



Making Your Community More Farm Friendly through Planning and Zoning

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What Does an Ag Navigator Do?

- Foster better understanding of the importance of local agricultural to local officials and Dutchess County economic specialists.
- Coordinates, collaborates and communicates with county and municipal officials, the farming community, agricultural organizations and other agencies on:
 - Agricultural issues and solutions;
 - Economic viability and sustainability of farming;
 - Opportunities and feasibility of new infrastructures related to agriculture.
- Assists in the implementation of the Dutchess County Agricultural and Farmland Protection Plan under the guidance of the Dutchess County Agricultural Advisory Committee.

What Does Dutchess County Agriculture Look Like?

- Believe it or not, our County agriculture is growing!
- The number of acres in Agricultural Districts has grown from 164,380 acres to 196,164 acres; a 19% growth over the last 8 years.
- All 4 districts showed significant growth in acreage, comprising 38% of Dutchess County's total land base.
- In the last 15 years, the value of the agricultural products sold has increased 58%.
- It is important to note that more than 40% of our farmland is not owned by farmers, but is leased, making it possible to sustain our strong agricultural foundation.

State of Agriculture in Dutchess County: Then and Now

Community Profile: Agriculture and Farms - 2017
Amenia, New York

Dutchess County Agriculture

Dutchess County agriculture comprises over 170,000 of the county's 512,000 total acres (30%). Our farms produce a total of \$44.8 billion in goods and have a large part of the county's \$4.38 billion. Agriculture is one of the county's largest industries, its diversity and impact on the local economy is substantial.

A Closer Look

Communities in Dutchess County contain a diverse range of farm enterprises, from dairy, livestock and field crops to horses, orchards, and vineyards. Some of the farms produce a variety of goods as well. For example, some dairy farms also produce hay or grains. However, if the majority of the farm's income is generated from dairy, dairy is considered the enterprise. Farm enterprise types were developed from documentation provided by the New York State Department of Agriculture and Markets; they were then aggregated into larger categories for simplification.

Number of Farm Parcels	279
Average Size of Ag Parcel	65 acres
Land in Farms	18,061 acres
Total Land in Amenia	27,393 acres
Percentage of Town in Farms	66%

Agriculture in Amenia

The Town of Amenia, in Agricultural District 21 (Figure 1), has seen a steady increase in agricultural activity since 2008. Over the last 8 years, the growth may have been the extension of the North-North-Harlem Valley Line to Westside, increasing potential for residential and commercial development in the Harlem Valley.

A recent focus on developing the hamlet center, along with the Town's participation in intermunicipal districts highlighted the importance of protecting the Town's existing farmland and scenic landscape. The Town's Master Plan notes that there has been a large shift from traditional farming uses (dairy, hay, and field crops) toward an increase in the number of horse farms and vineyards. To that point, the amount of acres in the agricultural districts in Amenia has increased by 1,507 acres (8%) from 2008 to 2017.

The Town of Amenia's Comprehensive Plan Update and Revised Zoning Ordinance, adopted in 2007, note recent demographic changes, including an influx of affluent part-time residents, along with an increase in major development programs. The Plan Update strongly encourages that growth in a manner that neighborhood development be encouraged as the "best way to achieve a compact, pedestrian-oriented town" that preserves open space. The plan also notes the dramatic increase since 1991 in the number of vineyard acres in the town. From 123 acres to 1623 acres. Properties under easement include many of the equine operations that have proliferated during the past few years.

Figure 1: Map of Town of Amenia in Agricultural District 21

Agriculture in Dutchess County, NY

Agriculture has been and continues to be one of Dutchess County's primary industries. Our economy, rural landscape, community character, environment, health, and overall quality of life are all positively affected by farms operating here.

1st in Sales Value of Goats and Sheep in New York State with \$1 million in Sales Value

3,300 acres of farmland protected by the County's Partnership for Manageable Growth Program

1st in New York State and 12th in U.S. in Hamster and Sales Value of Horses with \$9 million in Sales Value

678 Farms

112,482 Acres of Farmland

Amenia \$50 million in Agricultural Products last season

Livestock sales have grown by \$12 million and crop sales have grown by \$5 million over the last 10 years

Farms Snapshot of Our Agriculture

March 2017

In 2016, the 8-year review of Agricultural Districts was completed and approved by New York State.

The number of acres in Agricultural Districts has grown from 164,380 acres to 196,164 acres, a 19% growth over the last 8 years.

All 4 districts showed significant growth in acreage, comprising 38% of Dutchess County's total land base. In the last 15 years, the value of the agricultural products sold has increased 58%. Livestock sales have grown by \$12 million and crop sales have grown by \$5 million during the same timeframe.

It is important to note that more than 40% of our farmland is not owned by farmers, but is leased (five or less) to our farmers, making it possible to sustain our strong agricultural foundation.

Top Commodities and Highlights

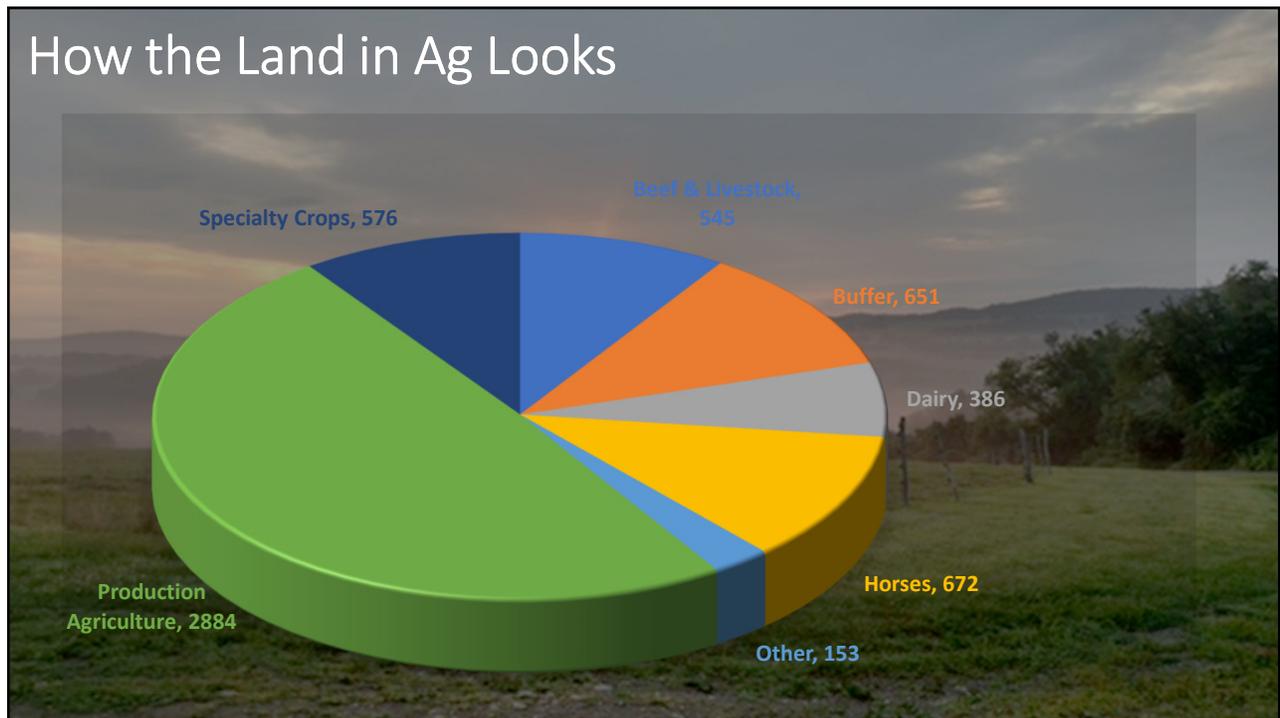
Dutchess County's top commodities by acres are hay, beef cattle, horses, and corn.

Top commodities by sales value are horses, hay, nursery/greenhouse, and vegetables/fruit.

Top inventory numbers are meat chickens, cattle, laying hens, horses, and goats.

Dutchess County has among the Highest Rankings in New York State:

- 1st in inventory number and sales value in horses, 22th in the US
- 1st in inventory number of goats
- 4th in sales value of our sheep and goats, and related products
- 4th in inventory of broiler and meat-type chickens
- 12th in sales value of our Christmas trees
- 15th in sales value of nursery and greenhouse products
- 17th in sales value of fresh-market produce



Agriculture: It's part of the community

- Supports the local economy, protects the environment
- Preserves the aesthetic landscape and rural quality of life
- Provides a source of local food
- Purchase goods and services from other local businesses
- Important small BUSINESSES that provide jobs and sell product
- Agriculture is as diverse as our own population

Goals of the Training

- Agriculture is a primary industry
- Farms are businesses, not just scenic vistas
- Review “farm friendliness” within comprehensive plans and zoning codes
- Provide options for strengthening farm friendliness
- Identify resources for further support

Dutchess County Agricultural & Farmland Protection Plan

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



Dutchess County
Agricultural and Farmland
Protection Plan
March 2015

Background of County-Wide Farm Friendly Audit

- What is *farm friendliness*?
- **Goals:**
 - Understand the relationship between municipal regulations and agriculture
 - Remove barriers and enhance opportunities
 - Present communities with tools to create an environment where agriculture can thrive
- How can we prepare for the future of agriculture in Dutchess County?
 - **By planning and zoning for it!**

Farm Friendly Audit: Facts & Figures

- 40 questions per community – 14 regarding comprehensive plans and 26 regarding zoning codes – totaling 1,200 questions
- **Generalized Topic Areas:**
 - Identify/Acknowledge Agriculture
 - Agricultural Statistics
 - Agricultural Impact
 - Agricultural Policies
 - Barriers

Farm Friendly Audit: Results

Generalized Topic	Yes		Maybe		No	
	#	%	#	%	#	%
Identify/Acknowledge Agriculture	57	38%	5	3%	88	59%
Agricultural Statistics	34	57%	0	0%	26	43%
Agricultural Impact	55	61%	9	10%	26	29%
Agricultural Policies	257	57%	13	3%	180	40%
Barriers	117	26%	10	2%	323	72%

Farm Friendly Audit: Results

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

Audit Results: Comprehensive Plan Farm Friendliness

- **14 questions**
- **Takeaways:**
 - Demonstrates support for agriculture and farming, but does not include specific information to forward this goal.
 - The majority of communities:
 - Establish policies toward farmland and farming;
 - Recommend actions to preserve and enhance farms and farmland; and
 - Create policies for the agricultural use of open space
 - Agriculture is an important resource and a consideration of where growth should or should not take place.

Strengthening Farm Friendliness in the Comprehensive Plan

Tools:

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

Local Examples:

- Town of Beekman
- Town of LaGrange

Audit Results: Zoning Code Farm Friendliness

• 26 questions

• Takeaways:

- There is often a disconnect between plans and laws.
- Zoning can either create opportunities or place barriers to farming.
- The majority of communities:
 - Do not allow agriculture or ag-related uses in many different districts;
 - Require special use permits or site plan review for ag-related uses;
 - Regulate farms by acreage or the number of animals; and
 - Do not allow personal wind mills or solar panels as a permitted use by right for farms.
- Agriculture has unique circumstances that require alternative approaches, strategies, and land use tools than other businesses.

Strengthening Farm Friendliness in the Zoning Code

- **Tools for enhancing farm friendly regulations are:**

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

Definitions for Agricultural Uses

- **Audit Results:** 24 communities define agricultural terms

- **Takeaways:**

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

- **Local Examples:**

- Town of Milan
- Town of Red Hook

Local Agricultural Zoning Districts

- **Audit Results:** 14 communities establish local agricultural zoning districts
- **Takeaways:**
 - Should clearly state the intent to support farms in its purpose statement
 - May embed right-to-farm protections in its mission
 - Not all land is created equal for farming or farm-compatible uses
 - Establish a clear idea of priority farming areas
- **Local Example:**
 - Town of Red Hook

Overlay Districts/Zones

- **Audit Results:** 14 communities establish ag overlay districts/zones
- **Takeaways:**
 - Inclusion of properties may be based on high-quality agricultural soils, location in a NYS certified ag district, or location in other specific ag districts
 - Complementary uses to farm operations are also permitted
 - Additional development standards may be required for parcels within district
- **Local Example:**
 - Town of Washington

Agricultural Land Preservation

- **Audit Results:** 22 communities encourage agricultural land preservation tools
- **General Takeaways:**
 - No “silver bullets” for protecting farmland
 - Combining strategies and tools will yield the best results
 - Protecting farmland stabilizes the agricultural base
 - Balance land uses and focus growth into desired areas
 - Alliance with Greenway principles



Agricultural Land Preservation



Cluster Zoning and Conservation Subdivisions

Agricultural Land Preservation

Incentive Zoning

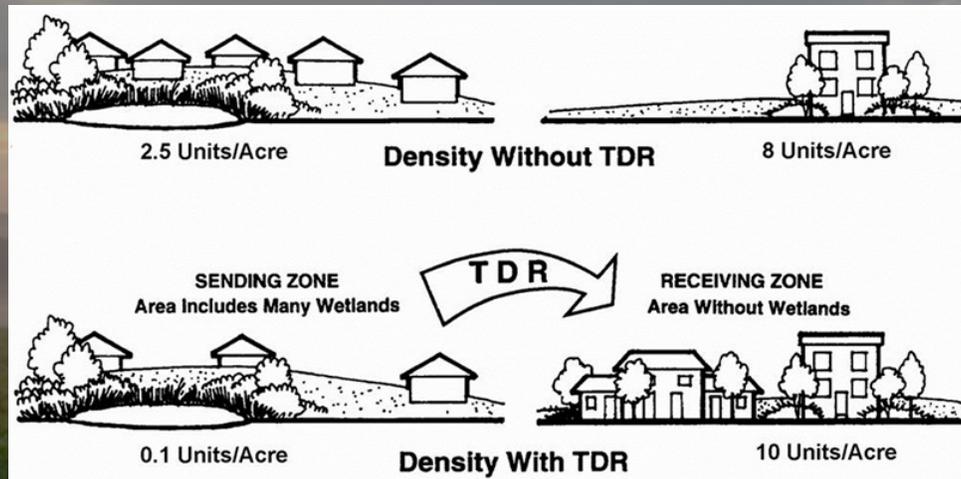


Agricultural Land Preservation

Purchase-of-Development Rights Programs



Agricultural Land Preservation



Transfer-of-Development Rights Programs

Regulating Farms in the Zoning Code

- **Audit Results:** 24 communities regulate farms by acreage and/or number of animals
- **Don't:**
 - Regulate by acreage
 - Regulate by number of animals
 - Have more restrictive definitions than AML
- **Do:**
 - Take into account the size and nature of the particular agricultural activity
 - Allow multiple primary uses on ag parcels

Modified Site Plan Review

- **Audit Results:** 24 communities require either special use permits or site plan approval for agriculture or ag-related uses in zoning districts
- **Takeaways:**
 - NYSDAM generally views special use permit requirements for farm-related activities as unreasonable
 - Respond to farmers' concerns while ensuring the ability to have local land use issues examined
- **Recommendations:**
 - Take into account the size and nature of the particular agricultural activity
 - Consider adopting use of modified site plan review
 - Municipalities could specify that farm operations located within specific zoning districts must submit to site plan review
 - Municipalities may also elect to exempt farm operations, located within a State certified agricultural district, from their site plan review process

Buffers and Setbacks for Agricultural Uses

- **Audit Results:** 8 communities require buffer zones between farmland and residential neighbors
- **Takeaways:**
 - Critical to minimize conflicts with new non-farm neighbors
 - New residential development to provide buffering and screening
 - Good buffer zones make new neighbors into good neighbors
 - Balance the appropriateness of setbacks, as they could result in new houses being sited in the middle of prime farmland instead of the edge
- **Local Examples:**
 - Town of Pine Plains
 - Town of Rhinebeck

Farmworker Housing

- **Audit Results:** 21 communities do not define and allow farmworker housing (including mobile homes)
- **Takeaway:** Most local zoning regulations currently do not include any provisions for farmworker housing.
- **Recommendations:**
 - Include farm worker housing in Agricultural Use definition
 - Add “farmworker housing” to the list of uses allowed where agriculture is allowed
 - Use modified site plan for review and approval

Alternative Energy for Agricultural Purposes

- **Audit Results:** 6 communities allow personal wind mills and solar panels for farm operations
- **Takeaway:** NYSDAM considers small wind and solar facilities used to generate power for the farm (not exceeding 110% of demand) as a farm structure.
- **Recommendations:**
 - Consider allowing personal wind mills or solar panels as a permitted use by right
 - Use modified site plan for review and approval

Farm Markets and Roadside Stands

- **Audit Results:**

- 27 communities limit farm stands to selling products produced at that farm
- 19 communities require farms stands to acquire a special use permit or site plan approval before operating
- 16 communities do not allow on- and off-site signs by right to direct the public to farm stands

- **Takeaways:**

- Are your definitions adequate?
- Signage – consider size and location when setting limitations

- **Recommendations:**

- Incorporate new definitions for “farm market”, “roadside stands”, and “farmers’ market.”
- Consider the use of a modified site plan
- Do not limit sales to products produced at that farm

Agri-Tourism/Recreational Activities

- **Audit Results:** 28 communities do not allow non-traditional farm businesses as-of-right in zoning districts

- **Takeaways:**

- Hayrides, petting zoos, cornfield mazes, and harvest festivals
- NYSDAM considers such activities as part of a farm operation under certain conditions. The events and activities must be:
 1. Directly related to the sale and promotion of the crops, livestock and livestock products produced at the farm;
 2. Incidental and subordinate to the retail sale of the farm’s crops, livestock, and livestock products;
 3. Hosted by the farm; and
 4. Feature the farm’s crops, livestock, and livestock products.

- **Recommendation:** Municipality can use modified site plan review process and/or obtain an event permit

Right-to-Farm Laws

Takeaway: Establish a supportive environment for agriculture

Benefits

- Statement in Support of Agriculture
- Can offer additional planning and dispute resolution measures
- Can guide future town policies and decisions
- Supplement the New York State Agricultural Districts Law
- Are relatively inexpensive

Drawbacks

- May have limited impact unless the law and dispute resolution process are widely promoted
- Do not directly prevent farmland conversion

Agricultural Data Statements

Takeaway: Review of possible impacts on nearby farm operations

Benefits

- Local boards are required to evaluate and consider the possible impacts of a project on nearby farm operations
- Only for the following actions
 - Special use permits
 - Site plan approvals
 - Use Variances
 - Subdivision approvals

Drawbacks

- Only covers land in agricultural Districts

Real Estate Disclosure Notices

Takeaway: Make buyers aware of the sights, sounds, and odors associated with a agricultural use

Benefits

- Alerts and educates all parties
- Use of an agriculture disclosure notice to be printed on an approved plan or plat
- Required by NYS law to be issued by a real estate agency at the point of sale

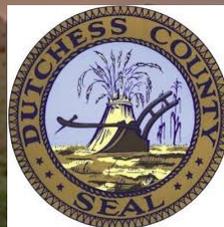
Drawbacks

- State law only pertains to ag district parcels
- Some laws do not require its use for adjacent parcels
- Notice is only between seller and purchaser

Resources



Cornell University
Cooperative Extension
Dutchess County



Summary

- Town boards, planning boards and zoning boards have different responsibilities, but a common regulatory outlook is possible.
- Diversity of Agriculture compels refined understanding of farm operations.
- You can increase your support for agriculture by implementing some or all of the tools suggested tonight.
- No single tool will be able to address all of the needs of local communities and local farmers.

What's Next?

- What tools can you take back to your communities?
 - Inventory of Agricultural Resources document
 - Presentation Resources document (*Coming Soon*)
 - Tech Memo (*Coming Soon*)

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Corny Joke of the Day:



What's the difference between the bird flu and the swine flu?

**One requires TWEETment
and
the other requires OINKMENT!**