. Driveways, roads and parking areas that are unpaved or surfaced with porous pavement shall be considered impervious surfaces, unless the Planning Board determines, upon the recommendation of the Town's Engineer, that such surfaces are only partially impervious. In such cases the permitted coverage by such materials may be adjusted upward based upon the Engineer's recommendation, provided that a note is placed on any approved plat indicating requirements for maintaining the permeability of such surfaces.

**H. Accessory Uses**

Residential and nonresidential accessory uses may be combined in an open space development provided that the applicant complies with all residential density, impervious surface, and open space requirements. Permitted non-residential uses that may be included in a conservation subdivision include:

1. Common buildings for meetings, dining, recreation, and for entertaining and lodging guests of the residents.
2. Childcare facilities for residents of the development as well as those outside the development.
3. Office space for use by administrators of the development as well as for use by residents of the development in the conduct of their own businesses, provided that such offices do not occupy more than 10% of the total floor area of the development.
4. Storage facilities, which may be used for the needs of the development and its residents.
5. Recreational facilities for use by residents and their guests.
6. Convenience store not exceeding 5,000 square feet in floor space, providing goods for use primarily by residents of the development and the immediate neighborhood.

**I. Conservation subdivision with reserved land**

In order to encourage small subdivisions to follow conservation subdivision principles, there is no minimum tract size or number of lots required for a conservation subdivision. An applicant may create a conservation subdivision on a portion of a large parcel and reserve the remainder of the parcel for future development. In approving a subdivision of fewer than 15 lots on a parcel of land which may be further subdivided in the future, the Planning Board may require the applicant to execute a conservation easement that sets aside open space land on a pro rata basis in connection with the land being subdivided, rather than for the entire parcel. The land that is neither subdivided nor protected by a conservation easement shall be considered to be "reserved land" that is available for future subdivision and future open space protection. For example, if a parcel is large enough to have thirty lots, but the applicant is only proposing ten, the applicant may do a conservation subdivision on one-third of the property, preserving the amount of open space required only for the portion to be developed rather than the amount required if the entire property were developed. The open space land must be in a configuration that will preserve buildable land of conservation value based upon a conservation analysis, and must allow for subsequent extension of the conservation subdivision, unless the applicant elects to preserve the remainder of the parcel as open space land. The preserved open space therefore does not need to be contiguous with the building lots. Priority in open space protection shall be given to land identified as a priority conservation area in the Hudsonia Report. The Planning Board may require a conservation easement to limit future development of the parcel to the lot count permitted by §121-20B. The Planning Board may waive submission of documentation of the full lot count where, in the Planning Board's judgment, the number of lots proposed is substantially less than the total allowable lot count. This provision may not be used to circumvent the restrictions on segmentation of development under SEQRA.

**J. Minimum area and configuration of open space**

1. Since one of the major purposes of conservation subdivision is to preserve open space, conservation subdivisions shall preserve at least 50% of the land as open space. The requirements for preserving such open space are described in subsection K below.
2. Preserved open space may be included as a portion of one or more large lots or may be contained in a separate open space lot. Such open space may be owned by a homeowners' association, private landowner(s), a nonprofit organization or the town or another governmental entity, as long as it is protected from development by a conservation easement and does not result in fragmentation of the open space land in a manner that compromises its conservation value. The required open space land may not include private yards located within 100 feet of a principal structure. The required open space land may contain up to 25% land that is not buildable, except in the case of a partial conservation subdivision (see I above) where all of the open space land must be buildable land, as defined in §121-74.

**K. Preservation of open space by conservation easement**

Open space set aside in a conservation subdivision, or as a condition of any special permit or site plan approval, shall be permanently preserved by a conservation easement. Such land may, but need not be, a separate tax parcel. Such land may be included as a portion of one or more large parcels on which dwellings and other structures are permitted, provided that a conservation easement is placed on such land pursuant to Subsection (3) below, and provided that the Planning Board approves such configuration of the open space as part of its approval. Any development permitted in connection with the setting aside of open space land shall not compromise the conservation value of such open space land as established in the conservation analysis required by Subsection A above.

1. Conservation value of open space. The open space protected must have conservation value as established by the conservation analysis and conservation findings. Examples of lands with conservation value include view corridors along scenic roads, agricultural land, ridgelines, steep slopes, designated Critical Environmental Areas, large areas of mature forest, wetlands, water bodies and stream corridors. Prime and statewide important agricultural land, even if suitable for development, shall be considered land of conservation value.
2. Notations on plat or site plan. Preserved open space land shall be clearly delineated and labeled on the final

subdivision plat or site plan as to its use, ownership, management, method of preservation and the rights, if any, of the owners of other lots in the subdivision to such land. The plat or site plan shall clearly show that the open space land is permanently reserved for open space purposes and shall contain a notation indicating the deed reference of any conservation easements or deed restrictions required to be filed to implement such restrictions.

3. Requirements for conservation easements.

a. A perpetual conservation easement restricting development of the open space land and allowing use only for agriculture, forestry, recreation, protection of natural resources or similar conservation purposes, pursuant to § 247 of the General Municipal Law and/or §§49-0301 through 49-0311 of the Environmental Conservation Law, shall be granted to the Town, with the approval of the Town Board, or to a qualified not-for-profit conservation organization acceptable to the Planning Board. Such conservation easement shall be approved by the Planning Board and shall be required as a condition of approval. The Planning Board may require that the conservation easement be enforceable by the Town if the Town is not the holder of the conservation easement. The conservation easement shall be recorded in the County Clerk's office prior to or simultaneously with the filing of the final subdivision plat in the County Clerk's office. In the case of subdivisions of less than five lots and minor projects, a deed covenant enforceable by the town may be substituted for a conservation easement. Applicants are encouraged to consult with a qualified conservation organization, such as the Dutchess Land Conservancy, in preparing a conservation easement.

b. The conservation easement shall protect the conservation values identified in the conservation analysis. It shall prohibit residential, industrial or commercial use of open space land (except in connection with agriculture, forestry and recreation) and shall not be amendable to permit such use. Access roads, driveways, local utility distribution lines, subsurface wastewater disposal systems, trails, temporary structures for outdoor recreation and agricultural structures shall be permitted on preserved open space land, provided that they do not impair the conservation value of the land. Dwellings may be constructed on portions of parcels that include protected open space land, provided that the dwellings are not constructed on the portion of the parcel that is protected by the conservation easement. The configuration of the open space land and dwellings shall not result in fragmentation of the open space land in a manner that interferes with its proper management and protection of its conservation values. (See the Rural Development Guidelines referred to in §121-5 for a fuller explanation of this.)

4. Ownership of open space land.

a. Open space land that is protected by a conservation easement may be, dedicated to town, county or state governments, transferred to a nonprofit organization acceptable to the Planning Board, held in private ownership, owned in common by a homeowner's association (HOA), or held in such other form of ownership as the Planning Board finds adequate to properly manage the open space land and to protect its conservation value, based upon the conservation analysis.

b. If the land is owned in common by an HOA, such HOA shall be established in accordance with the following:

[1] The HOA must be set up before the final subdivision plat is approved and must comply with all applicable provisions of the General Business Law.

[2] Membership must be mandatory for each lot owner, who must be required by recorded covenants and restrictions to pay fees to the HOA for taxes, insurance and maintenance of common open space, private roads and other common facilities.

[3] The open space restrictions must be in perpetuity.

[4] The HOA must be responsible for liability insurance, property taxes and the maintenance of recreational and other facilities and private roads.

[5] Property owners must pay their pro rata share of the costs in Subsection K(4) above, and the assessment levied by the HOA must be able to become a lien on the property.

[6] The HOA must be able to adjust the assessment to meet changed needs.

[7] The applicant shall make a conditional offer of dedication to the town, binding upon the HOA, for all open space to be conveyed to the HOA. Such offer may be accepted by the town, at the discretion of the

*Amenia Zoning Law, Adopted July 19, 2007*

Town Board, upon the failure of the HOA to take title to the open space from the applicant or other current owner, upon dissolution of the association at any future time, or upon failure of the HOA to fulfill its maintenance obligations hereunder or to pay its real property taxes.

[8] Ownership shall be structured in such a manner that real property taxing authorities may satisfy property tax claims against the open space lands by proceeding against individual owners in the HOA and the dwelling units they each own.

[9] The attorney for the Planning Board shall find that the HOA documents presented satisfy the conditions in Subsections K(1) through (8) above and such other conditions as the Planning Board shall deem necessary.

**5. Maintenance standards.**

- a. Ongoing maintenance standards shall be established, enforceable by the town against an owner of open space land as a condition of subdivision approval, to ensure that the open space land is not used for storage or dumping of refuse, junk or other offensive or hazardous materials.
- b. If the Town Board finds that the provisions of §121-20K(5)(a) above are being violated such that the condition of the land constitutes a public nuisance, it may, upon 30 days' written notice to the owner, enter the premises for necessary maintenance, and the cost of such maintenance by the town shall be assessed ratably against the landowner or, in the case of an HOA, the owners of properties within the development and shall, if unpaid, become a tax lien on such property or properties.

**§121-21 DENSITY TRANSFER (TRANSFER OF DEVELOPMENT RIGHTS)**

The Town of Amenia encourages flexibility in the location and layout of development, within the overall density standards of this Zoning Law. The Town therefore will permit residential density to be transferred from one parcel (the "sending parcel") to another (the "receiving parcel"). A density transfer may be permitted from any land with conservation value located in the RA or RR district to any land in the HM or HR districts, or to any land within the RR district which the Planning Board determines to be suitable for receiving additional density. Sending parcels may be located in either the RA or RR districts. The process of density transfer is as follows:

**A. Procedure**

1. All density transfers require a Special Permit from the Planning Board.
2. The Special Permit application for a density transfer shall be signed by the owners (or their authorized representatives) of both the sending and receiving parcels.
3. The Special Permit application shall show a proposed development plan for the receiving parcel (subdivision and/or Site Plan) as well as density calculations for both the sending and receiving parcels, prepared according to the provisions of § 121-20B. The density calculation for the sending parcel shall be based upon only the base maximum density allowed for conservation subdivisions and shall not include any of the density bonuses available under § 121-20C.
4. In reviewing an application for density transfer, the Planning Board shall first determine the number of allowable residential units permitted on the receiving parcel using all of the relevant standards in § 121-20B (or the lot size and dimensional standards for the HM or HR districts if the receiving parcel is located in one of those districts.) The Planning Board shall then determine the number of residential units available to transfer from the sending parcel(s) pursuant to § 121-20B.
5. The Planning Board may then grant a Special Permit allowing the transfer to the receiving parcel of some or all of the allowable residential units from the sending parcel(s). In order to accommodate the additional density on the receiving parcel, the Planning Board may waive one or more of the dimensional requirements applicable in the zoning district of the receiving parcel.
6. As a condition of approval of the density transfer, a conservation easement on the sending parcel(s) satisfying the requirements of § 121-20K shall be executed and recorded in the County Clerk's office, reducing the number of dwelling units allowed to be constructed on the sending parcel(s) by the number of dwelling units transferred. In addition, the conservation easement shall require that an area of land of conservation value be permanently

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**APPENDIX I – TOWN OF RED HOOK  
TERM EASEMENT LAW**

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## **CONSERVATION EASEMENTS**

[HISTORY: Adopted by the Town Board of the Town of Red Hook 9-6-2005 by L.L. No. 3-2005. Amendments noted where applicable.]

### **GENERAL REFERENCES**

Conservation Advisory Council — See Ch. 4.

Greenway connections — See Ch. 17.

Environmental quality review — See Ch. 68.

Flood damage prevention — See Ch. 77.

Subdivision of land — See Ch. 120.

Taxation — See Ch. 126.

Zoning — See Ch. 143.

### **Title.**

This chapter shall hereinafter be known and cited as the "Conservation Easement Law of the Town of Red Hook."

### **Purpose.**

It is the purpose of this chapter to provide for the preservation of open space and areas which shall constitute a public purpose for which public funds may be expended or advanced after due notice and a public hearing, by which the Town of Red Hook may acquire an easement, covenant or other contractual right necessary to preserve "open space" as the same is defined in § 56-5 herein. Any eligible parcel, as hereinafter defined, must be suitable for further development so that the limitation on the development during the easement period provides a benefit to the Town.

### **Legislative authority.**

In accordance with § 247 of the General Municipal Law of the State of New York, the Town Board of the Town of Red Hook has the authority to acquire such interest or rights in land. Pursuant to the above authority, the Town Board has prepared and adopted this chapter setting forth standards to be followed in the acquisition of such interest.

### **Applicability.**

This chapter shall apply to the entire area of the Town of Red Hook, excluding those areas within the corporate limits of the Villages of Red Hook and Tivoli.

### **Definitions.**

For the purpose of this chapter, the terms used herein are defined as follows:

#### **ELIGIBLE PARCEL**

The requisite acreage of contiguous undeveloped land together with the necessary minimum acreage for any improvements contained thereon as required by the current zoning must be contained within a single tax parcel.

#### **OPEN SPACE OR OPEN AREA**

Any space or area characterized by natural scenic beauty or whose existing openness, natural condition or present state of use, if retained, would enhance the present or potential value of abutting or surrounding development or would maintain or enhance the conservation of natural or scenic resources. For the purposes of this section, natural resources shall include, but not be limited to, agricultural lands defined as open land actually used in bona fide agricultural production. Eligible parcels will have 10 acres of contiguous undeveloped land. For calculation purposes, lots with improvements will need 10 acres plus the necessary acreage for the improvements contained thereon under current zoning, i.e., 13 acres in a three-acre zone.

### **Procedure for grant of easement.**

A. Proposal by owner. Any owner or owners of an eligible parcel may submit a proposal to the Town Board of the Town of Red Hook for the granting of interest or rights in real property for the preservation of open spaces or areas. Such proposal shall be submitted in such manner and form as may be prescribed by the Town Board and shall include a copy of the Tax Map. The owner shall pay to the Town a fee as shall be set from time to time by the Town Board which shall be deemed a reasonable sum to cover the costs of administration, no part of which shall be returnable to

the applicant.

B.  
Review of proposal.

(1)

Review by Conservation Advisory Council. Upon receipt of such proposal, the CAC shall investigate the parcel to determine eligibility and if the proposal would be of benefit to the Town of Red Hook. If the CAC determines that it is in the public interest to accept such a proposal based upon the conservation easement program criteria as established by the Town Board, it shall recommend the proposal to the Town Board for acceptance.

(2)

Review by Town Planning Board. Upon receipt of such proposal, the Town Planning Board shall also investigate the parcel to determine eligibility and if the proposal would be of benefit to the people of the Town of Red Hook. If the Town Planning Board determines that it is in the public interest to accept such proposal based upon the current Zoning and Subdivision Laws, the Master Plan, and developmental pressure, it shall recommend acceptance of the proposal to the Town Board.

C.

Public hearing by the Town Board. The Town Board shall, within 45 days of receipt of such advisory opinions, hold a public hearing concerning such proposal at a place within the Town of Red Hook. At least 10 days' notice of the time and place of such hearing shall be published in a paper of general circulation in such Town.

D.

Determination. The Town Board, after receiving the reports of the CAC and Planning Board and after such public hearing, may adopt the proposal or any modification thereof it deems appropriate or may reject it in its entirety. An easement, with the attendant tax benefits, may be granted only after the Town Board makes a finding that it would be beneficial for the Town's purposes that the parcel remain undeveloped open space.

E.

Recording agreement. If such proposal is adopted by the Town Board, it shall be executed by the owner or owners in written form adopted and provided by the Town suitable for recording in the Dutchess County Clerk's Office.

F.

Cancellation. Said conservation easement may not be cancelled by either party except pursuant to the provisions of § 49.0307 of the Environmental Conservation Law of the State of New York, and such cancellation may be granted only upon payment of the penalties provided in § 56-8 herein.

**Valuation for taxation.**

A.

After acquisition of any such interest pursuant to this chapter, the valuation placed upon such area for purposes of real estate taxation shall take into account and be limited by the limitation of the future use of the land.

B.

The Assessor may take into account and be limited by the limitation on the future use of the land resulting from the easement. The following table of tax assessment is presently in use. This table is not part of the law.

Editor's Note: This table is on file in the office of the Town Clerk of the Town of Red Hook.

**Penalties for offenses or cancellation.**

If there is a substantial violation of the terms and conditions of the conservation easement agreement or if said agreement is canceled by the Town Board upon petition, the then owner or owners of said property must pay to the Town of Red Hook a penalty equivalent to the following amount:

A.

All taxes granted abatement under and pursuant to the conservation easement agreement, said taxes to include the state, county, Town, school districts and all special improvements districts and other taxing units to which the property is subject. Said amount shall be limited to a five-year roll back of taxes together with interest at the legal rate allowed by law.

B.

All penalties paid under this section shall be dedicated to the Town's expenses for the acquisition of permanent



All penalties paid under this section shall be dedicated to the town's expenses for the acquisition of permanent conservation easements or other open space preservation programs.

C.

Land covered by a conservation easement may be sold at any time, but the terms and conditions of the easement shall continue until its expiration.

**Terms of easement.**

Easements are being accepted with a minimum term of eight years. There is no maximum term.

Jan 08 10 02:16P Red Hook Town Clerk 8757380732 P.1

## Conservation Easement Program

Current Table in Use

Term of Agreement (Years)	Percentage Reduction (excess acreage only)
8	40%
10	50
12	60
15 or more	75

For informational purposes, please note the following specifics of the program.

1. There is no deadline for filing of applications. Reductions in valuations will occur for the July 1<sup>st</sup> final roll for parcels that are enrolled in the program by March 1<sup>st</sup> of that year.
- 2.. Easements may not be placed on just a portion of a tax parcel. Each parcel must meet the minimum acreage requirement and must possess the ability to be developed.
3. Agricultural lands receiving NYS Agricultural Use assessment may enter the program - however, the reduction is limited to whichever program provides the greater benefit. Any reduction in assessment levels in this program would not be in addition to already reduced levels under Agricultural assessment.
- 4.. Applicants who enter the program in perpetuity will receive the maximum reduction benefit level provided for by law for each and every year under easement. Additionally, applicants who agree to at least a fifteen year term will be eligible to renew for extensions at the maximum available reduction for as long as they are a part of the program.
5. All applications are subject to a public hearing and must be approved by the Town Board.
6. A penalty equal to the back taxes (up to 5 years maximum) and 9% interest on an annual basis will be assessed on any easements that are broken.

Thank you for your support of open space preservation in our town!

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## **APPENDIX J – SUMMARY OF TAX BENEFITS FOR CONSERVATION EASEMENTS**

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Winnakee Land Trust  
PO Box 610  
Rhinebeck, NY 12572  
845-876-4213

## **Summary of Tax Benefits for Land Conservation in New York**

### **Federal**

A federal income tax deduction has been and may continue to be available to conservation easement donors.

The deduction may be:

- The value of a conservation easement as appraised by an independent conservation appraiser may be deducted on up to 50% of income annually and this deduction may be taken over 15 years.
- For a qualified farmer or rancher the value of a conservation easement may be deducted on up to 100% of annual income and this deduction may be taken over 15 year.

This benefit expired December 31, 2010, but may be renewed by Congress, retroactive to January 1.

- At present the value of an easement may be deducted on up to 30% of income annually and may be taken over 5 years.

### **New York State**

New York State provides an annual Conservation Tax Credit of up to 25% of property taxes, including local and school taxes, to a maximum refund of \$5000 annually.

### **Local**

Your local assessor may be able to reassess your conservation land as 'waste ground' value because of the restrictions on future development. This is at the discretion of the Town and the assessor.

January 8, 2010

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**APPENDIX K – FEDERAL/STATE/COUNTY  
PDR FUNDING CRITERIA**

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New York State

2008-2009 Farmland Protection Implementation Projects

TECHNICAL RATING FORM

Reviewer's Name: \_\_\_\_\_

Applicant: \_\_\_\_\_

Property/Landowner Name: \_\_\_\_\_

Funds Requested: \_\_\_\_\_ Total Match: \_\_\_\_\_

\*\*\*\*\*

1. Proposal involves conservation easements. \_\_\_\_\_  
(80 points- yes/50 points- no)
2. The degree to which the proposed activity addresses the three funding priorities contained in Section 325(2)(c) of the enabling statute for the Agricultural and Farmland Protection Program:
  - a. likelihood that the project will preserve "viable agricultural land" (i.e., factors principally about the subject property(ies) – e.g., quality of soil resources, % of total farm available for agricultural production, number of acres to be protected, level of demonstrated farm management) \_\_\_\_\_  
(65 points max.)
  - b. projects located in areas facing significant development pressure \_\_\_\_\_  
(25 points max.)
  - c. projects serving as a buffer for a significant natural public resource containing important ecosystem or habitat characteristics \_\_\_\_\_  
(25 points max.)
3. The long-term potential for the agricultural land described in the proposal to remain in viable agricultural production (i.e., factors beyond the scope of the subject property(ies) – e.g., extent to which property is bordered by or proximate to other protected farms or farms that will likely be protected in the future, proximity to markets and processors, proximity to vendors providing supplies and services to the subject farm). \_\_\_\_\_  
(55 points max.)
4. Cost of the proposal in relation to acreage protected. \_\_\_\_\_  
(20 points max.)
5. The degree to which the proposal demonstrates the local partners' (both public and private) commitment to farmland protection (e.g., these and other activities would be relevant: implementation of actions contained in local farmland protection plans; total local public and private expenditures on Purchase of Development Rights projects; number and acreage of permanent conservation easements on local viable agricultural land; all agricultural districts have been reviewed on or before their respective anniversary date, etc.). \_\_\_\_\_  
(30 points max.)

TOTAL POINTS:

\_\_\_\_\_  
(300 points max.)

\_\_\_\_\_  
Reviewer Signature

\_\_\_\_\_  
Date

**Attachment B:**

**Criteria for Dutchess County Open Space and Farmland Protection**

Items to be ranked on a scale from "A" (highest value) to "E" (lowest value).

	<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>	<b>E</b>
<b>LOCAL AND REGIONAL SUPPORT</b>					
Priorities established in municipal Comprehensive Plan					
Inclusion in NYS Open Space Plan					
Inclusion in municipal, county, or regional trail system					
Municipal designation scenic road and/or vistas					
Additional funding source(s) confirmed					
<b>RESOURCE PROTECTION</b>					
Scenic viewshed					
Key gateway area					
Watershed, aquifer protection					
Wildlife habitat					
Historic resource					
Recreational value/public access					
<b>AGRICULTURAL SIGNIFICANCE</b>					
Soil quality					
Economic viability of farm operation					
Location in or near critical mass of productive farmland					
Potential continuity of farm operation					
<b>DEVELOPMENT PRESSURE</b>					
Importance to rural character of municipality					
Accelerated residential growth					
Commercial expansion on key roadways					
Imminent threat					

## FARM AND RANCH LANDS PROTECTION PROGRAM



American Farmland Trust

For additional information on farmland protection and stewardship, contact the Farmland Information Center. The FIC offers a staffed answer service, online library, program monitoring, fact sheets and other educational materials

[www.farmlandinfo.org](http://www.farmlandinfo.org)

(800) 370-4879



### APPLICATION PROCESS AND FUND ALLOCATION

The NRCS Chief allocates FRPP funds each year following Congressional budget approval. NRCS State Conservationists announce the availability of FRPP funds and set deadlines for ranking applications from eligible entities. Technically, FRPP operates with a continuous sign-up, but applications will be evaluated once a year, likely in late winter or early spring.

The NRCS State Conservationist ranks proposals using national and state criteria. National ranking criteria are developed by the Chief in consultation with the national program manager and consider:

- Percent of prime, unique and important farmland;
- Percent of cropland, pastureland, grassland and rangeland;
- Ratio of total acres in the parcel to be protected to average farm size in the county;
- Decrease in the percentage of acreage of farm and ranch land in the county between the last two USDA Censuses of Agriculture;
- Percent population growth;
- Population per square mile;
- Proximity to other protected land;
- Proximity to other agricultural operations and infrastructure; and
- Additional criteria as determined by the Chief.

State and local criteria are developed by the State Conservationist with advice from the state technical committee—a technical advisory group made up of individuals who represent natural resource sciences and occupations from state and federal agencies and the private sector. State and local criteria may include but are not limited to:

- Location in an area zoned for agriculture;
- Entity's experience managing and enforcing easements;
- Additional social, economic, historical and archaeological, and environmental benefits supplied by the project;
- Degree to which enrollment may help achieve national, state and regional conservation goals or enhance existing conservation projects;
- Diversity of natural resources to be protected;
- Land Evaluation and Site Assessment score;
- Existence of a farm or ranch succession plan established to encourage farm viability for future generations; and
- Landowner willingness to allow public access for recreational purposes.

The State Conservationist must now make the national and state ranking criteria available to the general public:

The State Conservationist determines the NRCS share awarded for a given project. The NRCS may pay up to 50 percent of the appraised fair market value of the easement. Cooperating entities now must provide at least 25 percent of the final negotiated purchase price. For a summary of FRPP final allocations by state to date, see pages 4 and 5.

### COOPERATIVE AGREEMENTS

When a proposal from an entity is approved, the NRCS executes a cooperative agreement on behalf of the Commodity Credit Corporation. The cooperative agreement describes the transaction, the project cost, an estimate of the federal share and responsibilities of each party. Cooperative agreements can obligate funds for up to five years for certified entities and three years for other eligible entities. It includes an attachment listing the parcels selected by the State Conservationist. During their duration, cooperative agreements will be amended each fiscal year to include the list of projects receiving FRPP funds.

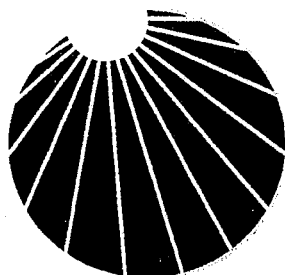
Eligible entities are able to use their own conservation easement deed. The NRCS, however, can establish minimum requirements as a condition for receiving funding. The easement, for instance, must contain a right of enforcement clause for the United States, which empowers the NRCS to inspect and enforce the easement if the eligible entity fails to uphold it. The right of enforcement is considered a "vested property right" and cannot be condemned by state or local governments, but this right has not been acquired by the NRCS. Instead, it is a condition the eligible entity must meet in order to receive FRPP funds. This interpretation means that federal real property acquisition requirements no longer apply.

Land subject to the easement must be managed in accordance with a conservation plan for highly erodible land developed in accordance with the standards in the NRCS Field Office Technical Guide and approved by the local conservation district. Conservation easements also must include a limit on impervious surfaces. In general, the NRCS requires a limit of 2 percent of the eased area, but the State Conservationist may grant waivers on a case-by-case basis not to exceed 10 percent.

### HISTORY

The federal government's efforts to stem farmland conversion began with the passage of the





## FARMLAND INFORMATION CENTER

# FACT SHEET

## FARM AND RANCH LANDS PROTECTION PROGRAM



FARMLAND INFORMATION CENTER  
One Short Street Suite 2  
Northampton, MA 01060  
(800) 370-4879  
[www.farmlandinfo.org](http://www.farmlandinfo.org)



### DESCRIPTION

The Farm and Ranch Lands Protection Program (FRPP) is a voluntary federal conservation program that provides matching funds to eligible entities to buy permanent conservation easements on farm and ranch land. The program was originally enacted in the Federal Agriculture Improvement and Reform Act of 1996. It was reauthorized and expanded in the Farm Security and Rural Investment Act of 2002. The Food, Conservation, and Energy Act of 2008 (the 2008 Farm Bill P.L.110-234) changed the purpose of the program from protecting topsoil to protecting "...the agricultural use and related conservation values of eligible land by limiting nonagricultural uses..." (16 U.S.C. §3838i). It also expanded the types of eligible entities and categories of eligible land. Most importantly, the 2008 Farm Bill changed the nature of the program from a federal real estate acquisition program to a federal financial assistance program that provides funds to entities for easement acquisitions. Funding for the FRPP comes from the Commodity Credit Corporation, the same federal entity that finances farm income support payments and conservation payments. The USDA Natural Resources Conservation Service (NRCS) manages the program.

### ELIGIBILITY

#### Land and Landowner

To qualify for the FRPP the land must be part of a privately owned farm or ranch and must:

- Contain prime, unique or other productive soil—at least 50 percent unless otherwise determined by the State Conservationist, contain historical or archaeological resources, or support a state or local policy consistent with the purpose of the program;
- Be included in a pending offer from a state, tribal or local government or non-governmental organization's farmland protection program;
- Be covered by a conservation plan on any highly erodible cropland;
- Be large enough to sustain agricultural production;
- Be accessible to markets for what the land produces;
- Be near parcels of land that can support long-term agricultural production; and
- Be owned by an individual, legal entity or Indian Tribe that does not exceed the Adjusted Gross Income (AGI) limitation.\*

Eligible land includes cropland, rangeland, grassland, pasture land or forest land that contributes to the economic viability of an agricultural operation or serves as a buffer to protect an agricultural operation from development. Forest land must not comprise more than 66 percent of the acreage submitted in the pending offer. Forest land in excess of 10 acres or 10 percent of the easement area, whichever is greater, must have a forest management plan before closing. Other incidental land may be considered eligible if inclusion is necessary for the efficient administration of a conservation easement.

### Cooperating Entities

To be eligible to apply to the program, entities must:

- Be federally recognized Indian tribes, states, units of local government or non-governmental organizations that buy agricultural conservation easements for the purpose of protecting agricultural use; and
- Have pending offers for acquiring conservation easements.

For the purposes of the FRPP, "non-governmental organization" means a tax-exempt organization formed for the conservation purposes set forth in Internal Revenue Code Section 170(h)(4)(A).

These purposes include the preservation of land areas for outdoor recreation, natural habitat, open space—including farmland and forest land—and the preservation of historic resources. The 2008 Farm Bill amended the definition of eligible entities to add churches, universities and hospitals. In addition, eligible entities must demonstrate:

- A commitment to long-term conservation of agricultural lands;
- A capacity to acquire, manage and enforce easements;
- Sufficient staff to monitor and enforce easements; and
- Available funds.

The 2008 Farm Bill established "certified entities" as a special class of eligible entities that have demonstrated a capacity to complete land projects using FRPP funds and an ongoing commitment to monitoring and stewardship. Certified entities can enter into longer cooperative agreements that can obligate funds for up to five years.

\* Individuals or entities that have an average AGI exceeding \$1.0 million for the three tax years preceding the year the contract is approved are not eligible to receive program benefits or payments. An exemption is provided in cases where 66 percent of the AGI is derived from farming, ranching or forestry operations.

Farmland Protection Policy Act (FPPA) in 1981. The FPPA directs federal agencies to evaluate the extent to which federally funded projects lead to the conversion of agricultural land and to consider less harmful alternatives. The regulations were issued in 1994 but have failed to effectively prevent farmland conversion.

The Farms for the Future Act, adopted as part of the 1990 Farm Bill, set the precedent for federal funding by authorizing the Resources Conservation Demonstration Program. This program provided guaranteed loans and subsidized interest payments to state and local farmland protection programs. A pilot program in Vermont saved the state approximately \$10.7 million in interest payments over three years.

The Federal Agriculture Improvement and Reform Act (the 1996 Farm Bill) established a Farmland Protection Program (FPP), which superseded the Farms for the Future Act, to protect farmland from conversion to nonagricultural uses. It authorized up to \$35 million in matching funds over six years to state, tribal and local programs for the purchase of agricultural conservation easements and other interests in productive farmland.

The Farm Security and Rural Investment Act of 2002 (the 2002 Farm Bill) expanded the FPP to include non-governmental organizations as eligible entities, make farm and ranch land containing historical and archeological sites eligible and allow landowner donations to count as part of the entity's match. The rule renamed the program to Farm and Ranch Lands Protection Program.

The Food, Conservation, and Energy Act of 2008 (the 2008 Farm Bill) changed the purpose of the program from protecting topsoil to protecting agricultural use and the conservation values of agricultural land from nonagricultural development. It expanded the types of eligible entities and categories of eligible land and changed the nature of the program from a federal real estate acquisition program to a program that provides financial assistance to entities for easement purchases. Lastly, the 2008 Farm Bill increased funding for the program. Congress authorized the following funding for each fiscal year:

• Fiscal Year 2008	\$97,000,000
• Fiscal Year 2009	\$121,000,000
• Fiscal Year 2010	\$150,000,000
• Fiscal Year 2011	\$175,000,000
• Fiscal Year 2012	\$200,000,000

## FUNCTIONS & PURPOSES

The FRPP provides financial support to state, local and private farm and ranch land protection efforts. These programs protect agricultural land from residential and commercial development by acquiring agricultural conservation easements on productive farmland. Conservation easements allow farmers to free capital tied up in their land while still maintaining the right to use the land for agriculture. Income from the sale of conservation easements may be used to reinvest in agricultural operations, invest for retirement and/or reduce debt. By removing the speculative value of the land, these programs may also help keep agricultural land affordable for beginning farmers. In addition, the FRPP encourages good stewardship by requiring the implementation of conservation plans on highly erodible cropland.

## BENEFITS

- Provides much-needed financial assistance to state, local and private farmland protection efforts.
- Encourages the development of new farm and ranch land protection programs.
- Encourages good stewardship by requiring the implementation of conservation plans on highly erodible cropland.
- Makes the protection of farm and ranch land from conversion to other uses an NRCS issue.
- Fosters national awareness about farm and ranch land protection.

## DRAWBACKS

In general, the NRCS will not enroll land previously protected by a permanent conservation easement OR land owned by an eligible entity unless ownership is transferred to a private landowner before the NRCS disburses the full FRPP payment. This has complicated and sometimes precluded preacquisitions by public entities and land trusts.

- FRPP participants and immediate family members cannot serve as voting board members for the land trust or public easement acquisition program that holds their easement. This provision has barred further service from valued board members and will prevent landowners with first-hand experience in selling easements from serving land protection organizations.
- The AGI limitation has prevented individuals and corporations who own key agricultural lands from participating.

# FARM AND RANCH LANDS PROTECTION PROGRAM



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**AMERICAN FARMLAND TRUST • FARMLAND INFORMATION CENTER**  
**FEDERAL FARM AND RANCH LANDS PROTECTION PROGRAM ALLOCATIONS**

State	1996	1997	1998	2000	2001	2002	2003
Alabama	\$0	\$0	\$0	\$0	\$0	\$0	\$1,221,901
Alaska	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Arizona	\$0	\$0	\$0	\$0	\$0	\$1,750,000	\$0
Arkansas	\$0	\$0	\$0	\$0	\$0	\$0	\$0
California	\$2,080,000	\$416,300	\$1,042,000	\$0	\$1,117,400	\$2,470,500	\$3,213,682
Colorado	\$1,040,000	\$0	\$1,042,000	\$0	\$540,200	\$2,099,700	\$3,491,161
Connecticut	\$1,040,000	\$0	\$1,042,000	\$0	\$623,500	\$2,101,035	\$2,034,693
Delaware	\$1,040,000	\$0	\$1,385,000	\$0	\$617,300	\$1,956,500	\$2,812,604
Florida	\$453,000	\$0	\$625,000	\$0	\$729,600	\$1,000,000	\$3,230,596
Georgia	\$0	\$0	\$0	\$0	\$0	\$1,095,900	\$1,136,839
Hawaii	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Idaho	\$0	\$0	\$0	\$0	\$212,200	\$450,000	\$904,958
Illinois	\$0	\$0	\$0	\$0	\$520,000	\$1,319,430	\$1,439,727
Indiana	\$0	\$0	\$0	\$0	\$0	\$901,200	\$101,402
Iowa	\$0	\$0	\$0	\$0	\$289,100	\$766,311	\$382,017
Kansas	\$0	\$0	\$0	\$0	\$0	\$165,000	\$488,702
Kentucky	\$416,000	\$0	\$729,000	\$0	\$635,800	\$2,878,500	\$3,136,810
Louisiana	\$0	\$0	\$0	\$0	\$0	\$0	\$21,020
Maine	\$0	\$0	\$375,000	\$0	\$663,800	\$972,000	\$1,141,447
Maryland	\$1,555,000	\$104,300	\$1,457,997	\$0	\$718,400	\$2,622,400	\$5,032,549
Massachusetts	\$1,040,000	\$208,300	\$1,250,000	\$0	\$637,800	\$2,304,200	\$2,932,471
Michigan	\$1,040,000	\$364,300	\$1,094,000	\$0	\$562,200	\$2,238,600	\$3,102,026
Minnesota	\$0	\$0	\$0	\$0	\$0	\$0	\$1,302,625
Mississippi	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Missouri	\$0	\$0	\$0	\$0	\$0	\$408,000	\$1,218,553
Montana	\$0	\$0	\$0	\$0	\$103,200	\$1,338,400	\$2,003,840
Nebraska	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Nevada	\$0	\$0	\$0	\$0	\$0	\$0	\$0
New Hampshire	\$0	\$104,300	\$234,000	\$250,000	\$527,900	\$1,856,467	\$1,954,102
New Jersey	\$1,040,000	\$208,300	\$1,458,000	\$0	\$765,600	\$2,300,928	\$4,476,298
New Mexico	\$0	\$0	\$0	\$0	\$0	\$0	\$1,423,893
New York	\$416,000	\$104,300	\$1,458,000	\$0	\$440,900	\$1,650,782	\$2,847,539
North Carolina	\$159,000	\$0	\$313,000	\$0	\$598,100	\$2,193,428	\$2,168,361
North Dakota	\$0	\$0	\$0	\$0	\$0	\$0	\$701,100
Ohio	\$0	\$0	\$0	\$0	\$0	\$1,612,800	\$2,428,786
Oklahoma	\$0	\$0	\$0	\$0	\$26,000	\$0	\$1,199,957
Oregon	\$0	\$0	\$0	\$0	\$0	\$0	\$1,188,484
Pennsylvania	\$1,664,000	\$281,300	\$1,458,000	\$0	\$665,800	\$2,870,316	\$5,027,444
Rhode Island	\$520,000	\$0	\$703,000	\$0	\$527,300	\$1,328,600	\$1,282,460
South Carolina	\$0	\$0	\$0	\$0	\$299,500	\$534,950	\$1,186,487
South Dakota	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Tennessee	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Texas	\$0	\$0	\$0	\$0	\$480,500	\$0	\$1,320,503
Utah	\$0	\$0	\$0	\$0	\$116,500	\$40,500	\$1,157,901
Vermont	\$1,040,000	\$104,300	\$1,250,000	\$0	\$3,452,800	\$1,859,600	\$2,036,124
Virginia	\$104,000	\$0	\$0	\$0	\$521,800	\$1,496,131	\$921,344
Washington	\$208,000	\$0	\$469,000	\$0	\$588,800	\$2,088,422	\$1,947,491
West Virginia	\$0	\$0	\$0	\$0	\$0	\$400,000	\$1,003,992
Wisconsin	\$145,000	\$104,300	\$615,000	\$0	\$518,000	\$1,635,200	\$1,803,867
Wyoming	\$0	\$0	\$0	\$0	\$0	\$0	\$809,644
Pacific Basin	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Puerto Rico	\$0	\$0	\$0	\$0	\$0	\$0	\$0
<b>Total</b>	<b>\$15,000,000</b>	<b>\$2,000,000</b>	<b>\$17,999,997</b>	<b>\$250,000</b>	<b>\$17,500,000</b>	<b>\$50,705,800</b>	<b>\$77,235,400</b>

Figures represent funds for easement acquisitions (i.e., financial assistance) and technical assistance. Historically, technical assistance has represented approximately 3% of funds allocated to the states. There were no allocations in fiscal year 1999.

Source: USDA Natural Resources Conservation Service Easement Programs Division  
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**AMERICAN FARMLAND TRUST • FARMLAND INFORMATION CENTER**  
**FEDERAL FARM AND RANCH LANDS PROTECTION PROGRAM ALLOCATIONS**

2004	2005	2006	2007	2008	2009	Cumulative Total	State
\$1,063,321	\$48,104	\$1,645,209	\$964,625	\$1,073,396	\$570,387	\$6,586,943	Alabama
\$7,507	\$0	\$54,071	\$443,128	\$363,497	\$716,873	\$1,585,076	Alaska
\$687,639	\$18,492	\$5,470	\$6,982	\$7,881	\$131,178	\$2,607,642	Arizona
\$0	\$1,676	\$156,001	\$5,698	\$6,422	\$20,618	\$190,415	Arkansas
\$3,713,015	\$5,865,805	\$2,444,060	\$2,462,827	\$6,149,543	\$3,755,987	\$34,731,119	California
\$3,499,863	\$4,527,904	\$2,307,342	\$2,112,600	\$2,861,397	\$5,700,954	\$29,223,121	Colorado
\$2,970,308	\$3,420,407	\$3,132,506	\$2,925,228	\$3,067,797	\$5,909,290	\$28,266,764	Connecticut
\$4,212,200	\$4,100,865	\$3,179,442	\$3,092,174	\$6,330,496	\$5,767,819	\$34,494,400	Delaware
\$2,855,047	\$4,500,562	\$1,695,786	\$1,678,077	\$2,278,271	\$1,510,964	\$20,556,903	Florida
\$1,440,697	\$1,588,207	\$801,432	\$943,664	\$1,166,923	\$22,582	\$8,196,244	Georgia
\$2,406	\$2,153,520	\$1,886,349	\$1,116,459	\$1,122,092	\$339,710	\$6,620,536	Hawaii
\$370,492	\$56,200	\$618,563	\$418,210	\$44,096	\$1,094,344	\$4,169,063	Idaho
\$1,767,477	\$1,779,871	\$1,783,486	\$1,435,226	\$1,848,022	\$1,876,114	\$13,769,353	Illinois
\$7,075	\$754	\$824	\$0	\$0	\$2,231	\$1,013,486	Indiana
\$266,660	\$1,055,670	\$8,370	\$34,537	\$7,211	\$247	\$2,810,123	Iowa
\$119,420	\$76,100	\$500,126	\$1,330,436	\$1,364,872	\$1,036,832	\$5,081,488	Kansas
\$2,862,143	\$3,745,262	\$2,452,218	\$2,959,715	\$2,651,474	\$3,189,464	\$25,656,386	Kentucky
\$998	\$16,437	\$1,398	\$6,313	\$0	\$1	\$46,167	Louisiana
\$1,566,500	\$38,769	\$944,359	\$1,103,324	\$2,272,702	\$376,641	\$9,454,542	Maine
\$6,658,459	\$8,720,347	\$3,010,946	\$2,962,099	\$2,914,415	\$4,338,428	\$40,095,340	Maryland
\$4,526,816	\$4,746,323	\$3,757,318	\$3,961,185	\$5,941,764	\$6,094,039	\$37,400,216	Massachusetts
\$2,684,099	\$4,163,108	\$1,811,745	\$1,695,365	\$2,486,416	\$3,012,459	\$24,254,318	Michigan
\$1,135,953	\$1,593,018	\$563,489	\$701,843	\$2,659,023	\$3,061,214	\$11,017,165	Minnesota
\$0	\$0	\$0	\$0	\$0	\$0	\$0	Mississippi
\$670,130	\$628,505	\$9,593	\$1,256,358	\$82,330	\$26,436	\$4,299,905	Missouri
\$2,287,642	\$1,260,781	\$1,567,468	\$935,414	\$2,099,410	\$2,780,313	\$14,376,468	Montana
\$539,022	\$10,942	\$139,244	\$8,164	\$9,738	\$1,481,913	\$2,189,023	Nebraska
\$566,900	\$1,260,437	\$1,530,121	\$1,960,423	\$8,751	\$3,626,948	\$8,953,580	Nevada
\$3,195,205	\$3,507,384	\$3,378,274	\$3,339,447	\$1,357,352	\$3,962,125	\$23,666,556	New Hampshire
\$5,714,994	\$6,439,064	\$4,120,272	\$4,740,488	\$8,486,474	\$6,838,653	\$46,589,071	New Jersey
\$434,700	\$680,480	\$306,922	\$428,372	\$27,506	\$624,658	\$3,926,531	New Mexico
\$3,301,635	\$5,713,403	\$2,241,158	\$1,772,001	\$1,443,633	\$2,530,397	\$23,919,748	New York
\$2,399,224	\$3,664,957	\$1,757,731	\$1,614,567	\$2,657,991	\$3,021,553	\$20,547,912	North Carolina
\$446,496	\$370,213	\$415,655	\$5,683	\$8,467	\$5,567	\$1,953,181	North Dakota
\$3,346,079	\$3,974,570	\$2,008,037	\$2,856,580	\$3,514,186	\$3,379,364	\$23,120,402	Ohio
\$1,390,598	\$861,287	\$719,557	\$79,698	\$113,235	\$308,892	\$4,699,224	Oklahoma
\$175,131	\$675,783	\$4,826	\$574,492	\$14,986	\$8,066	\$2,641,768	Oregon
\$4,244,350	\$6,899,419	\$2,840,139	\$3,067,978	\$6,225,588	\$5,823,055	\$41,067,389	Pennsylvania
\$2,675,154	\$3,506,411	\$3,816,524	\$2,916,852	\$1,563,560	\$5,432,162	\$24,272,023	Rhode Island
\$1,666,904	\$1,623,621	\$2,369,293	\$1,211,644	\$430,601	\$2,823,699	\$12,146,699	South Carolina
\$0	\$271,271	\$2,047	\$161	\$6,802	\$5,219	\$285,500	South Dakota
\$917,922	\$518,522	\$551,655	\$752,600	\$971,002	\$1,035,750	\$4,747,451	Tennessee
\$1,559,561	\$712,585	\$1,998,599	\$1,525,682	\$4,085,557	\$2,212,904	\$13,895,891	Texas
\$1,201,142	\$1,334,346	\$473,673	\$1,327,614	\$526,616	\$922,004	\$7,100,296	Utah
\$3,519,873	\$3,553,722	\$3,138,224	\$3,048,322	\$3,009,047	\$3,372,551	\$29,384,563	Vermont
\$1,421,900	\$1,733,381	\$931,724	\$1,091,895	\$2,188,704	\$1,801,825	\$12,212,704	Virginia
\$1,716,240	\$2,112,853	\$1,190,602	\$1,181,980	\$2,017,850	\$6,096,996	\$19,618,234	Washington
\$1,628,585	\$2,052,080	\$1,933,575	\$2,248,675	\$2,873,475	\$5,624,854	\$17,765,236	West Virginia
\$2,088,000	\$3,592,567	\$1,571,197	\$1,678,137	\$2,644,803	\$1,501,091	\$17,897,162	Wisconsin
\$1,014,288	\$1,245,344	\$549,893	\$741,616	\$2,184,345	\$3,848,714	\$10,393,844	Wyoming
\$0	\$0	\$0	\$0	\$0	\$0	\$0	Pacific Basin
\$0	\$6,341	\$0	\$0	\$0	\$0	\$6,341	Puerto Rico
\$90,539,770	\$110,427,670	\$72,326,513	\$72,724,558	\$95,169,717	\$117,624,085	\$739,503,510	Total

Figures represent funds for easement acquisitions (i.e., financial assistance) and technical assistance. Historically, technical assistance has represented approximately 3% of funds allocated to the states.

There were no allocations in fiscal year 1999.

Source: USDA Natural Resources Conservation Service Easement Programs Division

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**APPENDIX L – TOWN OF CLIFTON PARK INCENTIVE  
ZONING LAW**

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## **Sample Document For Discussion Purposes**

**Tax laws are subject to change and this may not reflect current conditions**

### **Summary of Tax Benefits for Land Conservation in New York**

#### **Federal**

A federal income tax deduction has been and may continue to be available to conservation easement donors.

The deduction may be:

- The value of a conservation easement as appraised by an independent conservation appraiser may be deducted on up to 50% of income annually and this deduction may be taken over 15 years.
- For a qualified farmer or rancher the value of a conservation easement may be deducted on up to 100% of annual income and this deduction may be taken over 15 years.

This benefit expired December 31, 2009, but may be renewed by Congress, retroactive to January 1.

- At present the value of an easement may be deducted on up to 30% of income annually and may be taken over 5 years.

#### **New York State**

New York State provides an annual Conservation Tax Credit of up to 25% of property taxes, including local and school taxes, to a maximum refund of \$5000 annually.

#### **Local**

Your local assessor may be able to reassess your conservation land as 'waste ground' value because of the restrictions on future development. This is at the discretion of the Town and the assessor.

New York State

2008-2009 Farmland Protection Implementation Projects

TECHNICAL RATING FORM

Reviewer's Name: \_\_\_\_\_

Applicant: \_\_\_\_\_

Property/Landowner Name: \_\_\_\_\_

Funds Requested: \_\_\_\_\_ Total Match: \_\_\_\_\_

\*\*\*\*\*

1. Proposal involves conservation easements.  
(80 points- yes/50 points- no)
2. The degree to which the proposed activity addresses the three funding priorities contained in Section 325(2)(c) of the enabling statute for the Agricultural and Farmland Protection Program:
  - a. likelihood that the project will preserve "viable agricultural land" (i.e., factors principally about the subject property(ies) – e.g., quality of soil resources, % of total farm available for agricultural production, number of acres to be protected, level of demonstrated farm management)  
(65 points max.)
  - b. projects located in areas facing significant development pressure  
(25 points max.)
  - c. projects serving as a buffer for a significant natural public resource containing important ecosystem or habitat characteristics  
(25 points max.)
3. The long-term potential for the agricultural land described in the proposal to remain in viable agricultural production (i.e., factors beyond the scope of the subject property(ies) – e.g., extent to which property is bordered by or proximate to other protected farms or farms that will likely be protected in the future, proximity to markets and processors, proximity to vendors providing supplies and services to the subject farm).  
(55 points max.)
4. Cost of the proposal in relation to acreage protected.  
(20 points max.)
5. The degree to which the proposal demonstrates the local partners' (both public and private) commitment to farmland protection (e.g., these and other activities would be relevant: implementation of actions contained in local farmland protection plans; total local public and private expenditures on Purchase of Development Rights projects; number and acreage of permanent conservation easements on local viable agricultural land; all agricultural districts have been reviewed on or before their respective anniversary date, etc.).  
(30 points max.)

TOTAL POINTS:

(300 points max.)

\_\_\_\_\_  
Reviewer Signature

\_\_\_\_\_  
Date



**Attachment B:**

**Criteria for Dutchess County Open Space and Farmland Protection**

Items to be ranked on a scale from "A" (highest value) to "E" (lowest value).

	A	B	C	D	E
<b>LOCAL AND REGIONAL SUPPORT</b>					
Priorities established in municipal Comprehensive Plan					
Inclusion in NYS Open Space Plan					
Inclusion in municipal, county, or regional trail system					
Municipal designation scenic road and/or vistas					
Additional funding source(s) confirmed					
<b>RESOURCE PROTECTION</b>					
Scenic viewshed					
Key gateway area					
Watershed, aquifer protection					
Wildlife habitat					
Historic resource					
Recreational value/public access					
<b>AGRICULTURAL SIGNIFICANCE</b>					
Soil quality					
Economic viability of farm operation					
Location in or near critical mass of productive farmland					
Potential continuity of farm operation					
<b>DEVELOPMENT PRESSURE</b>					
Importance to rural character of municipality					
Accelerated residential growth					
Commercial expansion on key roadways					
Imminent threat					





## FARMLAND INFORMATION CENTER

# FACT SHEET

## FARM AND RANCH LANDS PROTECTION PROGRAM



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### DESCRIPTION

The Farm and Ranch Lands Protection Program (FRPP) is a voluntary federal conservation program that provides matching funds to eligible entities to buy permanent conservation easements on farm and ranch land. The program was originally enacted in the Federal Agriculture Improvement and Reform Act of 1996. It was reauthorized and expanded in the Farm Security and Rural Investment Act of 2002. Funding for the FRPP comes from the Commodity Credit Corporation, the same federal entity that finances farm income support payments and conservation payments. The USDA Natural Resources Conservation Service (NRCS) manages the program.

### ELIGIBILITY

To qualify for the FRPP the land must be part of a privately owned farm or ranch and must:

- Contain prime, unique or other productive soil—at least 50 percent unless otherwise determined by the state conservationist—or historical or archaeological resources;
- Be included in a pending offer from a state, tribal or local government or non-governmental organization's farmland protection program; and
- Be owned by an individual or entity that does not exceed the Adjusted Gross Income (AGI) limitation.<sup>1</sup>

In addition, most state FRPP plans (see below) consider whether the parcel is:

- Large enough to sustain agricultural production;
- Accessible to markets for what is produced on the land; and
- Near other protected agricultural land that can support long-term agricultural production.

Eligible land includes cropland, rangeland, grassland, and pasture land. Forest land may be included if it is an incidental part of the operation—meaning that it comprises less than 50 percent of the acreage submitted in the pending offer. Other incidental land may be considered eligible if inclusion of such land would significantly augment protection of the associated farm or ranch land.

To be eligible to apply to the program entities must:

- Be federally recognized Indian tribes, states, units of local government or nongovernmental organizations that have a farmland protection program that buys agricultural conservation easements for the purpose of protecting agricultural land from conversion to non-agricultural uses; and
- Have pending offers for acquiring conservation easements.

For the purposes of the FRPP, “non-governmental organization” means a tax-exempt organization formed for the conservation purposes set forth in Internal Revenue Code Section 170(h)(4)(A). These purposes include the preservation of land areas for outdoor recreation, natural habitat, open space—including farmland and forest land—and the preservation of historic resources.

In addition, eligible entities must demonstrate:

- A commitment to long-term conservation of agricultural lands;
- A capacity to acquire, manage and enforce easements;
- Sufficient staff to monitor and enforce easements; and
- Available funds.

### APPLICATION PROCESS AND FUND ALLOCATION

The NRCS Chief allocates FRPP funds each year following Congressional budget approval. Allocations to states are based on the state FRPP plans and ability to execute agreements. FRPP funds must be obligated—through cooperative agreements (see below)—by September 30 each fiscal year.

To solicit applications, NRCS publishes a request for proposals (RFP) in the Federal Register. The RFP is also posted on the FRPP program page at: <http://www.nrcs.usda.gov/programs/frpp/>. Eligible entities submit proposals to the NRCS state conservationist by the specified date. In general, NRCS gives entities at least 45 days to complete an application.

## FARM AND RANCH LANDS PROTECTION PROGRAM

[www.farmlandinfo.org](http://www.farmlandinfo.org)

(800) 370-4879

The NRCS state conservationist typically reviews proposals with advice from the state technical committee—a technical advisory group made up of individuals who represent natural resource sciences and occupations from state and federal agencies and the private sector. Proposals are ranked using the state FRPP plan, a land evaluation site assessment (LESA) system or other scoring system, and adherence to national priorities outlined in the RFP. State FRPP plans describe conditions within the state, address national criteria for protecting farmland and describe the state criteria. State plans are submitted to the NRCS at least every three years and are required for states to receive a federal allocation.

The state conservationist determines the NRCS share awarded for a given project. The NRCS may pay up to 50 percent of the appraised fair market value of the easement. Cooperating entities may count landowner donations of up to 25 percent of the appraised fair market value of the easement toward their share of the easement acquisition cost. At a minimum, the cooperating entity must provide either 25 percent of the appraised fair market value in cash OR 50 percent of the final negotiated purchase price in cash. If the latter option is chosen, the NRCS share cannot exceed the entity's contribution.

### COOPERATIVE AGREEMENTS

When a proposal from an entity is approved, NRCS executes a cooperative agreement on behalf of the Commodity Credit Corporation. This legal agreement describes the transaction, including information about the parcel, the type of interest to be acquired, the project cost, an estimate of the federal share, and responsibilities of each party.

Participating landowners agree not to convert their land to nonagricultural uses and to develop and implement a conservation plan for any highly erodible land. The conservation plan is developed based on the standards in the NRCS Field Office Technical Guide and approved by the local conservation district. Participants also agree to comply with the agency's 2 percent limit on impervious surfaces (or one acre for farms smaller than 50 acres), unless the state conservationist secured a waiver.

FRPP easements must be permanent unless prohibited by state law and be reviewed and

approved by the NRCS national office before being recorded. The easement must contain indemnification language and a contingent right, which describes the United States' interest in the easement and enables the federal government to enforce the terms of the easement if the cooperating entity fails to do so. This language also requires the participating entity to reimburse the federal government if the easement is terminated.

### HISTORY

The federal governments efforts to stem farmland conversion began with the passage of the Farmland Protection Policy Act (FPPA) in 1981. The FPPA directs federal agencies to evaluate the extent to which federally funded projects lead to the conversion of agricultural land and to consider less harmful alternatives. The regulations were issued in 1994 but have failed to effectively prevent farmland conversion.

The Farms for the Future Act, adopted as part of the 1990 Farm Bill, set the precedent for federal funding by authorizing the Resources Conservation Demonstration Program. This program provided guaranteed loans and subsidized interest payments to state and local farmland protection programs. A pilot program in Vermont saved the state approximately \$10.7 million in interest payments over three years.

The Federal Agriculture Improvement and Reform Act (the 1996 Farm Bill) established a Farmland Protection Program (FPP), which superseded the Farms for the Future Act, to protect farmland from conversion to nonagricultural uses. It authorized up to \$35 million in matching funds over six years to state, tribal and local programs for the purchase of agricultural conservation easements and other interests in productive farmland.

The Farm Security and Rural Investment Act of 2002 (the 2002 Farm Bill) renamed and expanded the FPP to include non-governmental organizations as eligible entities, make farm and ranch land containing historical and archeological sites eligible, and allow landowner donations to count as part of the entity's match. It allocated \$597 million over six years for easement purchases. In addition, the final rule emphasized permanent easements unless prohibited by state law. The final rule was published on May 16, 2003.

## FARM AND RANCH LANDS PROTECTION PROGRAM

For additional information on farmland protection and stewardship contact the Farmland Information Center. The FIC offers a staffed answer service, online library, program monitoring, fact sheets and other educational materials.

[www.farmlandinfo.org](http://www.farmlandinfo.org)

(800) 370-4879

### FUNCTIONS AND PURPOSES

The FRPP provides financial support to state, local and private farm and ranch land protection efforts. These programs protect agricultural land from residential and commercial development by acquiring agricultural conservation easements on productive farmland. Conservation easements allow farmers to free capital tied up in their land while still maintaining the right to use the land for agriculture. Income from the sale of conservation easements can be used to reinvest in agricultural operations, invest for retirement and/or reduce debt. By removing the speculative value of the land, these programs may also help keep agricultural land affordable for beginning farmers. In addition, the FRPP encourages good stewardship by requiring the implementation of conservation plans on highly erodible land.

### BENEFITS

- Provides much-needed financial assistance to state, local and private farmland protection efforts.
- Encourages the development of new farm and ranch land protection programs.
- Encourages good stewardship by requiring the implementation of conservation plans on highly erodible land.
- Makes the protection of farm and ranch land from conversion to other uses a USDA Natural Resources Conservation Service issue.
- Fosters national awareness about farm and ranch land protection.

### DRAWBACKS

- The NRCS will not enroll land previously protected by a permanent conservation easement OR land owned by a public entity or land conservation organization unless ownership is transferred to a private landowner before the NRCS disburses the full FRPP payment. This has complicated and sometimes precluded preacquisitions by public entities and land trusts.
- FRPP participants and immediate family members cannot serve as voting board members for the land trust or public easement acquisition program that holds their easement. This provision has barred further service from valued

board members and will prevent landowners with first-hand experience in selling easements from serving land protection organizations.

- The limit on impervious surfaces has precluded some operations with extensive agricultural structures from participating.
- The requirement that incidental land represent less than 50 percent of the proposed project has prevented some whole farms from being eligible.
- The AGI limitation has prevented individuals and corporations who own key agricultural lands from participating.

<sup>1</sup> Individuals or entities that have an average AGI exceeding \$2.5 million for the three tax years preceding the year the contract is approved are not eligible to receive program benefits or payments. An exemption is provided in cases where 75 percent of the AGI is derived from farming, ranching or forestry operations.

**New York  
Law  
Open Space Preservation, Incentive Zoning  
EPA Region 2  
Municipality- Town of Clifton Park  
Open Space Incentive Zoning**

***Summary***

This law gives the Town Board to grant incentives to private land developers to advance the town's specific policies in accordance with the Town's GEIS for the western lands of Clifton Park, the 2003 Comprehensive Plan update, the 2003 Open Space Plan, and in coordination with other community planning mechanisms or land use techniques.

***Law***

Town of Clifton Park NY Open Space Incentive Zoning  
Code of the Town of Clifton Park NY  
Chapter 208: Zoning

General Code

ARTICLE VB Open Space Incentive Zoning [Added 5-9-2005 by L.L. No. 5-2005]  
§ 208-43.10. Purpose and objectives.

- A. It is the purpose of this article to empower the Town Board to grant incentives to the private sector engaged in the land development process to advance the town's specific policies in accordance with the Town's GEIS for the western lands of Clifton Park, the 2003 Comprehensive Plan update, the 2003 Open Space Plan, and in coordination with other community planning mechanisms or land use techniques.
- B. This authority may be used by the Town Board to assist the following objectives from the Town's GEIS for the western lands, Comprehensive Plan, and Open Space Plan:
  - (1) To protect wildlife nature preserves, watersheds and water quality, highly valued ecological resources and environmentally sensitive areas.
  - (2) To protect active farm operations.
  - (3) To ensure that all development occurs in an ecologically sound manner.
  - (4) To preserve important open spaces; develop a comprehensive trails and pathway system; preserve scenic roads, cultural resources, and historic and archaeological resources.
  - (5) To protect wetlands and stream corridors for their benefits to wildlife habitat, flood and stormwater control, groundwater protection, erosion control, and recreation.

- (6) To preserve open space for ecological, aesthetic, and recreational purposes.
- (7) To preserve and enhance the existing diverse residential, rural, and historic character of Clifton Park, and to provide for a diversity of housing.
- (8) To allow for an increase in density on a given site, providing the overall density of the western lands of Clifton Park is balanced.
- (9) To establish permanent easements on Town-identified open space parcels to prevent further development.
- (10) To allow for an increase density of both commercial and residential development within the HM Zone to create a more viable, walkable hamlet community.

§ 208-43.11. Authority.

In accordance with § 261-b of the Town Law of the State of New York, the Town Board is empowered to provide for a system of zoning incentives as the Town Board deems necessary and appropriate, consistent with the purposes and conditions set forth herein.

§ 208-43.12. Applicability.

This article applies only to Western Clifton Park zoning districts: Conservation Residential CR, Hamlet Residential HR, and Hamlet Mixed Use HM Districts in the Town of Clifton Park, as shown on the Town of Clifton Park Zoning Map.

§ 208-43.13. Permitted incentives.

The Town Board may grant the following specific incentives within the procedures set forth in this article:

- A. Incentive A. Single-family residential incentives: increases in single-family dwelling unit density beyond the base density within the HM, HR, or CR Districts.
- B. Incentive B. Commercial, two-family, semidetached, and multifamily residential incentives: increases in commercial uses and two-family dwelling, semidetached dwelling, and multifamily dwelling unit density only in the HM District.

§ 208-43.14. Community benefits or amenities.

- A. The following community benefits or amenities may, at the discretion of the Town Board, be accepted in exchange for an incentive as provided in "Permitted Incentives" above. These community benefits or amenities may be either on or off the site of the subject application and may involve one or more parcels of land. Community benefits or amenities may only be located within the CR District.

- (1) Permanent conservation easements: agricultural conservation, open space, scenic, ecological, historic or other types of permanent conservation easements would be acceptable, on Town-identified open space parcels within Western Clifton Park. Proof of perpetuity (signed purchase contract or easement title) is required in writing to the Town of Clifton Park Town Board prior to approval of an open space incentive zoning proposal.
- (2) Permanent protection of land in fee simple for conservation and other community benefit purposes on Town-identified open space parcels within Western Clifton Park. Proof of perpetuity (executed purchase contract or transfer of ownership of title) is required in writing to the Town of Clifton Park

Town Board prior to approval of an open space incentive zoning proposal.

- (3) Cash in accordance with the Special Conditions below, paid to the Town of Clifton Park's dedicated open space fund account for utilization by the Town exclusively for the permanent protection of open space and farmland in Clifton Park. Proposed cash must be placed in an escrow account to be held by the Town and documented in writing to the Town of Clifton Park Town Board prior to approval of an open space incentive zoning proposal.
- (4) Any combination of the above-listed community benefits or amenities.

B. These amenities will be in addition to any other mandated requirements pursuant to other provisions of the Town of Clifton Park Code and any other applicable law or regulation.

§ 208-43.15. Special conditions.

- A. All proposed amenities to be provided by the applicant must show a demonstrable benefit to the benefit area.
- B. Where Incentive A (increase in single-family residential density) is sought, the Town Board shall only receive amenities per the following conditions:

- (1) The incentive granted will be in a one-to-one proportion to the development potential of the unconstrained land, as described in the table below and determined by the Town Board at the time of application.

Determination of Amenity Required for Single-Family Dwelling Unit Incentive

Development	Density Increase	Amenity Required
Single-family residential	1 unit	3 acres unconstrained land

OR

Single-family residential	1 unit	\$30,000
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- (2) Residential unit density increases will be granted in increments according to the table above, of double the original base density, or in other words, not to exceed an increase of 100% of the original base density for the incentive site.

C. Where Incentive B (increase in commercial, two-family, semidetached, and/or multifamily residential density) is sought, the Town Board may only receive amenities per the following conditions:

- (1) Determination of incentive.

- (a) The incentive granted will be in proportion to the development potential of the conservation site provided in terms of unconstrained land, as outlined in the table below and determined by the Town Board at the time of application.

Determination of Amenity Land Required for Commercial, Two-Family, Semidetached, and Multifamily Dwelling Incentives

Development	Density	Amenity Required
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	Increase	
Office	1,000 gross square feet	1 acre unconstrained land or \$20,000 (\$20/gross square feet)
Retail	1,000 gross square feet	1.5 acres unconstrained land or \$30,000 (\$30/gross square feet)
Two-family, semidetached, and multifamily apartments over equivalent commercial or retail ground dwelling unit floor space	One	2 acres unconstrained land or \$20,000

- (b) For example, a project that is seeking a density increase of 2,000 square feet of office, 2,000 square feet of retail space, and two residential units beyond the base density would be required to provide nine acres of unconstrained land as a conservation site. Alternatively, \$140,000 could be paid to the Town's open space fund.

- (2) Commercial and two-family, semidetached, and multifamily residential density increases will be granted in increments equal to the development potential of the amenity land provided per the above table, of double the original base density, or not to exceed an increase of 100% of the original base density for the incentive site.

§ 208-43.16. Criteria and procedure for approval.

- A. Optional preapplication review. It is recommended that the applicant meet informally with Town planning staff prior to completion of an application for purposes of gathering information for the proposed amenity/incentive exchange. The applicant is advised to review the GEIS, the Comprehensive Plan, the Open Space Plan, and any other materials the Town may have on file regarding the open space incentive zoning program.
- B. Applications requesting incentives in exchange for providing community benefits will be submitted to the Town Board in accordance with adopted procedures for requests to amend this chapter. The application will include the following information:
- (1) The requested incentive.
  - (2) The proposed amenity.
    - (a) The location of the proposed conservation site must be demonstrated. The proposed conservation site should be one of the priority open space lands identified in the Land Conservation Plan in the Western Clifton Park GEIS and the Town of Clifton Park Open Space Plan.
    - (b) The site's constrained land and unconstrained land must be mapped, and submitted as part of the application. The proposed unconstrained land area that is the basis for the requested incentive must be specifically identified

and highlighted on the map.

- (c) The base density calculation that is the basis for the proposed exchange for incentives must be provided.
  - (d) The proposed conservation site proposed for permanent protection must include this unconstrained land area and may include constrained land. Any proposed subdivision of land related to the efforts to obtain control of land for the incentive zoning proposal must be approved by the Town as applicable.
- (3) The estimated cash value of the proposed amenity.
- (4) A narrative which demonstrates the following:
- (a) The benefits to the community, including the benefit area, from the proposed amenity.
  - (b) Consistency with the goals and objectives of the Town's Comprehensive Plan, Open Space Plan, and western lands of Clifton Park GEIS.
  - (c) The relative importance and need for the amenity.
  - (d) That there are adequate sewer, water, transportation, waste disposal and fire-protection facilities in the zoning district in which the proposal is located to handle the additional demands the incentive may place on these facilities beyond the demand that would be placed on them if the district were developed to its fullest potential.
  - (e) That all conditions and other applicable requirements of the law are met.
- (5) Any other information or support materials as needed or requested by the Town Board.
- C. Review by Town Board. Within 45 days of submission of an application, pursuant to Subsection B herein, the Town Board will prepare a brief response to the proposal, outlining in writing the Town Board's determination on whether the proposal is worthy of further consideration and the basis for that determination. The Town Board may engage a consultant to assist in review of the application, the cost of which will be borne by the applicant. Suggested modifications to the proposal may also be provided by the Town Board to the applicant. At this point, the Town Board reserves the right to deny the project. However, with a supporting determination, the proposed application will be transferred to the Planning Board for review.
- D. Advisory referral to Planning Board.
- (1) The application will be submitted to the Planning Board for its nonbinding advisory opinion to the Town Board. The review at this stage is intended to obtain the input of the Planning Board for the subject land use decision. It is not intended to serve as a site or subdivision review, which would only occur after a decision by the Town Board on the incentive zoning request.
  - (2) The Planning Board will schedule a public workshop on the application, which



may be conducted as part of its regularly scheduled meeting. The intent of the workshop is to share information between the applicant, the Planning Board and interested members of the public. The workshop will not supplant the formal hearing, which will be conducted by the Town Board later in the review process.

- (3) Within 45 days of receipt of the application from the Town Board, the Planning Board will prepare an advisory report to the applicant and the Town Board. The Planning Board's report will describe the beneficial aspects of the proposal and make recommendations for the amelioration of any adverse aspects of the proposal. The Planning Board's report and the application will then be transferred back to the Town Board for its final decision on the application. The Planning Board reserves the right to deny the project, and describe why in its findings back to the Town Board.

E. Compliance with SEQRA.

- (1) Every decision by the Town Board concerning an application for use of incentive zoning on a particular project will fully comply with the provisions of SEQRA.
- (2) The applicant will submit a long form environmental assessment, Part 1, to the Town Board after the referral by the Planning Board.
- (3) The Town Board will establish itself as SEQRA lead agency for all applications submitted pursuant to this article.

F. Public hearing by Town Board. Prior to its final decision and in conjunction with its SEQRA review, the Town Board will conduct a public hearing in accordance with the standard procedures for adoption of an amendment to the zoning ordinance or local law. At least five days' notice (14 days if a draft environmental impact statement or supplemental environmental impact statement was required) of the time and place of the hearing will be published in the official newspaper of the Town.

G. Findings and final decision.

- (1) Following the public hearing and completion of the SEQRA process, the Town Board will approve, approve with modifications or conditions or deny the proposed incentive zoning application. A written statement of the findings will be prepared by the Town Board documenting the basis of its decision. The findings will include, but not be limited to, the following:
  - (a) SEQRA: that all requirements of SEQRA have been met, including the required findings under that law.
  - (b) Development capacity: that the proposed project, including the incentive, can be adequately supported by the public facilities available or provided as a result of the project, including but not limited to sewer, water, transportation, waste disposal and fire protection, without reducing the availability of such facilities for projects permitted as of right under the Town of Clifton Park Code.
  - (c) Public benefit: that the public benefit realized by the amenity provided by

the applicant is commensurate with the incentive granted by the Town Board, and that there is specifically a demonstrable benefit to the incentive area.

- (d) Project quality: that the project is in harmony with the purpose and intent of this article and with the stated objectives and will promote the purposes herein, that the project is sufficiently advantageous to render it appropriate for grant of an incentive and that the project will add to the long-term assets of the Town of Clifton Park.
  - (e) Comprehensive plan: that the use of incentive zoning for the particular project is consistent with the GEIS, Comprehensive Plan, and Open Space Plan.
- (2) The Town Board may impose conditions on a project to ensure that the above findings are ensured through the subsequent plan review and construction phases of the project.
- H. Plan review. Following the receipt of a favorable decision by the Town Board, an application for approval may be submitted pursuant to the applicable provisions of the Town of Clifton Park Code.



STATE OF NEW YORK  
DEPARTMENT OF AGRICULTURE AND MARKETS  
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David A. Paterson  
Governor

Patrick Hooker  
Commissioner

### **Guideline – Conditions on Future Service**

The Project sponsor/permittee should impose the following conditions, as warranted or recommended on the management of water/sewer lines within agricultural districts:

- (1) The only land and/or structures which will be allowed to connect to the proposed waterline or sewer within the agricultural district will be existing structures at the time of construction, further agricultural structures, and land and structures that have already been approved for development by the local governing body prior to the filing of the Final Notice of Intent by the municipality.

Land and structures that have been approved for development refer to those properties/structures that have been brought before a local governing body where approval (e.g., subdivision, site plan, and special permit) is needed to move forward with project plans and the governing body has approved the action. If no local approval is required for the subdivision of land and/or the construction of structures, the municipality accepts the limitation under Public Health Law §1115 that defines a "subdivision," in part, as "any tract of land which is divided into five or more parcels." Water and/or sewer service will not be extended to the fifth and subsequent parcels where no local approval is required and the land is located within a county adopted, State certified agricultural district.

- (2) If a significant hardship can be shown by an existing resident, the lateral restriction to the resident's property may be removed by the municipality upon approval by the Department. It is the responsibility of the resident landowner to demonstrate that a hardship exists relative to his or her existing water supply or septic system and clearly demonstrate the need for public water or sewer service. The municipality shall develop a hardship application to be filed with the municipality, approved by the County Department of Health, and agreed to by the Department of Agriculture and Markets.
- (3) If it can be demonstrated to the Department's satisfaction that the landowner requested the county to remove his or her land from the agricultural district at the time of district review and the county legislative body refused to do so, lateral restrictions may be removed by the municipality if the Department determines that the removal of the restriction for the subject parcel(s) would not have an unreasonably adverse effect on the agricultural district.
- (4) If land is removed from a county adopted, State certified agricultural district and the district has been reviewed by the county legislative body and certified by the Commissioner for modification, lateral restrictions imposed by the municipality are no longer in effect for the parcels of land that have been removed from the agricultural district.