



Department of Agriculture and Markets Agriculture and Farmland Protection Biennial Report 2012 – 2013

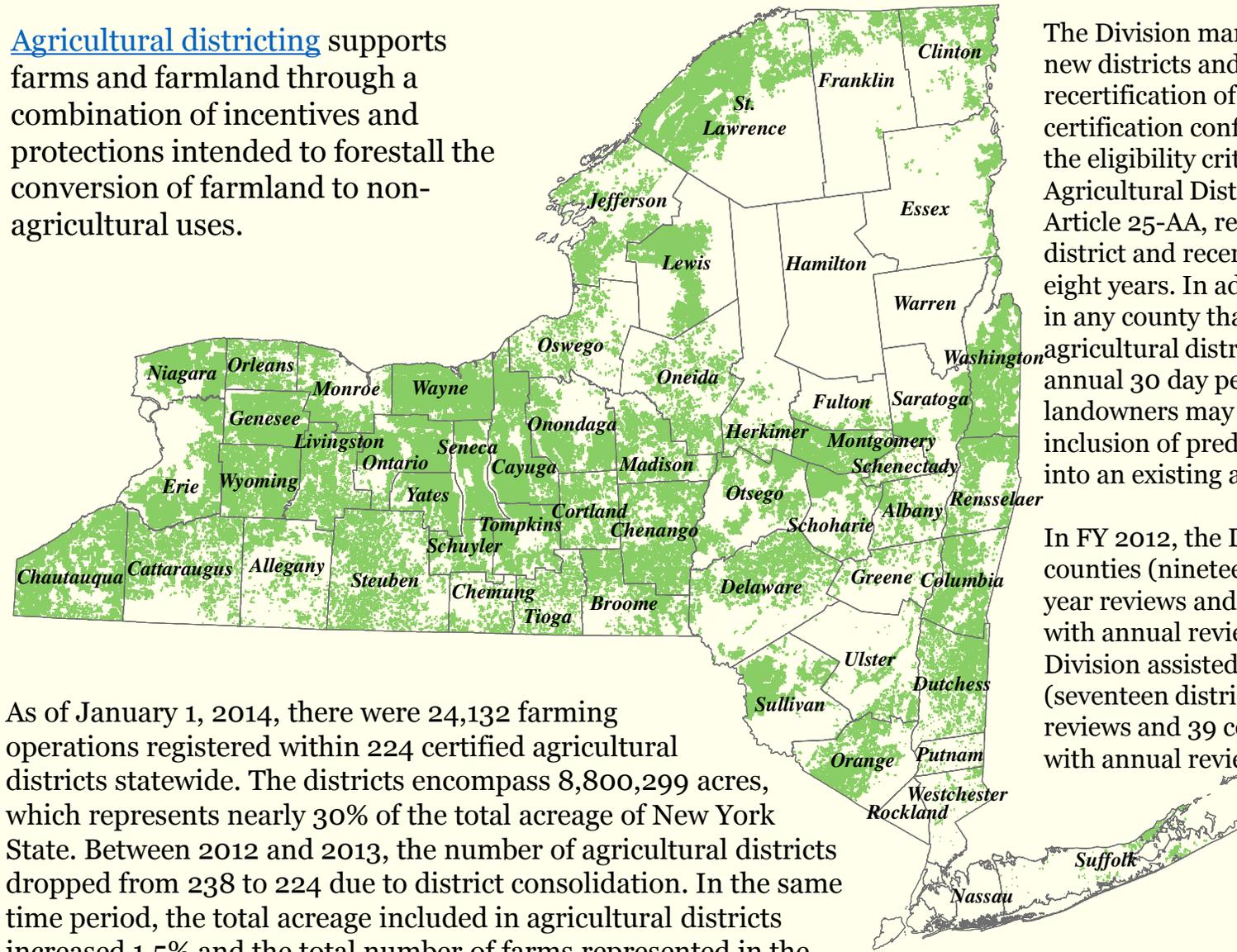
Report Highlights:

- **Agricultural Districts:** During 2012 – 2013, the total acreage included in agricultural districts increased 1.5% and the total number of farms represented in the agricultural districts increased 5.4%.
- **Farmland Protection Planning Grant Program:** 52 counties and 51 towns now have approved Farmland Protection Plans, including 28 which were approved during 2012 – 2013. Grants for an additional 35 plans have been awarded, and the plans are in the works.
- **Farmland Protection Implementation Grant Program:** The FPIG program has exceeded 50,000 acres of farmland protected by conservation easements.

Section 304-b of the Agriculture and Markets Law (AML) requires the Commissioner of the Department of Agriculture and Markets to file a written report with the Governor and the Legislature on the status of the Agricultural Districts and Farmland Protection Programs.

Agricultural Districts (AML 25-AA)

[Agricultural districting](#) supports farms and farmland through a combination of incentives and protections intended to forestall the conversion of farmland to non-agricultural uses.



As of January 1, 2014, there were 24,132 farming operations registered within 224 certified agricultural districts statewide. The districts encompass 8,800,299 acres, which represents nearly 30% of the total acreage of New York State. Between 2012 and 2013, the number of agricultural districts dropped from 238 to 224 due to district consolidation. In the same time period, the total acreage included in agricultural districts increased 1.5% and the total number of farms represented in the agricultural districts increased 5.4%.

Agricultural District Review:

The Division manages the certification of new districts and the review and recertification of existing districts. State certification confirms that a district meets the eligibility criteria for and intent of the Agricultural Districts Law. Pursuant to Article 25-AA, review of an agricultural district and recertification occurs every eight years. In addition, legislative bodies in any county that has created an agricultural district must designate an annual 30 day period in which landowners may submit requests for inclusion of predominantly viable land into an existing agricultural district.

In FY 2012, the Division assisted eighteen counties (nineteen districts) with eight year reviews and 31 counties (68 districts) with annual reviews. In FY 2013, the Division assisted fifteen counties (seventeen districts) with eight year reviews and 39 counties (90 districts) with annual reviews.

Detailed maps of the districts by county are available at <http://www.agriculture.ny.gov/AP/agservices/agricultural-districts.html>



Agricultural Districts (AML 25-AA), Continued

Agricultural Assessment: Farmers in an agricultural district have the opportunity to receive real property assessments based on the value of their land for agricultural production rather than for its fair market value. The Division manages the Land Classification System, including maintenance of the [statewide master list of agricultural soils](#), providing the basic information needed to calculate agricultural assessments for individual farms.

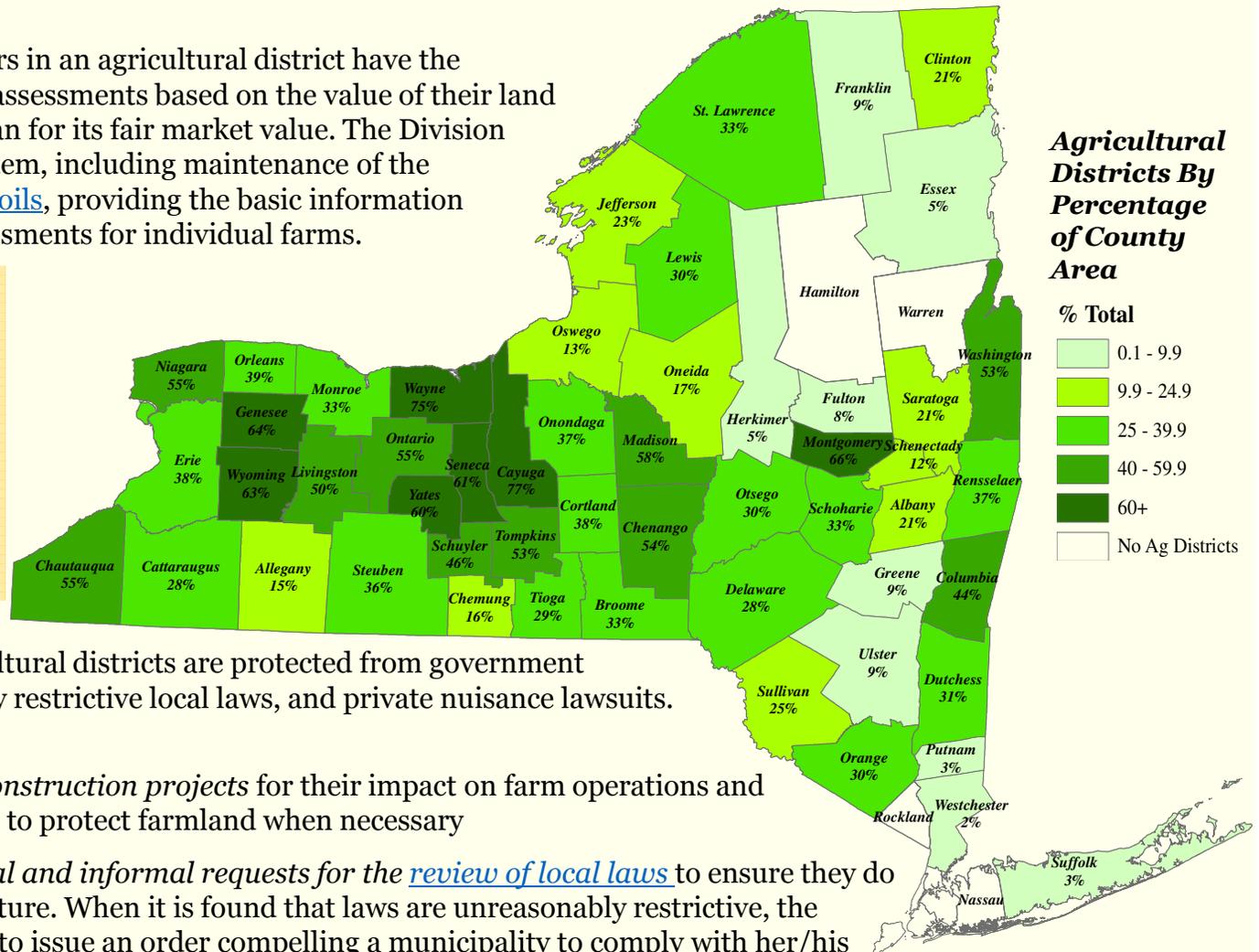
Agricultural Districts Top Five Counties

Most Acreage:

- St. Lawrence
- Chautauqua
- Cayuga
- Steuben
- Chenango

Highest Percent:

- Cayuga
- Wayne
- Montgomery
- Genesee
- Wyoming



Protections: Farms within agricultural districts are protected from government construction projects, unreasonably restrictive local laws, and private nuisance lawsuits. In 2012 – 2013, Division staff:

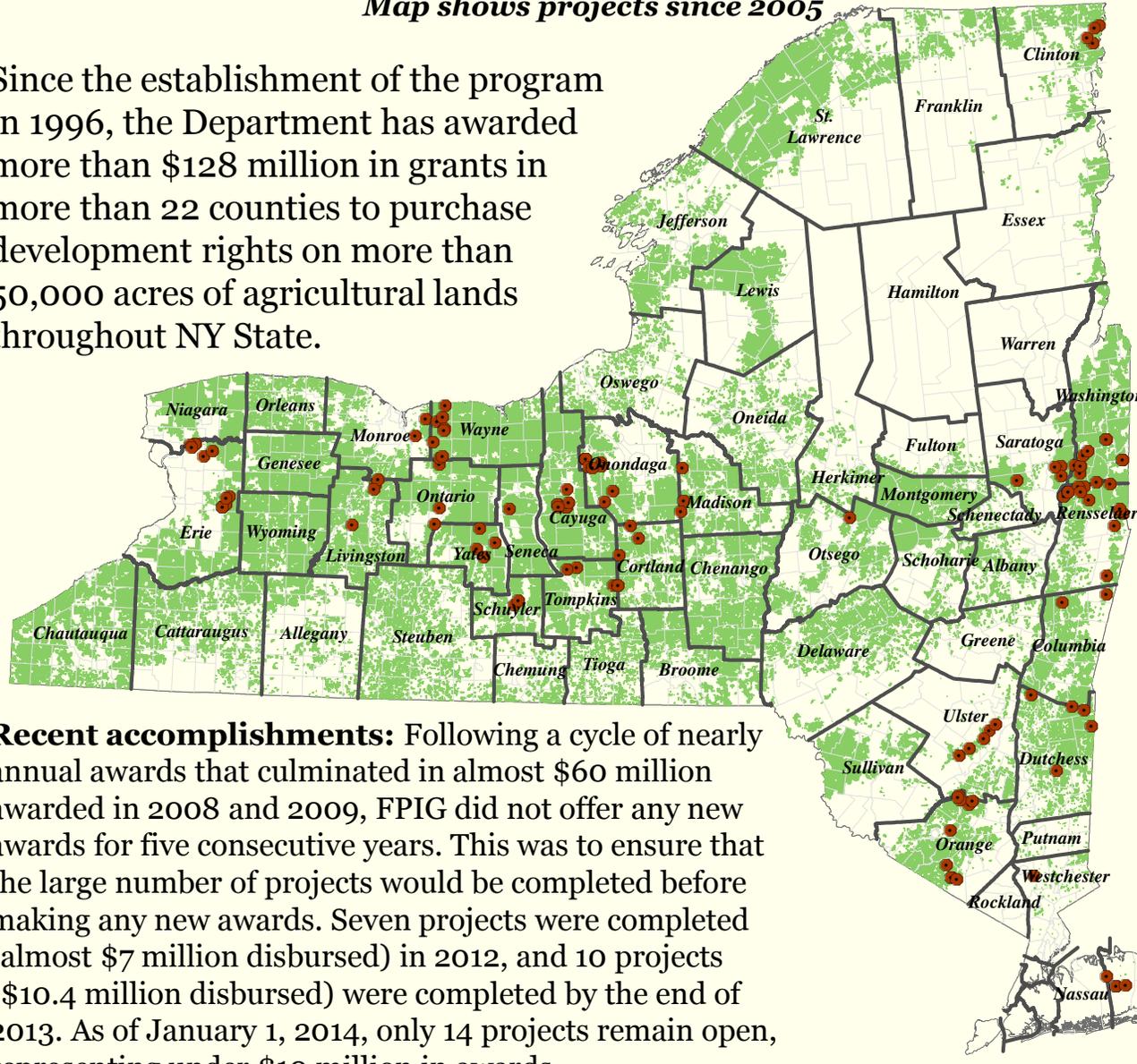
- Reviewed 107 publicly funded construction projects for their impact on farm operations and recommended mitigative actions to protect farmland when necessary
- Responded to hundreds of formal and informal requests for the [review of local laws](#) to ensure they do not unreasonably restrict agriculture. When it is found that laws are unreasonably restrictive, the Commissioner has the authority to issue an order compelling a municipality to comply with her/his Determination and Opinion. One such Order, regarding the number of horses allowed per acre on commercial horse boarding operations, was issued in 2012 – 2013.
- Reviewed requests for determinations of the [soundness of agricultural practices](#). If a practice is sound, it cannot constitute a private nuisance. Division staff performed in-depth reviews of such agricultural practices to advise the Commissioner. Over the past two years, the Commissioner issued three Sound Agricultural Practice Opinions and three non-binding Opinions.



Farmland Protection Implementation Grants (AML 25-AAA)

Purchase of Development Rights (PDR) Projects Map shows projects since 2005

Since the establishment of the program in 1996, the Department has awarded more than \$128 million in grants in more than 22 counties to purchase development rights on more than 50,000 acres of agricultural lands throughout NY State.



Recent accomplishments: Following a cycle of nearly annual awards that culminated in almost \$60 million awarded in 2008 and 2009, FPIG did not offer any new awards for five consecutive years. This was to ensure that the large number of projects would be completed before making any new awards. Seven projects were completed (almost \$7 million disbursed) in 2012, and 10 projects (\$10.4 million disbursed) were completed by the end of 2013. As of January 1, 2014, only 14 projects remain open, representing under \$10 million in awards.

The [Farmland Protection Implementation Grants](#) (FPIG) program is the “next step” following the planning grants. The goal, as outlined in Article 25-AAA of the Agriculture and Markets Law, is to implement the items described in the farmland protection plans. FPIG provides matching grant funds for local municipalities, counties, soil and water conservation districts, and land trusts to preserve farmland.

Historically, FPIG has focused on Purchase of Development Rights projects where the farmer receives compensation for the value of the development rights of the parcel. A conservation easement is placed on the land and the development rights are subsequently permanently retired.

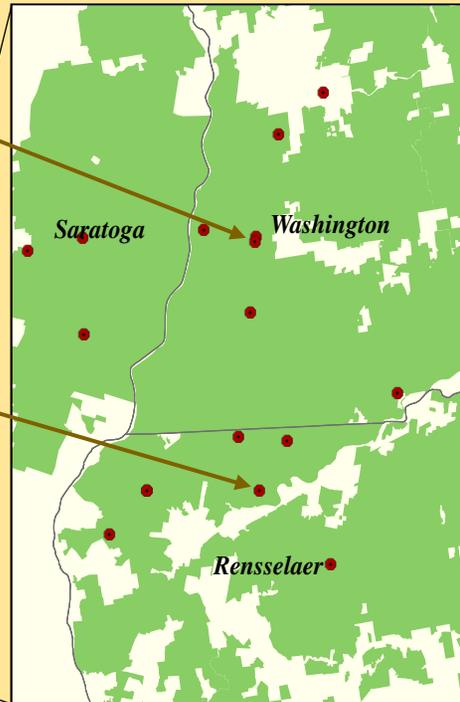


Farmland Protection Implementation Grants (AML 25-AAA), Continued

Recent Completed Project Examples

Slocum and Son Farm
321.5 acres
179 acres (56%) prime or important soils
Completed: 3/12/2012
State funding: \$375,960

Buckland Farms
243.4 acres
157 acres (65%) prime or important soils
Completed: 8/6/2013
State funding: \$284,266



All project locations are accurate to the zip code

Seven projects were completed (almost \$7 million disbursed) in 2012.

Ten projects were completed (\$10.4 million disbursed) in 2013.

Moving forward: The FPIG program has expanded in SFY 2013 – 2014 to include a non-competitive Request for Applications (RFA) program aimed at increasing the options for implementation activities for municipalities. It provides grants of \$15,000 (or 75% of the cost, whichever is less) to change local land use laws to become more farm-friendly and/or to create a local Transfer of Development Rights (TDR) program.

The grant to change restrictive local laws is aimed at municipalities which have already conducted an agricultural zoning audit. These audits are often conducted as part of the farmland planning process; this grant allows municipalities to follow up on their findings and change the laws they have already found to be unreasonably restrictive.

The latter grant is to allow municipalities to create a TDR program so that farmland can be preserved while growth center development is strengthened. Unlike under a PDR framework where development rights are extinguished once the conservation easement is placed on the land, under a TDR framework the development rights themselves become a commodity. They are then able to be transferred to a different parcel, which may be built more densely than standard zoning allows.

In addition, a new PDR Request for Proposals (RFP) is currently being prepared and is expected to be released in 2014.

