



# ONONDAGA COUNTY AGRICULTURE & FARMLAND PROTECTION PLAN

DRAFT APPENDICES

May 20, 2022

# ONONDAGA COUNTY

## AGRICULTURE & FARMLAND PROTECTION PLAN

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### APPENDIX A: ACHIEVEMENTS OF THE 1997 PLAN

The following provides a list of these recommendations and actions that have been implemented since the adoption of the original Onondaga County Agricultural and Farmland Plan in 1997.

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#### Property and Estate Taxes on Farmland Should Be Reduced

- Establishment and promotion of both NY state and local conservation easement programs (Onondaga County Agriculture Council and Town of Skaneateles) to reduce the financial burdens of farmland.
- Provided municipalities with education on fiscal impacts of land development patterns, including the cost of community service data for residential and agricultural/open spaces land uses.
- Increased local adoption of full value land assessment policies.
- Provided opportunities for farmer education on the development of estate plans and business plans to offset tax burdens.

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#### Land Use Mechanisms to Protect Existing Areas of Important Farmland Resources Should be Explored and Implemented at the Municipal Level

- Development and deployment of geospatial mapping data available to agencies, municipalities, and the public, to aid in identifying important farmland areas, and in minimizing impacts of development on the agricultural community and natural resources.
- Mapping, distribution, and display of prime farmland soils to local communities.
- Enactment of multiple local laws and zoning code amendments to ensure agricultural viability. Of note in recent years, is the enactment of commercial solar energy deployment regulations with provisions to protect important farmland areas in a vast majority of towns in Onondaga County.
- Creation of agricultural advisory committees in multiple towns (e.g., Marcellus and LaFayette) to assist local boards in evaluating and improving local land-use policies and programs related to agriculture.
- Creation and adoption of the Town of LaFayette Agriculture & Farmland Protection Plan, approved by the NYS Department of Agriculture & Markets.
- Exploration of local conservation easement and development right transfer programs by multiple towns (e.g., Skaneateles and Lysander).

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#### The Agricultural Industry Should Be Recognized and Promoted As Separate and Equal To Other Industrial Sectors in Onondaga County

- Inclusion of agricultural economic development projects and enhancement of the agricultural industry as one of a limited number of strategic areas within the Regional Economic Development Council (REDC) strategic plans.
- Establishment of the Onondaga County Agricultural Council to promote and preserve Onondaga County's agricultural economy, promote local food, and connections between the County's urban and rural communities.

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- Through the Agricultural Council, creation of the Onondaga Grown buy local campaign and marketing program to recognize and market the availability and benefits of local food to the CNY region.
- With assistance from governmental partners, including the Onondaga County's Department of Economic Development, expansion of agricultural processing for new and existing national agricultural industry users, such as Ultra Dairy and Agrana yogurt processing facilities.

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### Public and Private Land Protection Initiatives Should Be Supported At the County Level

- Establishment and continued pursuit of NYS Department of Agriculture & Markets Farmland Protection Implementation Grants (FPIG) funding opportunities to protect over 12,000 acres of farmland in Onondaga County, through the purchase of conservation easements on agricultural lands.
- Strong partnerships among County agencies, agency partners, and the land trust community to execute FPIG easement projects, educate landowners and identify priority conservation lands.
- Local funding of agricultural land protection, namely conservation easement programs, by the Onondaga County Agricultural Council, Town of Skaneateles, land trusts, and farm operators.

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### The Level of Technical Support Provided to Agriculture Should Be Increased

- CCE Onondaga provides technical training programs covering a range of topics of interest to agricultural producers
- The Onondaga County Soil & Water Conservation District writes more than 15 grants annually, securing millions of dollars for farms across Onondaga County and the Skaneateles Lake Watershed.
- Grow NY Program has been established as a business competition and collaborative entity to grow and fund agricultural innovation
- Creation of the NYS Center of Excellence for Food and Agriculture at Cornell (AgriTech), to catalyze business development in the agricultural sector and provide needed services to foster growth.

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### Public and Private Initiatives to Expand Agricultural Education in the Classroom Should Be Supported Throughout the County

- CCE Onondaga provides educational initiatives, including Ag-in-the-classroom events such as Agriculture Literacy Week.
- Onondaga County Soil & Water Conservation District provides agricultural support to urban farms which offer educational offerings, including the Brady Farm, Dr. King Elementary School, and the Syracuse Refugee Agriculture Program (SYRAPP), for soil sampling, analysis, and interpretation of the laboratory results for raised bed gardens.

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### Public Education and Community Awareness Regarding Agriculture Should Be Promoted Throughout the County

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- CCE Onondaga organizes several public events to increase awareness of local agriculture, including the Onondaga Grown Campaign and OnFarm Fest; Recycling Agricultural Plastics Project (RAPP); the Beginning Farmer and Rancher Development Program developed in partnership with Refugee and Immigrant Self-Empowerment (RISE); and Annie's Project.
- The County, through the Agricultural Council, has established a media campaign, including print, radio and television advertising, social media, and widespread branding efforts to actively promote and publicize Onondaga County farms and their product offerings.
- Establishment of an annual OnFarm Fest, which now attracts over 10,000 visitors each year, to welcome residents to visit a sampling of Onondaga County Farms, meet local farmers and explore how local food is produced.
- Use of social media by several agricultural partners to publicize local farms and their offerings.
- The rise of new agritourism businesses has provided new opportunities to raise awareness in the community to the needs and benefits of local agriculture.

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### APPENDIX B: FARM FRIENDLY ASSESSMENTS & TOOLBOX

The following provides the farm-friendly assessments for the Towns of Onondaga, LaFayette, Manlius, and Cicero, as well as the toolbox developed for municipalities interested in implementing farm-friendly land use tools.



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October 25, 2021

FARM-  
FRIENDLY  
MUNICIPAL  
TOOLBOX

# FARM FRIENDLY MUNICIPAL TOOLBOX

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# FARM FRIENDLY MUNICIPAL TOOLBOX

## INTRODUCTION

In New York State, land use is controlled primarily at a local level, and thus, municipalities have a critical role in effective protection of agricultural lands. Meanwhile, agriculture has evolved in multiple ways over the past several decades and will continue to evolve into the future. Throughout, it has remained a very diverse and robust economic sector in Onondaga County. Through partnerships with local farmers, municipal governments can work to plan for the long-term viability of their agricultural sectors and create local land use regulations that are up to date, farm-friendly, and meet the needs of the community as well.

There are several tools available to assist communities that desire to protect the agricultural land resources and enhance the long-term viability of agriculture. This Farm Friendly Toolbox provides an overview of these tools and is designed to assist local governments in navigating through the many recent changes to agriculture, as well as agricultural policies within NY, such as the protections afforded agricultural operations through the Agriculture and Markets Law. Local governments can use this toolbox

- In reviewing zoning and other land use regulations to ensure they are up to date as they apply to agriculture
- As a resource to consult when creating or updating the community's comprehensive plan, or a farmland protection plan, or other local planning efforts
- As a resource to consult when creating or updating the community's zoning, subdivision, and other land use regulations

In reviewing proposed new development for consistency with the community's goals.

Historically agriculture has included a variety of disciplines aside from fruit, vegetable and crop production and livestock raised for food. For the purposes of this document, agriculture is the use of land, buildings, structures, 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 or a hobby and including commercial horse boarding operations as defined in New York State Agriculture and Markets Law (AML) Article 25-AA, Section 301. Activities such as animal husbandry, or the breeding of specific animals for use or sale (e.g., racehorses), beekeeping, aquaculture (fish production), horticulture, floriculture and silviculture are all considered agricultural pursuits as well. One of the most notable changes in agriculture has come under language "preparation and marketing of...products as a commercial enterprise or hobby" added under AML Section 301. Direct farm marketing has also expanded beyond the temporary, seasonal farmstand selling produce grown on the farm to include numerous processed products, from meats to cheeses to baked goods, to wine, beer, cider, and spirits, not only in person but via the internet as well.

Within this context, the Farm Friendly Toolbox is intended to help local government and the farm community address agricultural issues within Onondaga County through planning, zoning, preservation programs, and other land use regulations.

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# FARM FRIENDLY MUNICIPAL TOOLBOX

## FARM FRIENDLY PLANNING TOOLS

### OVERVIEW

Local planning initiatives are a key component in promoting the health and long-term viability of the community's agricultural sector. It is critical that local planning in agricultural communities thoroughly address the challenges, as well as the opportunities, weaknesses, and strengths faced by the agricultural sector. Integrating agriculture into the long-term vision for the community, as well as into planning goals and strategies, facilitates the careful balance of agricultural land protection and facilitates the flexibility needed by contemporary agricultural operations to grow and develop.

Beyond traditional agricultural plans, agricultural viability and farmland protection can dovetail into several types of planning efforts, including comprehensive planning, open space planning, and economic development planning. The purpose of this section of the Farm Friendly Toolbox is to assist municipal officials to identify potential issues and opportunities in their local planning tools as they relate to agriculture and to find areas, if any, where plans could be amended to build a more farm friendly community.

### COMPREHENSIVE PLAN

The comprehensive plan sets the long-range planning goals and objectives for the community and can have an important impact on agriculture in the community through proposed policies and actions, including regulations and capital investments. It can outline actions to protect the agricultural land resource, such as identifying areas to be protected for agriculture and areas where growth will be encouraged, outline actions to promote the long-term economic viability of local agriculture and outline local farmland protection strategies to be implemented. Key elements of a farm-friendly comprehensive plan include:

- An inventory of existing agricultural operations in the community and their characteristics
- Identification of the challenges, opportunities facing local agriculture, and the strengths and weaknesses within the agricultural sector
- Identification and mapping of high-quality agricultural lands (prime soils and farmland of statewide importance) within the community
- Recognition of the importance of agricultural land as a natural resource and move beyond viewing farmland "simply as land in reserve for future urban development" (American Planning Association. 1999. Policy Guide on Agricultural Land Preservation)
- A clear set of goals, objectives, and policies to protect the agricultural land resource, and promote the long-term viability of local agriculture
- Land use and infrastructure development plan recommendations that call for channeling future development away from agricultural areas within the community

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Agriculture and farmland protection plans (AFPP) can be an important supplement to the comprehensive plan. They can be a stand-alone plan or integrated into a comprehensive plan. Standalone AFPPs are often funded by NYS Department of Agriculture and Markets. The benefit of an AFPP is that it brings farmers, local officials, and non-farmers together to focus directly on the issues facing agriculture in the community and develop policies and actions. A critical element in any AFPP is the involvement of the farm community in setting a vision for the future of agriculture in the community and creating goals and objectives designed to further that vision.

Adopted agriculture and farmland protection plans completed to the specifications of the Department of Agriculture and Markets position local governments to participate in state-funded purchase of development rights and other programs. Key elements of an AFPP are an analysis of the local conditions, including lands in agriculture, lands owned and rented by farmers, location and extent of prime agricultural soils, parcels in agricultural districts and farmers participating in agricultural district programs. In addition, the plan should include a review of zoning and subdivision regulations, as well as existing and planned sewer and water infrastructure and their implications for agriculture.

The agriculture and farmland protection plan should also include specific recommendations for policies and actions to be implemented by the local government to promote the long-term viability of its farm sector. Implementing specific elements of a plan often requires a collaborative effort between the local government and farmers, as well as local government, county and state agencies, Soil and Water Conservation Service offices and Cornell Cooperative Extension, and so it is important to identify which agencies will take the lead on implementing the various recommendations, as well as secure potential funding sources. In addition, the plan should identify those agricultural lands or areas that are proposed to be protected through zoning, easements, or other options.

### OPEN SPACE PLANS

The open space plan sets the long-range planning goals and objectives for the community that focus on the identification and protection of key open space assets. Generally defined, open space is land that is not intensively developed for residential, commercial, industrial, or other land uses. Open space can serve many purposes in the community, as park and recreational space, undeveloped publicly or privately owned scenic lands, agricultural and forest lands, as well as lakes and ponds and their shorelines, and wetlands. Agricultural lands in the rural areas of Onondaga County make up the largest component of open space, and hence their protection contributes to the overall character of the community.

An open space plan can recommend a wide variety of steps relevant to agricultural uses that a community can take such as: 1) creating zoning regulations of key open space areas that channel intensive development away from such areas, including agricultural areas; 2) identifying lands, including agricultural lands, that warrant permanent protection through purchase or donation of development rights; and 3) identifying important scenic views and viewsheds and incentivize their protection.

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## ECONOMIC DEVELOPMENT PLANS

According to the Central New York Regional Planning and Development Board, agriculture in New York contributes some \$15.5 billion annually to the State's economy. Although viewed primarily as a land use, agriculture is a key part of the economic base of many communities that provides both direct employment and raw materials for food processing industries throughout the state.

Local economic development plans that integrate agriculture as one element in a diverse economic base can identify challenges and opportunities for farmers, and policies and actions that can benefit the agricultural sector. These actions can include initiatives that support agriculture such as food hubs, new industrial development to provide markets for regional agriculture, and grant programs for capital investments in areas such as on-farm biofuel production from manure.

## FARM FRIENDLY REGULATORY TOOLS

### OVERVIEW

For the purpose of this toolbox, regulatory tools are the various instruments through which local governments manage growth and development within their boundaries. They guide local officials as well as residents, businesses, farmers, and others in day-to-day decisions. Well-crafted regulatory tools protect the health and welfare of the community and provide for efficient allocation of land and other municipal resources while providing the flexibility needed to prosper economically in an evolving global economy. They are also constantly evolving as new opportunities, and new issues arise.

In many New York municipalities, local land use regulations were written in a time of contraction of the agricultural sector and rapid population growth which fed visions of ever-expanding suburbs coupled with views of agriculture as a "transitory land use." After decades of this trend, however, even in relatively urbanized Onondaga County, 16 of its 19 towns still have land in active agriculture.

Additionally, zoning regulations affecting agricultural operations have not always kept pace with trends in agriculture and agricultural practices. This has often resulted in outdated regulations being applied to agricultural operations, resulting in unintentional but potentially unreasonable restrictions for farmers. Examples include direct farm marketing, on-farm wineries, breweries, cideries, distilleries, agri-tourism, bed-and-breakfast inns and other supplemental farm businesses. These agriculture-related enterprises, when operated as an accessory use to an ongoing agricultural operation, can provide revenue streams that enhance the economic viability of the farm operation. They can also provide valued goods and service to residents, strengthen the local food production system, and contribute to the overall local economy through tourism development.

# FARM FRIENDLY MUNICIPAL TOOLBOX

The purpose of this section of the Farm Friendly Toolbox is to assist municipal officials to review their local land use regulations and to find areas, if any, where regulations could be amended to create a more farm friendly regulations.

## RIGHT TO FARM LAWS

New York State adopted its initial right-to-farm law in 1982, and since then numerous counties and town have adopted similar laws. These laws are intended to protect those within it from nuisance lawsuits over matters like noise, odors or dust associated with agricultural operations. The State law protects farms located within county agricultural districts; however towns and villages can adopt right-to-farm laws that would apply to all farms within their boundaries. While viewed primarily as designed to protect farmers from so-called nuisance suits, local right to farm laws can be useful in other ways. In suburban municipalities where agriculture and development often occur side-by-side, a right to farm law can be a tool for raising public awareness of local agriculture.

Many towns have also utilized local right-to-farm laws to set up a framework for conflict resolution and to for enhancing communication between the farm and non-farm communities in the town. Although many farms in Onondaga County participate in the County-administered Agricultural Districts program and are afforded protection under the NY Agriculture and Markets Law, not all farms are located within an agricultural district. A local right to farm law can apply these protections to all farms located in the community.

Local right-to-farm laws vary considerably in scope and length. The core language found in a number of local laws however is:

*Farmers, as well as those employed, retained, or otherwise authorized to act on behalf of farmers, may lawfully engage in agricultural practices within (municipality name) at all such times and all such locations as are reasonably necessary to conduct the business of agriculture. For any agricultural practice, in determining the reasonableness of the time, place, and methodology of such practice, due weight and consideration shall be given to both traditional customs and procedures in the farming industry as well as to advances resulting from increased knowledge and improved technologies.*

Town of Malta NY Right to Farm Law

## AGRICULTURAL DISTRICTS

Since its adoption in 1971 Article 25-AA of the Agriculture & Markets Law has served to protect and promote the availability of land for farming purposes and provided farmers protection from adverse local government policies toward agricultural operations. The primary mechanism for this is the county-administered Agricultural Districts program that provides for the protection and

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enhancement of the viability of farm operations in certified agricultural districts. The benefits to farmers who participate in the agricultural district programs include:

- Limitations on the exercise of eminent domain and other public acquisitions, for specific public infrastructure projects
- Limitations on the power of local governments to impose benefit assessments or other levies for certain public infrastructure investments
- Limitations on property tax assessments levels to those that reflect the agricultural value of the land only
- A requirement that local governments avoid unreasonable restrictions in the regulation of farm operations when exercising their powers to enact and administer comprehensive plans, local laws, ordinances, and other regulations or rules and/or regulations
- A requirement that applications for certain planning and zoning actions by a local government that may impact farm operations within an agricultural district, or lands within five hundred feet of such farm operations within agricultural districts, include an agricultural data statement

The Agriculture and Markets Law Section 305-a provides farmers and agricultural operations located within County sponsored agricultural districts specific protections against local zoning regulation that may be unreasonably restrictive and cause undue interference with legitimate agricultural practices as defined by State law. The Department of Agriculture and Markets evaluation of the reasonableness of a local law regarding agriculture includes:

- Is the law or ordinance reasonable "on its face," and whether it is reasonable when applied to a specific case?
- Is the law in question is vague to a point that it inhibits farmers from undertaking certain activities or constructing certain buildings out of concern for violating it?
- Does a local regulation unreasonably restrict or regulate a particular farmer or landowner?
- Does the farm activity in question, although a legitimate agricultural activity under the law, threaten the public health or safety?

Each case investigated by the Department of Agriculture and Markets is evaluated individually and on its own merits. If a determination is made by the Department that a local law or ordinance is unreasonably restrictive as applied to agriculture, it will communicate this to the involved municipality. The next step is for the Department to work with municipal officials to resolve the issue in a manner that protects the rights of the farmer, while also addressing the concerns of the municipality

In 2002 the New York State Legislature also amended Town Law Section 283-a to require local governments to ensure that their laws, ordinances, or other regulations that might apply to agricultural operations located in State certified agricultural districts do not "...unreasonably restrict or regulate farm operations in contravention of Article 25-AAA of the Agriculture and Markets Law, unless it can be shown that the public health or safety is threatened."

Agricultural districts are established by local initiative, at the county level. The County legislature has the authority to create and manage agricultural districts within its boundaries. Towns however can play an important role in the program, by encouraging their farmers to participate in the

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program, and participating in the annual enrollment program, as well as the 8-year agricultural district renewal process.

## ZONING REGULATIONS

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### OVERVIEW

Local zoning and other land use regulations are the primary instruments through which local governments manage growth and development within their boundaries. They also have tremendous influence on farm operations. Local zoning has the potential to promote innovation and economic growth in the agricultural sector or restrain it. The following are the important elements of a farm-friendly local zoning code that can promote innovation and economic growth in the farm community.

An important component in any land use code, but one that is often overlooked is the glossary section that contains definitions of various terms used in the zoning regulations. Because of the nature of zoning, clarity is critical to ensuring fair and consistent interpretation of the regulations, promoting efficient administration and positive public perception, and while warding against controversy and in some cases expensive litigation. Zoning codes often have either outdated agriculturally related definitions or no definitions for many of the activities associated with agricultural operations. This section of the Toolbox focuses on agriculturally relevant elements of zoning codes, including definitions.

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### PURPOSE STATEMENT

A short purpose statement at the beginning of the regulations for each zoning district can be very helpful in articulating the purposes and objectives of individual zoning districts and providing boards and officials with guidance as they interpret the zoning code. It can also be an educational tool for the general public, informing non-farm residents that they live in an area where agriculture is a dominant land use. In the case of zoning districts where agriculture and other land uses are mixed together, a purpose statement can communicate a “farm-friendly” message supporting agriculture as a current and long-term land use.

An example of a strong purpose statement for agriculture is:

*“[The] Agricultural/Rural Zone is primarily intended to preserve farming and agricultural lands in the Town and also to maintain open space and the quality of life enjoyed by residents of the Town. Agriculture is an important part of the Town's economy, providing both direct and indirect employment benefits, and it also provides the visual benefits of open space. This zone prioritizes and preserves viable agriculture in the Town by providing an area where agricultural operations and agricultural-based enterprises are the predominant active land uses in the zone...”*

Town of Ulysses Zoning Code, Sect. 212-23

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## PERMITTED USES

It is of course important to provide for the range of land uses that fall under the heading of “agriculture”. Historically however land use planning and zoning in many areas of Upstate New York has been premised on the perception that agriculture is a transitory land use, one that will gradually disappear in the coming decades. This has resulted in many zoning districts being designed as mixed agricultural residential zoning districts, and in more rural communities, “catch-all” zoning districts accommodating a variety of often incompatible land uses, including intensive agriculture and suburban density residential, large-scale industrial, and large-scale commercial development.

A common example of this issue is the following list of permitted uses from the zoning regulations in the Agricultural/Residential district of a rural town with high quality farmlands and a robust agricultural sector: airports, excavation and mining operations, mobile home parks, multi-family dwellings, motor vehicle service stations, hospitals, nursing homes or health related facilities, and professional office buildings. In some communities this mix of permitted uses has cause conflicts between the farm and non-farm communities. In this example, placing high density mobile home parks and multi-family dwellings, hospitals, nursing homes and health-related facilities in areas where large scale agricultural operations can be expected could have substantial adverse impacts on residents of such developments. Airports, mining operations and large-scale industrial operations can also create competition between farmers and developers for increasingly scarce agricultural land. It is important to review the permitted uses for the agricultural zoning district to ensure that the permitted uses both minimize conflicts between agricultural and non-agricultural uses and reduce competition for land resources.

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## AGRICULTURAL USES

New York State recognizes a wide variety of activities (Art. 25-AAA, Section301(2)) in its definition of what constitutes an agricultural operation. These include the production and marketing of:

- field crops (grains, potatoes)
- fruits and vegetables
- horticultural specialties, such as nursery stock, ornamental shrubs, ornamental trees, and flowers
- livestock and livestock products, (cattle, sheep, hogs, goats, horses, poultry, ratites (ostriches, emus, rheas, and kiwis), farmed deer and buffalo, fur bearing animals, wool bearing animals, and milk, eggs, and furs
- maple sap
- Christmas trees from a managed Christmas tree operation
- aquaculture products, including fish, fish products, water plants and shellfish
- woody biomass from, short rotation woody crops raised for bioenergy, excluding farm woodland
- honey, beeswax, royal jelly, bee pollen, propolis, and other apiary products, including package bees, nucs and queens
- actively managed log-grown woodland mushrooms

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- industrial hemp as defined in Section 505 of Agriculture and Markets Law.

Other activities that the State recognizes as agricultural operations are:

- "Commercial horse boarding operation," or an enterprise meeting State size and income thresholds that generates income through the boarding for fee of horses or a combination of horse boarding and the production for sale of crops, livestock, and livestock products
- "Commercial equine operation," or an enterprise meeting State size and income thresholds that generates income through fees generated through the provision of commercial equine activities including, but not limited to riding lessons, trail riding activities or training of horses and the production for sale of crops, livestock, and livestock products
- "Timber operation," or the on-farm production, management, harvesting, processing, and marketing of timber grown on the premises into woodland products, including logs, lumber, posts and firewood conducted as part of an active farm operation, provided however that the annual gross sales value of such processed woodland products does not exceed the annual gross sales income from the production, preparation and marketing of crops, livestock and livestock products conducted on the premises
- "Compost, mulch or other organic biomass crops," or the on-farm processing, mixing, handling, or marketing of organic matter grown or produced by such farm operation, or imported off-farm generated organic matter necessary to facilitate the composting of such farm operation's agricultural waste, for the purpose of producing compost, mulch or other organic biomass crops that can be used as fertilizers, soil enhancers or supplements, or bedding materials

These activities, although some not traditional agriculture, nonetheless are protected activities within county agricultural districts, and need to be accommodated within local zoning codes. The best approach would be to define these activities clearly and concisely, as parts of a larger agricultural operation. In the case of commercial horse boarding and commercial equine operations, a combined definition would be appropriate. Also, since these two enterprises invite the public onto the premises, municipal site plan review and approval with basic site design standards is appropriate (see Site and Design Standards section).

For the purpose of the local zoning code, agriculture should be defined in a manner that is similar to the definition of farm operation in the Agriculture and Markets Law, Section 301. An example definition is:

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

In addition to promoting more farm-friendly approaches to regulating land uses, the following sections also address the issue of conformance with the New York State Agriculture and Markets Law as it relates to local zoning.

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## AGRICULTURE-RELATED BUSINESSES

Agriculture-related businesses are small-scale businesses operated by a farmer as a supplemental source of income for the larger farm operation. They are businesses that do not fall under the Department of Agriculture and Markets "...the production, preparation and marketing of crops, livestock and livestock products..." palette of agricultural activities. Instead, they are businesses that directly or indirectly support agriculture by providing critical materials and services to the surrounding farm community. An example definition is<sup>1</sup>:

*"A retail or wholesale enterprise operated as an accessory use to an active farm on the same premises, providing products or services principally utilized in agricultural production, including structures, agricultural equipment and agricultural equipment parts, batteries and tires, livestock, feed, seed, fertilizer and equipment repairs, or the sale of grain, fruit, produce, trees, shrubs, flowers or other products of agricultural operations, and including breweries, cideries, distilleries, wineries, and juice production that are not otherwise specifically defined as a farm operation."* -Town of Geneva Zoning Code, Section 165-3

A key component of this definition is the language "...operated as an accessory use to an active farm on the same premises..." This verbiage is very important, as it prevents the development of stand-alone business enterprises that would not otherwise be permitted in the zoning district. In some zoning regulations, there may be physical limits on the physical size of these businesses (not to exceed 2,500 sq. ft.) or limits on the number of employees as a means of controlling their size and scale. If these businesses have outside employees or generate traffic due to shipments of deliveries, or are open to the public, municipal site plan review and approval process with basic site design standards is appropriate (see Site and Design Standards section).

## AGRI-TOURISM

Agri-tourism is seen as both a means for farmers to generate additional revenues outside their main agricultural operations, and as a local economic development tool that can draw tourism into the community. It can be seasonal, a year-round enterprise, or a single annual event. Agri-tourism can also vary in its scale and the number of people it can attract, from a bed-and-breakfast to an on-farm creamery with a few hundred or less visitors per day, to thousands for a large winery or an annual or seasonal event. As a result, agri-tourism operations need careful attention in terms of definition, as well as ensuring the health and safety of the general public, and in some cases ensuring that local roads and highways are adequate to accommodate traffic.

The Department of Agriculture and Markets definition of agri-tourism makes it clear that the agri-tourism enterprise must be directly tied to the sale, marketing, production, harvesting or use of the products of the farm, but also have some sort of educational component. This educational component can include a variety of activities, including formal tours, informational displays, educational demonstrations, farm animals petting and feeding activities, and signs and displays. An example definition is:

<sup>1</sup> This definition includes breweries, cideries, distilleries, wineries, and juice production, agriculture related businesses which today could be defined separately as "farm breweries," "farm cideries," etc.

## FARM FRIENDLY MUNICIPAL TOOLBOX

*"An agriculture-related enterprise, operated as an accessory use to an active farm operation engaged in the production, preparation and marketing of crops, animal husbandry, livestock and livestock products as a commercial enterprise, which brings together tourism and agriculture for the education and enjoyment of the public, and which may include: hay rides, corn mazes, hay mazes, petting zoos (farm animals only), farm tours and agriculture themed festivals and other public or private events, and including as subsidiary activities the sale of gifts, clothing, beverage tastings, prepared foods, food and drink service, and other items that promote the sale of agricultural products."*

As with the Department of Agriculture and Markets definition, this example emphasizes the tie to an active farm operation, the objective of promoting the sale of products of the farm operation, and education to enhance the public's awareness of farming and farm life. Since agri-tourism enterprises invite the general public onto the premises, municipal site plan review and approval with basic site design standards is appropriate (see Site and Design Standards section).

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### FARMSTANDS AND OTHER FORMS OF DIRECT FARM MARKETING

From the traditional seasonal farmstand, direct farm marketing has expanded to wide variety of activities, such as the year-round sale of fresh fruits and produce, meats, milk products, baked goods, and processed foods, to farmers' markets, to community supported agriculture, to the online sale of processed and unprocessed agricultural products. The common attribute of the many types of direct farm marketing enterprises is that they bypass the traditional practice of the farmer selling their product through wholesale markets: the farmer instead sells directly to the retail consumer.

Historically the most recognized form of direct farm marketing has been the temporary or permanent farmstand, or the sale of greenhouse plants and horticultural products. Often though the definition of a farmstand restricted them to being a temporary structure, and restricted sales to seasonal produce grown on the premises. Although considered agricultural operations under state law, greenhouses are often limited to commercial zoning districts.

Communities should review their zoning codes to ensure that they reflect the contemporary nature of direct farm marketing, as well as Agriculture and Markets Law. Do zoning regulations unduly restrict farmers from engaging in direct farm marketing, for instance with restricting farmstands to temporary and seasonal operation only? Do the regulations permit the wider variety of direct farm marketing enterprises that farmers may engage in today? Are the definitions up to date, both in terms of permitting these enterprises, as well as adequately defining what constitutes a direct farm marketing enterprise?

An example definition for direct farm marketing is:

*"A retail enterprise operated as an accessory use to an active farm operation on the same premises, that is engaged in the sale of grain, fruit, produce, trees, shrubs, flowers, meats, processed foods or other products of agricultural operations, or gifts, clothing, beverage tastings, prepared foods, food and drink service, and other items that promote the sale of agricultural products, and including breweries, cideries, distilleries, wineries, and juice production that are not otherwise specifically defined as a farm operation."*

## FARM FRIENDLY MUNICIPAL TOOLBOX

This definition both broad enough, and yet limits such enterprises to being accessory uses to an active farm operation. It can be supplemented with more specific definitions for some activities, such as a farmstand:

*"A permanent or temporary structure and accessory use to an ongoing agricultural operation, with or without appurtenant open display area, for the retail and wholesale sale of agricultural produce and other natural, processed or manufactured food products which are directly linked to and promote the use and sale of agricultural products."*

Other supplemental definitions that should be considered for specific types of direct farm marketing are definitions for on farm breweries, cideries, distilleries, and wineries.

Depending on their character, municipal site plan review and approval with basic site design standards is an appropriate zoning tool for some direct farm marketing enterprises. Small farmstands or small self-serve stores in existing structures that meet simple design standards such as adequate parking set back from the shoulder of streets and roads, limits on size, and signs, may be approved through a building permit review process. For larger direct marketing enterprises that invite the public onto the premises, municipal site plan review and approval with basic site design standards is appropriate (see Site and Design Standards section).

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### COMMERCIAL FOOD PROCESSING

Small-scale on-farm commercial food processing, including baked goods, jams and jellies, pickles, and canning, can be another source of supplemental revenue for an agricultural operation. These businesses can also help fill a major gap in the local and regional food systems and promote "buy local" economic development. Commercial food processing operations however need to be listed as an accessory use to an ongoing agricultural operation and defined in a manner that ensures they are a subordinate activity to the operation. It is appropriate to include in the zoning code limits on square footage, or the number of non-resident employees working at the business as a means of maintaining the small scale "cottage" character of the business. An example definition for on-farm food processing is:

*"The production or processing of whole fruit and vegetables, baked cakes, muffins, pies or cookies, candy, jellies, jams, preserves, marmalades, and fruit butters, cheeses, butters, and other milk derived products, meats and meat products and other foodstuffs, as regulated by state and federal law, for wholesale or retail sale, and operated as an accessory use to an active farm operation engaged in the production, preparation and marketing of crops, animal husbandry, livestock and livestock products as a commercial enterprise."*

Note that this definition does not limit the on-farm food processing enterprise to using fruits, vegetables, milk or other products of the active farm operation. As with the case of farm breweries, cideries, distilleries and wineries, a host farm likely does not produce all the ingredients utilized in the food processing operation, especially in the case of seasonal fruits and vegetables, or for a bakery operation. The primary objective of permitting such businesses in zoning however is not necessarily to provide outlets for the production of the farm, but rather provided a supplemental revenue stream for the larger agricultural operation.

## FARM FRIENDLY MUNICIPAL TOOLBOX

Site plan approval is appropriate for such uses. Although they usually ship their product in small lots, these small commercial kitchens do generate some van or truck traffic, especially if they engage in internet-based marketing that requires daily pick-up of merchandise. Some also conduct direct sales to the general public, which justify site plan review as a means of protecting the health and safety of the general public (See Site and Design Standards section).

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### FARM BREWERIES, CIDERIES, DISTILLERIES, WINERIES

Small-scale on-farm breweries, cideries, distilleries and wineries can be another source of supplemental revenue for an agricultural operation. These businesses can also help fill a major gap in the local and regional food systems and promote "buy local" economic development. These operations however need to be listed as an accessory use to an ongoing agricultural operation and defined in a manner that ensures they are a subordinate activity to the operation.

Example definitions for on-farm breweries, cideries, distilleries and wineries are:

#### On-farm brewery:

*An enterprise engaged in the production for sale of beer, operated as an accessory use to an active farm operation on the same premises, licensed and regulated as such by the State of New York, and including as subsidiary activities the sale of gifts, clothing, beverage tastings, prepared foods, food and drink service, and other items that promote the sale of agricultural products.*

#### On-farm cidery:

*An enterprise engaged in the production for sale of cider, operated as an accessory use to an active farm operation on the same premises, licensed and regulated as such by the State of New York, and including as subsidiary activities the sale of gifts, clothing, beverage tastings, prepared foods, food and drink service, and other items that promote the sale of agricultural products.*

#### On-farm distillery:

*An enterprise engaged in the production for sale of liquor is manufactured primarily from farm and food products, operated as an accessory use to an active farm operation on the same premises, licensed and regulated as such by the State of New York, and including as subsidiary activities the sale of gifts, clothing, beverage tastings, prepared foods, food and drink service, and other items that promote the sale of agricultural products.*

#### On-farm winery:

*An enterprise engaged in the production for sale of wine, brandies distilled as the by-product of wine or other fruits, or fruit juice, operated as an accessory use to an active farm operation on the same premises, licensed and regulated as such by the State of New York, and including as subsidiary activities the sale of gifts, clothing, beverage tastings, prepared foods, food and drink service, and other items that promote the sale of agricultural products.*

## FARM FRIENDLY MUNICIPAL TOOLBOX

Site plan approval is appropriate for such uses. Some also conduct direct sales to the general public, which justify site plan review as a means of protecting the health and safety of the general public.

Since these types of farm enterprises invite the general public onto the premises and can also generate increased traffic to and from the location, municipal site plan review and approval with basic site design standards is appropriate (see Site and Design Standards section).

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### FARM WORKER HOUSING

Farm worker housing, both seasonal and year-round housing for farm laborers, and is included in the term “on-farm buildings” in the definition of farm operations in the Agriculture and Markets Law, Sect. 301. For some farm operations, farm worker housing is a necessary accommodation for their workers due to the long workdays, sometimes 24-hour operations of farms, and the often on-call nature of the profession. Farmworker housing can also address the shortage of nearby affordable rental housing in many rural areas. The use of manufactured homes (a.k.a. mobile homes) as farm worker housing is a common practice, as is the placement of the housing on the same parcel of land as other farm buildings. Local zoning may not require farmworker housing to be sited on a separate or subdivided parcel, so long as minimum zoning setbacks from property lot lines, any required setbacks between buildings, and public health laws requirements for adequate water and sewage disposal facilities are met.

Towns with agricultural operations that may require farmworker housing should provide for it in their zoning regulations. It should be listed as an accessory use to an active farm operation and clearly defined in the definitions section of the regulations. In the interest of clarity, the definition of farmworker housing should include manufactured homes, modular homes, and stick-built homes as an option. An example definition for farm worker housing is:

*“A dwelling or dormitory unit located on an active farm operation that is accessory to such operation which may be occupied by employees of the farm and their families, or unrelated employees of the farm, which may consist of manufactured homes, modular homes, and which may be located on the same parcel.”*

Towns may impose reasonable conditions such as occupancy by farm employees and their families, and parking provisions. Elevated levels of review, such as site plan approval or special use permit approval, that are not required for similar types of dwellings may be consider an unduly burdensome regulation of a farm operation and should be avoided.

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### HOME OCCUPATIONS

Working from the home has been a feature of American culture from colonial times, and “home occupation” is a standard in the list of permitted accessory uses in zoning regulations in the United States. Generally, a home occupation is the use of space in a personal residence for a professional or service type business or employment activity that is secondary to the residential use of the structure and does not affect the residential character of the home. A home occupation generally does not include non-resident employees and does not attract walk-in or drive-in clients or customers. An example definition for home occupations is:

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*"A business conducted within a dwelling, or a building accessory thereto, by a resident of the dwelling, which is clearly incidental and secondary to the use of the property for residential purposes, and which is the type of business that is customarily conducted within a dwelling or building accessory thereto." - Town of Ithaca Zoning Code*

Home businesses are like home occupations but more flexible. As with home occupations, these are permitted accessory uses to the primary residential use of the dwelling or residential property and operated by a resident of the premises. They differ from home occupations in that a limited number of employees may also be permitted (three is a common number), and they attract a limited amount of walk-in or drive-in traffic to the site.

In urban and suburban areas examples of such home-based businesses or professional offices are architects, attorneys, dentists, doctors, engineers, and financial consultants. More importantly, from the standpoint of agriculture, they include veterinary offices and service businesses that specialize in agriculture and need to be accessible to their client base.

*"An office of an accountant, business consultant, financial consultant, attorney, architect, engineer or other design professional, forester, medical or dental professional, veterinarian or other related occupations located within their residence or an accessory building, where activities are limited to providing services not involving direct sale of goods, as an accessory use to a dwelling or farm operation, and not occupying more than 600 sq. feet of gross floor area, and not employing more than 3 employees not living on the premises."*

Due to their small scale and other characteristics, home occupations can be listed as a permitted accessory use, without site plan approval or special approval requirements. Site plan approval however is an appropriate level of review for home-based businesses or professional offices, to ensure the health and safety of employees and customers of the business, and compliance with zoning and site design standards.

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### SIGNS FOR AGRICULTURE AND RURAL BUSINESSES

Most local governments have regulations governing signs in a separate sign law or as a regulation nested within their zoning code. However, farms and many rural businesses are often located off main highways and lack the exposure businesses located on main highways enjoy. Moreover, they can be difficult to find by first-time customers as well as out-of-town visitors and tourists. The business directional sign concept allows such agriculture related and other rural businesses to erect signs off their property for the purpose of directing prospective customers to their location. Business directional signs may be placed at intersections, upon receipt of a permit from the local government and the permission of the host landowner. An example definition for business direction signs is:

*"A sign located off the premises on which a business is located, not exceeding nine square feet in area, posted by the business along a public road or highway for the purpose of guiding prospective customers to their location." - Town of Geneva Zoning Code*

Some basic standards for business directional signs are:

## FARM FRIENDLY MUNICIPAL TOOLBOX

- In any zoning district where business directional signs are allowed, there shall be allowed no more than two such signs within the Town for any one business
- No business directional sign shall exceed nine square feet in area, nor exceed five feet in height at the top of the sign
- No business directional sign shall be placed more than 500 feet from the intersection at which prospective customers are being directed to turn off the road or highway along which said sign is located
- No business directional sign shall be located more than two miles from the business that it advertises

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### LOT REQUIREMENTS/DENSITY CONTROLS/SETBACKS

Controlling density has been a key objective of zoning regulations since their establishment, and the primary tool for achieving this has been setting minimum requirements for lot sizes, and minimum setbacks between structures and property lines, including public road rights of way. In rural areas without public water and sewer infrastructure, minimum lot sizes and setbacks also serve to protect the public health.

In most cases, the standard lot size and setback requirement in zoning regulations are not a major issue for agricultural operations, especially when they are applied uniformly to all uses in a zoning district. Problems can arise however when agricultural operations are treated differently, and subject to different, often larger setback requirements or lot size requirements. These additional requirements imposed on agricultural operations can have significant negative impacts on efficiency and economic viability of a farm. Examples include setbacks of sometimes 200 to 300 feet or more for barn structures and manure handling facilities. In an extreme case, a requirement for a 200-ft. setback from the property line of any "...manure, dust- or odor-producing substance..." has effectively rendered a longstanding farm operation illegal in one community.

It is important for communities to review the dimensional requirements in the zoning regulations to ensure that they are both reasonable, and do not unfairly target their agricultural operations or place unreasonable burdens on their ability to maintain their economic viability.

### RENEWABLE ENERGY

The movement toward renewable energy in New York today is presenting both opportunities, but also challenges, for municipal governments and farmers. Investment in smaller scale, non-commercial solar and wind energy systems to produce electricity to support their operations can reduce energy costs for farmers, while reducing reliance on fossil fuel energy sources. Large scale solar and wind energy developments, often referred to as commercial solar and wind energy, and which produce renewable energy for sale to the electric power grid, however, can have major implications in terms of agricultural land resources, and impacts to host communities. More information on solar energy development and agricultural lands is available at Onondaga County's website regarding best practices for agriculture and solar and resources to help regulated and

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review solar energy systems (SOCPA Best Management Practices for Agriculture-Friendly Projects, 2021; SOCPA Solar 101, 2021).

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## NON-COMMERCIAL ON-FARM RENEWABLE ENERGY SYSTEMS

Non-commercial renewable energy systems, whether solar or wind, are appropriate accessory uses to agricultural operations and should be permitted as such in zoning codes. Certain guidelines for governing the siting of solar arrays are appropriate, including:

- All solar arrays should meet all applicable setback requirements of the zoning district in which they are located, and should be located within the side or rear yard of the property
- The height of any solar array and its mounts should not exceed 15 feet or the height restrictions for accessory uses, whichever is greater, of the zoning district in which it is located
- The total rated output of the solar arrays at time of installation should not exceed 110% of the estimated maximum energy demand of the property<sup>2</sup>
- The total surface area of solar arrays, combined with all other buildings and structures on the lot, should not exceed fifty percent of total lot area
- Solar arrays should be located or adequately screened in order to prevent reflective glare toward any roads or highways or inhabited buildings on adjacent properties
- Solar arrays should be located on less productive lands such as inactive farmland, unimproved pasture or other lands, and avoid prime- or farmland of statewide importance
- If possible solar arrays and support structures, including structures for overhead collection lines, should be located at the edge of fields, and avoid or minimize disruptions to farm drainage and erosion control systems
- Access roads should be designed so that they are the minimum required width and built flush with the land surface to permit easy crossing by farm equipment

An example definition for a non-commercial solar energy system is:

*"A solar photovoltaic cell, panel, or array, or solar hot air or water collector device, which relies upon solar radiation as an energy source for collection, inversion, storage, and distribution of solar energy for electricity generation or transfer of stored heat, primarily for use on the premises."* Town of Geneva Zoning Code

An example definition for non-commercial wind energy system is:

*"An electric generating facility, whose main purpose is to convert wind energy to electrical energy, consisting of a wind turbine, a tower or other support structure and associated control or conversion electronics, which has a rated capacity of not more than 250 kW and which is intended to primarily reduce on-site consumption of utility power."* Town of Geneva Zoning Code

Although the footprint of on-farm wind energy systems and hence their impacts on land resources is much smaller than solar, consideration needs to be given to potential issues such as height, and

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<sup>2</sup> SOCPA. Solar Energy: Best Management Practices for Agriculture-Friendly Projects.

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tower failure and collapse. Some standards for siting non-commercial on-farm wind energy systems include:

- Limits on tower height, generally 80 ft. for lots smaller than 1 acre, and 200 feet for larger parcels
- Minimum setbacks from structures and property boundaries, including guy-wire anchors, of 1.5 times the tower height
- No wind energy system shall generate noise more than 50 dBA as measured at the closest property boundary, except during short-term events such as utility outages and/or severe windstorms
- The components of the wind energy system, including turbine blades, shall be coated with neutral colors and non-reflective finishes to minimize potential adverse visual impacts due to reflection and glare
- No exterior lighting shall be permitted on the structure above a height of 20 feet except that which is specifically required by the Federal Aviation Administration

While there is some concern regarding potential visual impacts of small wind turbines associated with their height, they are relatively small objects within the landscape and their visual impact is often reduced by woodland, hedgerows, and roadside vegetation. The following photo shows a small wind turbine located off Canty Hill Road in the Town of Otisco, viewed from a point on Otisco Road approximately 3,800 ft./0.75 mi. away.



Small wind turbine located off Canty Hill Road, Town of Otisco, from approximately 3,800 ft./0.75 mi. away.

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### COMMERCIAL RENEWABLE ENERGY SYSTEMS

Commercial solar developments in New York have the potential to occupy hundreds of acres of land. They differ from on-farm non-commercial solar projects, as they sell their output directly to the energy grid for offsite consumption, as well as their much larger scale and land coverage. Commercial solar development however also offers farmers and farmland owners an attractive revenue source and can enhance the economic viability of farms. The challenge for farmland owners and local governments is that most attractive sites for commercial solar development however are relatively flat sites clear of trees and brush, that often are also covered by high quality

## FARM FRIENDLY MUNICIPAL TOOLBOX

agricultural soils. Although originally thought of as a minimal impact temporary use of land, the concrete and steel foundation systems for solar arrays are difficult to remove upon decommissioning. This may result in the permanent loss of high-quality agricultural lands.

Communities should accommodate commercial renewable energy development in their zoning regulations, but with appropriate siting and design controls in place. These can include:

- Construction on farmland designated as prime or farmland of statewide importance should be avoided
- Avoid active farm fields and improved pasture lands wherever possible, utilizing instead unutilized land
- Avoid floodplains and wetlands, and disturbance of farm field tile and other drainage infrastructure
- To the extent practicable locate solar arrays along the periphery of fields and avoid segmentation of agricultural land
- The maximum height for freestanding solar panels located on the ground or attached to a framework located on the ground should not exceed 15 feet in height above the ground
- The total surface area of solar collectors, combined with all other buildings and structures on the lot, should not exceed fifty percent of total parcel area
- All solar collectors should be located in order to prevent reflective glare toward any roads or highways or inhabited buildings on adjacent properties
- All solar collectors should meet all applicable setback requirements of the zoning district in which they are located, but shall not be installed within 25 feet of any property line
- A landscaped buffer should be provided around all equipment and solar collectors to provide screening from adjacent residential properties and roads
- Removal of trees over 6 inches in trunk diameter should be minimized, or mitigated by replacement tree plantings elsewhere on the property
- Roadways to and within the site should be constructed of gravel or other permeable surfacing and shall be flush with the surrounding land contours
- All on-site utility and transmission lines should, to the extent feasible, be placed underground
- A decommissioning plan with financial surety for the development should be prepared for review and approval as part of the local approval process

Wherever possible, the co-location of solar arrays with compatible land use or agricultural activities such as pollinator habitat creation, animal grazing (sheep, goats, etc.), and the growing of shade tolerant crops such as certain vegetables, should be encouraged. Commercial solar development should be subject to at least site plan approval. Given the potential impacts on land resources, and community aesthetics, a special permit review process may also be appropriate.

An example definition for a commercial solar energy system is:

*"An area of land or other area used for a solar collection system principally used to capture solar energy and convert it to electrical energy to transfer to the public electric grid in order to sell electricity to or receive a credit from a public utility entity, but also may be for on-site use, and which may consist of one or more freestanding ground- or roof-mounted solar*

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*collector devices, solar-related equipment and other accessory structures and buildings, including light reflectors, concentrators, and heat exchangers, substations, electrical infrastructure, transmission lines and other appurtenant structures and facilities."* - Town of Geneva Zoning Code

Large scale commercial wind energy development has potentially large impacts on community character and requires special consideration in the context of zoning. Its potential impacts on agricultural lands or agricultural operations are significantly less than commercial solar development, however, for agricultural areas there are some recommended standards that should be adopted by local governments. These include:

- Minimize impacts to normal farming operations by locating structures along field edges and in nonagricultural areas, where possible
- Avoid dividing larger fields into smaller fields, which are more difficult to farm, by locating access roads along the edge of agricultural fields and in nonagricultural areas where possible
- All existing drainage and erosion control structures such as diversions, ditches and tile lines shall be avoided or appropriate measures taken to maintain the design and effectiveness of the existing structures, and any structures that are disturbed or destroyed shall be restored
- The surface of access roads constructed through agricultural fields shall be level with the adjacent field surface
- Where necessary, culverts and water bars shall be installed to maintain natural drainage patterns
- All topsoil shall be stripped from agricultural areas prior to construction and stockpiled separate from other excavated material such as rock and subsoil, and immediately adjacent to the area where stripped/removed, and shall be used for restoration of that particular area
- All areas impacted by construction or heavy vehicle traffic shall be de-rocked and de-compacted upon completion of the project
- In cropland, hay land and improved pasture, a minimum depth of 48 inches of cover will be required for all buried electric cables, and in other areas, a minimum depth of 36 inches of cover will be required
- Unless on-site disposal is approved by the landowner, all excess subsoil and rock shall be removed from the site
- Excess concrete will not be buried or left on the surface in any active agricultural areas of the site

An example definition for a commercial wind energy system is:

*"An electric generating facility, whose main purpose is to convert wind energy to electrical energy to transfer to the public electric grid in order to sell electricity to or receive a credit from a public utility entity, but also may be for on-site use, consisting of one or more wind turbines and other accessory structures and buildings, including substations, meteorological towers, electrical infrastructure, transmission lines and other appurtenant structures and facilities."* -Town of Geneva Zoning Code

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The Accelerated Renewable Energy Growth and Community Benefit Act created an Office of Renewable Energy Siting (ORES) to oversee the approval of commercial solar and wind energy developments that will generate 25 MW or more of power per year. This process effectively pre-empts local regulations and review of such projects.

However, Section 900-2.25 of Title 19 of NYCRR Part 900, which governs the ORES review process does require that the location of a proposed renewable energy development conform to all substantive requirements of “local ordinances, laws, resolutions, regulations, [and] standards,” including local zoning. The applicant must also state whether the municipality has adopted a comprehensive plan, and whether the proposed renewable energy development is consistent with the adopted plan.

Under NYS Executive Law Section 94-c, the Office of Renewable Energy Siting may elect to apply, or not apply applicable local zoning and other regulations to the proposed development. To override local regulations, the Office must make a finding that the local regulation is “unreasonably burdensome” in view of the renewable energy development and greenhouse gas emission reduction targets set forth in Climate Leadership and Community Protection Act (CLCPA) and the environmental benefits of the proposed facility.

This new State role in the review and approval of large commercial renewable energy projects highlights the need for local government to be proactive. Towns, villages and cities should have in place an adopted comprehensive plan or farmland protection plan that clearly communicates their policy with regard to the protection of their best quality agricultural soils, and a clear rationale for doing so. Local land use regulations also must be clear in terms of which zoning districts such development is permitted, and also have clear design and operating standards for such development, including prohibitions on developing on prime farmland and farmland of statewide importance.

Although local government does not have a direct role in the ORES review process, it can effectively position itself to influence the State’s deliberation through its zoning and other regulations.

## SUBDIVISION & OTHER LAND USE REGULATIONS

### SUBDIVISION OF AGRICULTURAL LANDS

Land subdivisions to create a new building lot, or multiple building lots, can have unintended consequences for agricultural operations if not done in a thoughtful manner. With the size of modern farm equipment, even a poorly subdivided single lot located in the middle of a large field, can disrupt and slow down everything from plowing/tilling to planting to harvesting. Field drainage infrastructure can inadvertently be damaged or destroyed, causing wet soil conditions and lowered productivity. Residential wells drilled too close to a building lot boundary may be

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susceptible to contamination from manure spreading. In some communities, bans on spreading manure within 100 or 200 feet of residential wells have been suggested, creating restrictions that could force farmers to take land out of production.

There are several steps that local governments can take to minimize the adverse impacts of subdivisions in agricultural areas. Some consist of amendments to into the zoning code, while others include amendments to the subdivision regulations. In terms of zoning, a good first step is for local governments to review minimum lot size and width requirements. It may be counterintuitive, but permitting smaller lots in agricultural areas, especially in low growth agricultural areas, can preserve agricultural lands better than larger lots. Larger 5- to 10-acre lots are often intended to protect rural character by spreading out the homes and creating large gaps between them. In agricultural areas, however, they result in wasted land – too small to farm and too large to mow. A smaller wider lot configuration, for example a 1.5-acre lot coupled with a minimum lot width requirement of 220 feet in contrast can accommodate a home while also permitting 100-ft. setbacks between a water well, the lot boundaries, and an onsite septic system. This wider lot configuration can reduce the potential for well contamination and provide additional buffer areas between the new home and farm operations on adjacent fields. It also reduces the impact on the agricultural land resources, reserving 3.5- to 8.5-acres for continued agricultural use compared to very large lot zoning. Two-acre or 2.5-acre residential lots, while consuming more land, nonetheless have less impact on the agricultural land resource than very large lot zoning.

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### **FIXED-RATIO (DENSITY-AVERAGING) ZONING**

The common method of imposing very large lot dimensional requirements, such as 5-acre or 10-acre or larger minimum lot sizes, does not work well to protect agricultural lands. While large lot zoning can reduce the development potential of rural areas, it can lead to the fragmentation of agricultural lands by locking up land in excessively large residential lots (“too small to farm, too large to mow”). The fixed-ratio zoning and subdivision concept was developed in agricultural counties in southern Pennsylvania in the 1970s as a way of providing farmers with the option of occasional sales of land, usually for a house lot, without triggering large scale development or farmland fragmentation. It reduces the density of development in an area without locking up productive farmland in non-farm residential lots. Also known as “density averaging,” the fixed-ratio zoning and subdivision combination can be very effective also in protecting ecologically important and scenic lands.

Fixed-ratio zoning differs from the conventional approach of controlling the minimum size of individual lots. It instead controls the number of lots permitted to be subdivided off a parent tract of land. It also differs in that it sets a maximum permitted lot size for non-agricultural or non-open space uses, as the means to control fragmentation of lands. This “one lot per X acres” approach, – e.g., 5 acres... 10 acres... 20 acres of land – has been proven to be an effective way to control density in rural areas and prevent land fragmentation.

In the following graphic, the conventional subdivision scenario with a 10-acre minimum lot size, would net the sub-divider 8 lots on the 87-acre farm tract. With density set at one lot for each 10

## FARM FRIENDLY MUNICIPAL TOOLBOX

acres of land in the same hypothetical parent tract of 87 acres, up to seven 2-acre lots would be permitted to be subdivided off the parent tract. In this scenario these lots together consume only 16.5 acres of the 87 acres, leaving 71.5 acres in one large tract that can continue in agricultural use. The 7 building lots are also located on the lower quality soils such as pastureland and woodland.



*Comparison of large-lot zoning with 8 development lots meeting the conventional minimum 10-acre lot size requirement (left), and a subdivision utilizing the fixed-ratio zoning concept. Note that the parcel in the middle is left out because it is a separate property. Under the fixed-ratio approach, the same number of lots is permitted (8), but the 7 lots allocated for residential development are only about 2-acres in size, while 71.5 acres are retained for agricultural use. Fixed-ratio zoning can thus conserve agricultural land resources, while still permitting landowners the option of small-scale development.*

This fixed-ratio approach can work well because most farmers and other rural landowners are generally not interested in seeing their land developed, but instead need the ability to sell off an occasional lot, as needed or desired. The fixed-ratio approach can satisfy this desire, over a period of years, while maintaining contiguous tracts of productive farmland and other open space. Coupling fixed-ratio density controls and lot size limits with other tools such as flag lots can permit greater flexibility protecting prime agricultural lands.

Because fixed-ratio zoning is designed for use in rural zoning districts with low numbers of subdivisions and involving the creation of a few lots, the tracking of land subdivision is relatively simple. Upon adoption of the new fixed-ratio zoning, the size of all affected parcels, along with the number of lots permitted to be created under the new zoning are recorded. As subdivisions occur, they are duly recorded and tracked in this database, until the maximum number of created lots is reached. With GIS technology, this record system can easily be set up and maintained.

### FLAG LOTS

A secondary option is to amend the zoning regulations to permit “panhandle” or “flag” lot configurations. These lots are characterized by long narrow strips of land connecting the road

## FARM FRIENDLY MUNICIPAL TOOLBOX

frontage with a lot set back from the roads. The long narrow strip – the “handle” or “flagpole” should be wide enough for a driveway plus buffers on either side (30 feet width = 12-ft wide driveway + 9-ft wide buffers). The portion of the lot where the house would be built must meet the minimum area requirements and lot width and depth requirements outlined in the zoning regulations. This excludes the area occupied by the handle or flagpole portion of the proposed lot.

A legitimate concern regarding the flag lot approach to subdivision is access for emergency vehicles. To permit adequate, year-round access for emergency vehicles, especially heavy firetrucks, the driveway servicing a flag lot, including any culverts, must be designed built to support heavy trucks. This can be address through design standards that require the use of compacted crushed stone to ensure an all-weather surface, even in spring thaw conditions.

In addition to a minimum width of 30 feet for the access strip to the public road or highway, other recommended design standards for flag lots are:

- The driveway shall be a minimum of 12 feet wide shoulder to shoulder, with a maximum gradient of 10%
- The driveway shall be of all-weather construction, with a sub-base consisting of at least twelve (12) inches of compacted crushed limestone or crushed bank-run gravel, with adequate coverage over any culverts
- The minimum radius of any curve in the driveway shall be 50 feet measured from the centerline
- A horizontal clear area measuring at least 10 feet from the centerline of the driveway on both sides, and a vertical clear area of at least 15 feet from the surface of the driveway to the lowest tree branches, shall be created and maintained
- There shall be adequate sight distance in both directions where the driveway intersects with the public road or highway
- Whenever practicable, adjoining flag lots should be platted in a manner that encourages shared driveway access points along public roads and highways

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### FARM MASTER PLAN

The fact that many subdivisions in rural agricultural areas are occasional subdivisions to create a single lot – often for a family member – contribute to the fragmentation of farmland, impacts on environmentally sensitive areas, and on rural character. Farmers and farmland owners can avoid them, by taking a “big picture” look at their land holdings, and develop a long-term plan regarding where, and when, they might subdivide off lots in the future. It does not have to be a formal, detailed plan, but a vision for what the farm could be in 20 or 30 years in the future. By having a vision for the future, farmland owners can then develop a long-term strategy for subdividing their land. They can then assess the potential benefits and drawbacks of creating development lots in specific locations on the farm and avoid problems down the road. With a vision in place, the steps in creating a simple strategy for subdividing land are:

- Determine the desired number of lots to be created (i.e. the desirable number of non-farm neighbors)

## FARM FRIENDLY MUNICIPAL TOOLBOX

- Consult local zoning and subdivision regulations, code enforcement officials, and health department regulations to determine minimum lot size requirements, including minimum requirements for frontage on public roads, and setback requirements for water wells and septic systems
- Review survey and other mapping for the farm and identify local roads and the length of available road frontage
- Identify areas on the farm that are woodland or brush and meadow, or pastureland (often indicators of poorer soils)
- Identify hedgerows, drainageways and other field boundaries
- Consult with County or local planning departments for information on floodplains, wetlands, and other environmentally sensitive areas of the farm
- Check the soils mapping for the farm, to identify the areas of high-quality soils, and the areas of lower quality soils

With this information in hand the farmland owner can locate sites for future lots based on access from public roads and highways and utilize less productive land for development while protecting the highest quality farmland. They can also limit fragmentation of farm fields by shifting new lots toward hedgerows, property lines, drainageways and other edge locations on their property. With the use of flag lots (if permitted by zoning), the landowner can locate new building lots to woodland areas to rear of productive farm fields that front on public roads and highways, or stack lots behind each other, further minimizing the fragmentation of fields.

Many municipal governments include in their subdivision approval processes a preliminary sketch plan review. Sketch plan review is an informal, advisory review of a proposed subdivision. Although no approval is involved, it can be an opportunity for the landowner to discuss their plan with the Planning Board and get feedback on it. This simple farm master planning exercise can provide the landowner the option of subdividing lots over a period of years, while that also maximizing protection of the agricultural land resources, and economic viability of the farm.

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### CONSERVATION SUBDIVISION

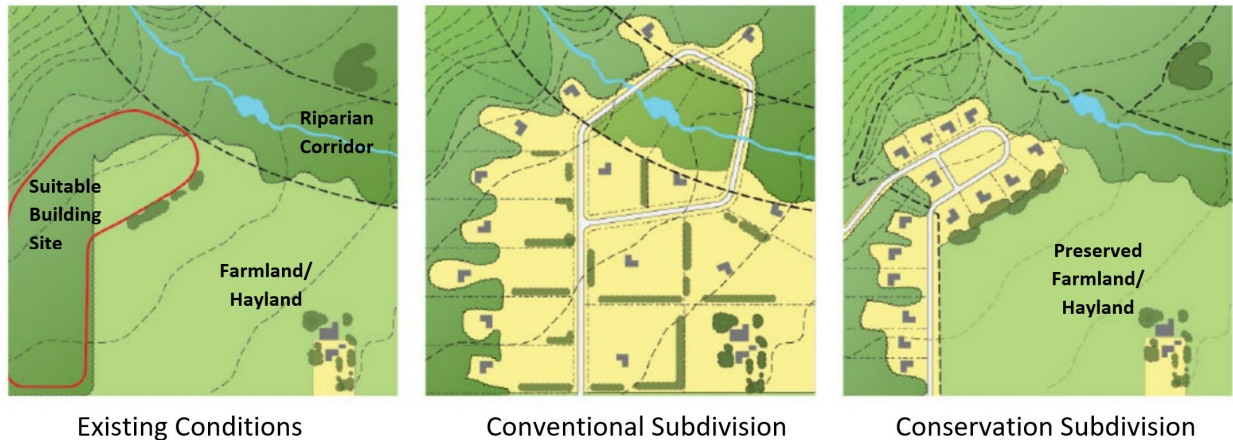
Local governments should also review their subdivision regulations, and amend if appropriate to permit the use of conservation subdivision design in agricultural areas. Historically, cluster subdivision design, as permitted under Section 278 of Town Law, has been associated with attached housing (townhouse developments in built-up suburban areas). The conservation subdivision concept is a variation of the cluster subdivision concept that has become a useful growth management tool in rural areas where development often takes the form of smaller scale single-family residential development.

A conservation subdivision utilizes the careful placement of individual homes on a site in a manner that avoids productive agricultural lands and environmentally sensitive areas. Due to the lack of public water and sewer, lot sizes are larger (e.g. 1 acre or larger or 210 ft. x 210 ft.) than typical suburban cluster subdivisions on smaller lots. In an agricultural zoning district with minimum lot sizes of 2 acres or 2.5 acres, the conservation subdivision can nonetheless can be an effective tool for protecting agricultural lands, environmentally sensitive areas, and rural character. Through more flexible lot dimensional standards, as well as street design provisions that permit narrower,

## FARM FRIENDLY MUNICIPAL TOOLBOX

low speed and low-volume private lanes to access multiple homes, conservation subdivisions can provide development opportunities for farmers and other owners of large tracts of land, while preserving rural character and the agricultural land base.

In addition, the subdivision regulations should be amended if necessary to require that applications for subdivision include on the proposed subdivision plat any existing drain tile system or other field drainage infrastructure. Any subdivision approval should have as a condition that the subdivision applicant make provisions for preserving such infrastructure, or replacing it where necessary. Such action will prevent field drainage problems upstream and downstream of the subdivision.



*Illustration of the conservation subdivision design approach, from the Dutchess County Greenway Guide.*

### SITE PLAN REVIEW

The purpose of the Site Plan Review Process is to review plans for specific types of development to ensure compliance with all appropriate land development regulations, compliance with accepted design principles for traffic access and circulation, parking, pedestrian facilities, stormwater management facilities and other design details, and consistency with adopted municipal plans. Generally, in zoning codes site plan review is required for developments where the general public has access to, such as multi-family housing, commercial and industrial development and non-government institutions such as hospitals, private schools, and religious uses. The three primary objectives of site plan review are: 1) to ensure conformance with relevant land use regulations; 2) to ensure the design of the development protects the health and safety of the public that enters the site; and 3) ensure (through SEQR review) that potential adverse environmental impacts are identified and mitigated to the extent practicable.

Agricultural enterprises have historically not been subject to site plan review. With the evolution of direct sales marketing, agri-tourism, and food processing in agriculture in New York, activities that bring the general public onto the farm, however, site plan review is being extended to cover such enterprises. Site plan review should focus on the technical aspects of a proposed development. The municipal review should focus on the following considerations:

## FARM FRIENDLY MUNICIPAL TOOLBOX

- Any proposed site development, including parking areas, should avoid farmland designated as prime or farmland of statewide importance;
- Any proposed site development should avoid floodplains and wetlands, and also disturbance of farm field tile and other drainage infrastructure;
- Compliance with all relevant zoning regulations, including setback and lot coverage requirements, and local government standards;
- The design, layout, and adequacy of traffic and pedestrian access, and egress, and related issues of safety and circulation, both on-site and off-site. This includes consideration of parking and loading areas, and the design and location of signs;
- The design, layout, and adequacy of access for fire and emergency vehicles, equipment, and personnel;
- The design, layout, and adequacy of building materials, landscaping, necessary utilities and appurtenances, and storm water and drainage facilities;
- The design and layout of any lighting for the proposed project, noise impacts, and the design, type and location of any proposed signs;
- Impacts to or upon sensitive environmental areas such as wetlands, streams, ponds, and other water bodies, and proposed mitigation measures;
- Impacts on neighboring properties, and the mitigation of the same through the imposition of reasonable conditions and/or the use of landscaping, screening, and/or buffering.

The site plan review process should be a flexible process, with the level of review reflecting the scale and type of investment being proposed. The design information required for review and approval of a 150 square foot farmstand, with pull-off space for 2 or 3 cars, is much less than the information needed to review and approve a winery, brewery, cidery or distillery that will be attracting hundreds of visitors today. Key to facilitating a comprehensive but efficient site plan review process are clear and concise design standards (discussed in the following section).

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### **SITE AND DESIGN STANDARDS**

Clear and concise design standards can facilitate the review of proposed developments by laying out for both the applicant, and the local planning or other review boards, the basic requirements necessary to receive site plan approval or other approvals needed for a project to move forward. Design standards are requirements that must be met or waived (with justification) by a planning board or other review board in order to receive the site plan approval. They should address both public safety and health and reflect the aesthetic expectations of the community. Some examples of design standards include, but are not limited to:

- Restrictions on siting facilities on farmland designated as prime or farmland of statewide importance
- Restrictions on siting proposed facilities on floodplains and wetlands, and disturbance of farm field tile and other drainage infrastructure
- Requirements for landscaping, including landscape buffers along property boundaries and along public roads and highways, required tree plantings in parking lots and size standards for required plantings

## FARM FRIENDLY MUNICIPAL TOOLBOX

- Required number of parking spaces, and minimum dimensional requirements for parking spaces (including bus parking) and traffic aisles, limits on parking in certain areas such as front yard areas
- Required pedestrian facilities such as walkways, paths, crossings
- Size and location of outdoor display areas
- Size and location of signs, including directional signage within the site
- Location of loading docks and other service facilities, and requirements for screening of these facilities
- Outdoor lighting location and design, including requirements that high cutoff “dark sky” lighting fixtures to reduce the impacts of outdoor lighting, including on adjacent properties
- Requirements for stormwater management facilities, including fencing if appropriate and landscaping or screening

### SPECIAL PERMIT REVIEW

The Special Permit review is a higher level of review for specific land uses which are permitted in a zoning ordinance or local law, but which may have potential negative impacts on the surrounding area that must be mitigated. A development subject to special permit can be approved, but subject to conditions designed to ensure that the proposed use is in harmony with zoning, and will not adversely affect the neighborhood upon completion. The municipal board authorized to grant special permits shall have the authority to impose such reasonable conditions and restrictions related to the proposed development.

The Department of Agriculture and Markets has determined that any use that falls within its definition of farm operation under Sect. 301 of the Agriculture and Markets Law, will not have any adverse impact will not have adverse impacts to any degree that would warrant special permit review. The application of special permit review to such uses could be considered a burdensome application of local authority to an agricultural operation, and trigger a review of the local zoning regulations as applied to agriculture.

In reviewing its zoning regulations as they may impact agricultural operations, local governments should ensure that agriculture-related enterprises, including those discussed in this report, do not require special permit approval.

Site plan review, in cases where a proposed enterprise will bring the general public onto the farm, is however an appropriate regulatory tool. As stated above, clear and concise design standards can facilitate the review of proposed development and ensure a smooth review process.

## FARM FRIENDLY PRESERVATION TOOLS

### OVERVIEW

In addition to zoning, subdivision and site plan review, there are several non-regulatory tools available to government and farmers to promote the long-term contributions of agriculture to the local economy. These are voluntary programs that farmers and farmland owners may opt into that provide permanent protection of the land as an agricultural resource. They are attractive

## FARM FRIENDLY MUNICIPAL TOOLBOX

because unlike regulatory approaches to protecting agricultural lands, these tools also offer financial compensation to farmers for the potential reduction in the value of their most valued asset: land. These tools are thus a more equitable approach to protecting land resources.

### **PURCHASE OF DEVELOPMENT RIGHTS**

Purchase of development rights (PDR) as a tool for protecting agricultural lands and other open space has become a popular approach to permanently protecting the land resources, through use of a conservation easement. The conservation easement is a voluntary agreement made between a landowner and another party, such as a government agency or land trust in which the landowner surrenders their rights to develop the land and accepts restrictions that protect the agricultural land and other open space lands. The easement conveys to the easement holder the right to enforce the restrictions on the land. In addition to the voluntary nature of the transaction, the landowner is also compensated for the value of the development rights.

The Environmental Conservation Law (Sections 49-0301 through 49-0311) provide the authority for not-for-profits and municipalities to acquire conservation easements for the purpose of conserving, preserving, and protecting the environmental, historical, and cultural resources of the State, including agricultural lands. In addition, the Municipal Home Rule Law authorizes local governments to adopt local laws for the protection and enhancement of the physical and visual environment, including local laws establishing farmland protection programs to protect agricultural lands through PDR.

The New York State Farmland Protection Implementation Grants (NYFPIG) program has provided funding for the purchase of development rights on farmland since the 1990s. Onondaga County and public and not-for-profit partners have been actively involved in assisting farmers in the county in navigating the application process for participation in the NYFPIG program. In some cases, landowners may donate part of all of the value of an easement. Over 12,000 acres of farmland in the county have been protected through this program.

### **LEASE OF DEVELOPMENT RIGHTS**

A variation of purchase of development rights is the use of voluntary term easements on private lands. Simply put, a municipal government leases the development rights to a property for a specified period of time, usually 25 years or more. Compensation to the property owner can be in the form of a lump sum payment at the beginning of the lease, or payment in increments.

In New York, the Town of Perinton in Monroe County has taken a unique approach to the lease of development rights. Since 1975, the Town encouraged farmers and farmland owners to maintain their land in agriculture by giving substantial property tax breaks in exchange for a term conservation easement on the land. As with PDR, the Town Assessment Department takes into account the difference in the value of the land for development, and its value as agricultural land. Instead of a cash payment to the landowner, property taxes are substantially reduced – by up to 90% for a term lease of 15 years on the agricultural land. A condition of the term easement is that the land continues to be actively farmed. To date the Town has placed term conservation

## FARM FRIENDLY MUNICIPAL TOOLBOX

easements on almost 1,500 acres of land. If a landowner violates the terms of the term easement, the Town can levy a penalty on the landowner, and they must forfeit the value of their property tax savings for the previous five years.

Although not widely used in New York, lease of development right can be an attractive alternative to a permanent conservation easement. The term conservation easement gives landowners the flexibility to leave the program should they desire at the end of the lease, and it enables the local government to spread out the cost of easement over a period of years.

ONONDAGA COUNTY AGRICULTURE & FARMLAND PROTECTION PLAN

# FARM FRIENDLY MUNICIPAL TOOLBOX

## APPENDIX A: SELECTED DEFINITIONS

The following table contains the zoning terms and definitions discussed in the preceding sections.

ZONING TERM	DEFINITION
AGRICULTURE	The use of land and on-farm buildings, equipment, manure processing and handling facilities, and practices which contribute to the production, preparation and marketing of crops, animal husbandry, livestock, and livestock products as a commercial enterprise, including a commercial horse-boarding operation as defined in the Agriculture and Markets Law Article 25-AA, Section 301, and timber processing as defined in this zoning law.
AGRICULTURE-RELATED BUSINESS	A retail or wholesale enterprise operated as an accessory use to an active farm on the same premises, providing products or services principally utilized in agricultural production, including structures, agricultural equipment and agricultural equipment parts, batteries and tires, livestock, feed, seed, fertilizer and equipment repairs, or the sale of grain, fruit, produce, trees, shrubs, flowers or other products of agricultural operations, and including breweries, cideries, distilleries, wineries, and juice production that are not otherwise specifically defined as a farm operation.
AGRI-TOURISM	An agriculture-related enterprise, operated as an accessory use to an active farm operation engaged in the production, preparation and marketing of crops, animal husbandry, livestock and livestock products as a commercial enterprise, which brings together tourism and agriculture for the education and enjoyment of the public, and which may include: hayrides, corn mazes, hay mazes, petting zoos (farm animals only), farm tours and agriculture themed festivals and other public or private events.
BUSINESS DIRECTIONAL SIGN	A sign located off the premises on which a business is located, not exceeding nine square feet in area, posted by the business along a public road or highway for the purpose of guiding prospective customers to their location.
BUSINESS OR PROFESSIONAL OFFICE	An office of an accountant, business consultant, financial consultant, attorney, architect, engineer or other design professional, forester, medical or dental professional, veterinarian or other related occupations located within their residence or an accessory building, where activities are limited to providing services not involving direct sale of goods, as an accessory use to a dwelling or farm operation, and not occupying more than 600 sq. feet of gross floor area, and not employing more than 3 employees not living on the premises.
COMMERCIAL SOLAR ENERGY SYSTEM	An area of land or other area used for a solar collection system principally used to capture solar energy and convert it to electrical energy to transfer to the public electric grid in order to sell electricity to or receive a credit from a public utility entity, but also may be for on-site use, and which may consist of one or more freestanding ground- or roof-mounted solar collector devices, solar-related equipment and other accessory structures and buildings, including light reflectors, concentrators, and heat exchangers, substations, electrical infrastructure, transmission lines and other appurtenant structures and facilities.

ONONDAGA COUNTY AGRICULTURE & FARMLAND PROTECTION PLAN

# FARM FRIENDLY MUNICIPAL TOOLBOX

ZONING TERM	DEFINITION
COMMERCIAL WIND ENERGY SYSTEM	An electric generating facility, whose main purpose is to convert wind energy to electrical energy to transfer to the public electric grid in order to sell electricity to or receive a credit from a public utility entity, but also may be for on-site use, consisting of one or more wind turbines and other accessory structures and buildings, including substations, meteorological towers, electrical infrastructure, transmission lines and other appurtenant structures and facilities.
DIRECT FARM MARKETING	A retail enterprise operated as an accessory use to an active farm operation on the same premises, that is engaged in the sale of grain, fruit, produce, trees, shrubs, flowers, meats, processed foods or other products of agricultural operations, or gifts, clothing, beverage tastings, prepared foods and other items that promote the sale of agricultural products, and including breweries, cideries, distilleries, wineries, and juice production that are not otherwise specifically defined as a farm operation.
FARM BREWERY	An enterprise engaged in the production for sale of beer, operated as an accessory use to an active farm operation on the same premises, licensed and regulated as such by the State of New York, and including as subsidiary activities the sale of gifts, clothing, beverage tastings, prepared foods and other items that promote the sale of agricultural products.
FARM CIDERY	An enterprise engaged in the production for sale of cider, operated as an accessory use to an active farm operation on the same premises, licensed and regulated as such by the State of New York, and including as subsidiary activities the sale of gifts, clothing, beverage tastings, prepared foods and other items that promote the sale of agricultural products.
FARM DISTILLERY	An enterprise engaged in the production for sale of liquor is manufactured primarily from farm and food products, operated as an accessory use to an active farm operation on the same premises, licensed and regulated as such by the State of New York, and including as subsidiary activities the sale of gifts, clothing, beverage tastings, prepared foods and other items that promote the sale of agricultural products.
FARMSTAND	A permanent structure and accessory use to an ongoing agricultural operation, with or without appurtenant open display area, for the retail and wholesale sale of agricultural produce and other natural, processed, or manufactured food products which are directly linked to and promote the use and sale of agricultural products.
FARM WINERY	An enterprise engaged in the production for sale of wine, brandies distilled as the by-product of wine or other fruits, or fruit juice, operated as an accessory use to an active farm operation on the same premises, licensed and regulated as such by the State of New York, and including as subsidiary activities the sale of gifts, clothing, beverage tastings, prepared foods and other items that promote the sale of agricultural products.
FARM WORKER HOUSING	A dwelling or dormitory unit located on an active farm operation that is accessory to such operation which may be occupied by employees of the farm and their families, or unrelated employees of the farm, which may consist of manufactured homes, modular homes, and which may be located on the same parcel.
FIXED-RATIO ZONING	A type of low density for the protection of agricultural lands and open space, where the development density is based on the number of residential lots allowed under the zoning, e.g. 1 lot for each 10 acres of land, instead of on the physical size of the lot. Fixed-ratio zoning also

# FARM FRIENDLY MUNICIPAL TOOLBOX

ZONING TERM	DEFINITION
	sets an upper limit on non-agricultural lots, usually 2 acres or less. This results in a ratio of 2 acres of development land for each 8 acres or protected land.
HOME OCCUPATION	A business conducted within a dwelling, or a building accessory thereto, by a resident of the dwelling, which is clearly incidental and secondary to the use of the property for residential purposes, and which is the type of business that is customarily conducted within a dwelling or building accessory thereto.
NON-COMMERCIAL SOLAR ENERGY SYSTEM	A solar photovoltaic cell, panel, or array, or solar hot air or water collector device, which relies upon solar radiation as an energy source for collection, inversion, storage, and distribution of solar energy for electricity generation or transfer of stored heat, primarily for use on the premises.
NON-COMMERCIAL WIND ENERGY SYSTEM	An electric generating facility, whose main purpose is to convert wind energy to electrical energy, consisting of a wind turbine, a tower or other support structure and associated control or conversion electronics, which has a rated capacity of not more than 250 kW and which is intended to primarily reduce on-site consumption of utility power.
ON-FARM COMMERCIAL PROCESSING	The production or processing whole fruit and vegetables, baked cakes, muffins, pies or cookies, candy, jellies, jams, preserves, marmalades, and fruit butters, cheeses, butters, and other milk derived products, meats and meat products and other foodstuffs, as regulated by state and federal law, for wholesale or retail sale, and operated as an accessory use to an active farm operation engaged in the production, preparation and marketing of crops, animal husbandry, livestock and livestock products as a commercial enterprise.

ONONDAGA COUNTY AGRICULTURE & FARMLAND PROTECTION PLAN

# FARM FRIENDLY MUNICIPAL TOOLBOX

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## FARM-FRIENDLY ASSESSMENT

## TOWN OF ONONDAGA

TO: Town of Onondaga

FROM: Onondaga County Agriculture & Farmland Protection Board (AFPB)  
with the Syracuse-Onondaga County Planning Agency (SOCPA)

DATE: October 22, 2021

RE: Farm-Friendly Assessment for the Town of Onondaga

## INTRODUCTION

The state of agriculture in Onondaga County has seen significant changes over the years. Through it all, local agriculture remains a critical part of our economy, food system, and landscape. Our county is gifted with highly productive agricultural soils, a legacy of farming operations and know-how, and an environment that supports a highly diverse array of crops and opportunities to engage with the local food system. The Onondaga County Agriculture and Farmland Protection Plan, will report on the state of our agricultural lands and economy, and provide a framework for both protecting our most vital farmland and supporting overall agricultural viability in Onondaga County (For more information go to: [agriculture.ongov.net](http://agriculture.ongov.net)).

The Town of Onondaga is one of several communities in Onondaga County that has volunteered to have its planning, zoning, and other land use regulations reviewed for how they may positively or negatively impact the agricultural operations within its borders. This assessment of zoning, subdivision, and Right-To-Farm laws identifies areas within the Town where these regulations could be updated to better reflect current agricultural trends and needs in the 21<sup>st</sup> century. The purpose of this Farm-friendly Assessment is not to critique, to educate by identifying potential issues and opportunities for improving the Town of Onondaga's land use regulations as they relate to agriculture.

The assessment involves reviews of existing zoning, subdivision and other local laws governing land use in the Town, including renewable energy uses. The primary objective is to review the local planning documents and laws, and to find areas, if any, where they could be amended to create a more farm-friendly environment. Specific areas of investigation include local regulations regarding:

- Conformance with the limits of local government regulating powers set forth in the New York State Agriculture and Markets Law (AML);
- Ensuring that local land use regulations accommodate the land uses commonly associated with or which support agriculture and agricultural operations with appropriate local controls;
- Identifying agricultural activities that meet the definition of "farm operation" as set forth in AML Sect. 301(11) that may be subject to special permit, site plan review, or other local

## FARM-FRIENDLY ASSESSMENT

## TOWN OF ONONDAGA

review standard above ministerial review, or subject to a more intensive level of review than other uses permitted within the same zoning district.

Agricultural trends of particular focus in this analysis include emerging types of agriculture-related enterprises and renewable energy development. To enhance their farming operations and remain economically viable, farmers in New York have expanded over the past decade

This assessment informs the development of a Farm-friendly Toolbox that other municipalities within Onondaga County can use to assess their existing plans and regulations and then update their local land use tools to better protect farmland and promote agricultural viability. This toolbox is available online at:

<https://agriculture.ongov.net/toolbox>

beyond conventional agriculture and into direct farm marketing, on-farm wineries, breweries, cideries, distilleries, agri-tourism, bed-and-breakfast inns, and other supplemental farm businesses.

These agriculture-related enterprises, when operated as an accessory use to an ongoing agricultural operation, can provide revenue streams that enhance the economic viability of farm operations while contributing to the overall local economy and quality of life.

Meanwhile, renewable energy in New York today is presenting both opportunities and challenges for municipal governments and farmers. Investment in small scale solar and wind energy development primarily for generating power for use in farm operations can reduce energy costs for farmers, while reducing reliance on fossil fuel energy sources. However, large scale commercial solar and wind energy development, if left unchecked by siting considerations and local land use regulations, can have major implications in terms of agricultural land resources and impacts to host communities.

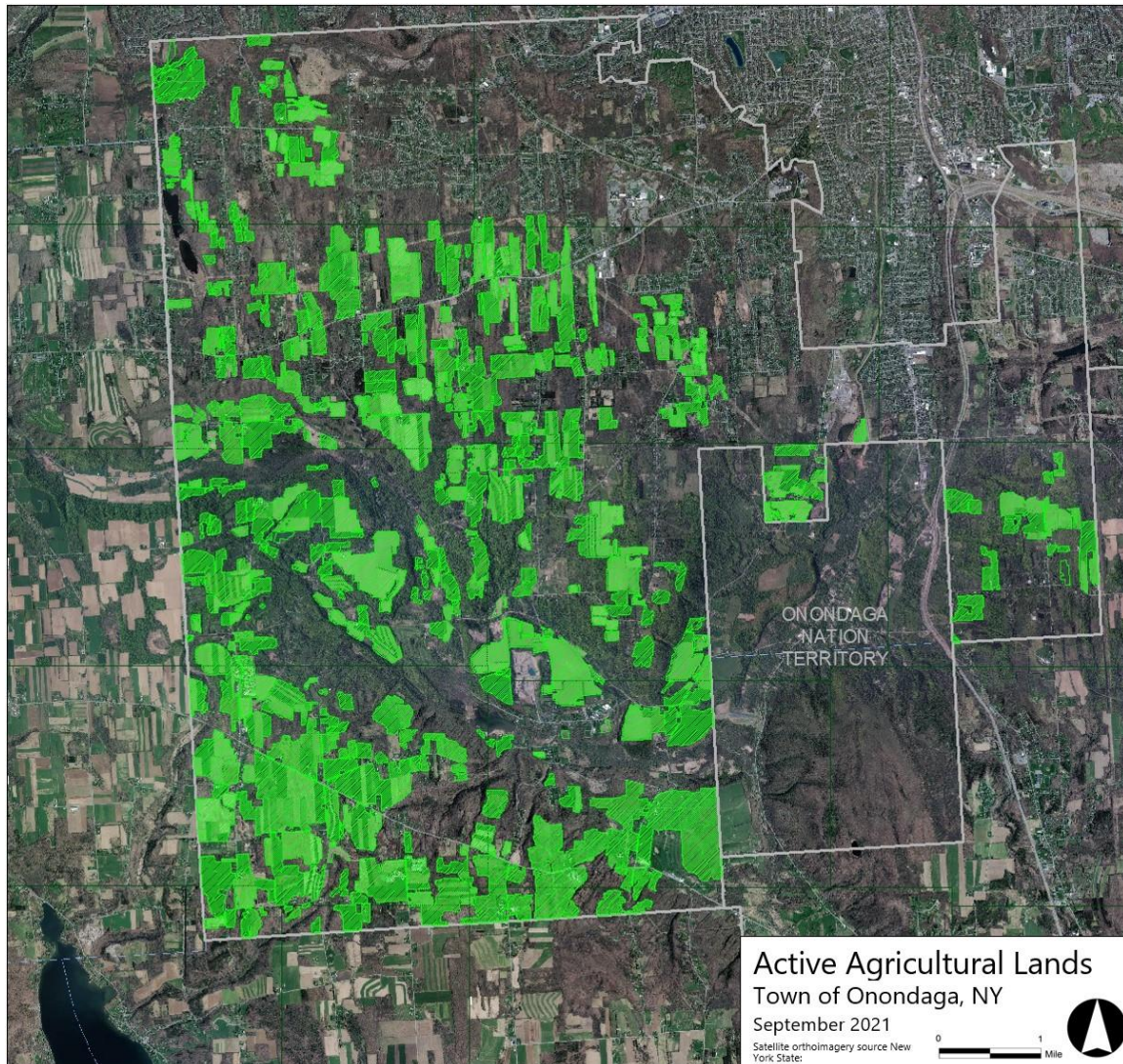
The purpose of this Farm-friendly Assessment is to identify potential issues and opportunities with the Town of Onondaga's land use regulations as they relate to agriculture. The primary objective is to review the local planning documents and laws, and to find areas, if any, where they could be amended to create a more farm-friendly environment and better address the abovementioned land use trends.

## AGRICULTURE IN THE TOWN OF ONONDAGA

In the Town of Onondaga, despite it being a major suburb of Syracuse, an estimated 18,000 acres of land, or about 49% of the land in the town, is still actively farmed. Moreover, over 90% of the land being farmed in the Town of Onondaga is enrolled in the Agricultural Districts program administered by Onondaga County. Agriculture in the Town of Onondaga is a diverse economic sector that spans the spectrum from small vegetable, floriculture, horticulture, and maple syrup farm operations to large scale grain, dairy, and orchard operations. In this assessment, nine direct farm marketing enterprises, three farm breweries, cideries or distilleries, and three agri-tourism/agri-education ventures were also identified.

## FARM-FRIENDLY ASSESSMENT

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## AGRICULTURE AND PLANNING

The Town of Town of Onondaga adopted a Comprehensive Master Plan in November, 2007 which was amended by a Supplement and Addendum approved by the Town Board in March, 2016.

The Comprehensive Plan notes the decline in agricultural land in production, but it also recognizes that agriculture contributes to the rural character and visual openness of the Town, and that conversion of farmland to development is both a national issue, and a local issue. Among the Plan objectives are the protection of valuable natural resources, including viable farmlands, and also, under economic objectives, to protect and preserve viable agricultural activities.

## FARM-FRIENDLY ASSESSMENT

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Three key recommendations of the Plan related to the future of agriculture are:

- Assure the continuation of farming on prime agricultural land and limiting non-farm development particularly in the southern part of the Town;
- Take into account the potential for conversion of agricultural lands when evaluating extensions of public water or sewer service;
- Support agricultural and other private sector efforts to protect and minimize impacts on prime agricultural land, as well as streams, drainage ways, wooded areas and wildlife habitat."

As the town moves forward with implementing its Plan the recommendations in this assessment may provide useful guidance.

## AGRICULTURE AND THE LOCAL REGULATORY FRAMEWORK

Agriculture and Markets Law Section 305-a provides farmers and agricultural operations located within County-sponsored agricultural districts specific protections against local zoning regulations that may cause undue interference with legitimate agricultural practices as defined by State law. Because many of the active farms in the Town of Onondaga are located within a County administered agricultural district, they are afforded the protections of Section 305-a. In 2002 the New York State Legislature also amended Town Law Section 283-a to require local governments to ensure that their laws, ordinances, or other regulations that might apply to agricultural operations located in State certified agricultural districts do not *"...unreasonably restrict or regulate farm operations in contravention of Article 25-AAA of the Agriculture and Markets Law, unless it can be shown that the public health or safety is threatened."*

Agriculture and farming are interchangeable terms in this report, along with agricultural operations and farms.

The Town of Onondaga zoning regulations are set forth in Chapter 285 of the Town of Onondaga Code. Farms are permitted in the Residential and Country (R-C) and the One-Family Residential (R-1) zoning districts, which together cover an estimated 85% of the town. The bulk of the farms and land in agriculture are in the Residential–Country zoning district.

The following are recommended actions to update the Town of Onondaga land use regulations in a manner that both protects the Town and its residents, while providing contemporary agricultural operations the flexibility they need to compete in a global economy.

## RIGHT TO FARM LAW

The Town of Onondaga does not appear to have adopted a Right to Farm law. While viewed primarily as designed to protect farmers from so-called nuisance suits, local right to farm laws

## FARM-FRIENDLY ASSESSMENT

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can be useful in other ways. Many towns have utilized these types of laws to set up a framework for conflict resolution and to for enhancing communication between the farm and non-farm communities in the town. They can be effective tools for educating the general public about agriculture in their communities. Although many farms in Onondaga participate in the County Agricultural Districts program and are afforded protection under the NY Agriculture and Markets Law, the Town should consider applying the protections of the law to all farms located in its AG-Agricultural zoning district.

*Recommended Actions:*

The Town of Cicero should adopt a Right to Farm Law.

## ZONING ORDINANCE

The Town of Onondaga zoning regulations are set forth in Chapter 285 of the Town of Onondaga Code. Farms are permitted in the Residential and Country (R-C) and the One-Family Residential (R-1) zoning districts, which together cover an estimated 85% of the town. The bulk of the farms and land in agriculture is in the Residential–Country (R-C) zoning district.

In both zoning districts, farms are permitted, along with farm stands, by right. In the R-C zoning districts, public stables, defined as “*A commercial operation consisting of building(s) and land within which one or more horses, mules or burros are kept for sale, rent, riding or boarding purposes.*” are permitted with Special Permit approval, provided they are located on a parcel at least 20 acres in area. Private stables, defined as “*building(s) and land on which one or more horses, mules or burros belonging to the owner of the building and land or his (her) immediate family or the resident/tenant of the building or his (her) immediate family are kept...*” are permitted in both zoning districts, however also with Special Permit approval.

Because most of the land in the Residential-Country (R-C) zoning district is in agricultural use, some of the recommended zoning changes may be appropriate for that zoning district, but not the One-Family Residential (R-1) zoning district.

*Recommended Actions:*

The Town of Onondaga should review its permitted uses in the One-Family Residential (R-1) zoning district to ensure that the agricultural uses that are permitted in that zoning district are appropriate.

## ZONING DISTRICT NAMES

The current zoning designation of “Residential and Country” (R-C) gives no indication of the extent of or importance of agriculture in the zoning district. As is the case in many suburban communities, agriculture has in recent history has been considered a transitory land use and

## FARM-FRIENDLY ASSESSMENT

## TOWN OF ONONDAGA

“growing new homes” was the future. While it is a symbolic step, renaming the district to Agricultural-(A) or Agricultural-Residential (A-R) would raise the public profile of agriculture in the community and recognize the significant role agriculture plays in the local economy and the character of the town.

*Recommended Actions:*

The Town of Onondaga should consider changing the name of the Residential and Country zoning district to one that better reflects the predominantly agricultural character of the district.

## DEFINING AGRICULTURE

For this analysis, “agriculture” is defined by the New York State Agriculture and Markets Law Article (AML) 25-AA, Section 301 as the use of land, buildings, structures, equipment, manure processing and handling facilities, and practices which contribute to the production, preparation, and marketing of crops, livestock, livestock products, and horse boarding operations as a commercial enterprise or a hobby. Historically agriculture has included a variety of disciplines aside from fruit, vegetable and crop production and livestock raised for food. Animal husbandry, or the breeding of specific animals for use or sale (e.g., racehorses), beekeeping, aquaculture (fish production), horticulture, floriculture and silviculture are all also considered as agriculture within this definition. Recently, the growing of industrial grade hemp (with limits on CBD/TCH content) has been added to the list of activities that fall under the Ag & Markets definition of agriculture.

The State’s definition of agricultural operation is “...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” (AML Sect.301(11)).

In the Town of Onondaga land use regulations, farms are defined as:

*“Any parcel, or multiple contiguous parcels of land in the same ownership, containing at least seven acres of land in the aggregate, which is used in the raising of agricultural products, horses, livestock, poultry and dairy animals, including necessary farm buildings, one one-family dwelling and the storage of equipment used for the farm. A farm may include a farm stand selling agriculturally related goods raised on the property, on a seasonal basis only. The term “farm” does not include the use of land or buildings for a public stable.”*

Three major issues relate to this definition: 1) the definition of what constitutes a farm is limited, and 2) the zoning regulations set a 7-acre minimum size for a farm, and 3) under the NYS Agriculture and Markets Law (AML), commercial horse boarding operations are considered to be agricultural operations.

## FARM-FRIENDLY ASSESSMENT

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A solution to this would be to replace the definition of “farm” with a definition of “agriculture” – the actual land use – that will better reflect contemporary agriculture and better conform to the State definition. The State’s definitions are both specific in terms of the permitted land use, and ensures adequate control by the Town, but also general enough to permit flexibility, as agricultural operations continue to evolve. In this context too, “crops” include horticultural products, such as Christmas trees and landscape plantings, flowers, honey, maple syrup and other such products of the land not commonly considered agricultural products.

The elimination of any minimum size threshold for what defines agricultural operations also reflects the increasing number of small-scale vegetable and greenhouse operations in New York, which often encompasses those less than 7 acres or other size thresholds. Additionally, the explicit exclusion of public stables from the definition of a farm is in contravention of the Agriculture and Markets Law, which includes commercial horse-boarding operations in its definition of a farm operation.

*Recommended Actions:*

The Town of Onondaga should revise its definition of agriculture to better conform to the Agriculture and Markets Law and to better reflect the nature of agriculture in the Town of Onondaga.

**ACCESSORY USES**

In the past decade, farmers in New York have also expanded beyond conventional agriculture and into direct farm marketing, on-farm wineries, breweries, cideries, distilleries, agri-tourism, bed-and-breakfast inns and other supplemental farm businesses. In recent years, renting campsites and “glamping” as side businesses have started to appear. Other businesses that may provide supplemental income are bed and breakfast inns, which are not listed as permitted use in the Town.

All of these can be appropriate as accessory uses to the larger agricultural operations. They require clear and concise definitions for each use, however, and controls on their size and scope that ensure they remain a use that is subordinate to the larger farm operation.

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**On-Farm Breweries, Cideries, Distilleries, Wineries**

On-farm wineries, breweries, cideries, distilleries should be listed as accessory uses to an operating farm enterprise. In addition to direct sales to the public, these businesses often include subsidiary cafes, tasting rooms, and gift shops that should also be referenced in any definition. It is important that the size of these subsidiary enterprises be controlled and that they remain contributing sources of revenue for the primary operation. Because these uses involve access to the premises by the public, special consideration needs to be given to public

## FARM-FRIENDLY ASSESSMENT

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safety, crowd management and traffic. The adoption of site plan approval, with specific design standards for such enterprises, is warranted.

*Recommended Actions:*

The Town of Onondaga should consider adding on-farm wineries, breweries, cideries, distilleries as permitted accessory uses (with appropriate definitions) in the R-C Residential and Country zoning district. Due their nature these uses should be subject to site plan review by the Planning Board.

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**Farm Stands**

In some cases, more flexibility may be warranted. For instance, currently farm stands in the town of Onondaga are limited to “...*selling agriculturally related goods raised on the property, on a seasonal basis only.*” The key attributes of the farm stand that municipal governments should focus on are that the farm stand is an accessory use to an active farm operation, and their size/floor area.

Permitting farmers to sell fresh produce year-round, as well as to sell baked goods and other products can benefit the farmer by enhancing their revenues and serve the community with convenient fresh produce year-round. A farm stand can also provide outlets to other local farmers that may not be located on a major road, and hence lack the necessary market exposure. With the increase in on-farm commercial kitchens in New York, farm stands can provide outlets for the growing number of small-scale food processors in the region.

*Recommended Actions:*

The Town of Onondaga should revise its definition for farm stands to eliminate restrictions on seasonal use only and clarify what is permitted to be sold.

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**Farmers’ Markets**

Although today farmers’ markets are found in many communities throughout Onondaga County, they are not found in zoning codes as a permitted use, nor are they defined. They are not usually associated with an active agricultural operation, but instead functions as separate sales venues off the farm. They are also intermittent land uses, scheduled for specific days of the week, and rely on temporary (pop-up) facilities, or pavilions partitioned into rented booths. Often the farmers’ market is managed by a local not-for-profit organization or in some cases operates out of a public facility, such as the CNY Regional Market.

Farmers’ markets are recognized as community assets; however they can have impacts that may affect the surround community, such as traffic, noise and odors. They should thus be subject to basic zoning provisions governing location, being restricted to zoning districts or sites in which they will be a compatible use. Also, the use of site plan review, and design standards to mitigate potential impacts of farmers markets are appropriate zoning tools.

## FARM-FRIENDLY ASSESSMENT

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The zoning definition for a farmers' market should include details such as being temporary or intermittent activities that may include temporary or mobile vendor facilities, or a permanent structure with individual booths, and is operated by a public authority or not-for-profit organization.

*Recommended Actions:*

The Town of Onondaga should add farmers' markets as a permitted use in appropriate zoning districts within the town. The use should be carefully defined in a manner that ensures that it serves as a public or not-for-profit venue to promote local food and agriculture and brings local farmers and consumers together. Site plan review, and design standards to mitigate potential impacts of farmers markets are appropriate zoning tools

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### Home Occupations

Another source of supplemental revenue for agricultural operations in the Town of Onondaga are home occupations, a use which is currently prohibited in the R-C and R-1 zoning districts. Currently the Town of Onondaga has a definition of a home occupation; however the current definition anticipates a much more active type of business, and one not clearly identified as a subordinate, accessory use. A more appropriate definition may be:

*"An accessory use of a service character conducted within a dwelling by the residents thereof, which is clearly secondary to the dwelling use for living purposes and does not change the residential character of the building within which the activity occurs..." - Town of Geneva Zoning Code*

This definition can permit a variety of no or low-traffic home occupations, including internet-based sales operations, that will promote the long-term viability of the farm business, without impacting the larger community.

*Recommended Actions:*

The Town of Onondaga should consider revising its definition of home occupation and also adding it to the R-C district as a permitted accessory use.

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### Farm Worker Housing

As dairy and orchard operations in New York have consolidated into larger enterprises, their workforce needs have also changed. Today they require a well-trained, full-time permanent workforce, which often also requires on-farm housing for their workers. The Town of Onondaga zoning code currently does not permit farm worker housing. The term "on-farm buildings" in the Agriculture and Markets Law Sect. 305-a definition of farm operations includes farm labor housing as being an integral element of these operations. Even though there may be no apparent need for farm worker housing at this time, by addressing the issue now, the Town of Onondaga can formulate well-thought-out provisions for future farm worker housing, including appropriate standards.

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*Recommended Actions:*

The Town of Onondaga should consider adding farm worker housing as a permitted accessory use in the R-C zoning district, as well as a definition of farmworker housing that includes manufactured homes, modular homes, and stick-built homes as options.

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**Agri-tourism**

Currently the Town of Onondaga does not have a definition for agri-tourism, nor does it permit this land use in its zoning code. Although recognized by New York under its definition of agriculture or farm operation, agri-tourism can be a gray area in terms of what activities are involved. Agri-tourism consists of activities that bring together tourism and agriculture for the education and enjoyment of the public, and which may include: hayrides, corn mazes, hay mazes, petting zoos (farm animals only), farm tours and agriculture-themed festivals and other public or private events. Agritourism enterprises should be listed as accessory uses to a larger active agricultural operation. Agri-tourism can also attract large numbers of people to a farm, especially for special on-farm events. Careful attention needs to be given to both the definition of agri-tourism, and ensuring that it is permitted only as a use that is supporting and active agricultural operation.

Because agri-tourism involves access to the premises by the public, special consideration needs to be given to public safety, crowd management, parking, noise control, water and wastewater infrastructure, and traffic. The adoption of site plan approval, with specific design standards for such enterprises, is warranted.

*Recommended Actions:*

The Town of Onondaga should add agri-tourism as a permitted accessory uses in the R-C-Residential-Country zoning district, with a clear and concise definition of the use. Given the nature of agri-tourism, such uses should be subject to site plan approval, with appropriate design standards, is also warranted.

**SETBACK REQUIREMENTS**

There are a number of setback requirements in the zoning regulations that affect agricultural operation, which the Town of Onondaga should review.

Sect. 285(31) of the zoning regulations designates specific streets, roads, and highways as "collector" roads. This list includes several roads in the R-C district and the County agricultural district. This designation triggers a requirement for an additional 15 feet of front yard setback, above and beyond the basic 50 feet under the R-C and R-1 district regulations. This additional 15-ft front yard setback may be appropriate in more developed areas, or developing area of the town, but it may be problematic to farm operations.

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Most roads designated “collectors” are rural highways south of West Seneca Turnpike that carry low traffic volumes – 2,500 or less vehicles per day (NYSDOT 2021). The Town should review this requirement and revise it to exclude roads that do not or are not expected to function as collector roads or are primarily located in more rural areas of the Town.

In Section 285-8, there is a requirement that “No manure or odor or dust-producing substances shall be stored within 200 feet of any lot line.” There is a similar “within 200 feet of a lot line” restriction for residential nurseries and greenhouses, as well as public and private stables. Given that all five of these uses fall under the definition of agriculture in the Agriculture and Markets Law, and the proximity of many barn complexes greenhouses and stables to public roads and highways, these required setbacks may be determined to be excessive and burdensome to the operation of legitimate agricultural operations by the Department of Agriculture and Markets.

*Recommended Actions:*

The Town of Onondaga should review and revise where necessary setback requirements that may adversely affect farm operations, and bring them in line with the Agriculture and Markets Law.

**RENEWABLE ENERGY**

Town of Onondaga Code Sections 285(36) (D) and 285(36.1) (E) require Special Permit approval for private wind energy conversion systems and private ground mounted solar energy systems. Private renewable energy systems for farms are recognized by the State as integral to a farm operation and subjecting them to Special Permit is in contravention of Agriculture & Markets Law.

Limiting farm operations to only 3 three wind energy systems (Sect. 285(36(2)(B)(1)) appears to be excessively restrictive, and may be in contravention with the Agriculture and Markets Law. Wind energy systems must be located in a manner where they can make economical use of the wind energy resource, and so farms need some flexibility in locating wind energy systems, potentially on vacant parcels that may be utilized for crops or pasture only.

Also farm energy needs may exceed the capacity of three small-scale wind energy systems of the type envisioned. Setting a limit based on the actual energy needs of the farm is a more practical and flexible solution. One example of this is setting the size and number of wind energy systems using the output of the system. One metric is that a proposed system shall not exceed 110% of electric energy consumption of the farm, regardless of the number of wind turbines.

In addition, the zoning regulations limit the total size of any ground mounted solar energy system to the size of the footprint of the largest building on a lot appears to be arbitrary, and excessive as applied to a farm operation. For instance, a 200 Kw solar array could cover between 1 acre and 1.5 acre of land, or the equivalent of a 43,560 sq. ft. to 65,340 sq. ft. building.

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The Town permits commercial solar development in the R-C Residential Country zoning district. Large scale solar development has major implications for the agricultural land resource. Provisions for protecting the Town of Onondaga's most productive agricultural soils should be included in Sect. 285(36.1). These include design standards such as:

- Construction on farmland designated as Prime or Farmland of Statewide importance shall be avoided;
- The total surface area of solar collectors, combined with all other buildings and structures on the lot, shall not exceed fifty-percent of total parcel area;
- Removal of trees over 6 inches in trunk diameter shall be minimized, or mitigated by replacement tree plantings elsewhere on the property;
- Roadways to and within the site shall be constructed of gravel or other permeable surfacing and shall be flush with the surrounding land contours;
- A site restoration plan shall be included as part of any decommissioning plan, to include, at a minimum, stockpiling of any topsoil removed during construction, for use in site restoration, removal of all foundations, de-compacting and de-rocking all disturbed areas, and removal of any roadways;
- All on-site utility and transmission lines shall, to the extent feasible, be placed underground.

More information on solar energy development and agricultural lands is available at:

<http://ongov.net/planning/documents/AgBestPractices05112021.pdf>; and  
<http://ongov.net/planning/solar101.html>.

Wind energy systems have a much smaller footprint and hence less impact on agricultural lands, and so are considered compatible with agricultural uses. Standards for access roadways and onsite utility transmissions such as those for solar development, as well as requirements for site restoration upon completion of construction activities, are appropriate.

The Accelerated Renewable Energy Growth and Community Benefit Act created an Office of Renewable Energy Siting (ORES) and effectively pre-empts the local regulation and review of commercial solar and wind energy development that will generate 25 MW or more of power per year. Section 900-2.25 of Title 19 of NYCRR Part 900, which governs the ORES review process, does, however, require that the location of a proposed renewable energy development conform to all substantive requirements of "local ordinances, laws, resolutions, regulations, [and] standards," including local zoning. The applicant must also state whether the municipality has adopted a comprehensive plan, and whether the proposed renewable energy development is consistent with the adopted plan.

Under NYS Executive Law Section 94-c, the Office of Renewable Energy Siting may elect to apply, or not apply applicable local zoning and other regulations to the proposed development. To override local regulations, the Office must make a finding that the local regulation is "unreasonably burdensome" in view of the renewable energy development and greenhouse gas

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emission reduction targets set forth in Climate Leadership and Community Protection Act (CLCPA), and the environmental benefits of the proposed facility.

The Town of Onondaga while it may not have a direct role in the ORES review process, can position itself to influence the State's deliberation through its zoning and other regulations.

*Recommended Actions:*

The Town of Onondaga should review Sect. 285(36) and Sect. 285(36.1) and revise these sections of the zoning regulations accordingly.

### FIXED RATIO ZONING

Fixed ratio zoning is another a means of better protecting its agricultural land assets, as well as the rural character of the R-C Residential-Country zoning district. It was developed in rural agricultural communities in southern Pennsylvania in the 1970s as a way of providing farmers with the option of occasional sales of land for development, without triggering large scale development or farmland fragmentation. Also known as "density averaging," fixed-ratio zoning can be very effective also in protecting both agricultural lands and ecologically important and scenic lands.

Fixed-ratio zoning differs from the conventional zoning and subdivision practice of setting minimum lot sizes. It instead controls the number of lots permitted to be subdivided off a parent tract of land, based on the size of the parcel. This "one lot per X acres" approach, – e.g. five acres... 10 acres... 20 acres of land – has been proven to be a simple but effective way to control density in rural areas and prevent land fragmentation. It can also reduce the competition for land between farmers and developers that is a challenge to agriculture elsewhere in New York.

### Fixed Ratio (Density Averaging) Zoning



Eight conventional 10-acre lots consume entire 87 acre tract (left); 7 +/- 2-ac. lots cover only 16.5 acres of less productive land, leaving a 71.5 acre, farmable parent tract (right).

## FARM-FRIENDLY ASSESSMENT

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In the Town of Onondaga, the current minimum lot size of two acres in the Residential- Country District (outside areas served by public water and sanitary sewer) would continue as the minimum lots size for non-agricultural land uses. On a hypothetical 100-acre parcel of land, with the development density set at one lot for each 10 acres of land, up to nine 2-acre lots would be permitted to be subdivided off the parent tract. These lots however would consume as little as 18 to 20 acres of the 100 acres, leaving the remaining acreage as one large, contiguous tract of agricultural lands. The landowner would have the option of creating a lesser number of larger lots, e.g., 2, 3, 5 acre or larger if they so desire.

This fixed-ratio approach can work well because most farmers and other rural landowners are generally not interested in seeing their land developed, but instead want the ability to sell off an occasional lot, as needed or desired. In the Town of Onondaga, this fixed-ratio approach can satisfy landowners' desire to sell occasional lots, while protecting the agricultural land resource.

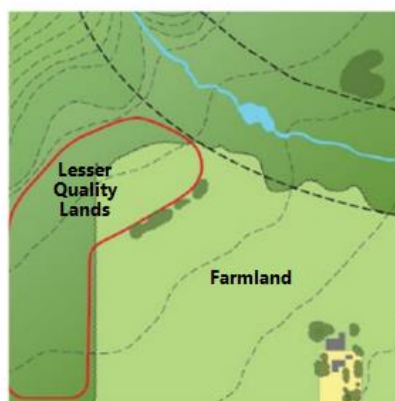
*Recommended Actions:*

The Town of Onondaga should consider the adoption of reduced development densities in the R-C Residential and Country zoning district, coupled with adopting the fixed ratio zoning concept, to better protect agricultural land assets in the Town.

## SUBDIVISION REGULATIONS

As currently written, the Town of Onondaga Land Subdivision Regulations does not permit cluster or conservation subdivisions within the town, outside the Planned Residential District and Planned Residential Community District. These types of subdivision can be effective means of providing opportunities for residential development, while protecting agricultural lands and ecologically sensitive lands in rural areas. Historically, cluster subdivision design has been associated with attached housing (townhouse developments in built-up suburban areas).

The conservation subdivision has become a useful growth management tool that can permit smaller scale low density single-family residential development in rural areas. It utilizes the careful placement of individual homes on smaller lots within a site and can be an effective tool for protecting agricultural lands, environmentally sensitive areas, and rural character. The



Existing Landscape



Conservation Subdivision

Source: Dutchess County NY Greenway Guide.

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Town should consider adopting standards for cluster/conservation subdivisions in agricultural and other areas.

*Recommended Actions:*

The Town of Onondaga should review its subdivision regulations and consider adopting design standards for conservation subdivisions in agricultural and other areas in order to permit low density residential development, which would also protect the agricultural land asset.

## SUMMARY OF RECOMMENDATIONS

The table below summarizes the proposed changes to the Town of Onondaga planning initiatives and land use regulations.

ADD AS PERMITTED ACCESSORY LAND USES	
<ul style="list-style-type: none"> <li>• Agri-tourism</li> <li>• Bed-and-breakfast inns</li> <li>• Direct farm marketing (including farm stands)</li> <li>• Farm worker housing</li> <li>• Home Occupations</li> <li>• On-farm wineries</li> <li>• On-farm breweries</li> <li>• On farm cideries</li> <li>• On-farm distilleries</li> <li>• On-farm camping</li> </ul>	<p>These uses should be accessory uses attached to and subordinated to the larger active farm operation. With the exception of Home Occupations, and Farm Worker Housing, these uses should be subject to Site Plan Approval.</p> <p>Specific design standards should be developed for such uses, to ensure safe ingress and egress, adequate parking, the safety of site visitors, site lighting, controls on noise, outdoor displays, signs, and buffers between the site and neighboring properties. Public health provisions such as drinking water and wastewater infrastructure also need to be addressed.</p>
ADD AS STAND-ALONE PERMITTED LAND USES	
<ul style="list-style-type: none"> <li>• Veterinary office or clinic</li> </ul>	Permitted by Special Permit
NEW OR REVISED DEFINITIONS	
<ul style="list-style-type: none"> <li>• Agriculture</li> <li>• Agri-tourism</li> <li>• Bed-and-breakfast inns</li> <li>• Direct farm marketing (including farm stands)</li> <li>• Farm worker residence</li> <li>• Home Occupation</li> </ul>	<p>Definitions should be clear and concise, and reflect the Town's objectives for the land use, while not conflicting with the limits imposed by the Agriculture and Markets Law.</p>

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<ul style="list-style-type: none"> <li>• On-farm wineries</li> <li>• On-farm breweries</li> <li>• On farm cideries</li> <li>• On-farm distilleries</li> <li>• Veterinary office or clinic</li> </ul>	
ADDITIONAL RECOMMENDATIONS	
<ul style="list-style-type: none"> <li>• Amend Sect. 285(31), Arterial and Collector Overlay zones to remove low-volume rural highways from the list of designated roads</li> </ul>	Many of these roads designated as “collector roads” carry low volumes of traffic that do not warrant the additional 15 ft. of setback.
<ul style="list-style-type: none"> <li>• Amend Sect. 285(36) &amp; 285(36.1) remove Special Permit requirement for renewable energy systems for on-farm operations</li> </ul>	Requiring Special Permit approval for on-farm renewable energy systems is considered to be overly burdensome by Dept. of Ag & Markets.
<ul style="list-style-type: none"> <li>• Revise Residential &amp; Country district designation to “Agricultural” or “Agricultural-Residential.”</li> </ul>	The current designation gives no indication of the extent of or importance of agriculture in the zoning district or Town of Onondaga.
<ul style="list-style-type: none"> <li>• Adopt a Right to Farm Law</li> </ul>	

## WHY THIS MATTERS?

As stated in the introduction, the challenge for the Town of Onondaga and other communities across New York has been keeping pace with the trends in agriculture and agricultural practices within its borders and updating its land use regulations accordingly. Overall, however, the Town’s zoning code is well written, and the issues identified in its zoning and subdivision regulations are relatively minor, and can be easily corrected through modest amendments to its codes.

As residents of Onondaga County turn away from food imported from throughout the world and toward locally and regionally produced foods, there is opportunity today for smaller, specialized agricultural enterprises to develop within the Town of Onondaga. This, paired with pro-active local laws and potential incentives, will enable its agricultural community to be a vibrant economic sector well into the coming decades.

## FARM-FRIENDLY ASSESSMENT

## TOWN OF ONONDAGA

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**CONTACTS**

The Onondaga County Agriculture & Farmland Protection Plan Update is being led by the Onondaga County Agriculture & Farmland Protection Board (AFPB), with staff support from the Syracuse-Onondaga County Planning Agency (SOCPA), as well as their consultant team of EDR, DPC, and George R. Frantz & Associates, LLC (primary author).

## FARM-FRIENDLY ASSESSMENT

## TOWN OF ONONDAGA

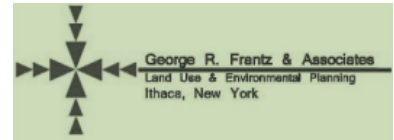
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# FARM-FRIENDLY ASSESSMENT

## TOWN OF LAFAYETTE

TO: Town of LaFayette

FROM: Onondaga County Agriculture & Farmland Protection Board (AFPB)  
with the Syracuse-Onondaga County Planning Agency (SOCPA)

DATE: October 22, 2021

RE: Farm-Friendly Assessment for the Town of LaFayette

### INTRODUCTION

The state of agriculture in Onondaga County has seen significant changes over the years. Through it all, local agriculture remains a critical part of our economy, food system, and landscape. Our county is gifted with highly productive agricultural soils, a legacy of farming operations and know-how, and an environment that supports a highly diverse array of crops and opportunities to engage with the local food system. The Onondaga County Agriculture and Farmland Protection Plan will report on the state of our agricultural lands and economy, and provide a framework for both protecting our most vital farmland and supporting overall agricultural viability in Onondaga County (For more information go to [agriculture.ongov.net](http://agriculture.ongov.net)).

The Town of LaFayette is one of several communities in Onondaga County that has volunteered to have its zoning and other land use regulations reviewed for how they may positively or negatively impact the agricultural operations within its borders. This assessment of zoning, subdivision, and Right-To-Farm laws identifies areas within the Town where these regulations could be updated to better reflect current agricultural trends and needs in the 21<sup>st</sup> century. The purpose of this Farm-friendly Assessment is not to critique, but to educate by identifying potential issues and opportunities for improving the Town of LaFayette land use regulations as they relate to agriculture.

The assessment involves reviews of existing zoning, subdivision and other local laws governing land use in the Town, including renewable energy uses. The primary objective is to review the local planning documents and laws, and to find areas, if any, where they could be amended to create a more farm-friendly environment. A key area of investigation includes a review of local zoning and subdivision regulations regarding:

- Conformance with the limits of local government regulating powers set forth in the New York State Agriculture and Markets Law (AML);
- Ensuring that local land use regulations accommodate the land uses commonly associated with or which support agriculture and agricultural operations with appropriate local controls;
- Identifying agricultural activities that meet the definition of "farm operation" as set forth in AML Sect. 301(11) that may be subject to special permit, site plan review, or other local

## FARM-FRIENDLY ASSESSMENT

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review standard above ministerial review, or subject to a more intensive level of review than other uses permitted within the same zoning district.

This assessment informs the development of a **Farm-Friendly Toolbox** that other municipalities within Onondaga County can use to assess their existing plans and regulations and then update their local land use tools to better protect farmland and promote agricultural viability. This toolbox is available online at <https://agriculture.ongov.net/toolbox>

Agricultural trends of particular focus in this analysis include emerging types of agriculture-related enterprises, and renewable energy development. To enhance their farming operations and remain economically viable, farmers in New York have expanded over the past decade beyond conventional agriculture and into direct farm marketing, on-farm wineries, breweries, cideries, distilleries, agritourism, bed-and-breakfast inns, and other supplemental farm businesses.

These agriculture-related enterprises, when operated as an accessory use to an ongoing agricultural operation, can provide revenue streams that enhance the economic viability of farm operations while contributing to the overall local economy and quality of life.

Meanwhile, renewable energy in New York today is presenting both opportunities and challenges for municipal governments and farmers. Investment in small-scale solar and wind energy development primarily for generating power for use in farm operations can reduce energy costs for farmers, while reducing reliance on fossil fuel energy sources. However, large scale commercial solar and wind energy development, if left unchecked by siting considerations and local land use regulations, can have major implications in terms of agricultural land resources and impacts to host communities.

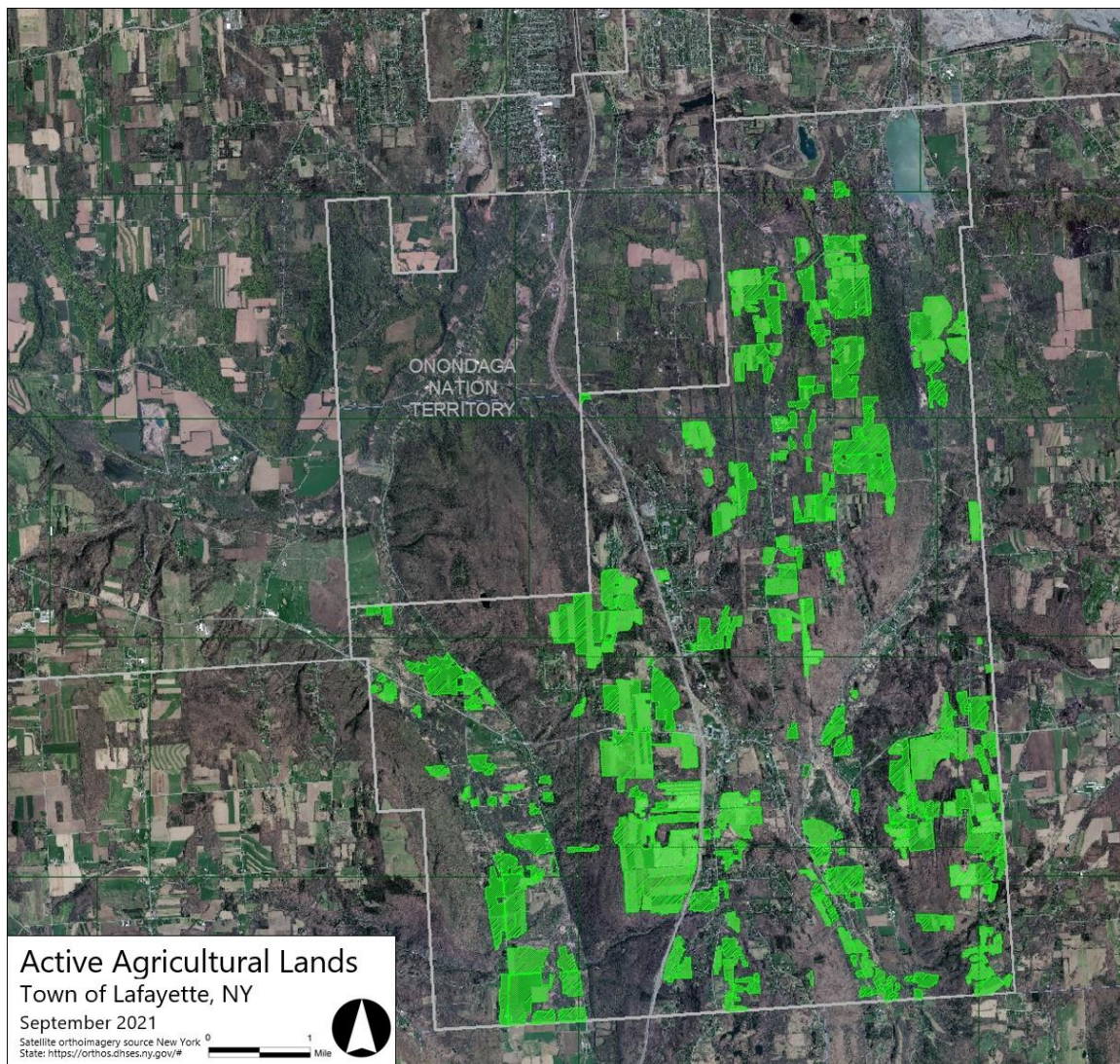
## AGRICULTURE IN THE TOWN OF LAFAYETTE

The Town of LaFayette can be characterized as predominantly rural with pockets of more intense residential, commercial, and industrial land uses generally in and around the hamlet of LaFayette and the I-81 corridor. Satellite imagery shows an estimated 4,780 acres of land within its borders are still actively farmed, or about 20% of the land in the town. Agriculture in the Town of LaFayette is diverse, including cattle and horse farms, field crops, hay, and orchard crops, as well as floricultural and horticultural operations.

During this assessment, five farm-direct marketing enterprises consisting of two U-pick farms (apples and Christmas trees), an equestrian center, a wedding venue, and a commercial greenhouse were identified in the Town.

# FARM-FRIENDLY ASSESSMENT

## TOWN OF LAFAYETTE



## AGRICULTURE AND PLANNING

The 2012 Comprehensive Plan adopted by the Town of LaFayette identified agriculture as one of the top five strengths of the Town, and agriculture and tourism as an opportunity for the Town to exploit. It noted the critical role that agriculture plays in maintaining the Town's open spaces and its rural character. In 2010 there were 94 parcels identified as agricultural, and some 5,136 acres of land dedicated to agriculture according to tax assessment records.

The plan also discusses the rise of the local food movement, and the adoption of more sustainable agricultural practices and positive trends that are also opportunities for farmers in the Town. But it also notes the challenge posed by increased residential development, including

## FARM-FRIENDLY ASSESSMENT

### TOWN OF LAFAYETTE

conflicts between new residents and farmers over farm operations, trespassing on farmland and damage to crops, increased traffic on rural roads.

Specific recommendations for agriculture in the Town of LaFayette include:

- Replacing the Agricultural-Residential zoning district with a district where residential development is emphasized, and creating an agriculture-focused zoning district that could better protect large contiguous blocks of the Town's farmlands and farms;
- Revise the subdivision regulations to promote subdivision designs that preserve farmland, and a review process that considers the impacts of a new development on nearby farms;
- Adopt a local Right-to-Farm law to promote a supportive environment for agriculture in the Town and assist in limiting conflicts between farmers and non-farm residents;
- Promote the use of purchase of development rights in the Town of LaFayette.

Overall, the 2012 Comprehensive Plan is very supportive of a long-term future for agriculture in the Town of LaFayette.

The Town of LaFayette also adopted an Agriculture and Farmland Protection Plan in 2014. This document inventories the existing agricultural resources in LaFayette, identifies priority areas for farmland protection, and includes recommendations for preserving agricultural land in the Town and activities.

Finally, the newly released Draft Town of LaFayette 2021 Comprehensive Plan includes a number of recommendations to promote the long term viability of agriculture in the community. It calls for:

- Promoting agriculture as a primary land use and an important economic sector in the Town;
- Preserving the rural, agrarian character of the Town;
- Channeling new non-agricultural development into or adjacent to LaFayette hamlet.

Many of the recommendations in these three planning documents are mirrored in the recommendations in this assessment. Hopefully, this will encourage the Town of LaFayette to move forward with implementing the recommendations in the Comprehensive Plan.

## AGRICULTURE AND THE LOCAL REGULATORY FRAMEWORK

Agriculture and Markets Law Section 305-a provides farmers and agricultural operations located within County-sponsored agricultural districts specific protections against local zoning regulations that may be unreasonably restrictive and cause undue interference with legitimate agricultural practices as defined by State law. Many of the active farms in the Town of LaFayette are located within a County administered agricultural district and are afforded the protections of Section 305-a.

## FARM-FRIENDLY ASSESSMENT

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In 2002, the New York State Legislature amended Town Law Section 283-a to require local governments to ensure that their laws, ordinances, or other regulations that might apply to agricultural operations located in State certified agricultural districts do not *"...unreasonably restrict or regulate farm operations in contravention of Article 25-AAA of the Agriculture and Markets Law, unless it can be shown that the public health or safety is threatened."* Agriculture and farming are interchangeable terms in this report, along with agricultural operations and farms.

The Town of LaFayette zoning regulations are set forth in Chapter 290 of the Town of LaFayette Code. Agriculture is a permitted use only within the AG - Agricultural District; however, it is important to note that this district includes approximately 90% of the Town of LaFayette. Approximately 150 acres of actively farmed land on three parcels are in the other zoning districts that do not permit agriculture.

The following are recommended actions to revise the Town of LaFayette land use regulations in a manner that both protects the Town and its residents by providing contemporary agricultural operations the flexibility they need to remain viable to compete in a global economy. They address a variety of issues in the existing land use regulations of the Town, including adjustments to the AG-Agricultural zoning district, recommendations for additional accessory uses to farm operations, primarily to accommodate direct farm marketing enterprises, and recommendations for revisions to or the addition of new definitions for land uses not currently defined. In addition, some revisions to the Town's subdivision regulations are recommended as a means of enhancing the use of conservation subdivisions to better protect agricultural lands in the town.

#### RIGHT TO FARM LAW

The Town of LaFayette does not appear to have adopted a Right to Farm law. While viewed primarily as designed to protect farmers from so-called nuisance suits, local right to farm laws can be useful in other ways. In LaFayette, where agriculture is a small part of the community's landscape, the law can be a tool for raising public awareness of local agriculture. Many towns have also utilized local right-to-farm laws of laws to set up a framework for conflict resolution and to for enhancing communication between the farm and non-farm communities in the town. Although many farms in LaFayette participate in the County Agricultural Districts program and are afforded protection under the NY Agriculture and Markets Law, the Town should consider applying the protections of the law to all farms located in its AG- Agricultural zoning district.

#### *Recommended Actions:*

The Town of LaFayette should adopt a Right to Farm Law.

# FARM-FRIENDLY ASSESSMENT

## TOWN OF LAFAYETTE

### DEFINING AGRICULTURE

For this analysis, "agriculture" is defined by the New York State Agriculture and Markets Law Article (AML) 25-AA, Section 301 as the use of land, buildings, structures, equipment, manure processing and handling facilities, and practices which contribute to the production, preparation, and marketing of crops, livestock, livestock products, and horse boarding operations as a commercial enterprise or a hobby.

Historically agriculture has included a variety of disciplines aside from fruit, vegetable and crop production and livestock raised for food. Animal husbandry, or the breeding of specific animals for use or sale (e.g., racehorses), beekeeping, aquaculture (fish production), horticulture, floriculture and silviculture are all also considered by this report. Recently, the growing of industrial grade hemp (with limits on CBD/TCH content) has been added to the list of activities that fall under the Ag & Markets definition of agriculture.<sup>1</sup> The State's definition of agricultural operation is *"...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"* (AML Sect.301(11)).

In the Town of LaFayette zoning regulations, Section 290-3(B) of the Town of LaFayette Code defines "Agriculture" as, *"The science or practice of farming, including cultivation of the soil for the growing of crops and the rearing of animals to provide food, wool and other products."* The zoning regulations also define "Farm" as, *"A farm operation as defined in the New York State Agriculture and Markets Law."* The Town's definitions of "agriculture" and definition of "farm," are essentially the same as each other, although the State Department of Agriculture and Markets definition of farm operation is more comprehensive and clearer as to what constitutes an agricultural operation:

*"...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."* (AML Sect.301(11)).

The State definition also emphasizes the multi-faceted aspects of agriculture today, recognizes the diversity of agriculture, and the commercial nature of agriculture today. In this context too, products not commonly considered agricultural products, such as horticultural products (Christmas trees and landscape plantings), flowers, honey, maple syrup, and other such products of the land are included in the agricultural land use category. The Town of LaFayette can craft its own definition for agriculture that parallels the State definition but tailored to the Town and its character. An example of a local definition for agriculture that more closely follows the State definition, is:

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<sup>1</sup> Medical marijuana production and sales are regulated by NYS Dept. of Health. Retail sales should be limited to commercial zoning districts.

# FARM-FRIENDLY ASSESSMENT

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*"The use of land and on-farm buildings, equipment, manure processing and handling facilities, and practices which contribute to the production, preparation and marketing of crops, animal husbandry, livestock and livestock products as a commercial enterprise, including a commercial horse-boarding operation as defined in the Agriculture and Markets Law Article 25-AA, Section 301, and timber processing<sup>2</sup> as defined in this zoning law." (Town of Geneva NY Zoning Code, 2018)*

A benefit of this definition is that it is specific in terms of the permitted land use and ensures adequate control by the Town, but also general enough to permit some flexibility, as agricultural operations continue to evolve in the coming years.

### *Recommended Actions:*

The Town of LaFayette should update its definition of agriculture to better reflect the contemporary nature of the sector, and better align it with the NYS Agriculture and Markets Law.

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### Defining Commercial Feedlots and Stockyards

The Town of LaFayette in its zoning regulations defines commercial feedlots as "A confined dry lot area for feeding of cattle or other animals whose primary enterprise is to feed cattle and market them for slaughter." and stockyards as "A large yard containing pens and sheds, typically adjacent to a slaughterhouse, in which livestock is kept and sorted." Both operations can function in a manner similar to a concentrated animal feed operation (CAFO), and likely fall within the State's definition of an agricultural operation. Since they are not permitted in any zoning district, including the AG-Agricultural District, the Department of Agriculture and Markets if requested to do so, may find this prohibition in contravention of Article 25-AAA of the Agriculture and Markets Law.

### *Recommended Actions:*

The Town of LaFayette should remove the definitions for commercial feedlots and stockyards from its zoning code, as there does not appear to be any in the town, and prohibiting them as use may likely be a contravention of the Agriculture and Markets Law.

## ACCESSORY USES

In the past decade, farmers in New York have also expanded beyond conventional agriculture and into direct farm marketing, on-farm wineries, breweries, cideries, distilleries, agri-tourism,

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<sup>2</sup> For zoning purposes, "timber processing" can be defined as the on-farm production, management, harvesting, processing and marketing of timber grown into woodland products, including but not limited to logs, lumber, posts and firewood, as an accessory use to the agricultural operation.

## FARM-FRIENDLY ASSESSMENT

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bed-and-breakfast inns and other supplemental farm businesses. In recent years, renting campsites and “glamping” as side businesses have started to appear.

In order to enhance the economic viability of agriculture in New York, on-farm wineries, breweries, cideries, distilleries and agri-tourism have been authorized and promoted by the state as “practices which contribute to the production, preparation and marketing of crops, livestock and livestock products as a commercial enterprise.” These types of uses are appropriate as accessory uses to the larger agricultural operations, but they also require clear and concise definitions for each use, and also controls on their size and scope.

#### *Recommended Actions:*

The Town of LaFayette should consider adding these uses as permitted uses (with appropriate definitions) in the AG Agricultural zoning district. Due their nature these uses should be subject to site plan review by the Planning Board.

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#### Farm Stands

The definition for a farm stand in the zoning regulations, “*A seasonal, temporary structure that is used for a farm producer to sell directly to consumers,*” is not clear as to whether sales are limited to agricultural or horticultural products grown on the premises, or if farmers may sell items not grown or produced on their premises. This can lead to confusion for both farm owners and local officials. It is also not necessary, from a land use policy perspective, to limit what can be sold at a farm stand. Nor is it necessary to limit a farm stand to being a temporary structure, and seasonal in its operation.

Permitting farmers to sell fresh produce year-round, as well as to sell baked goods and other agriculture related products, can benefit the farmer by enhancing their revenues and serve the community with convenient fresh produce year-round. A farm stand can also provide outlets to other local farmers that may not be located on a major road, and hence lack the necessary market exposure. With the increase in on-farm commercial kitchens in New York, farm stands can provide outlets for the growing number of small-scale food processors in the region.

More important in terms of overall land use policy than the items that may be sold at a farm stand, is the volume of items sold, and that the farm stand is an accessory use to an active farm operation. Controlling its size in terms of floor area can be an effective way to ensure that a farm stand remains an accessory use to the larger farm operation.

#### *Recommended Actions:*

The Town of LaFayette should revise its definition for farm stands to permit permanent structures eliminate restriction on seasonal use only and clarify what is permitted to be sold.

# FARM-FRIENDLY ASSESSMENT

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### On-Farm Wineries, Breweries, Cideries, and Distilleries

In response to new State initiatives to enhance the economic viability of agriculture in New York by promoting, on-farm wineries, breweries, cideries and distilleries, the Town has added wineries, breweries and distilleries as permitted uses, with definitions for these uses. This is a very important step, however the Town should consider revising the definitions for breweries, cideries, distilleries and wineries.

As written, the Town of LaFayette definitions may open the door to large-scale industrial operations, not the envisioned small-scale craft producers associated with agriculture or agricultural operations. These uses are only appropriate in the AG-Agricultural zoning district as accessory uses to a larger agricultural operation, as envisioned in the NYS Department of Agriculture and marketing policies for such enterprises. They also require clear and concise definitions for each use, and also controls on their size and scope. In addition to direct sales to the public, these businesses often include subsidiary cafes, tasting rooms and gift shops, that should also be referenced in any definition. Because these uses involve access to the premises by the public, special consideration needs to be given to public safety, crowd management and traffic. The adoption of site plan approval, with specific design standards for such enterprises, is warranted.

#### *Recommended Actions:*

The Town of LaFayette should revise its definition for breweries, cideries, distilleries and wineries, to ensure that they are operated as accessory uses to an ongoing farm operation. The revised definition should also include provisions for subsidiary cafes, tasting rooms and gift shops that accompany such enterprises.

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### Farmers' Markets

Although today farmers' markets are found in many communities throughout Onondaga County, they are not found in zoning codes as a permitted use, nor are they defined. They are not usually associated with an active agricultural operation, but instead functions as separate sales venues off the farm. They are also intermittent land uses, scheduled for specific days of the week, and rely on temporary (pop-up) facilities, or pavilions partitioned into rented booths. Often the farmers' market is managed by a local not-for-profit organization or in some cases operates out of a public facility, such as the CNY Regional Market.

Farmers' markets are recognized as community assets, however they can have impacts that may affect the surround community, such as traffic, noise and odors. They should thus be subject to basic zoning provisions governing location, being restricted to zoning districts or sites in which they will be a compatible use. Also, the use of site plan review, and design standards to mitigate potential impacts of farmers markets are appropriate zoning tools.

The zoning definition for a farmers' market should include details such as being a temporary or intermittent activities that may include temporary or mobile vendor facilities, or a permanent

## FARM-FRIENDLY ASSESSMENT

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structure with individual booths, and is operated by a public authority or not-for-profit organization.

#### *Recommended Actions:*

The Town of LaFayette should add farmers' markets as a permitted use in appropriate zoning districts within the town. The use should be carefully defined in a manner that ensures that it serves as a public or not-for-profit venue to promote local food and agriculture and brings local farmers and consumers together. Site plan review, and design standards to mitigate potential impacts of farmers markets are appropriate zoning tools

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#### Agri-Tourism

Currently the Town of LaFayette does not have a definition for agri-tourism, nor does it permit this land use in its zoning code. Although recognized by New York under its definition of agriculture or farm operation, agri-tourism can be a gray area in terms of what activities are involved. Agri-tourism consists of activities that bring together tourism and agriculture for the education and enjoyment of the public, and which may include: hayrides, corn mazes, hay mazes, petting zoos (farm animals only), farm tours and agriculture-themed festivals and other public or private events. Agritourism enterprises should be listed as accessory uses to a larger active agricultural operation. Agri-tourism can also attract large numbers of people to a farm, especially for special on-farm events. Careful attention needs to be given to both the definition of agri-tourism, and ensuring that it is permitted only as a use that is supporting and active agricultural operation.

Because agri-tourism involves access to the premises by the public, special consideration needs to be given to public safety, crowd management, parking, noise control, water and wastewater infrastructure, and traffic. The adoption of site plan approval, with specific design standards for such enterprises, is warranted.

#### *Recommended Actions:*

The Town of LaFayette should add agri-tourism as a permitted accessory uses in the AG-Agricultural zoning district, with a clear and concise definition of the use. Given the nature of agri-tourism, such uses should be subject to site plan approval, with appropriate design standards, is also warranted.

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#### Commercial Food Processing

Small-scale commercial food processing, including baked goods, jams and jellies, pickles, and canning, can be another source of supplemental revenue for an agricultural operation. They can also fill a major gap in the local and regional food systems and promote "buy local" economic development initiatives. Commercial food operations could be listed as a separate accessory use and defined in a manner that ensures they are a subordinate activity to an ongoing agricultural operation, such as limits on square footage, or number of non-resident employees

## FARM-FRIENDLY ASSESSMENT

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working at the business. Site plan approval is appropriate for such uses. Although they usually ship their product in small lots, these small commercial kitchens do generate some van or truck traffic, especially if they engage in internet-based marketing that requires daily pick-up of merchandise. Some also conduct direct sales to the public.

#### *Recommended Actions:*

The Town of LaFayette should consider adding small commercial kitchens as a permitted accessory use in the AG-Agricultural zoning district, with a clear and concise definition of the use. Given the nature of these uses, site plan approval with appropriate design standards, is also warranted.

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#### Farm Worker Housing

In the current zoning regulations, the only provision that appears to be related to farmworker housing is in Sect. 290(5)(C)(1), which permits "Manufactured home, provided for the purpose of agricultural-related assistance." The Town of LaFayette should add farmworker housing as an accessory use to an active farm operation, and a definition of farmworker housing that includes manufactured homes, modular homes, and stick-built homes as options. In the Agriculture and Markets definition of farm operations, "on-farm buildings" include farm worker housing for use by permanent and seasonal employees of a farm, and therefore is subject to the protections of Agriculture and Markets Law. The Town however can impose reasonable conditions such as occupancy by farm employees and their families, setbacks, parking provisions.

#### *Recommended Actions:*

The Town of LaFayette should add farmworker housing as an accessory use to an active farm operation. In addition, it should add a definition of farmworker housing that includes manufactured homes, modular homes and stick-built homes as options.

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#### SETBACK REQUIREMENTS

A potential issue with regards to conformance with the Agriculture and Markets Law is the setback requirement that is required for public stable in the Town. Public stables are defined as "commercial operation(s) consisting of a building(s) and land within which one or more horses, mules or burros are kept for sale, rent, riding or boarding purposes." and are permitted upon grant of site plan approval. There is at least one such public stable in the Town of LaFayette. The Town regulations however require a minimum setback between any lot line and the storage of any "...manure, dust- or odor-producing substance" of at least 200 feet.

This setback requirement is likely to be found excessively restrictive under the Agriculture and Markets Law, which considers commercial horse board operations to fall within the definition of farm operations in New York. It may be considered excessively restrictive because it also only applies to commercial horse boarding operations, and not to other agricultural land uses that

## FARM-FRIENDLY ASSESSMENT

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also generate and store manure and dust- or odors producing substances within 200 feet of any lot line.

#### *Recommended Actions:*

The Town of LaFayette should revise its use regulations to eliminate the additional setback requirement for public stables.

#### RENEWABLE ENERGY

Per Sect. 290-5(C) (17) the Town of LaFayette permits wind energy systems with site plan approval in the AG-Agricultural zoning district. The Town however limits wind energy systems to only one wind energy system per legal lot, and such lot may not be vacant land (Sect. 250-25(B)(3)(a)(1)). The regulations also only permit "up to three wind energy systems...on any farm actively used for agricultural purposes." (Sect. 250-25(B)(3)(a)(2).

Requiring that a wind energy system be limited to parcels of land that include at least one other structure and limiting farm operations to only three wind energy systems, appear to be excessively restrictive, and may be in contravention with the Agriculture and Markets Law. Wind energy systems must be located in a manner where they can make economical use of the wind energy resource, and so farms need some flexibility in locating wind energy systems, potentially on vacant parcels that may be utilized for crops or pasture only. Also farm energy needs may exceed the capacity of three small-scale wind energy systems of the type envisioned.

Another potential issue with the regulations is the Sect.250-25(B)(2)(e) requirement for a visual assessment as part of any application. There is no guidance as to what a visual assessment would include, or the extent of any potential study area. Due to their size, small scale wind energy systems tend to recede into the surrounding landscape within a short distance from where they are installed, often at distances of 1,000 feet or less. Moreover, the extensive network of existing farm hedgerows and woodland areas in the town can effectively screen a smaller scale, non-commercial, wind energy system within a few hundred feet.

Per Sect, 290-32 of the zoning regulations, the Town of LaFayette permits roof mounted solar energy systems by building permit and ground mounted solar energy systems upon approval of a special permit by the Zoning Board of Appeals. Ground-mounted solar energy systems are permitted as accessory uses in all zoning districts in the Town except the Floodplain district.

Solar energy systems are considered by the Department of Agriculture and Markets to be "on-farm" equipment when they are installed for the purpose of supply electricity or hot water to a farm operation. This requirement that ground mount solar energy systems be subject to special permit by the Town is thus likely to be considered an unnecessarily burdensome regulatory requirement on a farm operation, in contravention with the Agriculture and Markets Law.

## FARM-FRIENDLY ASSESSMENT

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In addition, the zoning regulations limit the capacity of any non-residential solar energy systems to 25 kW or less. This is likely to be inadequate for the energy needs of a farm and should be increased to avoid the issue of contravention with the Agriculture and Markets Law.

Per Sect. 290-32(H), large scale commercial solar developments are permitted by special permit and site plan approval in the Agricultural-AG and the Industrial-I zoning districts. Although the standards for approval that include the protection of scenic viewsheds, and plant and wildlife and their critical habitat, there are no provisions for protecting the Town's most productive agricultural soils. These include design standards such as:

- Construction on farmland designated as Prime or Farmland of Statewide importance shall be avoided;
- The total surface area of solar collectors, combined with all other buildings and structures on the lot, shall not exceed fifty-percent of total parcel area;
- Removal of trees over 6 inches in trunk diameter shall be minimized, or mitigated by replacement tree plantings elsewhere on the property;
- Roadways to and within the site shall be constructed of gravel or other permeable surfacing and shall be flush with the surrounding land contours;
- A site restoration plan shall be included as part of any decommissioning plan, to include, at a minimum, stockpiling of any topsoil removed during construction, for use in site restoration, removal of all foundations, de-compacting and de-rocking all disturbed areas, and removal of any roadways;
- All on-site utility and transmission lines shall, to the extent feasible, be placed underground.

More information on solar energy development and agricultural lands is available at:

<http://ongov.net/planning/documents/AgBestPractices05112021.pdf>; and  
<http://ongov.net/planning/solar101.html>.

The Accelerated Renewable Energy Growth and Community Benefit Act created an Office of Renewable Energy Siting (ORES) and effectively pre-empts the local regulation and review of commercial solar and wind energy development that will generate 25 MW or more of power per year. Section 900-2.25 of Title 19 of NYCRR Part 900, which governs the ORES review process, does, however, require that the location of a proposed renewable energy development conform to all substantive requirements of "local ordinances, laws, resolutions, regulations, [and] standards," including local zoning. The applicant must also state whether the municipality has adopted a comprehensive plan, and whether the proposed renewable energy development is consistent with the adopted plan.

Under NYS Executive Law Section 94-c, the Office of Renewable Energy Siting may elect to apply, or not apply applicable local zoning and other regulations to the proposed development. To override local regulations, the Office must make a finding that the local regulation is "unreasonably burdensome" in view of the renewable energy development and greenhouse

## FARM-FRIENDLY ASSESSMENT

### TOWN OF LAFAYETTE

gas emission reduction targets set forth in Climate Leadership and Community Protection Act (CLCPA), and the environmental benefits of the proposed facility.

The Town of LaFayette - while it may not have a direct role in the ORES review process - can position itself to influence the State's deliberation through its zoning and other regulations.

#### *Recommended Actions:*

The Town of LaFayette should revise Sect. 250-25 of the Town Code governing wind energy development to eliminate the limitation on number of wind energy systems on a parcel. A simpler approach would be to limit the total amount of power generated on a property, for instance 110% of the average energy consume in an average year or month. In addition, the Town should better define what the local visual resources are that might be impacted by a wind energy system, and set a radius around a proposed wind installation site within which the visual impact can be documented. Establishing a minimum setback requirement from public highways, parks, officially designated historic properties, and sites with sensitive views is another appropriate measure.

The Town of LaFayette should revise Sect. 290-32 of the Zoning Code to eliminate the need for special approval. While the requirement for a special permit may be in contravention of the Agriculture and Markets Law, given the anticipated size of a system designed to supply the need of a farm operation – an estimated 1 to 1.5 acres – site plan review should be an adequate level of review. In addition, the Town should consider strengthening its design standards for large scale solar development in Sect. 290-32(H) to better protect its agricultural land resources from the impacts of such developments.

The Town of LaFayette should adopt new zoning standards for large scale renewable energy development that provide strong protections for all Prime- and Farmland of Statewide importance within its boundaries.

#### FIXED RATIO ZONING

Fixed ratio zoning is another a means of better protecting its agricultural land assets, as well as the rural character of the Agricultural AG district. It was developed in rural agricultural communities in southern Pennsylvania in the 1970s as a way of providing farmers with the option of occasional sales of land for development, without triggering large scale development or farmland fragmentation. Also known as "density averaging," fixed-ratio zoning can be very effective also in protecting both agricultural lands and ecologically important and scenic lands.

Fixed-ratio zoning differs from the conventional zoning and subdivision practice of setting minimum lot sizes. It instead controls the number of lots permitted to be subdivided off a parent tract of land, based on the size of the parcel. This "one lot per X acres" approach, – e.g. five acres... 10 acres... 20 acres of land – has been proven to be a simple but effective way to control density in rural areas and prevent land fragmentation. It can also reduce the

## FARM-FRIENDLY ASSESSMENT

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competition for land between farmers and developers that is a challenge to agriculture elsewhere in New York.

### Fixed Ratio (Density Averaging) Zoning



Eight conventional 10-acre lots consume entire 87 acre tract (left); 7 +/- 2-ac. lots cover only 16.5 acres of less productive land, leaving a 71.5 acre, farmable parent tract (right).

In the Town of LaFayette, the current minimum lot size of 60,000 square feet AG Agricultural District would continue as the minimum lots size for non-agricultural land uses. On a hypothetical 100-acre parcel of land, with the development density set at one lot for each 10 acres of land, up to nine 60,000 square-foot lots would be permitted to be subdivided off the parent tract. These lots however would consume as little as 15 acres of the 100 acres, leaving the remaining acreage as one large, contiguous tract of agricultural lands. The landowner would have the option of creating a lesser number of larger lots, e.g., 2, 3, 5 acre or larger if they so desire.

This fixed-ratio approach can work well because most farmers and other rural landowners are generally not interested in seeing their land developed, but instead want the ability to sell off an occasional lot, as needed or desired. In the Town of LaFayette, this fixed-ratio approach can satisfy landowners' desire to sell occasional lots, while protecting the agricultural land resource.

#### *Recommended Actions:*

The Town of LaFayette should consider the adoption of reduced development densities in the AG-Agricultural zoning district, coupled with adopting the fixed ratio zoning concept, to better

# FARM-FRIENDLY ASSESSMENT

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protect agricultural land assets in the Town of LaFayette and further the objectives of the 2012 Comprehensive Plan.

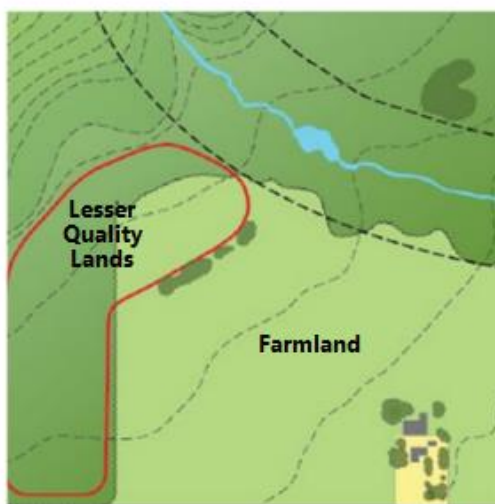
### SUBDIVISION REGULATIONS

Chapter 240 of the Town of LaFayette Code, Land Subdivision, does not provide for cluster or conservation subdivision design approaches. The Town instead has created within the zoning regulations the RPC - Residential Planned Cluster District (Sect. 290-10) that permits cluster subdivision through a rezoning process.

Historically, cluster subdivision design has been associated with attached housing (townhouse developments in built-up suburban areas). The conservation subdivision has become a useful growth management tool in rural areas where development often takes the form of smaller scale low density single-family residential development.

A conservation subdivision utilizes the careful placement of individual homes on smaller lots within a site and can be an effective tool for protecting agricultural lands, environmentally sensitive areas, and rural character. Through more flexible lot dimensional standards, as well as street design provisions that permit narrower, low speed and low-volume private lanes to access multiple homes, conservation subdivisions can provide development opportunities for farmers and other owners of large tracts of land, while preserving rural character and the agricultural land base.

## Conservation Subdivision



Existing Landscape



Conservation Subdivision

Source: Dutchess County NY Greenway Guide.

## FARM-FRIENDLY ASSESSMENT

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In line with the use of this approach to better protect agricultural land and ecologically sensitive lands, the Town should consider adopting standards for “flag” or “panhandle” lots. These types of lots consist of narrow strips of land that connect the public street to a lot meeting all the standard lot dimensional requirements of the zoning district within which it is located. They can be very effective in providing for small scale rural development, while preserving road frontage and higher quality farmland. Other design standards for these types of lots should include minimum width of at least 30 feet for the strip of land between the public street and the lot to be developed, minimum driveway widths and all-weather design capable of supporting fire trucks and other emergency access vehicles, and maximum driveway widths.

#### *Recommended Actions:*

The Town of LaFayette should review its subdivision regulations and consider adopting design standards for conservation subdivisions in agricultural and other areas in order to permit low density residential development, which would also protect the agricultural land asset.

## SUMMARY OF RECOMMENDATIONS

The table below summarizes recommendations for the Town of LaFayette planning initiatives and land use regulations.

ADD AS PERMITTED ACCESSORY LAND USES	
<ul style="list-style-type: none"> <li>• Agri-tourism,</li> <li>• Commercial Food Processing,</li> <li>• On-farm wineries,</li> <li>• On-farm breweries,</li> <li>• On farm cideries,</li> <li>• On-farm distilleries,</li> <li>• Farmstands,</li> <li>• Farmers’ markets</li> <li>• Farm worker housing</li> </ul>	<p>These uses should be accessory uses attached to and subordinated to the larger active farm operation.</p> <p>Specific design standards should be developed for such agri-tourism uses, to ensure safe ingress and egress, adequate parking, the safety of site visitors, site lighting, controls on outdoor displays, signs, and buffers between the site and neighboring properties.</p>

# FARM-FRIENDLY ASSESSMENT

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NEW OR REVISED DEFINITIONS	
<ul style="list-style-type: none"> <li>• Agriculture,</li> <li>• Agri-tourism,</li> <li>• Commercial Food processing,</li> <li>• Wineries – revise to On-farm wineries,</li> <li>• Breweries – revise to On-farm breweries,</li> <li>• Cideries – revise to On-farm cideries,</li> <li>• Distilleries- revise to On-farm distilleries,</li> <li>• Farm stand,</li> <li>• Farm worker housing</li> <li>• Farmers' market</li> </ul>	Definitions should be clear and concise, and reflect the Town's objectives for the land use, while not conflicting with the limits imposed by the Agriculture and Markets Law.
ADDITIONAL RECOMMENDATIONS	
Add farmers' markets to the list of permitted uses in appropriate zoning districts.	Although now a common feature in communities, farmers' markets are not a formalized land use in many zoning codes.
Review and revise as necessary regulations for renewable energy systems.	Bring the Town of LaFayette zoning regulations in line with Agriculture & Markets Law and provided additional protection for agricultural lands developed for large scale solar energy.
Remove the definitions for commercial feedlots and stockyards from the zoning code	Bring the Town of LaFayette zoning regulations in line with Agriculture & Markets Law
Revise Sect. 290-5(c) to eliminate additional setback requirement for public stables.	Bring the Town of LaFayette zoning regulations in line with Agriculture & Markets Law
Adopt Right to Farm Law	
Review subdivision regulations and consider adopting design standards for conservation subdivisions	Conservation subdivision design plus reduced development densities can be effective in protecting agricultural land resources
Consider adoption of reduced development densities in the AG-Agricultural zoning district, coupled with the fixed ratio zoning concept,	Reductions in development density and fixed ratio zoning can protect large tracts of agricultural lands while providing opportunity for development.

# FARM-FRIENDLY ASSESSMENT

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### WHY THIS MATTERS?

As stated in the introduction, the challenge for the Town of LaFayette and other communities across New York has been keeping pace with the trends in agriculture and agricultural practices within its borders and updating its land use regulations accordingly. Overall, however, the Town's zoning code is well written, and the issues identified in its zoning and subdivision regulations are relatively minor and can be corrected through modest amendments to the zoning code.

As residents of Onondaga County turn away from food imported from throughout the world, and toward locally and regionally produced foods, there is opportunity today for smaller, specialized agricultural enterprises to operate in the Town of LaFayette in the coming decades. With up-to-date and agriculture-friendly zoning regulations, agriculture in LaFayette can continue to be a vibrant economic sector well into the coming decades.

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## FARM-FRIENDLY ASSESSMENT TOWN OF LAFAYETTE

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### CONTACTS

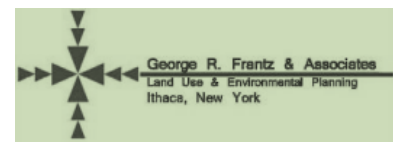
The Onondaga County Agriculture & Farmland Protection Plan Update is being led by the Onondaga County Agriculture & Farmland Protection Board (AFPB), with staff support from the Syracuse-Onondaga County Planning Agency (SOCPA), as well as their consultant team of EDR, DPC, and George R. Frantz & Associates, LLC (primary author).

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# FARM-FRIENDLY ASSESSMENT

## TOWN OF MANLIUS

TO: Town of Manlius

FROM: Onondaga County Agriculture & Farmland Protection Board (AFPB)  
with the Syracuse-Onondaga County Planning Agency (SOCPA)

DATE: October 22, 2021

RE: Farm-Friendly Assessment for the Town of Manlius

### INTRODUCTION

The state of agriculture in Onondaga County has seen significant changes over the years. Through it all, local agriculture remains a critical part of our economy, food system, and landscape. Our county is gifted with highly productive agricultural soils, a legacy of farming operations and know-how, and an environment that supports a highly diverse array of crops and opportunities to engage with the local food system. The Onondaga County Agriculture and Farmland Protection Plan, reports on the state of our agriculture and provides a framework for both protecting our most vital farmland and supporting overall agricultural viability in Onondaga County (For more information go to: [agriculture.ongov.net](http://agriculture.ongov.net) ).

The Town of Manlius is one of several communities in Onondaga County that has volunteered to have its zoning and other land use regulations reviewed for how they may positively or negatively impact the agricultural operations within its borders. This assessment of zoning, subdivision, and Right-To-Farm laws identifies areas within the Town where these regulations could be updated to better reflect current agricultural trends and needs in the 21<sup>st</sup> century. The purpose of this Farm-friendly Assessment is not to critique, but to educate by identifying potential issues and opportunities for improving the Town of Manlius' land use regulations as they relate to agriculture.

The assessment involves reviews of existing zoning, subdivision and other local laws governing land use in the Town, including renewable energy uses. The primary objective is to review the local planning documents and laws, and to find areas, if any, where they could be amended to create a more farm-friendly environment. A key area of investigation includes local zoning and subdivision regulations regarding:

- Conformance with the limits of local government regulating powers set forth in the New York State Agriculture and Markets Law (AML);
- Ensuring that local land use regulations accommodate the land uses commonly associated with or which support agriculture and agricultural operations with appropriate local controls;
- Identifying agricultural activities that meet the definition of "farm operation" as set forth in AML Sect. 301(11) that may be subject to special permit, site plan review, or other local review standard above ministerial review, or subject to a more intensive level of review than other uses permitted within the same zoning district.

## FARM-FRIENDLY ASSESSMENT

### TOWN OF MANLIUS

Agricultural trends of particular focus in this analysis include emerging types of agriculture-related enterprises, and renewable energy development. To enhance their farming operations and remain economically viable, farmers in New York have expanded over the past decade beyond conventional agriculture and into direct farm marketing, on-farm wineries, breweries, cideries, distilleries, agritourism, bed-and-breakfast inns, and other supplemental farm businesses.

This assessment informs the development of a Farm-friendly Toolbox that other municipalities within Onondaga County can use to assess their existing plans and regulations and then update their local land use tools to better protect farmland and promote agricultural viability. This toolbox is available online at:

<https://agriculture.ongov.net/toolbox>

These agriculture-related enterprises, when operated as an accessory use to an ongoing agricultural operation, can provide revenue streams that enhance the economic viability of farm operations while contributing to the overall local economy and quality of life. Meanwhile, renewable energy in New York today is presenting both opportunities and challenges for municipal governments and farmers. Investment in small-scale solar and wind energy development primarily for generating power for use in farm operations can reduce energy costs for farmers, while reducing reliance on fossil fuel energy sources. However, large scale commercial solar and wind energy development, if left unchecked by siting considerations and local land use regulations, can have major implications in terms of agricultural land resources and impacts to host communities.

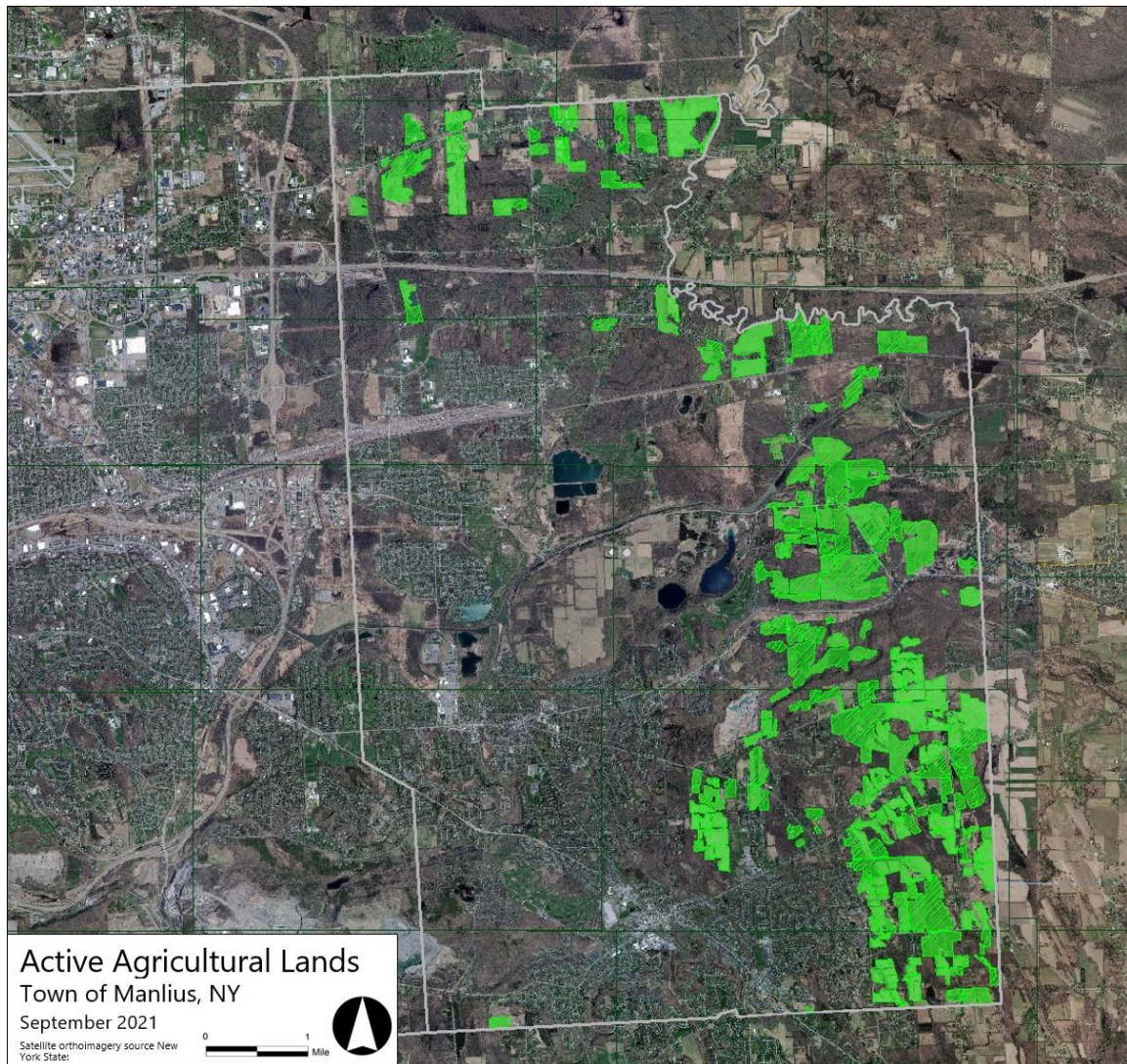
## AGRICULTURE IN THE TOWN OF MANLIUS

Despite it being a major suburb of Syracuse, home to three villages, and with extensive areas developed for residential, commercial, and industrial uses, satellite imagery of the Town of Manlius shows an estimated 4,100 acres of land within its borders that is still actively farmed. Agriculture in the Town of Manlius is also diverse, including cattle and horse farms, field crops, hay and vegetable crops and floriculture producers.

During this assessment, five farm direct marketing enterprises were identified in the Town, consisting of two vegetable, fruit or meat producers, two greenhouses selling plants and flowers, and a U-cut Christmas tree farm.

## FARM-FRIENDLY ASSESSMENT

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## AGRICULTURE AND PLANNING

The Town of Manlius has commenced drafting a comprehensive plan. This new plan will “define the community's vision, establish goals and policies and set a framework for future public and private investments.” It is also an opportunity for the community to take a close look at its agricultural community and develop policies and actions that will ensure the long term viability of agriculture in the Town.

A combination of incentives to preserve the land resource, and agriculture-friendly zoning regulations could enhance the long-term viability of Manlius’ agricultural community, and reverse the loss of valuable farmland. This coupled with land use policies that encourage more

## FARM-FRIENDLY ASSESSMENT

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compact development and infill in the suburban portions of the Town can accommodate anticipated population growth, while preserving its remaining agricultural base.

**AGRICULTURE AND THE LOCAL REGULATORY FRAMEWORK**

Agriculture and Markets Law Section 305-a provides farmers and agricultural operations located with County sponsored agricultural districts specific protections against local zoning regulation that may be unreasonably restrictive and cause undue interference with legitimate agricultural practices as defined by State law. Because many of the active farms in the Town of Manlius are located within a County administered agricultural district, they are afforded the protections available through Section 305-a.

In 2002 the New York State Legislature also amended Town Law Section 283-a to require local governments to ensure that their laws, ordinances, or other regulations that might apply to agricultural operations located in State certified agricultural districts do not "*...unreasonably restrict or regulate farm operations in contravention of Article 25-AAA of the Agriculture and Markets Law, unless it can be shown that the public health or safety is threatened.*" Agriculture and farming are considered to be interchangeable terms in this report, along with agricultural operations and farms.

The Town of Manlius zoning regulations are set forth in Chapter 155 of the Town of Manlius Code. Agricultural activities and uses are only permitted in the Restricted Agricultural (RA) zoning district and are not permitted in any other zoning districts, except as legal non-conforming uses. Outside the RA district, non-conforming uses are limited to only those agricultural activities that existed at the time of adoption of the zoning regulations (e.g., a dairy farm at the time of adopting the zoning code in year 1991 or earlier<sup>1</sup> can only be operated as a dairy farm today).

The following sections contain recommended actions to update the Town of Manlius land use regulations in a manner that both protects the Town and its residents, while providing contemporary agricultural operations the flexibility they need to compete in a global economy. They address a variety of issues in the existing land use regulations of the Town, including adjustments to the Restricted Agriculture zoning district, recommendations for additional accessory uses to farm operations, primarily to accommodate direct farm marketing enterprises, and recommendations for revisions to or the addition of new definitions for land uses not currently defined. In addition, some revisions to the Town's subdivision regulations are recommended as a means of enhancing the use of conservation subdivisions to better protect agricultural lands in the town.

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<sup>1</sup> Chapter 155 of the Town of Manlius notes adoption of a zoning ordinance on March 13, 1991 as Ch. 30 of the 1991 Code.

## FARM-FRIENDLY ASSESSMENT

## TOWN OF MANLIUS

## RIGHT TO FARM LAW

The Town of Manlius appears to have not adopted a Right to Farm law. While viewed primarily as designed to protect farmers from so-called nuisance suits, local right to farm laws can be useful in other ways. In Manlius, where agriculture is a small part of the community's landscape, the law can be a tool for raising public awareness of local agriculture. Many towns have also utilized local right-to-farm laws to set up a framework for conflict resolution and to for enhancing communication between the farm and non-farm communities in the town. Although many farms in Manlius participate in the County Agricultural Districts program and are afforded protection under the NY Agriculture and Markets Law, the Town should consider applying the protections of the law to all farms located in its Restricted Agriculture zoning district.

*Recommended Actions:*

The Town of Manlius should adopt a Right to Farm Law.

## ZONING ORDINANCE

## New and Revised Zoning Districts

Currently in the Town of Manlius the Restricted Agriculture (RA) zoning district covers almost 2/3 of the land area in the town outside the villages. Except for the Collamer Road/North Manlius Road corridor and the eastern portion of the town, however, the land cover is predominantly former farmland that has reverted to woodland or is developed land. Only about 1/3 of the town continues to have a significant amount of land in agricultural use.

*Recommended Actions:*

The Town of Manlius should review the current zoning map and land uses within the Restricted Agricultural zoning district, and:

- Reallocate former agricultural land or agricultural lands now surrounded by other land uses, to other zoning districts. This would be an opportunity to channel future residential and other development into more compact and possibly walkable, mixed-use neighborhoods, close to existing services.
- Consider creating a new Agriculture (AG) or Agriculture/Residential (AR) zoning district in those areas where rural and agricultural uses predominate. The current "Restricted Agricultural" zoning designation is an ambiguous term and gives no indication of the extent of or importance of agriculture in the zoning district. In Manlius, as is the case in many suburban communities, agriculture has in recent history has been considered a transitory land use, and "growing new homes" was the future. Renaming the district would raise the public profile of agriculture in the community and recognize the significant role agriculture plays in the local economy, and in preserving the character of the town. In addition, the Town should consider reducing the development density within this new agricultural zoning

## FARM-FRIENDLY ASSESSMENT

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district to decrease development pressure and implement the fix-ratio zoning and subdivision regulation recommendations outlined in the following sections of this analysis.

## DEFINING AGRICULTURE

For this analysis, “agriculture” is defined by the New York State Agriculture and Markets Law Article (AML) 25-AA, Section 301 as the use of land, buildings, structures, equipment, manure processing and handling facilities, and practices which contribute to the production, preparation, and marketing of crops, livestock, livestock products, and horse boarding operations as a commercial enterprise or a hobby. Historically agriculture has included a variety of disciplines aside from fruit, vegetable and crop production and livestock raised for food. Animal husbandry, or the breeding of specific animals for use or sale (e.g., racehorses), beekeeping, aquaculture (fish production), horticulture, floriculture and silviculture are all also considered by this report.

Chapter 155 of the Town of Manlius Code defines “Farms, Farming and Farm Use or Occupancy” as

*“Includes and means any activity customarily carried on upon a farm, except where the farming is conducted in a residential district as a nonconforming use, in which case the uses to which such property may be put shall be confined to the farm activities and uses for which the property is being used at the time of the effective date of this chapter.”*

The Town of Manlius definition should be updated to better reflect and define agriculture today by aligning it with the NYS Agriculture and Markets Law more comprehensive definition of agricultural operations. The State definition is as follows:

*“...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” (AML Sect.301(11))*

This definition emphasizes the multi-faceted aspects of agriculture today, recognizes the diversity of agriculture, and the commercial nature of agriculture. In this context too, products not commonly considered agricultural products, such as horticultural products (Christmas trees and landscape plantings), flowers, honey, maple syrup and other such products of the land are included in the agricultural land use category.

*Recommended Actions:*

The Town of Manlius should update its definition of agriculture to better reflect the contemporary nature of the sector, and better align it with the NYS Agriculture and Markets Law.

## FARM-FRIENDLY ASSESSMENT

## TOWN OF MANLIUS

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### Accommodating Greenhouses

Three existing greenhouse complexes are located within the Restricted Agriculture zoning districts. Two of them have direct sales to the general public. Under the current zoning code, greenhouse operations are only permitted in the Neighborhood Shopping (NS) and Regional Shopping (RS) zoning districts. Since greenhouses and the raising and sale of flowers and horticultural products fall under the state's definition of agriculture, greenhouses should be listed as permitted uses in the Restricted Agriculture (RA) district as well. If they offer direct sales to the public, site plan approval and specific design standards for such enterprises is warranted.

#### *Recommended Actions:*

The Town of Manlius should revise the RA district regulations to permit greenhouse operations and associated direct sales to the public, subject to site plan approval and appropriate site design standards.

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### ACCESSORY USES

In the past decade, farmers in New York have also expanded beyond conventional agriculture and into direct farm marketing, on-farm wineries, breweries, cideries, distilleries, agri-tourism, bed-and-breakfast inns and other supplemental farm businesses. In recent years, renting campsites and "glamping" as side businesses have started to appear. All of these can be appropriate as accessory uses to the larger agricultural operations, but they require clear and concise definitions for each use and controls on their size and scope. In addition to defining the above land uses.

In order to enhance the economic viability of agriculture in New York, on-farm wineries, breweries, cideries, distilleries and agri-tourism have been authorized and promoted by the state as "*practices which contribute to the production, preparation and marketing of crops, livestock and livestock products as a commercial enterprise.*" These types of uses are appropriate as accessory uses to the larger agricultural operations, but they also require clear and concise definitions for each use, and also controls on their size and scope.

#### *Recommended Actions:*

The Town of Manlius should consider adding these uses as permitted uses (with appropriate definitions) in the Restricted Agricultural AG zoning district. Due their nature these uses should be subject to site plan review by the Planning Board.

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### Farm Stands

Farm stand should be listed as an accessory use to an operating farm enterprise. The current zoning regulations restrict farm stands to "*...the seasonal retail sale of agricultural or horticultural products.*" They are not clear as to whether or not sales are limited to agricultural or horticultural products grown on the premises. It is important that farm stands be an accessory

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use to an active farm operation, with controls on size. Permitting farmers to sell fresh produce year-round, as well as to sell baked goods and other products can benefit the farmer by enhancing their revenues and serve the community with convenient fresh produce year-round. A farmstand can also provide outlets to other local farmers that may not be located on a major road, and hence lack the necessary market exposure. With the increase in on-farm commercial kitchens in New York, farm stands can provide outlets for the growing number of small scale food processors in the region.

*Recommended Actions:*

The Town of Manlius should add farm stands as a permitted accessory use in the Restricted Agriculture zoning district, and revise the existing definition to eliminate restrictions such as seasonal only operations, and limits on the sources of the products sold in a farm stand.

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**Farmers' Markets**

Although today farmers' markets are found in many communities throughout Onondaga County, they are not found in zoning codes as a permitted use, nor are they defined. They are not usually associated with an active agricultural operation, but instead functions as separate sales venues off the farm. They are also intermittent land uses, scheduled for specific days of the week, and rely on temporary (pop-up) facilities, or pavilions partitioned into rented booths. Often the farmers' market is managed by a local not-for-profit organization or in some cases operates out of a public facility, such as the CNY Regional Market.

Farmers' markets are recognized as community assets; however they can have impacts that may affect the surround community, such as traffic, noise and odors. They should thus be subject to basic zoning provisions governing location, being restricted to zoning districts or sites in which they will be a compatible use. Also, the use of site plan review, and design standards to mitigate potential impacts of farmers markets are appropriate zoning tools.

The zoning definition for a farmers' market should include details such as being a temporary or intermittent activity that may include temporary or mobile vendor facilities, or a permanent structure with individual booths, and is operated by a public authority or not-for-profit organization.

*Recommended Actions:*

The Town of Manlius should add farmers' markets as a permitted use in appropriate zoning districts within the town. The use should be carefully defined in a manner that insures that it serves as a public or not-for-profit venue to promote local food and agriculture and brings local farmers and consumers together. Site plan review, and design standards to mitigate potential impacts of farmers markets are appropriate zoning tools

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**On-Farm Wineries, Breweries, Cideries, and Distilleries**

In response to new State initiatives to enhance the economic viability of agriculture in New York by promoting, on-farm wineries, breweries, cideries and distilleries, the Town of Manlius should

## FARM-FRIENDLY ASSESSMENT

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amend its zoning regulations to permit farm wineries, farm breweries farm cideries and farm distilleries as permitted accessory uses to an ongoing farm operation. These uses are appropriate as accessory uses to the larger agricultural operations, as envisioned in the Department of Agriculture and marketing policies for such enterprises, and should be listed as such. They also require clear and concise definitions for each use, and controls on their size and scope to ensure they operate as subsidiary businesses to the overall farm operation.

In addition to direct sales to the public, these often include subsidiary cafes, tasting rooms and gift shops. It is important that the size of these subsidiary enterprises be controlled and that they remain contributing sources of revenue for the primary operation. Because these uses involve access to the premises by the public, special consideration needs to be given to public safety, crowd management and traffic. The adoption of site plan approval, with specific design standards for such enterprises, is warranted.

*Recommended Actions:*

The Town of Manlius should add these agriculture-related enterprises as a permitted accessory uses in the Restricted Agriculture zoning district, with clear and concise definitions for each. Given their nature, subjecting such activities to site plan approval, with appropriate design standards, is also warranted.

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### Agri-tourism

Agri-tourism should be listed as an accessory use to an operating farm enterprise. Although recognized by New York under its definition of agriculture or farm operation, agri-tourism can be a gray area in terms of what activities are involved. Agri-tourism consists of activities that bring together tourism and agriculture for the education and enjoyment of the public, and which may include: hayrides, corn mazes, hay mazes, petting zoos (farm animals only), farm tours and agriculture-themed festivals and other public or private events. It can also attract large numbers of people to a farm, especially for special on-farm events. Careful attention needs to be given to both the definition of agri-tourism, and ensuring that it is permitted only as a use that is supporting and active agricultural operation.

Because agri-tourism involves access to the premises by the public, special consideration needs to be given to public safety, crowd management parking, noise control, water and wastewater infrastructure, and traffic. The adoption of site plan approval, with specific design standards for such enterprises, is warranted.

*Recommended Actions:*

The Town of Manlius should add agri-tourism as a permitted accessory uses in the Restricted Agriculture zoning district, with a clear and concise definition of the use. Given the nature of agri-tourism, such uses should be subject to site plan approval, with appropriate design standards, is also warranted.

## FARM-FRIENDLY ASSESSMENT

## TOWN OF MANLIUS

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### Commercial Food Processing

Commercial food processing should be listed as an accessory use to an operating farm enterprise. Small-scale commercial food processing, including baked goods, jams and jellies, pickles, and canning, can be another source of supplemental revenue for an agricultural operation. They can also fill a major gap in the local and regional food systems and promote “buy local” economic development initiatives. Commercial food operations could be listed as a separate accessory use and defined in a manner that ensures they are a subordinate activity to an ongoing agricultural operation with a size limitation as provided for agriculture-related sales or service businesses. Site plan approval is appropriate for such uses. Although they usually ship their product in small lots, these small commercial kitchens do generate some van or truck traffic, especially if they engage in internet-based marketing that requires daily pick-up of merchandise. Some also conduct direct sales to the public.

#### *Recommended Actions:*

The Town of Manlius should consider adding small commercial kitchens as a permitted accessory use in the Restricted Agriculture zoning district, with a clear and concise definition of the use. Given the nature of these uses, site plan approval with appropriate design standards, is also warranted.

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### Farm Worker Housing

Farm worker housing should be listed as an accessory use to an operating farm enterprise. In the current zoning regulations, the only provision that appears related to farmworker housing is “*Mobile home sites pursuant to the requirements of Article IV, § 155-21, of this chapter*” being permitted in the Restricted Agriculture (RA) district. In the NYS definition of farms, “on-farm buildings” include farm worker housing for use by permanent and seasonal employees of a farm, and therefore is subject to the protections of Agriculture and Markets Law.

Another issue is that the special permit requirement for any farmworker housing is likely to be considered an unnecessarily burdensome regulatory requirement on a farm operation, in contravention with the Agriculture and Markets Law. The Town however can impose reasonable conditions such as occupancy by farm employees and their families, setbacks, parking provisions.

#### *Recommended Actions:*

The Town of Manlius should add farmworker housing as an accessory use to an active farm operation, as well as a definition of farmworker housing that includes manufactured homes, modular homes and stick-built homes as options. Given the small scale nature of farmworker housing, the lack of tangible impacts of the use, and the potential for conflict with the Agriculture and Markets Law, the special permit process for farm worker housing should be removed from the zoning code.

## FARM-FRIENDLY ASSESSMENT

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## RENEWABLE ENERGY

Wind and solar energy systems are permitted in the RA and other zoning districts in the Town of Manlius under Section 155-27.1 and Section 155.27.2 of the zoning code. The zoning code limits wind energy systems to non-commercial systems designed and scaled to provide energy only for on-site use. Solar energy systems are classed as building integrated, roof mounted or ground mounted systems; building integrated and roof mounted systems are permitted accessory uses, with appropriate building permits.

Ground mounted systems are classified as small (up to 25Kw), medium (25Kw to 200Kw) and large systems (200Kw+). These ground mounted solar energy systems are subject to both site plan approval and special permit by the Town of Manlius. Solar energy systems are considered by the Department of Agriculture and Markets to be "on-farm" equipment when they are installed for the purpose of supply electricity or hot water to a farm operation. This requirement that ground mount solar energy systems be subject to special permit by the Town is thus likely to be considered an unnecessarily burdensome regulatory requirement on a farm operation, in contravention with the Agriculture and Markets Law.

The Town's regulations for wind energy systems also require special permit approval, and limit such systems to one per parcel of land (Section 155-27.1(B)). In addition, as a requirement for special permit review, no wind energy system shall "...substantially detract from or block the view(s) of all or a portion of a recognized scenic viewshed, as viewed from any public road, right-of-way or publicly owned land..." This would likely involve preparation of a viewshed analysis at substantial cost to the farmer applicant.

Since wind energy systems are also considered by the Department of Agriculture and Markets to be "on-farm" equipment when they are installed for the purpose of supply electricity to a farm operation, these zoning requirements are likely to be considered an unnecessarily burdensome regulatory requirement on a farm operation, in contravention with the Agriculture and Markets Law.

In the case of large ground mounted solar energy development, the Town does not have any provisions for protecting its most productive agricultural soils. It should consider additional design standards in Section 155-27.2(D)(3) of the Zoning Code for the larger solar energy developments. Construction on farmland designated as Prime or Farmland of Statewide importance should be avoided, especially in the eastern section of the Town where agriculture is currently concentrated. Other appropriate design standards for the larger solar energy developments include:

- The total surface area of solar collectors, combined with all other buildings and structures on the lot, shall not exceed fifty-percent of total parcel area;
- Removal of trees over 6 inches in trunk diameter shall be minimized, or mitigated by replacement tree plantings elsewhere on the property;
- Roadways to and within the site shall be constructed of gravel or other permeable surfacing and shall be flush with the surrounding land contours;

## FARM-FRIENDLY ASSESSMENT

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- A site restoration plan shall be included as part of any decommissioning plan, to include, at a minimum, stockpiling of any topsoil removed during construction, for use in site restoration, removal of all foundations, de-compacting and de-rocking all disturbed areas, and removal of any roadways;
- All on-site utility and transmission lines shall, to the extent feasible, be placed underground.

More information on solar energy development and agricultural lands is available at:

<http://ongov.net/planning/documents/AgBestPractices05112021.pdf>; and:

<http://ongov.net/planning/solar101.html>.

The Accelerated Renewable Energy Growth and Community Benefit Act created an Office of Renewable Energy Siting (ORES) and effectively pre-empts the local regulation and review of commercial solar and wind energy development that will generate 25 MW or more of power per year. Section 900-2.25 of Title 19 of NYCRR Part 900, which governs the ORES review process, does, however, require that the location of a proposed renewable energy development conform to all substantive requirements of “local ordinances, laws, resolutions, regulations, [and] standards,” including local zoning. The applicant must also state whether the municipality has adopted a comprehensive plan, and whether the proposed renewable energy development is consistent with the adopted plan.

Under NYS Executive Law Section 94-c, the Office of Renewable Energy Siting may elect to apply, or not apply applicable local zoning and other regulations to the proposed development. To override local regulations, the Office must make a finding that the local regulation is “unreasonably burdensome” in view of the renewable energy development and greenhouse gas emission reduction targets set forth in Climate Leadership and Community Protection Act (CLCPA), and the environmental benefits of the proposed facility.

The Town of Manlius, while it may not have a direct role in the ORES review process, can position itself to influence the State’s deliberation through its zoning and other regulations.

#### *Recommended Actions:*

The Town of Manlius should review Sections 155-27.1 and 27.2 and amend them to bring them into conformance with Agriculture and Markets Law for the smaller scale systems designed for on-site use. In addition, the Town should consider strengthening its regulation of large scale solar development to better protect its agricultural land resources.

### FIXED-RATIO ZONING

The fixed-ratio zoning concept was developed in agricultural communities in southern Pennsylvania in the 1970s as a way of providing farmers with the option of occasional sales of land for development, without triggering large scale development or farmland fragmentation. Also known as “density averaging,” fixed-ratio zoning can be very effective also in protecting both agricultural lands and ecologically important and scenic lands.

## FARM-FRIENDLY ASSESSMENT

### TOWN OF MANLIUS

Fixed-ratio zoning differs from the conventional zoning and subdivision practice of setting minimum lot sizes, (i.e., the 1-acre minimum lot size set by the Town of Manlius in the Restricted Agricultural RA zoning district). It instead controls the number of lots permitted to be subdivided off a parent tract of land, based on the size of the parcel. This “one lot per X acres” approach, – e.g. 5 acres... 10 acres... 20 acres of land – has been proven to be a simple but effective way to control density in rural areas and prevent land fragmentation.

### Fixed Ratio (Density Averaging) Zoning



Eight conventional 10-acre lots consume entire 87 acre tract (left); 7 +/- 2-ac. lots cover only 16.5 acres of less productive land, leaving a 71.5 acre, farmable parent tract (right).

In the Town of Manlius, the current minimum lot size of 1 acre would continue as the minimum lots size for non-agricultural land uses. On a hypothetical 100-acre parcel of land, with the development density set at one lot for each 10 acres of land, up to nine 1-acre lots would be permitted to be subdivided off the parent tract. These lots however would consume as little as 9-10 acres of the 100 acres, leaving the remaining acreage as one large, contiguous tract of agricultural lands. The landowner would have the option of creating a lesser number of larger lots, e.g., 2, 3, 5 acre or larger, if they so desire.

This fixed-ratio approach to subdivision can work well because most farmers and other rural landowners are generally not interested in seeing their land developed, but instead want the ability to sell off an occasional lot, as needed or desired. In the Town of Manlius, this fixed-ratio approach can satisfy landowners' desire to sell occasional lots, while protecting the agricultural land resource.

## FARM-FRIENDLY ASSESSMENT

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*Recommended Actions:*

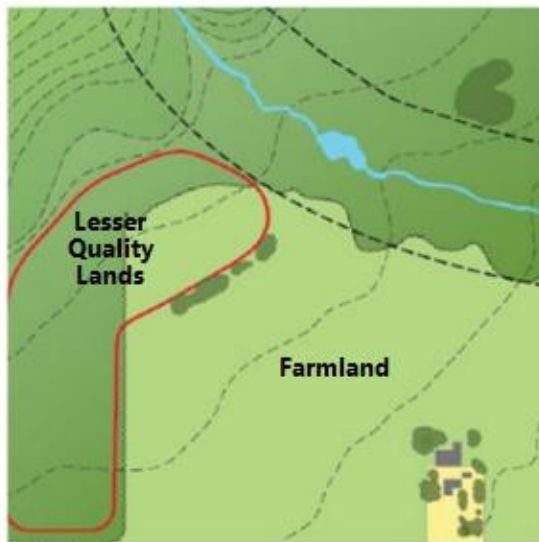
The Town of Manlius should consider the adoption of reduced development densities in the RA zoning district, coupled with adopting the fixed ratio zoning concept, to better protect agricultural land assets in the Town of Manlius

## SUBDIVISION REGULATIONS

Section 127-12 of the Town of Manlius land subdivision regulations permits the Planning Board to review and approve cluster or conservation subdivisions. The purpose this authorization is *"...to enable and encourage flexibility of design and development of land in such a manner as to promote the most appropriate use of land."* These types of subdivision can be effective means of providing opportunities for residential development, while protecting agricultural lands and ecologically sensitive lands in the town. Historically, cluster subdivision design has been associated with attached housing - townhouse developments in built-up suburban areas.

The conservation subdivision, on the other hand, has become a useful growth management tool in rural areas where development often takes the form of smaller scale low density single-family residential development. A conservation subdivision utilizes the careful placement of individual homes on smaller lots within a site and can be an effective tool for protecting agricultural lands, environmentally sensitive areas, and rural character.

## Conservation Subdivision



Existing Landscape



Conservation Subdivision

Source: Dutchess County NY Greenway Guide.

## FARM-FRIENDLY ASSESSMENT

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Through more flexible lot dimensional standards, as well as street design provisions that permit narrower, low speed and low-volume private lanes to access multiple homes, conservation subdivisions can provide development opportunities for farmers and other owners of large tracts of land, while preserving rural character and the agricultural land base. The conservation subdivision approach coupled with lower density fixed-ratio zoning has proven effective in rural agricultural areas, as it balances development in rural areas with preservation of agricultural land resources.

The Town should consider adopting specific design standards for conservation subdivisions in agricultural and other areas. These could include requirements to avoid development on prime agricultural soils, or farmland of statewide importance; and minimum setbacks from farm buildings and protection of existing farm infrastructure such as field drainage tile systems. In line with the use of conservation subdivision design to better protect agricultural land and ecologically sensitive lands, the Town should consider adopting standards for “flag” or “panhandle” lots.

These types of lots consist of narrow strips of land that connect the public street to a lot meeting all the standard lot dimensional requirements of the zoning district within which it is located. They can be very effective in providing for small scale rural development, while preserving road frontage and higher quality farmland. Other design standards for these types of lots should include minimum width of at least 30 feet between the public street and the lot to be developed, minimum driveway widths and all-weather design capable of supporting fire trucks and other emergency access vehicles, and maximum driveway widths.

*Recommended Actions:*

The Town of Manlius should review its subdivision regulations and consider adopting design standards for conservation subdivisions in agricultural and other areas in order to permit low density residential development, which would also protect the agricultural land asset.

# FARM-FRIENDLY ASSESSMENT

## TOWN OF MANLIUS

### SUMMARY OF RECOMMENDATIONS

The table below summarizes the proposed changes to the Town of Manlius' local planning initiatives and land use regulations.

ADD AS PERMITTED ACCESSORY LAND USES	
<ul style="list-style-type: none"> <li>• Agri-tourism,</li> <li>• Commercial Food Processing,</li> <li>• On-farm wineries,</li> <li>• On-farm breweries,</li> <li>• On farm cideries,</li> <li>• On-farm distilleries,</li> <li>• Farm worker housing</li> </ul>	<p>These uses should be accessory uses attached to and subordinated to the larger active farm operation.</p> <p>Specific design standards should be developed for such agri-tourism uses, to ensure safe ingress and egress, adequate parking, the safety of site visitors, site lighting, controls on outdoor displays, signs, and buffers between the site and neighboring properties.</p>
NEW OR REVISED DEFINITIONS	
<ul style="list-style-type: none"> <li>• Agri-tourism,</li> <li>• Commercial Food processing,</li> <li>• On-farm wineries,</li> <li>• On-farm breweries,</li> <li>• On farm cideries,</li> <li>• On-farm distilleries,</li> <li>• Farm stand</li> <li>• Farm worker housing</li> <li>• Farmers' market</li> </ul>	<p>Definitions should be clear and concise, and reflect the Town's objectives for the land use, while not conflicting with the limits imposed by the Agriculture and Markets Law.</p>
ADDITIONAL RECOMMENDATIONS	
<ul style="list-style-type: none"> <li>• Consider creating a new Agricultural (AG) zoning district in eastern portion of Town dominated by agriculture. Reduce development density/potential within the utilizing fixed-ratio approach to density and land subdivision.</li> <li>• Add farmers' markets to the list of permitted uses in appropriate zoning districts.</li> <li>• Review and revise as necessary regulations for renewable energy systems.</li> </ul>	<p>Reductions in development density and fixed ratio zoning can protect large tracts of agricultural lands while providing opportunity for development.</p> <p>Although now a common feature in communities, farmers' markets are not a formalized land use in many zoning codes.</p>
Adopt Right to Farm Law	

## FARM-FRIENDLY ASSESSMENT

### TOWN OF MANLIUS

#### WHY THIS MATTERS?

As stated in the introduction, the challenge for the Town of Manlius and other communities across New York has been keeping pace with the trends in agriculture and agricultural practices within its borders and updating its land use regulations accordingly. Overall, however, the Town's zoning code is well written, and the issues identified in its zoning and subdivision regulations are relatively minor and can be corrected through modest amendments to the zoning code.

As residents of Onondaga County turn away from food imported from throughout the world, and toward locally and regionally produced foods, there is opportunity today for smaller, specialized agricultural enterprises to operate in the Town of Manlius in the coming decades. With up-to-date, agriculture friendly zoning regulations that reflect the ongoing evolution of agriculture, it can continue to be a vibrant economic sector well into the coming decades.

#### REFERENCES

Chapter 155 of the Town of Manlius Code. Zoning. Available at <https://ecode360.com/11049132>. (accessed August 2021)

Section 127-12 of Chapter 127, Town of Manlius Code. Subdivision of Land. Available at: <https://ecode360.com/11048578>. (accessed August 2021)

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New York Agriculture and Markets Law, Sec. 301, Definitions. Available at: <https://codes.findlaw.com/ny/agriculture-and-markets-law/agm-sect-301.html>. (accessed August 2021).

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New York State Department of Agriculture and Markets. Guideline for Review of Local Laws Affecting Farm Operations Which Produce, Prepare and Market Crops for Wine, Beer, Cider and Distilled Spirits (PDF). Available at: <https://agriculture.ny.gov/system/files/documents/2019/11/305-a-winery-distillery-guideline.pdf>. (accessed August 2021)

## FARM-FRIENDLY ASSESSMENT

## TOWN OF MANLIUS

New York State Department of Agriculture and Markets. Guidelines for Review of Local Laws Affecting Farm Worker Housing (PDF). Available at:

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(accessed August 2021)

NYS Department of State. 2021. Local Laws and Agricultural Districts: How Do They Relate?

Available at: <https://dos.ny.gov/system/files/documents/2021/09/local-laws-and-agricultural-districts.pdf>. (accessed August 2021)

Section 127-12 of Chapter 127, Town of Manlius Code. Subdivision of Land. Available at

Chapter 155 of the Town of Manlius Code. Zoning. Available at <https://ecode360.com/11049132>

(accessed August 2021)

### CONTACTS

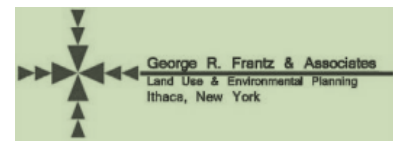
The Onondaga County Agriculture & Farmland Protection Plan Update is being led by the Onondaga County Agriculture & Farmland Protection Board (AFPB), with staff support from the Syracuse-Onondaga County Planning Agency (SOCPA), as well as their consultant team of EDR, DPC, and George R. Frantz & Associates, LLC (primary author).

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## FARM-FRIENDLY ASSESSMENT

## TOWN OF CICERO

TO: Town of Cicero

FROM: Onondaga County Agriculture & Farmland Protection Board (AFPB)  
with the Syracuse-Onondaga County Planning Agency (SOCPA)

DATE: October 22, 2021

RE: Farm-Friendly Assessment for the Town of Cicero

### INTRODUCTION

The state of agriculture in Onondaga County has seen significant changes over the years. Through it all, local agriculture remains a critical part of our economy, food system, and landscape. Our county is gifted with highly productive agricultural soils, a legacy of farming operations and know-how, and an environment that supports a highly diverse array of crops and opportunities to engage with the local food system. The Onondaga County Agriculture and Farmland Protection Plan will report on the state of our agricultural lands and economy, and provide a framework for both protecting our most vital farmland and supporting overall agricultural viability in Onondaga County (For more information go to: [agriculture.ongov.net](http://agriculture.ongov.net)).

The Town of Cicero is one of several communities in Onondaga County that has volunteered to have its planning, zoning, and other land use regulations reviewed for how they may positively or negatively impact the agricultural operations within its borders. This assessment of zoning, subdivision, and Right-To-Farm laws identifies areas within the Town where these regulations could be updated to better reflect current agricultural trends and needs in the 21st century. The purpose of this Farm-friendly Assessment is not to critique, but to educate by identifying potential issues and opportunities for improving -the Town of Cicero's land use regulations as they relate to agriculture.

The assessment involves reviews of existing zoning, subdivision and other local laws governing land use in the Town, including renewable energy uses. The primary objective is to review the local planning documents and laws, and to find areas, if any, where they could be amended to create a more farm-friendly environment. Specific areas of investigation include local regulations regarding:

- Conformance with the limits of local government regulating powers set forth in the New York State Agriculture and Markets Law (AML);
- Ensuring that local land use regulations accommodate the land uses commonly associated with or which support agriculture and agricultural operations with appropriate local controls;
- Identifying agricultural activities that meet the definition of "farm operation" as set forth in AML Sect. 301(11) that may be subject to special permit, site plan review, or other local review standard above ministerial review, or subject to a more intensive level of review than other uses permitted within the same zoning district.

## FARM-FRIENDLY ASSESSMENT

### TOWN OF CICERO

This assessment informs the development of a **Farm-friendly Toolbox** that other municipalities within Onondaga County can use to assess their existing plans and regulations and then update their local land use tools to better protect farmland and promote agricultural viability. This toolbox is available online at:

<https://agriculture.ongov.net/toolbox>

Agricultural trends of particular focus in this analysis include emerging types of agriculture-related enterprises and renewable energy development. To enhance their farming operations and remain economically viable, farmers in New York have expanded over the past decade beyond conventional agriculture and into direct farm marketing, on-farm wineries, breweries, cideries, distilleries, agri-tourism, bed-and-breakfast inns, and other supplemental farm businesses. These

agriculture-related enterprises, when operated as an accessory use to an ongoing agricultural operation, can provide revenue streams that enhance the economic viability of farm operations while contributing to the overall local economy and quality of life.

Meanwhile, renewable energy in New York today is presenting both opportunities and challenges for municipal governments and farmers. Investment in small-scale solar and wind energy development primarily for generating power for use in on-farm use operations for on-farm use can reduce energy costs for farmers, while reducing reliance on fossil fuel energy sources. However, large scale commercial solar and wind energy development, if left unchecked by siting considerations and local land use regulations, can have major implications in terms of agricultural land resources and impacts to host communities.

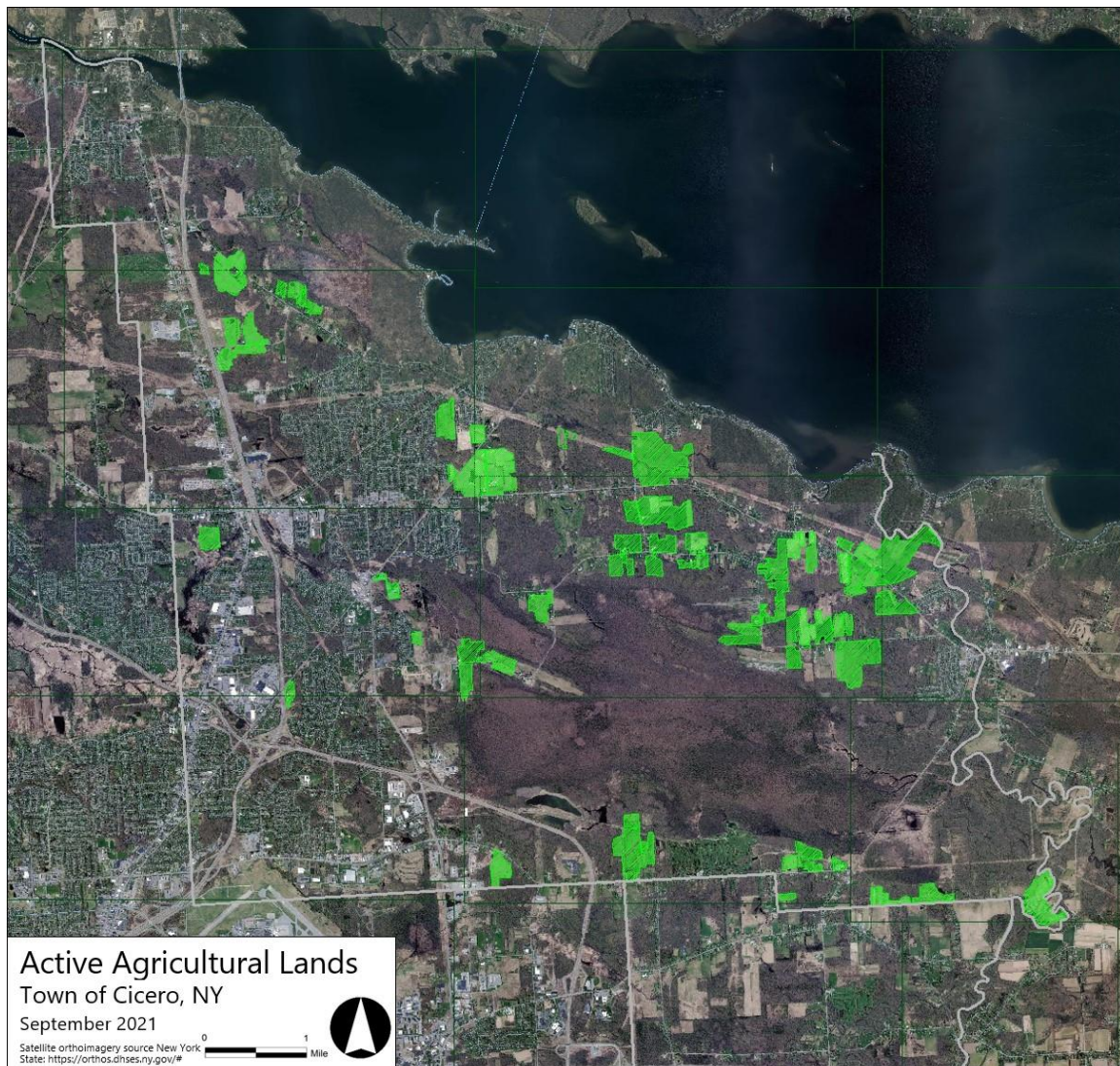
## AGRICULTURE IN THE TOWN OF CICERO

The Town of Cicero, despite it being a major suburb of Syracuse, with extensive areas developed for residential, commercial, and industrial uses, still retains almost 2,000 acres of land that is actively farmed. This a relatively small amount of farmland regionally, however about 1,500 acres, or about 75 percent of the agricultural lands in Cicero, are enrolled in the Agricultural Districts program, indicative of a continued commitment to agriculture by its farm community. Agriculture in the Town of Cicero is diverse, including cattle and horse farms, field crops, hay and also large-scale vegetable and floriculture enterprises. In this assessment, six direct farm marketing enterprises, a farm brewery, and an agri-tourism/agri-education venture were identified in the Town.

A major challenge for agriculture in the Town is the fragmentation of agricultural lands primarily due to residential development. Another challenge is competition with residential and other development, due in part to the availability of public water in many areas where agriculture still exists. This increases the attractiveness of the area for residential development making agricultural lands more vulnerable to development.

## FARM-FRIENDLY ASSESSMENT

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## AGRICULTURE AND PLANNING

The 2006 Town of Cicero Comprehensive Plan is premised on agriculture being a diminishing activity in the town and focuses instead on development of non-agricultural land uses. The plan does not address issues related to agriculture or proposes any recommended actions to promote its long-term viability. While it calls for maintaining the rural character of the eastern portions of the Town, it does so using large lot zoning, which can lead to cumulative residential development to the detriment of farmland.

The Town however is embarking on the development of a new comprehensive plan. Despite the assumptions of the 2006 Comprehensive Plan, agriculture is still very much present in Cicero. With increasing interest in promoting local food and agriculture, and the opportunities afforded

## FARM-FRIENDLY ASSESSMENT

### TOWN OF CICERO

by emerging forms of agriculture such as greenhouse production of vegetables, and supplemental business opportunities such as agri-tourism, on-farm wineries, breweries and similar enterprises, there is the opportunity to re-assess the future of agriculture in Cicero.

From South Bay Road eastward to Bridgeport some 90% of the lands between Rte. 31 and Cicero Swamp are classed as prime farmland according to the NRCS Soils Survey. This also coincides with the largest concentration of active farmland in the Town. This area should be considered an opportunity for enhancing the Town's agricultural base. A combination of incentives to preserve the land resource, and agriculture-friendly zoning regulations could enhance the long-term viability of Cicero's agricultural community, and reverse the loss of valuable farmland. This coupled with land use policies that encourage more compact development and infill in the western portions of the Town can accommodate anticipated population growth, while preserving its remaining agricultural base.

## AGRICULTURE AND THE LOCAL REGULATORY FRAMEWORK

Agriculture and Markets Law Section 305-a provides farmers and agricultural operations located with County sponsored agricultural districts specific protections against local zoning regulation that may be unreasonably restrictive and cause undue interference with legitimate agricultural practices as defined by State law. Because many of the active farms in the Town of Cicero are located within a County administered agricultural district, they are afforded the protections available through Section 305-a.

In 2002 the New York State Legislature amended Town Law Section 283-a to require local governments to ensure that their laws, ordinances, or other regulations that might apply to agricultural operations located in State certified agricultural districts do not *"...unreasonably restrict or regulate farm operations in contravention of Article 25-AAA of the Agriculture and Markets Law, unless it can be shown that the public health or safety is threatened."* Agriculture and farming are interchangeable terms in this report along with agricultural operations and farms.

The following are recommended actions to revise the Town of Cicero regulations in a manner that both protects the Town and its residents by providing contemporary agricultural operations the flexibility they need to remain viable to compete in a global economy. They address a variety of issues in the existing land use regulations of the Town, including adjustments to the Agricultural AG zoning district, recommendations for additional accessory uses to farm operations, primarily to accommodate direct farm marketing enterprises, and recommendations for revisions to or the addition of new definitions for land uses not currently defined.

In addition, some revisions to the Town's subdivision regulations are recommended as a means of enhancing the use of conservation subdivisions to better protect agricultural lands in the town.

## FARM-FRIENDLY ASSESSMENT

### TOWN OF CICERO

#### RIGHT TO FARM LAW

The Town of Cicero appears to have not adopted a Right to Farm Law. While viewed primarily as designed to protect farmers from so-called nuisance suits, local right to farm laws can be useful in other ways. In Cicero, where agriculture is a small part of the community's landscape, the law can be a tool for raising public awareness of local agriculture. Many towns have also utilized local right-to-farm laws of laws to set up a framework for conflict resolution and to for enhancing communication between the farm and non-farm communities in the town. Because only a small number of farms in Cicero participate in the County Agricultural Districts program, the Town should consider applying the protections of the law to all farms located in its Agricultural AG zoning district.

#### *Recommended Actions:*

The Town of Cicero should adopt a Right to Farm Law.

#### ZONING ORDINANCE

The Town of Cicero zoning regulations are set forth in Chapter 210 of the Town of Cicero Code. Agricultural land uses are permitted in the Agricultural (AG) district in the town. Agricultural uses are not permitted in any other zoning districts in the town, however the Agricultural AG zoning district covers just under 50% of the land area of the town. Since there are only approximately 2,000 acres of land in the Town that appear to be in agricultural use, and much of the AG- Agricultural zoning district is located with the Cicero Swamp complex, the Town should consider creating a new zoning district that would be better tailored to protecting the ecological assets of Cicero Swamp and fringe areas, as well as the wetlands closer to Oneida Lake and elsewhere in the Town.

#### DEFINING AGRICULTURE

For this analysis, "agriculture" is defined by the New York State Agriculture and Markets Law Article (AML) 25-AA, Section 301 as the use of land, buildings, structures, equipment, manure processing and handling facilities, and practices which contribute to the production, preparation, and marketing of crops, livestock, livestock products, and horse boarding operations as a commercial enterprise or a hobby.

Historically agriculture has included a variety of disciplines aside from fruit, vegetable and crop production and livestock raised for food. Animal husbandry, or the breeding of specific animals for use or sale (e.g., racehorses), beekeeping, aquaculture (fish production), horticulture, floriculture, and silviculture are all also considered as agriculture within this definition. Recently,

## FARM-FRIENDLY ASSESSMENT

### TOWN OF CICERO

the growing of industrial grade hemp (with limits on CBD/TCH content) has been added to the list of activities that fall under the Ag & Markets definition of agriculture.<sup>1</sup> The State's definition of agricultural operation is *"...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" (AML Sect.301(11)).*

Agricultural uses, as defined in the Town Code include:

*"Land containing at least two acres which is used for raising livestock or agricultural products, including farm structures and the storage of agricultural equipment; riding and boarding stable, kennels and veterinaries; and, as an accessory use, the sale of agricultural products on the property."*

The Town of Cicero definition is comprehensive in covering the types of uses and activities that occur as part of a contemporary agricultural enterprise and is also in line with the NYS Agriculture and Markets Law definitions. It also includes types of businesses may not be considered agriculture or agriculture-related in many communities, such as veterinary offices and *"Agriculture-related sales or service businesses, provided that total business area, including display area, does not exceed 5,000 square feet."* These types of businesses provide critical services to farmers and their farm enterprises. In this context too, products not commonly considered agricultural products, such as horticultural products (Christmas trees and landscape plantings), flowers, honey, maple syrup and other such products of the land are included in the agricultural land use category. The Town's zoning code also permits tourist homes and bed-and-breakfast inns, as well as home occupations in the Agricultural-AG zoning district.

#### *Recommended Actions:*

No remedial action is recommended

#### ACCESSORY USES

In the past decade, farmers in New York have also expanded beyond conventional agriculture and into direct farm marketing, on-farm wineries, breweries, cideries, distilleries, agri-tourism, bed-and-breakfast inns and other supplemental farm businesses. In recent years, renting campsites and "glamping" as side businesses have started to appear. Other businesses that may provide supplemental income are bed and breakfast inns, which are not listed as permitted use in the Town. All of these can be appropriate as accessory uses to the larger agricultural operations. They require clear and concise definitions for each use, however, and controls on

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<sup>1</sup> Medical marijuana production and sales are regulated by NYS Dept. of Health. Retail sales should be limited to commercial zoning districts.

## FARM-FRIENDLY ASSESSMENT

### TOWN OF CICERO

their size and scope that ensure they remain a use that is subordinate to the larger farm operation.

#### *Recommended Actions:*

The Town of Cicero should review its zoning regulations and consider adding these uses as permitted accessory uses to an agricultural operation (with appropriate definitions) in the Agricultural AG zoning district. Due their nature some of these uses may warrant site plan review.

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#### On-Farm Breweries, Cideries, Distilleries, Wineries

On-farm wineries, breweries, cideries, distilleries should be listed as accessory uses to an operating farm enterprise. In addition to direct sales to the public, these businesses often include subsidiary cafes, tasting rooms, and gift shops that should also be referenced in any definition. It is important that the size of these subsidiary enterprises be controlled and that they remain contributing sources of revenue for the primary operation. Because these uses involve access to the premises by the public, special consideration needs to be given to public safety, crowd management and traffic. The adoption of site plan approval, with specific design standards for such enterprises, is warranted.

#### *Recommended Actions:*

The Town of Cicero should add these agriculture-related enterprises as a permitted accessory uses in the Agricultural AG zoning district, with clear and concise definitions for each. Given their nature, subjecting such activities to site plan approval, with appropriate design standards, is also warranted.

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#### Agri-Tourism

The Town of Cicero should also consider adding agri-tourism as an accessory use to ongoing farm operations. Although recognized by New York as falling under its definition of agriculture or farm operation, agri-tourism can be a gray area in terms of what activities are involved. Agri-tourism consists of activities that bring together tourism and agriculture for the education and enjoyment of the public, and which may include hayrides, corn mazes, hay mazes, petting zoos (farm animals only), farm tours and agriculture-themed festivals and other public or private events. It can also attract large numbers of people to a farm, especially for special on-farm events. Careful attention needs to be given to both the definition of agri-tourism and ensuring that it is permitted only as a use that is supporting and active agricultural operation.

Agri-tourism can also attract large numbers of people to a farm, especially for special on-farm events. Because agri-tourism involves access to the premises by the public, special consideration needs to be given to public safety, crowd management, parking, noise control, water and wastewater infrastructure, and traffic. The adoption of site plan approval, with specific design standards for such enterprises, is warranted.

## FARM-FRIENDLY ASSESSMENT

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#### *Recommended Actions:*

The Town of Cicero should add agri-tourism as a permitted accessory uses in the Agricultural AG zoning district, with a clear and concise definition of the use. Given the nature of agri-tourism, such uses should be subject to site plan approval, with appropriate design standards, is also warranted.

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#### Farm Worker Housing

The Town of Cicero zoning code currently does not permit farm worker housing. The term "on-farm buildings" in the Agriculture and Markets Law Sect. 305-a definition of farm operations includes farm labor housing as being an integral element of these operations. Even though there may be no apparent need for farm worker housing at this time in the Town of Cicero, by addressing the issue now, the Town can formulate well-thought-out provisions for future farm worker housing, including appropriate standards.

#### *Recommended Actions:*

The Town of Cicero should consider adding farm worker housing as a permitted accessory use in the Agricultural AG zoning district, as well as a definition of farmworker housing that includes manufactured homes, modular homes, and stick-built homes as options.

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#### Farmers' Markets

Although today farmers' markets are found in many communities throughout Onondaga County, they are not found in the Town of Cicero zoning code as a permitted use, nor are they defined. They are not usually associated with an active agricultural operation, but instead functions as separate sales venues off the farm. They are also intermittent land uses, scheduled for specific days of the week, and rely on temporary (pop-up) facilities, or pavilions partitioned into rented booths. Often the farmers' market is managed by a local not-for-profit organization or in some cases operates out of a public facility, such as the CNY Regional Market.

Farmers' markets are recognized as community assets, however they can have impacts that may affect the surround community, such as traffic, noise and odors. They should thus be subject to basic zoning provisions governing location, being restricted to zoning districts or sites in which they will be a compatible use. Also, the use of site plan review, and design standards to mitigate potential impacts of farmers markets are appropriate zoning tools.

The zoning definition for a farmers' market should include details such as being a temporary or intermittent activity that may include temporary or mobile vendor facilities, or a permanent structure with individual booths, and is operated by a public authority or not-for-profit organization.

#### *Recommended Actions:*

The Town of Cicero should add farmers' markets as a permitted use in appropriate zoning districts within the town. The use should be carefully defined in a manner that ensures that it

## FARM-FRIENDLY ASSESSMENT

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serves as a public or not-for-profit venue to promote local food and agriculture and brings local farmers and consumers together. Site plan review, and design standards to mitigate potential impacts of farmers markets are appropriate zoning tools

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#### Commercial Food Processing

Small-scale commercial food processing, including baked goods, jams and jellies, pickles, and canning, can be another source of supplemental revenue for an agricultural operation. They can also fill a major gap in the local and regional food systems and promote “buy local” economic development initiatives. Commercial food operations should be listed as a separate accessory use and defined in a manner that ensures they are a subordinate activity to an ongoing agricultural operation, such as limits on square footage or number of non-resident employees working at the business. Site plan approval is appropriate for such uses. Although they usually ship their product in small lots, these small commercial kitchens do generate some van or truck traffic, especially if they engage in internet-based marketing that requires daily pick-up of merchandise. Some also conduct direct sales to the public.

#### *Recommended Actions:*

The Town of Cicero should consider adding small commercial kitchens as a permitted accessory use in the Agricultural AG zoning district, with a clear and concise definition of the use. Given the nature of these uses, site plan approval with appropriate design standards, is also warranted.

#### RENEWABLE ENERGY

The Town of Cicero currently (as of October 4, 2021) has a six-month moratorium on considering applications for solar energy development as the Town considers possible approaches to regulating commercial solar energy development. Non-commercial solar energy systems with appropriate site design standards and setbacks should be added to the list of permitted accessory uses. These types of renewable energy systems are included in the definition of “farm operation” as set forth in AML Sect. 301(11). The Town should thus add as permitted uses non-commercial solar and wind energy systems in the Agricultural AG district.

It is important that these solar energy systems are defined in a manner that distinguishes them from commercial renewable energy systems that are developed for the purpose of exporting power off the property for sale to the larger electrical grid system. A definition for a non-commercial solar system should specifically include language such as “...*primarily for use on the premises...*” to ensure that such systems are scaled to the need of the property owner, but with the option of selling limited amounts of excess electricity.

The Town already permits small scale wind energy systems in the Agricultural AG zoning district under Chapter 207 of the Town Code. Chapter 207 does not explicitly define small scale, non-commercial wind energy systems, or restrict wind energy systems to producing electricity for

## FARM-FRIENDLY ASSESSMENT

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onsite use. The Town's maximum height limitation of 60 feet however effectively precludes larger scale commercial wind energy.

Some basic site design standards for renewable energy systems are appropriate. These include minimum setback requirements from public highways, parks, officially designated historic properties, and sites with sensitive views; standards to control glare and flicker (wind turbines); visual screening, especially for solar arrays, and noise standards for wind energy systems.

One issue that is receiving attention some municipalities is the potential visual impact of the small-scale non-commercial wind energy systems such as permitted in the Town of Cicero. These wind turbines however tend to recede into the surrounding landscape within a short distance from where they are installed, often at distances of 1,000 feet or less. Moreover, existing farm hedgerows and woodland areas in some towns can effectively screen a smaller scale, non-commercial, wind energy system within a few hundred feet.

Should the Town of Cicero also consider permitting commercial scale solar and wind energy systems (systems where the energy is sold offsite into the electric grid), it should take into consideration the potential impacts on agricultural lands, especially those associated with large scale solar development. Construction on farmland designated as Prime or Farmland of Statewide importance should be avoided, especially in that section of the Town where agriculture is currently concentrated.

Other appropriate design standards for the larger solar energy developments include:

- The total surface area of solar collectors, combined with all other buildings and structures on the lot, shall not exceed fifty-percent of total parcel area;
- Removal of trees over 6 inches in trunk diameter shall be minimized, or mitigated by replacement tree plantings elsewhere on the property;
- Roadways to and within the site shall be constructed of gravel or other permeable surfacing and shall be flush with the surrounding land contours;
- A site restoration plan shall be included as part of any decommissioning plan, to include, at a minimum, stockpiling of any topsoil removed during construction, for use in site restoration, removal of all foundations, de-compacting and de-rocking all disturbed areas, and removal of any roadways;
- All on-site utility and transmission lines shall, to the extent feasible, be placed underground.

More information on solar energy development and agricultural lands is available at:

<http://ongov.net/planning/documents/AgBestPractices05112021.pdf>; and  
<http://ongov.net/planning/solar101.html>.

Wind energy systems have a much smaller footprint and hence less impact on agricultural lands, and so are considered compatible with agricultural uses. Standards for access roadways and

## FARM-FRIENDLY ASSESSMENT

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onsite utility transmissions such as those for solar development, as well as requirements for site restoration upon completion of construction activities, are appropriate.

The Accelerated Renewable Energy Growth and Community Benefit Act created an Office of Renewable Energy Siting (ORES) and effectively pre-empts the local regulation and review of commercial solar and wind energy development that will generate 25 MW or more of power per year. Section 900-2.25 of Title 19 of NYCRR Part 900, which governs the ORES review process, does, however, require that the location of a proposed renewable energy development conform to all substantive requirements of “local ordinances, laws, resolutions, regulations, [and] standards,” including local zoning. The applicant must also state whether the municipality has adopted a comprehensive plan, and whether the proposed renewable energy development is consistent with the adopted plan.

Under NYS Executive Law Section 94-c, the Office of Renewable Energy Siting may elect to apply, or not apply applicable local zoning and other regulations to the proposed development. To override local regulations, the Office must make a finding that the local regulation is “unreasonably burdensome” in view of the renewable energy development and greenhouse gas emission reduction targets set forth in Climate Leadership and Community Protection Act (CLCPA), and the environmental benefits of the proposed facility.

The Town of Cicero while it may not have a direct role in the ORES review process, can position itself to influence the State’s deliberation through its zoning and other regulations.

#### *Recommended Actions:*

The Town of Cicero should amend its zoning regulations to permit non-commercial solar energy systems in the Agricultural AG zoning districts and other districts where there is active agriculture, appropriate site design standards and setbacks.

The Town of Cicero should adopt new zoning standards for large scale renewable energy development that provide strong protections for all Prime- and Farmland of Statewide importance within its boundaries.

#### FIXED RATIO ZONING

Fixed ratio zoning is another a means of better protecting its agricultural land assets, as well as the rural character of the Agricultural AG district. It was developed in rural agricultural communities in southern Pennsylvania in the 1970s as a way of providing farmers with the option of occasional sales of land for development, without triggering large scale development or farmland fragmentation. Also known as “density averaging,” fixed-ratio zoning can be very effective also in protecting both agricultural lands and ecologically important and scenic lands.

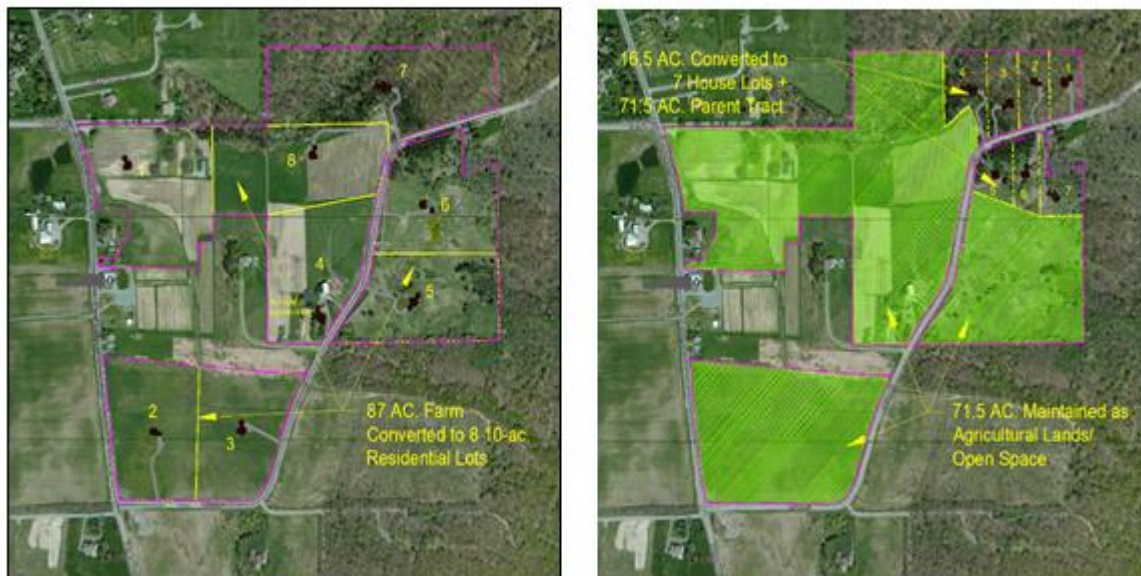
Fixed-ratio zoning differs from the conventional zoning and subdivision practice of setting minimum lot sizes, (i.e., the 1-acre minimum lot size set by the Town of Cicero in the Agricultural AG zoning district). It instead controls the number of lots permitted to be subdivided off a

## FARM-FRIENDLY ASSESSMENT TOWN OF CICERO

parent tract of land, based on the size of the parcel. This “one lot per X acres” approach, – e.g., 5 acres... 10 acres... 20 acres of land – has been proven to be a simple but effective way to control density in rural areas and prevent land fragmentation. It can also reduce the competition for land between farmers and developers that is a challenge to agriculture elsewhere in New York.

In the Town of Cicero, the current minimum lot size of 1 acre in the Agricultural AG district would continue as the minimum lots size for non-agricultural land uses. On a hypothetical 100-acre parcel of land, with the development density set at one lot for each 10 acres of land, up to nine 1-acre lots would be permitted to be subdivided off the parent tract. These lots however would consume as little as 9 or 10 acres of the 100 acres, leaving the remaining acreage as one large, contiguous tract of agricultural lands. Under the fixed ratio approach, the landowner would retain the option of creating a lesser number of larger lots, e.g., 2, 3, 5 acre or larger if they so desire.

### Fixed Ratio (Density Averaging) Zoning



Eight conventional 10-acre lots consume entire 87 acre tract (left); 7 +/- 2-ac. lots cover only 16.5 acres of less productive land, leaving a 71.5 acre, farmable parent tract (right).

This fixed-ratio approach can work well because most farmers and other rural landowners are generally not interested in seeing their land developed, but instead want the ability to sell off an occasional lot, as needed or desired. In the Town of Cicero, this fixed-ratio approach can satisfy landowners' desire to sell occasional lots, while protecting the agricultural land resource.

## FARM-FRIENDLY ASSESSMENT

### TOWN OF CICERO

#### *Recommended Actions:*

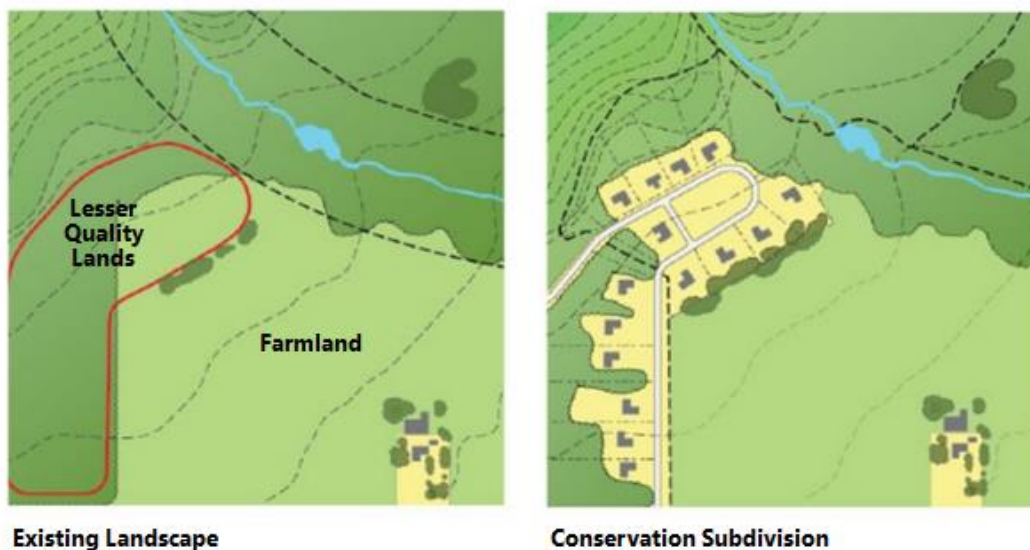
The Town of Cicero should consider the adoption of reduced development densities in the Agricultural (AG) zoning district, coupled with adopting the fixed ratio zoning concept, to better protect agricultural land assets in the Town of Cicero.

#### SUBDIVISION REGULATIONS

Town of Cicero Land Subdivision Regulations permit cluster subdivisions within the town (Section 185-26). These types of subdivision can be effective means of providing opportunities for residential development, while protecting agricultural lands and ecologically sensitive lands. Cluster subdivision design is often associated with higher density suburban townhouse development. The conservation subdivision however has become a useful growth management tool in rural areas where development often takes the form of smaller scale low density single-family residential development.

A conservation subdivision utilizes the careful placement of individual homes on smaller lots within a site and can be an effective tool for protecting agricultural lands, environmentally sensitive areas and rural character. Through more flexible lot dimensional standards, as well as street design provisions that permit narrower, low speed and low-volume private lanes to access multiple homes, conservation subdivisions can provide development opportunities for farmers and other owners of large tracts of land, while preserving rural character and the agricultural land base.

### Conservation Subdivision



Source: Dutchess County NY Greenway Guide.

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The Town should consider adopting specific design standards for conservation subdivisions in agricultural and other areas. These could include requirements to avoid development on prime agricultural soils, or farmland of statewide importance; and minimum setbacks from farm buildings and protection of existing farm infrastructure such as field drainage tile systems.

The Town should consider adopting standards for “flag” or “panhandle” lots. These types of lots consist of narrow strips of land that connect the public street to a lot meeting all the standard lot dimensional requirements of the zoning district within which it is located. They can be very effective in providing for small scale rural development, while preserving road frontage and higher quality farmland. Other design standards for these types of lots should include minimum width of at least 30 feet for the strip of land between the public street and the lot to be developed, minimum driveway widths and all-weather design capable of supporting fire trucks and other emergency access vehicles, and maximum driveway widths.

#### *Recommended Actions:*

The Town of Cicero should review its subdivision regulations and consider adopting design standards for conservation subdivisions in agricultural and other areas in order to permit low density residential development, which would also protect the agricultural land asset.

## SUMMARY OF RECOMMENDATIONS

The following table summarizes the proposed changes to the Town of Cicero planning initiatives and zoning regulations.

ADD AS PERMITTED ACCESSORY LAND USES	
<ul style="list-style-type: none"> <li>• Agri-tourism</li> <li>• Food Processing</li> <li>• Non-commercial solar energy system</li> <li>• Non-commercial wind energy system</li> </ul>	<p>These uses should be accessory uses attached to and subordinated to the larger active farm operation. Specific design standards should be developed for such agri-tourism uses, to ensure safe ingress and egress, adequate parking, the safety of site visitors, site lighting, controls on outdoor displays, signs, and buffers between the site and neighboring properties.</p>

## FARM-FRIENDLY ASSESSMENT

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NEW OR REVISED DEFINITIONS	
<ul style="list-style-type: none"> <li>• Agri-tourism</li> <li>• Commercial food processing</li> <li>• On-farm wineries</li> <li>• On-farm breweries</li> <li>• On farm cideries</li> <li>• On-farm distilleries</li> <li>• Non-commercial solar energy system</li> <li>• Non-commercial wind energy system</li> </ul>	<p>Definitions should be clear and concise, and reflect the Town's objectives for the land use, while not conflicting with the limits imposed by the Agriculture and Markets Law.</p>
ADDITIONAL RECOMMENDATIONS	
<ul style="list-style-type: none"> <li>• Reduce development density/potential within the Agricultural AG zoning district, utilizing fixed-ratio approach to density and land subdivision.</li> <li>• Add farmers' markets to the list of permitted uses in appropriate zoning districts.</li> <li>• Amend the Zoning Code to permit smaller scale non-commercial solar energy systems in the Agricultural AG district</li> </ul>	<p>Fixed ratio zoning can protect large tracts of agricultural lands while providing opportunity for development.</p> <p>Although now a common feature in communities, farmers' markets are not a formalized land use in many zoning codes.</p>
<ul style="list-style-type: none"> <li>• Adopt a Right to Farm local law</li> </ul>	

## WHY THIS MATTERS?

As stated in the introduction, a challenge for the Town of Cicero and other communities across New York has been keeping pace with the trends in agriculture and agricultural practices within its borders and updating its land use regulations accordingly. Overall, however, the Town's zoning code is well written, and the issues identified in its zoning and subdivision regulations are relatively minor and can be easily corrected through modest amendments to its codes.

As residents of Onondaga County turn away from food imported from throughout the world, and toward locally and regionally produced foods, there is opportunity today for the smaller, specialized agricultural enterprises operating in the Town of Cicero today to expand and for new agricultural enterprises to develop. This paired with pro-active local laws and potential incentives will enable its agricultural community to be a vibrant economic sector well into the coming decades.

## FARM-FRIENDLY ASSESSMENT

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#### REFERENCES

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- Town of Cicero, NY Code, Chapter 207, Wind Energy Systems. Available at: <https://ecode360.com/12359133>. Accessed September 2021.
- Town of Cicero, NY Code, Chapter 210, Zoning. Available at: <https://ecode360.com/12299766>. Accessed August 2021.
- Town of Cicero NY. Comprehensive Plan Update 9/27/2006 (Final Draft). Accessed October 2021.
- New York Agriculture and Markets Law, Sec. 301, Definitions. Available at: <https://codes.findlaw.com/ny/agriculture-and-markets-law/agm-sect-301.html>. Accessed August 2021.
- New York Agriculture & Markets Law, Sec. 308, Right to Farm. Available at: [https://newyork.public.law/laws/n.y.\\_agriculture\\_and\\_markets\\_law\\_section\\_308](https://newyork.public.law/laws/n.y._agriculture_and_markets_law_section_308). Accessed August 2021.
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## FARM-FRIENDLY ASSESSMENT

## TOWN OF CICERO

### CONTACTS

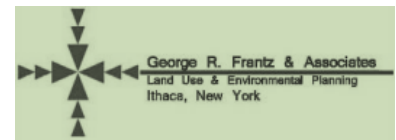
The Onondaga County Agriculture & Farmland Protection Plan Update is being led by the Onondaga County Agriculture & Farmland Protection Board (AFPB), with staff support from the Syracuse-Onondaga County Planning Agency (SOCPA), as well as their consultant team of EDR, DPC, and George R. Frantz & Associates, LLC (primary author).

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### APPENDIX C: FARMLAND ANALYSIS METHODOLOGY

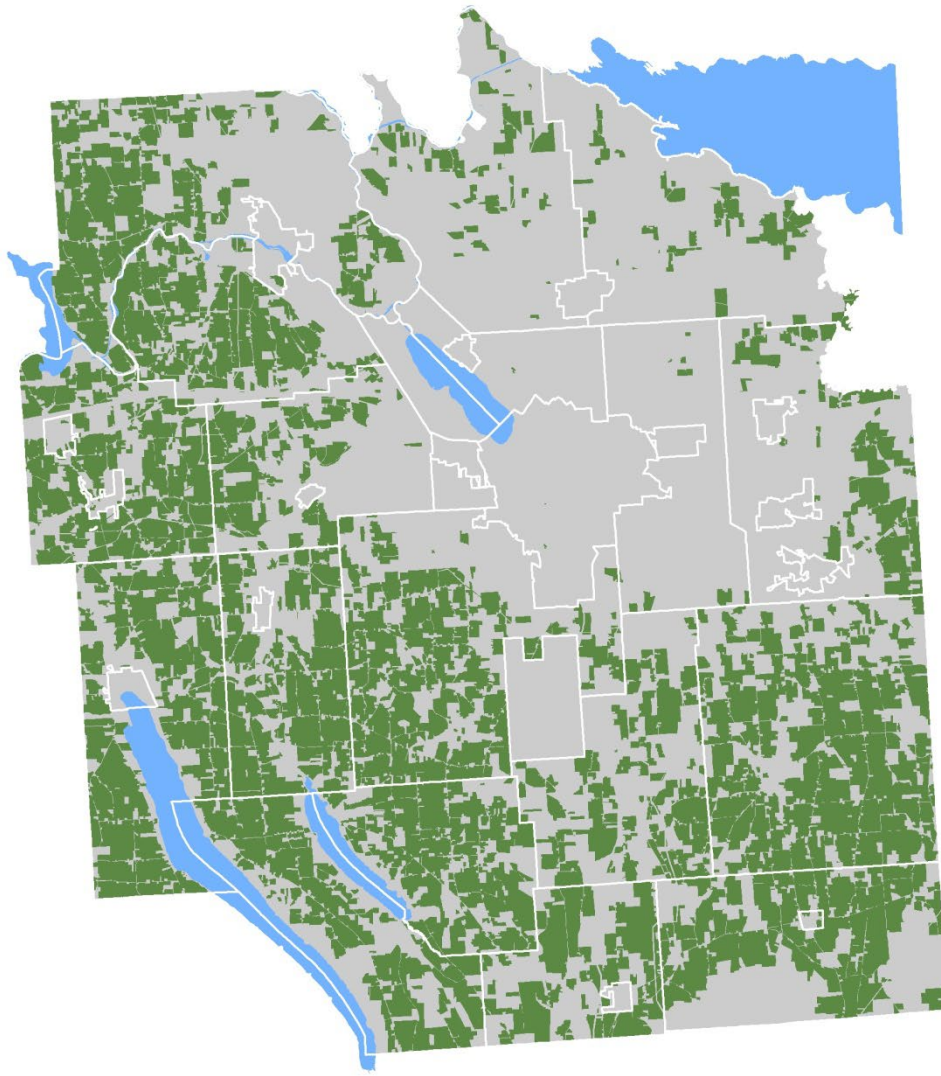
The following provides the methodology used to analyze important farmland throughout Onondaga County. This methodology represents the methodology used as of April 2022. The analysis relies on a base dataset of “agricultural parcels”. This dataset was created using the following methodology:

1. Select all parcels in the County that have a Real Property land use class in the 100's (agricultural), 241 (primarily residential, also used in agricultural production), or 321 (abandoned agricultural land). This resulted in a dataset of 3,162 parcels. *Source: Onondaga County parcel boundary data (2021) and Real Property data (April 2021 – County; December 2020 – City of Syracuse). For information on Real Property land use classes, please visit <https://www.tax.ny.gov/research/property/assess/manuals/prclas.htm>.*
2. SOCPA GIS staff reviewed the 3,162 parcels and removed 540 that did not appear to be used for agriculture based on aerial photography. *Aerial Photography Source: Pictometry, Spring 2021*
3. SOCPA GIS staff then compared the resulting dataset with Real Property data identifying parcels receiving an agricultural assessment. There were 894 parcels that were not in the dataset that were receiving an agricultural assessment and, as a result, were added to the dataset. *Source: Onondaga County Real Property data, April 2021. For information on agricultural assessments, please visit <https://www.tax.ny.gov/research/property/assess/valuation/agindex.htm>.*
4. SOCPA GIS staff then overlaid the parcels in the County not in the agricultural parcel dataset with cultivated land data and visually inspected each parcel containing cultivated land to try to determine if it was being used for agriculture. This resulted in an additional 1,229 parcels being added to the dataset. Please note that this review was largely limited to parcels larger than 5 acres due to time constraints. As a result, there may be parcels smaller than 5 acres that are contributing to agricultural operations that are missing from the dataset. *Cultivated Land Data Source: USDA, NASS, 2020 Cultivated Layer; Aerial Photography Source: Pictometry, Spring 2021*
5. SOCPA GIS staff then compared the resulting dataset to a dataset of protected farmland and added 11 parcels that were part of a conservation easement. Protected Farmland Data Source: SOCPA, City of Syracuse Department of Water

While the resulting agricultural parcels dataset is a fairly comprehensive inventory of agricultural land in the County, there are undoubtedly agricultural lands missing. This dataset should be updated and continually improved over time.

# ONONDAGA COUNTY

## AGRICULTURE & FARMLAND PROTECTION PLAN



*Agricultural parcels in Onondaga County*

Farmland protection suitability for each parcel was rated based on four categories: soils, agricultural density or proximity, natural resources, and development pressure. The methodology for determining a score for each category and an overall score is as follows:

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### SOILS

The agricultural parcels dataset was overlaid with soils data and the acreage of Prime Soils, Prime Soils if Drained, and Farmland of Statewide Importance was calculated for each parcel. The soils score for each parcel was then calculated as follows:

$$\begin{aligned} & \text{(Acres of Prime Soils / Total Parcel Acres * 6) +} \\ & \text{(Acres of Prime Soils if Drained / Total Parcel Acres * 2) +} \\ & \text{(Acres of Farmland of Statewide Importance / Total Parcel Acres * 4)} \end{aligned}$$

# ONONDAGA COUNTY

## AGRICULTURE & FARMLAND PROTECTION PLAN

This methodology prioritizes Prime Soils, then Farmland of Statewide Importance, then Prime Soils if Drained over other, less productive soil types in the County. The maximum soils score a parcel can receive is 6 and the actual range of values in the data is 0 – 6, with an average score of 3.92.



*Prime Soils*

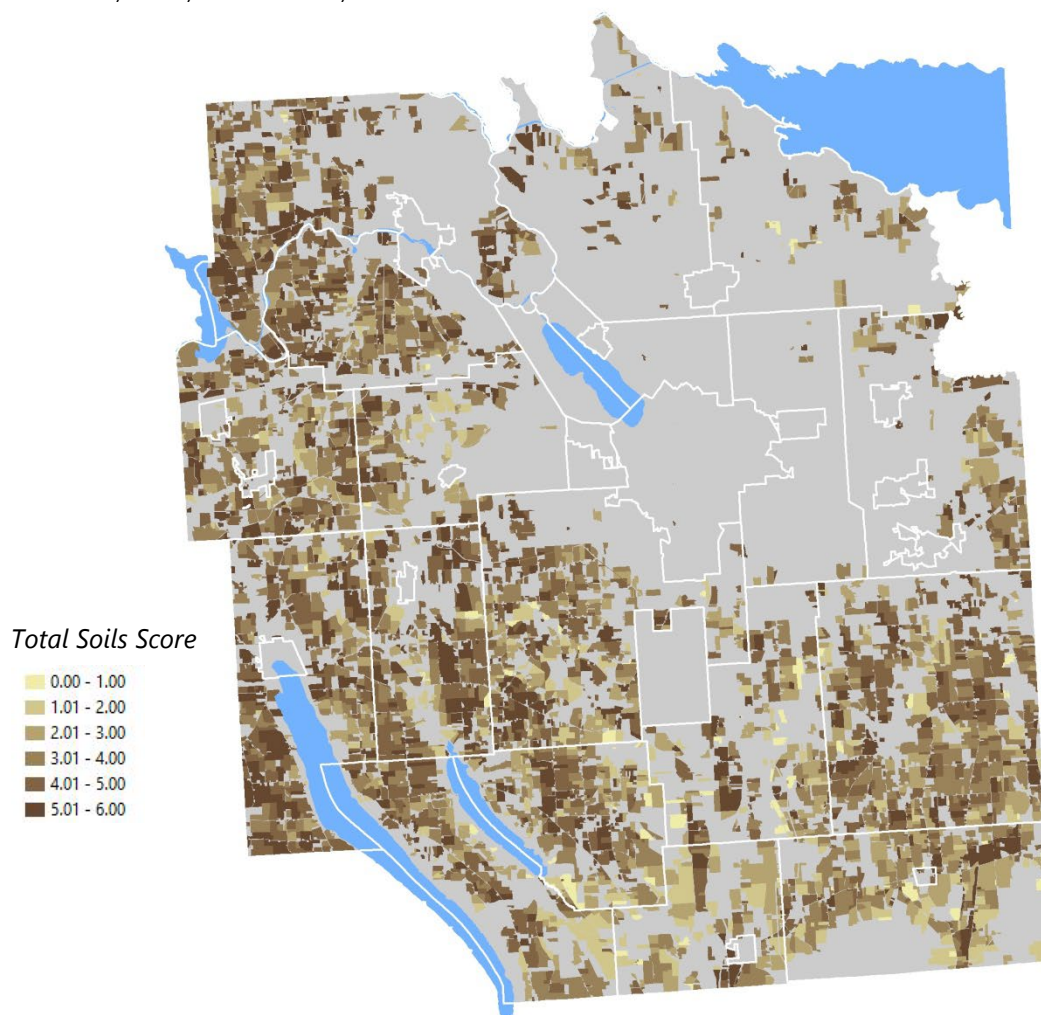


*Prime Soils if Drained*



*Farmland of Statewide Importance*

Source: USDA, NRCS, SSURGO Soils, 2016



# ONONDAGA COUNTY

## AGRICULTURE & FARMLAND PROTECTION PLAN

### AGRICULTURAL DENSITY

There are four criteria that were used to evaluate the extent to which parcels are contributing to agricultural density or are proximate to other agricultural lands: parcel size; proximity to permanently protected farmland; if the parcel is receiving an agricultural assessment; and the amount of cultivated land on the parcel.

1. Parcel size was scored by dividing the acreage of the parcel (as calculated based on the parcel boundary data in the County's GIS) by the maximum parcel acreage in the agricultural parcels dataset (the largest parcel is 615 acres) and multiplying the result by 2.

#### **(Parcel Acres / Max Parcel Acres) \* 2**

This methodology prioritizes larger parcels over smaller parcels. Parcel sizes in the agricultural parcels database range from less than 1 acre to 615 acres. The maximum size score a parcel can receive is 2 and the actual range of values in the data is 0 – 2. *Parcel Acreage Data Source: Onondaga County Parcel Data, 2021*

2. Proximity to permanently protected farmland was determined by measuring the distance of each parcel to the nearest farmland that is protected through a perpetual conservation easement. Parcels **within 500'** of protected farmland received a **2**; parcels greater than 500' from protected farmland but **within ½ mile** received a **1**; parcels greater than ½ mile but within 1 mile received a **0.5**; parcels **greater than 1 mile** from protected farmland received a **0**. This methodology prioritizes parcels that are closer to previously protected farmland. The maximum score a parcel can receive is 2 and the actual range of values in the data is 0 – 2. *Protected Farmland Data Sources: Syracuse-Onondaga County Planning Agency, 2022; City of Syracuse Department of Water. Note: The protected farmland dataset is only approximate and may not reflect the final, surveyed easements. The data is intended for general planning purposes only. The dataset includes completed and in progress projects.*
3. Parcels receiving an agricultural assessment were determined using Real Property data. Parcels **receiving an agricultural assessment** were scored a **1** and those **not receiving an agricultural assessment** were scored a **0**. This methodology prioritizes parcels that are receiving an agricultural assessment and have therefore been documented to be contributing to a farm operation. The maximum score a parcel can receive is 1 and the actual range of values in the data is 0 – 1. *Agricultural Assessment Data Source: Onondaga County Real Property Data, April 2021*
4. The amount of cultivated land on each parcel was determined by overlaying the agricultural parcels dataset with USDA cultivated land data. The cultivated land score for each parcel was then calculated as follows:

#### **Cultivated Acres / Total Parcel Acres**

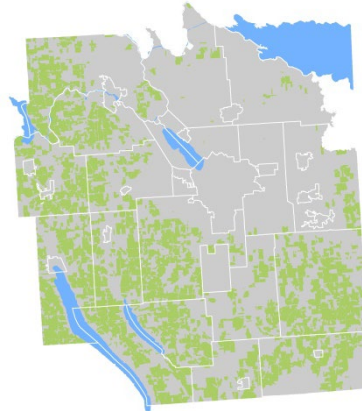
This methodology prioritizes parcels where a larger percentage of the land appears to be in agricultural production. It is worth noting, however, that not all agriculture requires cultivated land. The maximum score a parcel can receive is 1 and the actual range of values in the data is 0 – 1. *Cultivated Land Data Source: USDA, NASS, 2020 Cultivated Layer*

# ONONDAGA COUNTY

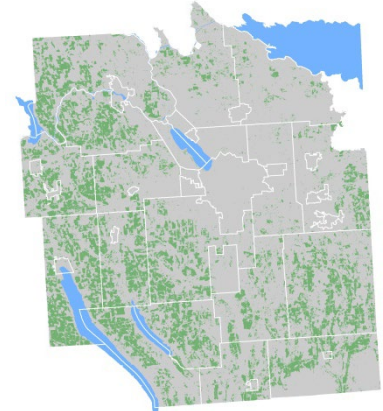
## AGRICULTURE & FARMLAND PROTECTION PLAN



*Protected Farmland*



*Parcels Receiving an  
Agricultural Assessment*



*Cultivated Land*

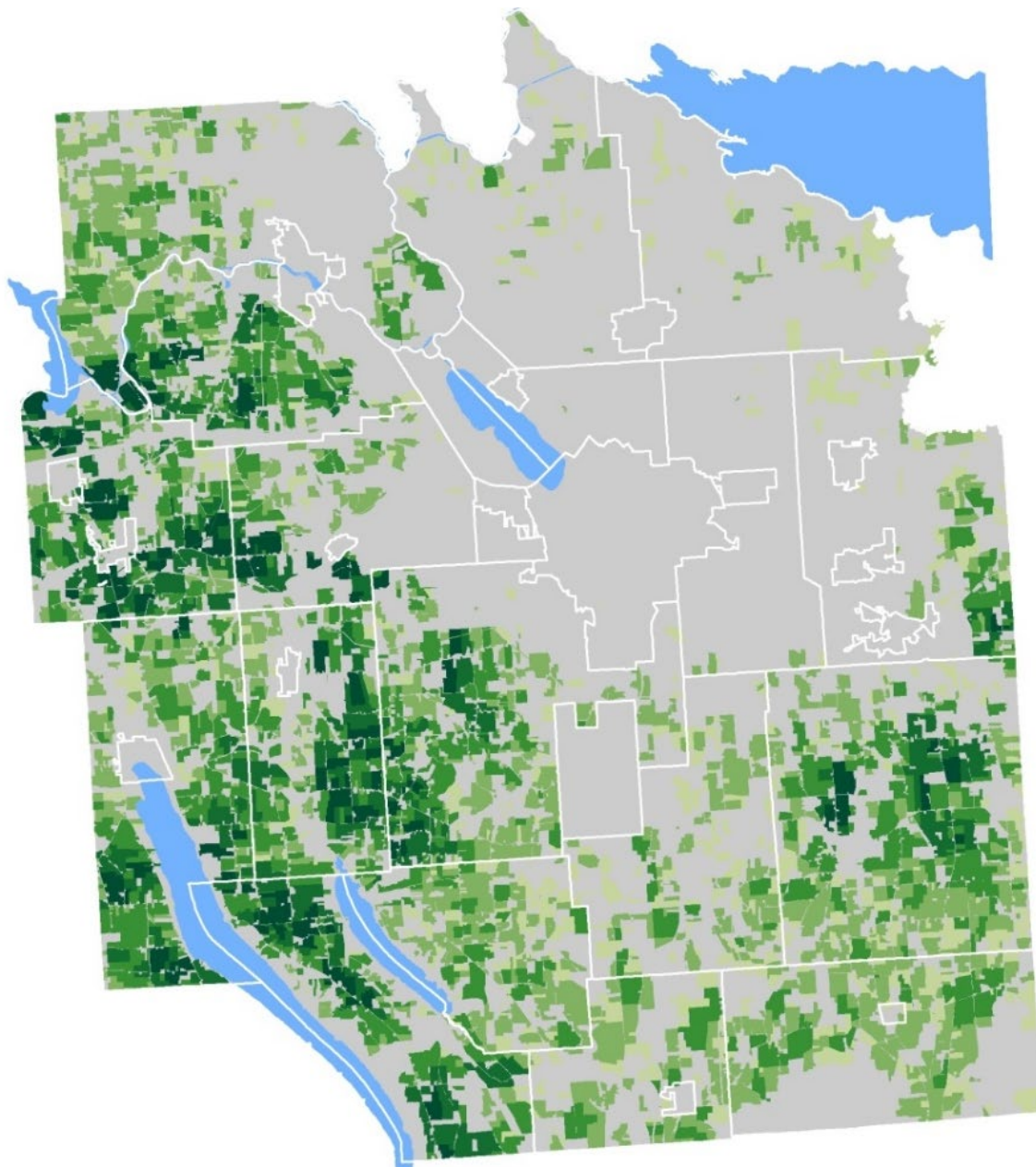
Note that parcel size is also included in the analysis as a numeric variable (not a categorical variable), but not included in the maps above to avoid inaccurate representation of the data. The total agricultural density score was then calculated as follows:

$$\text{Size Score} + \text{Proximity to Protected Farmland Score} + \text{Agricultural Assessment Score} + \text{Cultivated Land Score}$$

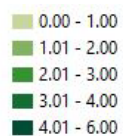
# ONONDAGA COUNTY

## AGRICULTURE & FARMLAND PROTECTION PLAN

The maximum score a parcel can receive is 6 and the actual range of values in the data is 0 – 4.98, with an average score of 1.72.



*Total Agricultural  
Density Score*



# ONONDAGA COUNTY

## AGRICULTURE & FARMLAND PROTECTION PLAN

### NATURAL RESOURCES

There are six criteria that were used to evaluate the extent to which parcels would serve to protect or buffer valuable natural resources and assets: within a drinking water supply watershed; proximity to wetlands; presence of floodplains; proximity to a protected stream or waterbody or other major lakes or ponds; proximity to a public park, land trust owned, or other protected property; and within a scenic viewshed.

1. Parcels **within a drinking water supply watershed** (Otisco Lake and Skaneateles Lake) **or aquifer** (Baldwinsville and Cortland-Homer-Preble) received a score of **1** while parcels **outside** of those areas received a **0**. This methodology prioritizes parcels that can play a role in drinking water quality protection. The maximum score a parcel can receive is 1 and the actual range of values in the data is 0 – 1. *Watershed Data Source: USGS, 2021 Aquifer Data Source: USGS, NYSDEC, 2008*
2. Parcels that **contain a State or Federal wetland** received a score of **0.5**; parcels **within 100'** of a State or Federal wetland received a score of **0.25**; parcels more than 100' from a State or Federal wetland but **within 500'** received a score of **0.1**; and parcels **further than 500'** from a State or Federal wetland received a score of **0**. This methodology prioritizes parcels that contain or are proximate to State or Federal wetlands. The maximum score a parcel can receive is 0.5 and the actual range of values in the data is 0 – 0.5. *Federal Wetlands Data Source: USFWS, 2021. State Wetlands Data Source: NYSDEC, 2010*
3. Parcels that **contain a FEMA designated floodplain** received a score of **0.5** and parcels that **do not contain a floodplain** received a score of **0**. This methodology prioritizes parcels that contain FEMA designated floodplains. The maximum score a parcel can receive is 0.5 and the actual range of values in the data is 0 – 0.5. *Floodplains Data Source: FEMA, 2016*
4. Parcels that **contain a protected stream or waterbody or other major lake or pond** received a score of **1**; parcels **within 100'** of a protected stream or waterbody or other major lake or pond received a score of **0.5**; and parcels **more than 100'** from a protected stream or waterbody or other major lake or pond received a score of **0**. This methodology prioritizes parcels that contain or are proximate to protected streams or waterbodies or other major lakes or ponds. The maximum score a parcel can receive is 1 and the actual range of values in the data is 0 – 1. *Protected Streams and Waterbodies Data Source: NYSDEC, 201. Major Lakes and Ponds Data Source: SOCPA, 2022.*
5. The distance to the nearest public park, land trust owned, or other protected property was calculated for each parcel. For parcels **within 1 mile** of a park, land trust, or other protected property, the proximity to parkland score for the parcel was calculated as follows:  
$$(5,280 - \text{Distance to Park}) / 5,280 * 0.5$$

Parcels **more than 1 mile** from a park, land trust owned, or other protected property received a score of **0**. This methodology prioritizes parcels that are proximate to public parks, land trust owned, or other protected properties. The maximum score a parcel can receive is 0.5 and the actual range of values in the data is 0 – 0.5. *Parks Data Source: SOCPA, 2022. Land Trust Property Data Source: SOCPA, 2022. City of Syracuse Protected Properties Data Source: City of Syracuse Department of Water*
6. Parcels **within the first mile of the viewsheds of Routes 20 and 80** received a score of **0.5** while parcels **not in the viewsheds** received a score of **0**. This methodology prioritizes parcels within the first mile of the viewsheds of scenic Routes 20 and 80. The maximum score a parcel can receive is

# ONONDAGA COUNTY

## AGRICULTURE & FARMLAND PROTECTION PLAN

0.5 and the actual range of values in the data is 0 – 0.5. *Viewshed Data Source: Derived from USGS DEMS.*



*Drinking Water Supply Watersheds and Aquifers*



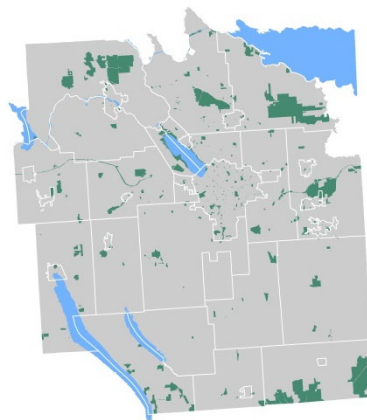
*State and Federal Wetlands*



*Floodplains*



*Protected Streams and Waterbodies and other Major Lakes and Ponds*



*Public Parks, Land Trust Owned, and Other Protected Properties*



*Routes 20 and 80 One Mile Viewshed*

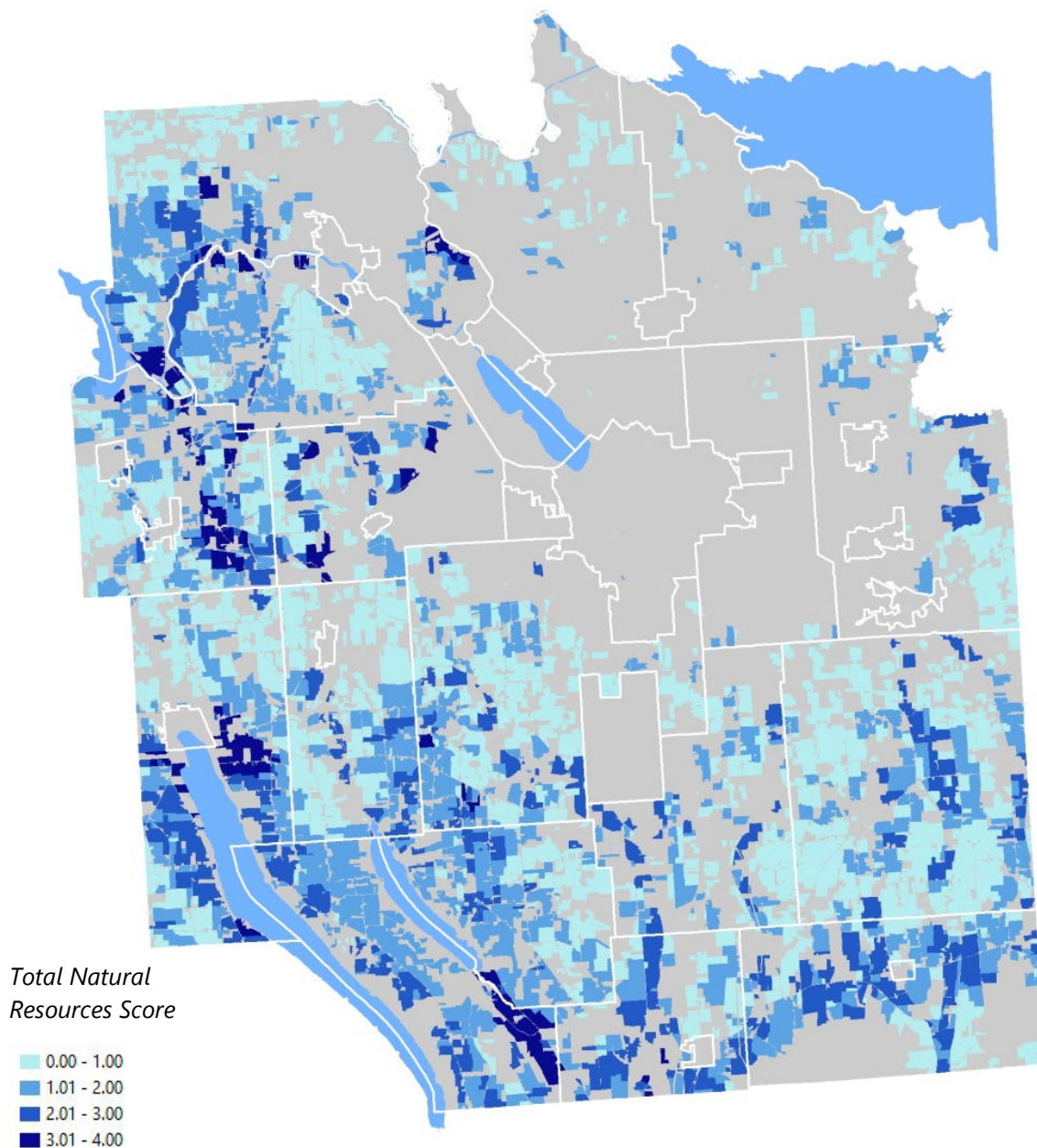
The total natural resources score was then calculated as follows:

# ONONDAGA COUNTY

## AGRICULTURE & FARMLAND PROTECTION PLAN

**Drinking Watershed Score + Wetlands Score + Floodplains Score + Protected  
Score + Parks Score + Viewshed Score** **Waterways**

The maximum score a parcel can receive is 4 and the actual range of values in the data is 0 – 4, with an average score of 1.18.



### DEVELOPMENT PRESSURE

There are five criteria that were used to evaluate the extent to which each parcel faces development pressure: proximity to major electric transmission lines; proximity to public water service; proximity to public wastewater service; proximity to recently developed properties; and proximity to an interstate interchange.

# ONONDAGA COUNTY

## AGRICULTURE & FARMLAND PROTECTION PLAN

1. The distance to the nearest major electric transmission line was calculated for each parcel. For parcels **within 1 mile** of a transmission line, the proximity to electric score for the parcel was calculated as follows:

### (1 mile – Distance to Transmission Line)

Parcels **more than 1 mile** from a transmission line received a score of **0**. This methodology prioritizes parcels that are proximate to major electric transmission lines. The maximum score a parcel can receive is 1 and the actual range of values in the data is 0 – 1. *Major Electric Transmission Line Data Source: SOCPA*

2. Parcels that **have public water service** available on site received a score of **1**; parcels **within 500'** of parcels that have public water service received a score of **0.5**; parcels more than 500' but **within ¼ mile** of parcels that have public water service received a score of **0.25**; and parcels **further than ¼ mile** from public water service received a score of **0**. This methodology prioritizes parcels that have or are proximate to public water service. The maximum score a parcel can receive is 1 and the actual range of values in the data is 0 – 1. *Public Water Service Data Source: Onondaga County and City of Syracuse Real Property Data, July 2021*
3. Parcels that **have public wastewater service** available on site received a score of **1**; parcels **within 500'** of parcels that have public wastewater service received a score of **0.5**; parcels more than 500' but **within ¼ mile** of parcels that have public wastewater service received a score of **0.25**; and parcels **further than ¼ mile** from public wastewater service received a score of **0**. This methodology prioritizes parcels that have or are proximate to public wastewater service. The maximum score a parcel can receive is 1 and the actual range of values in the data is 0 – 1. *Public Wastewater Service Data Source: Onondaga County and City of Syracuse Real Property Data, July 2021*
4. Nearby development was determined by counting the number of residential or commercial properties developed since 2016 within 1 mile of each parcel. The development score was then calculated by dividing the number of developed properties within 1 mile of each parcel by the maximum number of properties developed within 1 mile of any parcel in the agricultural parcels dataset (210) and multiplying the result by 2.

### (# of Developed Properties / 210) \* 2

This methodology prioritizes parcels with development occurring nearby. The number of properties developed within 1 mile in the last 5 years in the agricultural parcels database ranges from 0 to 210. The maximum nearby development score a parcel can receive is 2 and the actual range of values in the data is 0 – 2. *Residential and Commercial Development Data Source: Onondaga County and City of Syracuse Real Property Data, November 2021*

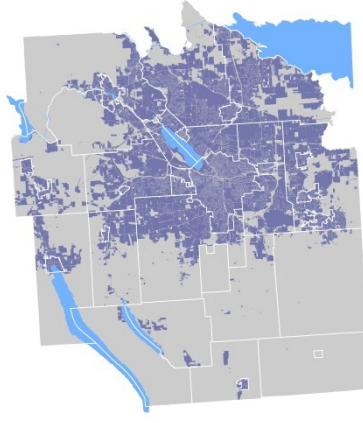
5. Parcels that **are within a 3-minute drive** of an interstate highway interchange received a score of **1**; parcels further than a 3-minute drive but **within a 5-minute drive** of an interstate highway interchange received a score of **0.5**; parcels further than a 5-minute drive but **within a 10-minute drive** of an interstate highway interchange received a score of **0.25**, and parcels **further than a 10-minute drive** of an interstate highway interchange received a score of **0**. This methodology prioritizes parcels that are proximate to interstate highway interchanges. The maximum score a parcel can receive is 1 and the actual range of values in the data is 0 – 1. *Streets and Interstate Highway Interchanges Data Source: SOCPA, 2022*

# ONONDAGA COUNTY

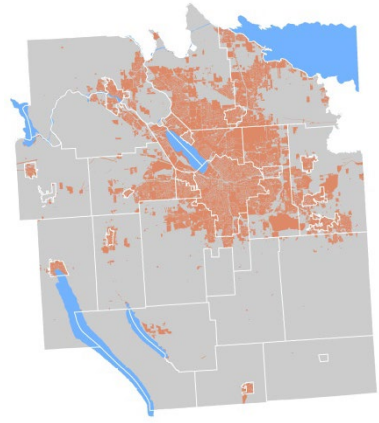
## AGRICULTURE & FARMLAND PROTECTION PLAN



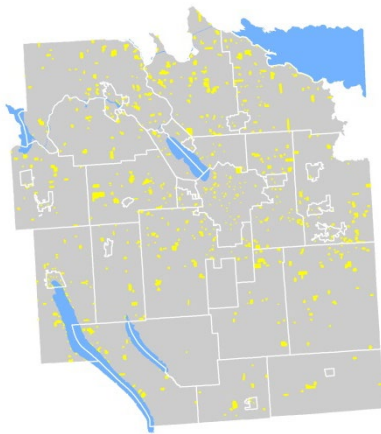
*Major Electric Transmission  
Lines*



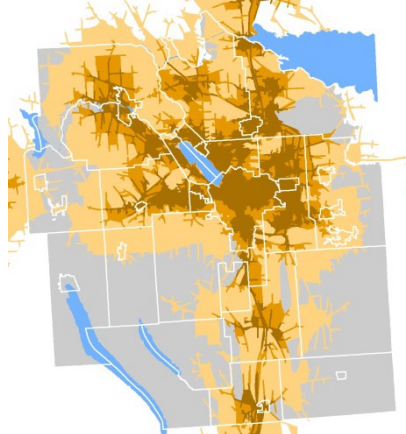
*Parcels with Public Water  
Service*



*Parcels with Public  
Wastewater Service*



*Properties Developed Since  
2016*



*3-, 5-, and 10-Minute Travel Times  
from Interstate Highway*

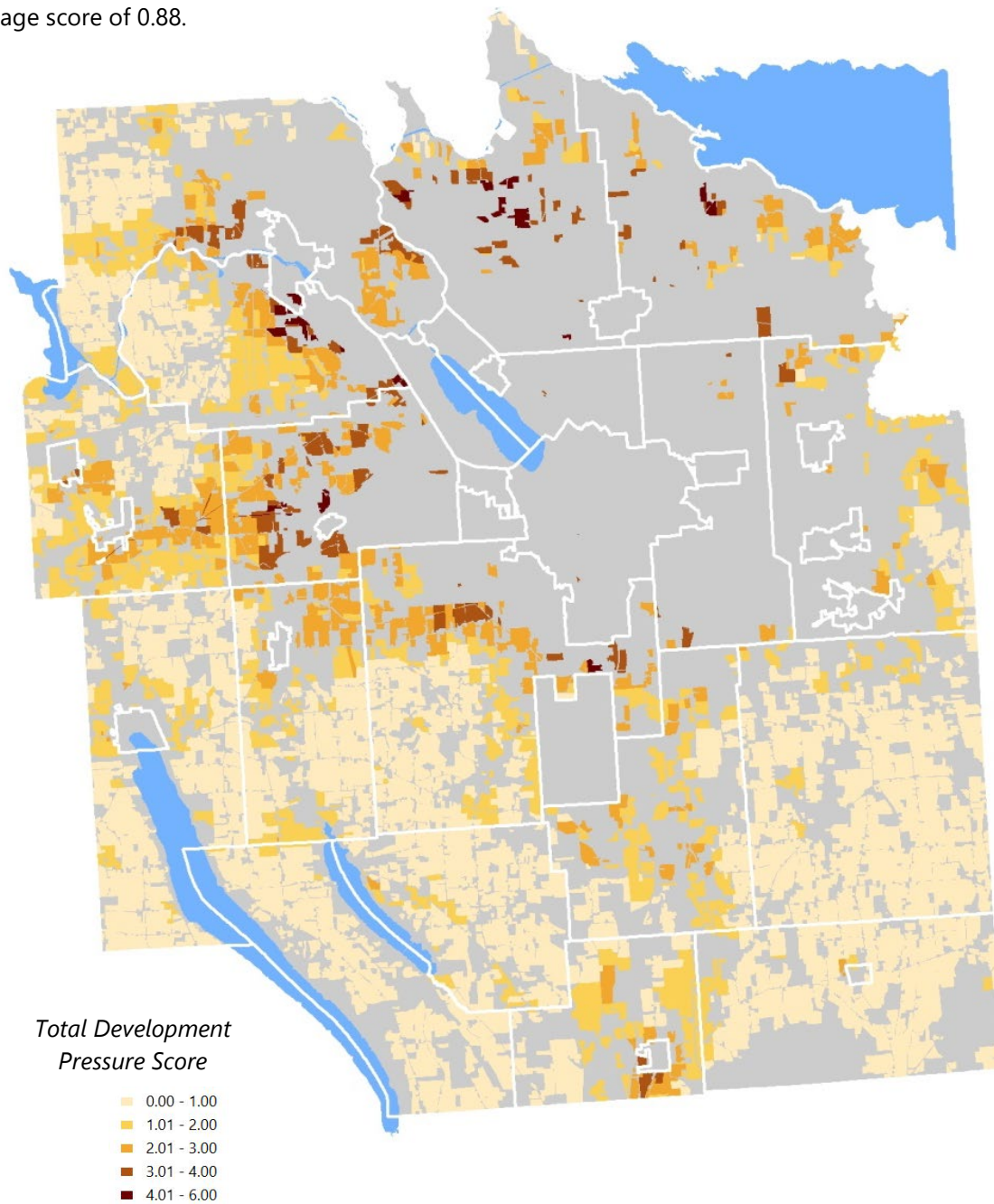
# ONONDAGA COUNTY

## AGRICULTURE & FARMLAND PROTECTION PLAN

The total development pressure score was then calculated as follows:

$$\text{Electric Score} + \text{Public Water Score} + \text{Public Wastewater Score} + \text{Development Score} + \text{Interstate Interchange Score}$$

The maximum score a parcel can receive is 6 and the actual range of values in the data is 0 – 5.41, with an average score of 0.88.



# ONONDAGA COUNTY

## AGRICULTURE & FARMLAND PROTECTION PLAN

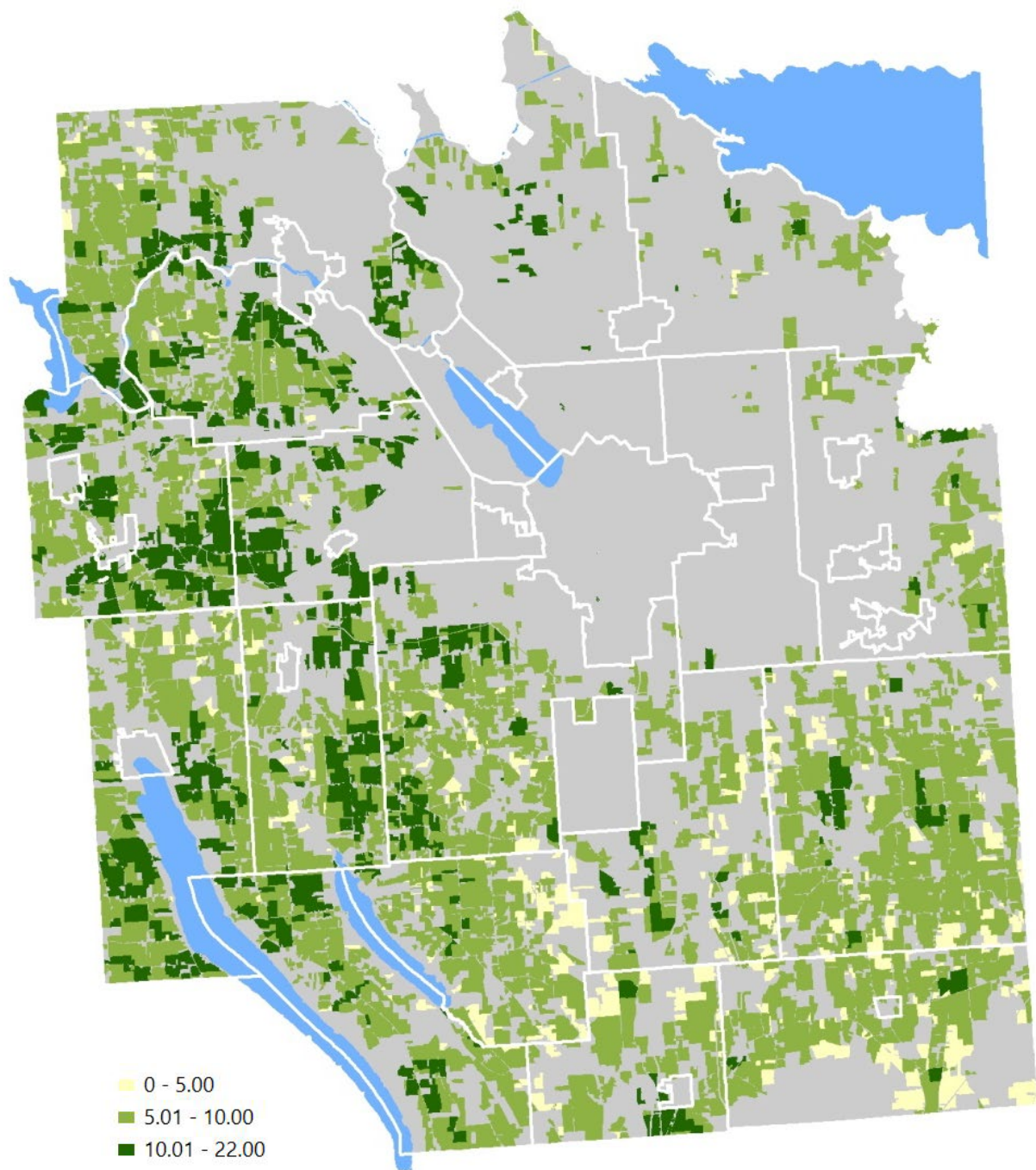
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### TOTAL FARMLAND PROTECTION SUITABILITY SCORE

The total farmland protection suitability score was then calculated as follows:

$$\text{Soils Score} + \text{Agricultural Density Score} + \text{Natural Resources Score} + \text{Development Pressure Score}$$

The maximum score a parcel can receive is 22 and the actual range of values in the data is 0.94 – 14.72, with an average score of 7.71.



# ONONDAGA COUNTY

## AGRICULTURE & FARMLAND PROTECTION PLAN

### APPENDIX D: POTENTIAL FUNDING AND FINANCING RESOURCES

#### COUNTY AND REGIONAL RESOURCES

Onondaga County Agriculture Council

- Partner program grants and assistance
- Land Trust partnership grants

Onondaga County IDA

- Revolving Loan Programs
- Sales tax exemptions
- Real property tax exemptions
- Mortgage recording tax exemptions

Central New York Regional Economic Development Council

- REDC CNY Rising
- Regional Council Capital Fund
- Rural Initiative Program (administered by IDA)
- Shovel Ready Program – Infrastructure Fund

Community Foundation

CNY Regional Planning and Development Board

Onondaga County Cornell Cooperative Extension

Onondaga County Soil and Water Conservation District

RPDB (in profile chapter)

Are programs administered by CCE and SWCD Programming covered?

#### STATE RESOURCES

Department of Agriculture & Markets

- Farmland Protection Planning Program
- Agricultural Nonpoint Source Abatement and Control Program
- Good Agricultural Practices Certification Assistance Program
- Organic Certification Reimbursement Program
- Specialty Crop Block Grant
- Land Trust Grants Program
- NYS Climate Resilient Farming Program
- Farm To Schools Program
- Source Water Buffer Program

Empire State Development

- New Farmers Grant Fund
- Environmental Investment Program

# ONONDAGA COUNTY

## AGRICULTURE & FARMLAND PROTECTION PLAN

- Healthy Food & Healthy Communities Fund
- Regional Council Capital Fund
- Strategic Planning and Feasibility Studies Program
- Economic Development Fund
- Economic Development Purposes Grant Program
- Grow-NY Innovation Competition (in partnership with Cornell University and NYS Center of Excellence for Food & Agriculture)

### Energy Research & Development Authority

- Agriculture Energy Audit Program
- Energy Best Practices for Agriculture
- NY-Sun Solar Program

### Homes and Community Renewal

- Farmworker Housing Grants

## FEDERAL RESOURCES

### Federal Emergency Management Agency

- Hazard Mitigation Assistance grants
- Building Resilient Infrastructure and Communities (BRIC)

### USDA

- Market Access Program
- Beginning Farmers and Ranchers Development Program
- Farm and Food Workers Relief grant program

### USDA Natural Resource Conservation Service

- Agricultural Management Assistance Program
- Conservation Reserve Program
- Agricultural Conservation Easement Program
- Environmental Quality Incentives Program
- Healthy Forest Reserve Program
- Conservation Stewardship Program
- Wildlife Habitat Incentives Program
- Emergency Conservation Program
- Conservation Technical Assistance Program

### USDA Farm Service Agency loans and other financial assistance programs

- Direct Farm Ownership loans
- Direct Farm Operating loans and microloans
- Emergency loans
- Disaster Assistance Programs
- Conservation loans
- Youth loans
- Land Contract Guarantees
- Biomass Crop Assistance Program
- Farm Storage Facility Loan Program

# ONONDAGA COUNTY

## AGRICULTURE & FARMLAND PROTECTION PLAN

### USDA Rural Development loan programs

- Rural Microentrepreneur Assistance Program
- Rural Energy for America Program
- REAP Guaranteed Loans
- Farm Labor Housing Loans and Grants Program
- Rural Business Investment Program

### USDA Rural Development grant programs

- Value-Added Producer Grant Program
- Rural Business Enterprise Grants Program
- Rural Business Opportunity Grants Program
- Rural Energy for America Program
  - REAP Grants
  - Energy Audit
  - Renewable Energy Development Assistance
  - Renewable Energy Systems/ Energy Efficiency Improvement Program
- Rural Cooperative Development Grant Program
- Small Socially Disadvantaged Producer Grant Program

### USDA National Institute of Food and Agriculture

- Small Business Innovation Research Program
- Community Food Projects Competitive Grants Program

### USDA Agricultural Marketing Service

- Farmers' Market Promotion Program
- Local Food Promotion Program
- Organic Cost Share Program

### US Small Business Administration

- 7(a) General Small Business Loan Program
- Microloan Program
- CDC/504 Real Estate & Equipment Loan Program
- Disaster Loan Program

### US Environmental Protection Administration

- Environmental Education Grants

## OTHER RESOURCES

### Farm Credit East private loans

- FarmStart
- Young, Beginning, Small Farmer Incentive Program
- CountryFlex equity loans

### New York Farm Bureau Foundation for Agricultural Education

### Northeast Region Sustainable Agriculture Research and Education (SARE)

- Farmer grant program
- Partnership grant program

# ONONDAGA COUNTY

## AGRICULTURE & FARMLAND PROTECTION PLAN

- Sustainable Community grant program
- Graduate Student grant program
- Professional Development grant program
- Research and Education grant program
- Agroecosystems Research grant program
- Conference and Workshop Support (technical assistance)

NY Farm Viability Institute grant programs:

- Agricultural Innovation Center
- Outreach and Applied Research

Private Foundations

- 1772 Foundation Grants for Northeast Farmland Preservation
- The Fruit Guys Community Fund
- Wells Fargo Environmental Grant Program
- Monsanto Fund
- Cargill Foundation
- Northeast Agricultural Education Foundation
- The Wallace Center at Winrock International Farm Assistance Grant Program
- Jessie Smith Noyes Foundation Sustainable Agriculture and Food Systems Grant Program
- Animal Welfare Approved Good Husbandry Grant Program
- Surdna Foundation Regional Food Supply Grant Program
- Hannaford Charitable Foundation
- Save-a-Lot community giving program

### APPENDIX E: COMMUNITY INPUT

This appendix features materials used at community engagement events held throughout the planning process.

# ONONDAGA COUNTY

## AGRICULTURE & FARMLAND PROTECTION PLAN

### MUNICIPAL SURVEY

Municipal representatives were engaged over the Summer of 2021 through an online survey and online meetings related to the Farm Friendly Toolbox and Municipal Assessments. The municipal survey was created to provide an opportunity through which representatives of Onondaga County municipalities could provide specific input regarding the state of agriculture in their municipalities, issues or opportunities, and topics of local interest related to agriculture.

Survey respondents reported several noticeable changes to agriculture in recent years, with the most noticeable changes resulting in a decrease in smaller/mid-sized farms that are getting purchased by larger farms. There was also a noticeable increase in agritourism over recent years.

The top benefits of agriculture for municipalities, as reported by survey respondents, included low demands on municipal services and open space and views that increased adjacent land values. The top challenges facing agriculture include residential encroachment, labor shortages, and retirement/succession planning. Survey respondents reported manure application/storage/transportation as the number one conflict between farmers and non-farmers, followed by urban sprawl and acreage requirements for animals.

Placeholder: AFBP Meeting notes

AFPP FOCUS GROUP: ENVIRONMENT  
Nov 29, 10am

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Attendees:

Brian Reeves, Reeves Farm, AFPB Board Chair  
Mark Tucker, Tucker Farm, AFPB Board Member  
Frank Moses, Skan Lake Association  
Tim Creamer, Otisco Lake Preservation Association  
Tarki Heath, Tully/Kettle Lakes Association  
Jeanie Gleisner, CNY Regional Planning & Development Board  
Rich Abbott, Syracuse Water Department, Watershed Quality Manager  
Raymond Heer, Heer Farms (no till crop farm)  
Will & Patrick Frazee, Frazee Farms  
Christina Kohler, Hudson Egg Farms  
Lynn Lunch, President of Eno Point Campers Assoc and Op Mgr at Scolarlo law firm  
Keith Ward, Tiognioga Lake Pres Found  
Jim & Ryker Smith, Tre-G Farms, Farm Bureau  
Mark Burger, OC SWCD  
Travis Glazier, On Co Office of the Environment  
Erica Tauzer & Jane Rice, EDR  
Dan Kwasnowski & Megan Costa, SOCPA  
David Skeval & Hilary Chartron-Barthowamew, CCE

Icebreakers:

Advantages:

Lot of Farmland  
Great Soils  
What County doing to engage in pride in OnCo farms, marketing being done  
Accessibility to our farms in the region  
Proximity to transportation assets for agritourism and markets  
Water Supply for Agriculture

Difficulties:

Need more education of non-ag folks in county, Skan Lake Wshed (eg. manure nutrient applications)  
Farmers being persecuted for meeting quality standards

County Support:

Water – common sense approach to water management, allow farmers to keep farming (with innovative solutions and financial help) since all  
Crossroads/Sweet Spot in watershed  
Reducing risk of too much water, with climate change  
Difficulties with too much water, but also times with inadequate water  
Stronger education posture for getting word out for what being done and how successful they are  
Water is near and dear, with so many benefits, but can be bane of existence  
Issues with runoff, better controls as far as nutrient load

Bridge between preserving ag nutrients for ag benefit as well as for watershed protection (farmers don't want to lose those nutrients)

Build pride around good works done to help shift negative attitudes, lot of opps

Anticipate climate change impacts – some kind of resiliency planning program specific to ag community; be prepared for drought

Solar - exercise in T Clay, solar as option for ag operations; some guidance for towns so they don't create policies that prohibit flexibility by farmers; lot of externalities that solar on ag may be able to benefit

PLUG: Hazard Mitigation Plan and Solar Guidance

Slides...

Jamboard:

Natural Resource Concerns:

Pollinators – colony collapse; threats to pollinators

Solar – healthy balance? Overdue state level guidance to idea that state/prime soils ;

Soils are never the same, short term 30 years are non productive ag land

What site prep stds help? How to avoid earthen work, how to blend

Soil types best bet, presence of scrub/brush on top is an indicator

Water Quality - runoff

Resiliency – seeing the highs and lows, are they the new norm? lots more 100 year storms, can only design stream stabilization to certain extent, so what are we doing to look at that in the future; what new opps? Wetlands? Shotwell project example;

Capacity – threats larger than remedy?

Folks chomping for immediate fix, but also marathon running important

Not combine subwatersheds

Challenge to improve capacity

Otisco – challenges looking at streams, ditch cleaned by county, runs through 3 props, then under road, barriers are the cooperation from all parties, best to control the stream, and ID responsibility for payment and/or liability, especially downstream

This is the 'back and forth' blame issue

On lakeside can do better maintaining septic and resid runoff, pointing up the hill and down the hill

Land use and land clearing

Solar great on marginal or grazing land but towns resisting,

Find alternate sites – town bldgs.

Tax burden on farmers

Syr water – 62 farm ops down to 46 , fewer operators

Resid and commercial constr, high septic discharge on poor septic soils

Initially farmland, now proposed for devel on poor septic

Dollar value high, developers seeking large tracts of land, and concentrating septic effluent on lots

Concentrating septic

Land devel a major issue

Wetlands – ecosystems services that wetlands provide, anything to conserve open wetlands and potentially create new wetlands/basins in low lying areas for drought times, may be a resiliency action

World renowned watershed protection program (Skan and Otisco/OPWA), but no coordinated watershed effort on others (Seneca, Oneida, Onondaga, Tioghniga, etc.)

How do we get more resources, partnerships, funding etc to other non-drinking watersheds

State co local need to put \$ in those watersheds, ag council

Keith – areas where drinking water, better controls, initiate some controls, very hard to get funding, still heavy rains last few years, lots of inflow/debris, and upper part another issue

Detention basins needed, some control of water

Working with farmers, some changes for when they spray, etc..

Lack of funding for those areas, lot of damage being done, and all those places flow somewhere just as needed

If there are lands going out of production, anecdotally more real estate stresses, if there's something there where might not be ag, but smart growth, infrastructure, 50% match to upgrade septic, etc.

Increase sewer lines on Skan Lake to take pressure off farming community

Role of Land Trusts in Farmland Transition

Need to remember sometimes an unintended consequence of water sewer lines is development of that previously open land (eg. water/sewer that went along southern shore Oneida Lake a few years ago)

Will Frazee - chemical or; anyone on lake associations have data what major concerns are? ID relative to nutrients, ID to what degree septic the issue vs ag

Frank - ESF Hyatt Green? Pilot PCR DNA analysis, human, ag, geese, etc.. some scientific options of interest; 9 element plan with data/modeling; SU representative streams characterization of ag/forest coverage in sub-watersheds could do modeling – Initial take on what you've looked at?

Loss of lake buffers!

30k view: great water quality protection; great natural systems, make sure we're maintaining and not creating new problems, and have resources

Monitoring important

Work Needed:

Volunteer monitoring programs?

Homeowners?

Conservation efforts collaborative in nature

Need to have highway depts. involved when talking about water quality (deicing, esp near steep slopes)

Want farms to have buffer of road ditches, and doing great work on-farm, but if Hwy depts.

cleaning/clearing the actual road ditches irresponsibly, could use a gentle nudge

Do they maintain often enough? Do they maintain well?

WQUIP

NYS EPF most heavily used; used to be 30 now 3, fed \$ dried up

Sometimes the juice of state/fed programs isn't worth the squeeze?

Human resources to push the paperwork; how can entities change the process?

Tell Ag & Markets, others..

Patrick Frazee call:

In a nutshell - 1) be careful placing too much blame on farmers (last slide offensive?) and animal ag for water quality without data showing chemicals in the water; septic are also a core issue; horse farms not regulated, big offender at a local level; organic is not the answer, doesn't provide enough food, 2) He is on Pompey ZBA, and the threat to farming is small scale development, not manlius subdivisions, and 3) To measure solar impacts, suggests looking at yield data (says county collects?) vs soil type; also look for the mapping that shows grid capacity to ID areas susceptible to conversion, very small area in Pompey actually shows potential for solar because of grid capacity

### Frank Moses Follow Up

Some Ag related areas that did not come up today that might be of interest in terms of BMP implementation, education, and research -

- Air quality (esp. ammonia) and emissions reduction strategies
- Continuation of spill response efforts and educating watershed communities of what to look out for and who to call.
- Small farm strategies and efforts for those not participating in whole farm and/or Skaneateles Lake Watershed Ag Program
- Analysis on newly emerging agricultural markets and how they potentially compare to current farming market in regards to risk and opportunity assessment for water quality protection- ie. native plant nurseries, hops, hemp, etc.

### Jeanie Follow Up

One other thought, related to the issue of farm viability losses to residential development. I think it would be helpful to have a county-wide circuit-rider kind of effort specifically focused on conservation land use training for agricultural viability for municipal planning and zoning boards. I have found that, although we know the proven effectiveness of some of the tools George Franz introduced in the "Toolkit", municipal leaders almost always need more information on the details of the tools, how they work, case study examples, and assistance in setting up locally sensitive regulatory language when they are ready to act on those best practices. They don't generally ask for that level of assistance, and it's a challenging hill to climb to make the local level progress needed in terms of land use regulation updates.

# ONONDAGA COUNTY AGRICULTURE & FARMLAND PROTECTION PLAN

**Natural Resources Focus Group**

**November 29, 2021**



# ONONDAGA COUNTY AGRICULTURE & FARMLAND PROTECTION PLAN

## Prepared For

Onondaga County Agriculture & Farmland Protection Board (AFPB)  
Onondaga County Legislature

## Project Team

Syracuse-Onondaga County Planning (SOCPA)  
Cornell Cooperative Extension of Onondaga County (CCE)  
Onondaga County Soil & Water Conservation District (SCWD)

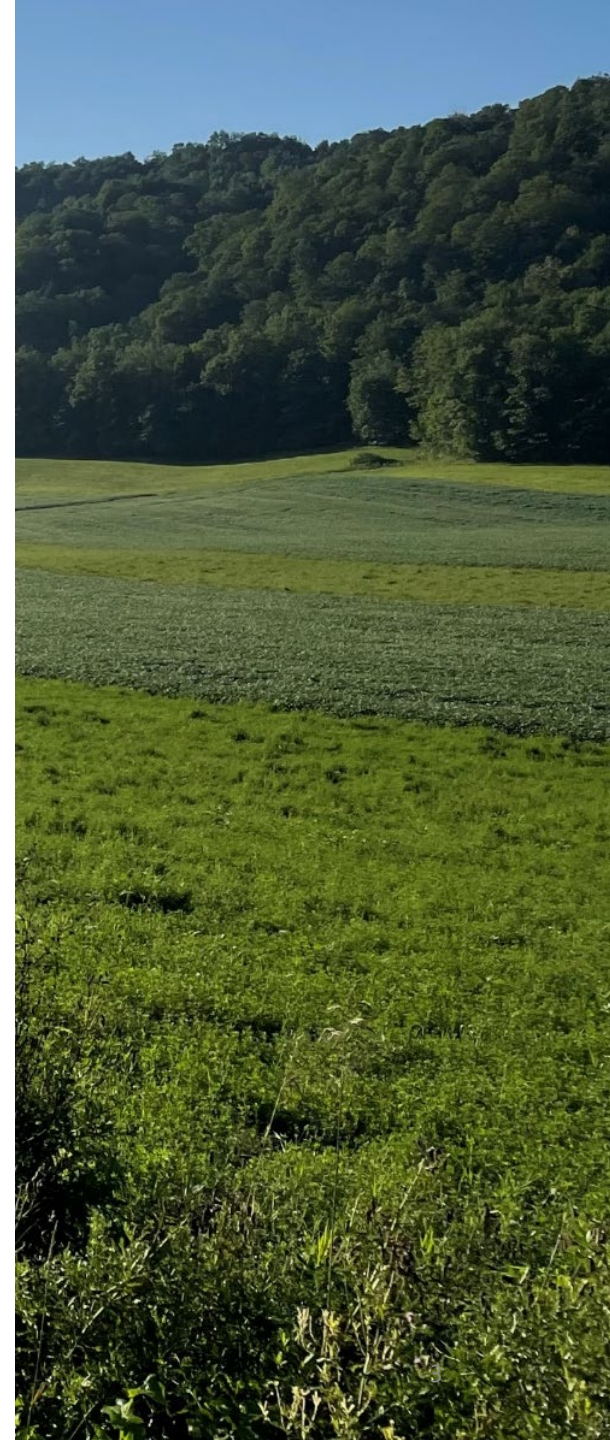
## Consultant Team

EDR (Environmental Design & Research)  
KK&P  
George Frantz & Associates



# Agenda

1. Overview of the Agricultural Plan (5 mins)
2. Ice Breaker Questions (15 mins)
3. Review of Relevant Data and Gaps (10 mins)
4. Focus Group Questions (1 hour)



# Purpose of Ag Plan

Report on the State of Onondaga County's Agriculture

Develop a Shared Vision for Agricultural Economic Development and Farmland Protection

Create Actionable Strategies to Increase Agricultural Viability

Increase public awareness and interest in Onondaga County agriculture



# Project Elements

Engagement - Farmers, Municipalities, & Public

Municipal Survey

**Focus Groups**

Public Meetings

Pop- Up Events

Website / Social Media

Agricultural Profiles

Community

Economic

Market Trend Assessment

Farm-Friendly Toolbox

Farmland Mapping Tool

**Vision & Goals for Agriculture**

**Implementation Plan**

Venture Proposals





# Purpose of Focus Groups

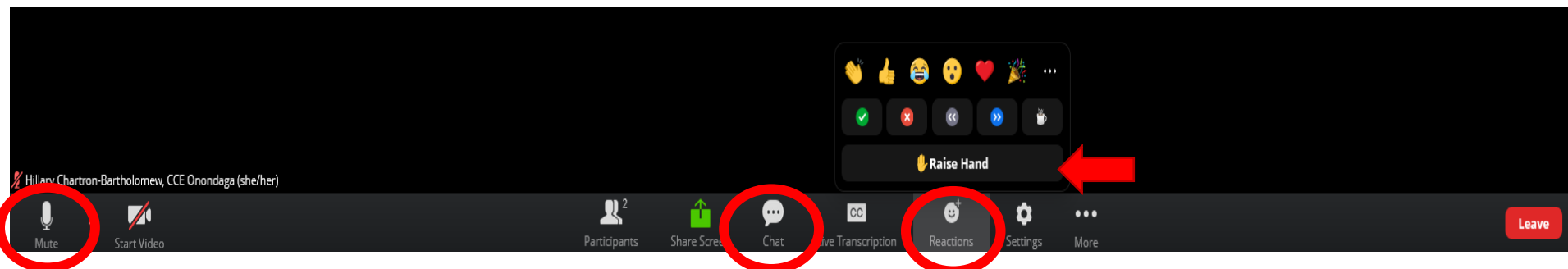
Let us know your thoughts on the county's agriculture & food system

- Environmental, economic, or social connections
- Impact of local resources and regulations
- Barriers and opportunities for growth and viability

# Basic Zoom Controls

- **Audio/Muting** – All participants will be muted upon entry, you can unmute to speak
- **Chat** – For technical issues or comments
- **Raise Hand** – To be called on so you may unmute and speak
- **Test it out** – Send your name and organization in the chat

*Helpful Hint: Move your cursor if controls disappear from your screen*



# General Questions / Ice Breakers

**Please introduce yourself briefly before answering!**

Local  
Advantages  
and Strengths

What are the advantages of Onondaga County over other areas when it comes to agriculture?

Local Needs &  
Barriers

What makes farming in Onondaga County difficult? What are ways to overcome these barriers?

Future Growth  
&  
Opportunities

How can Onondaga County better support agriculture and the local food system?

# General Questions

## Local Advantages and Strengths

**What are the advantages of Onondaga County over other areas when it comes to agriculture?**

## Local Needs & Barriers

What makes farming in Onondaga County difficult? What are ways to overcome these barriers?

## Future Growth & Opportunities

How can Onondaga County better support agriculture and the local food system?

# General Questions

Local  
Advantages  
and Strengths

What are the advantages of Onondaga County over other areas when it comes to agriculture?

**Local  
Needs &  
Barriers**

**What makes farming in Onondaga County difficult?  
What are ways to overcome these barriers?**

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# General Questions

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Barriers

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**Future Growth  
&  
Opportunities**

**How can Onondaga County better support agriculture and the local food system?**

# Soil & Agriculture

Soils in Onondaga County are some of the best in New York State, over 70% classified as important farmland soils.



# Water & Agriculture

Onondaga County has public drinking water sources from the Skaneateles Watershed and the Peble Aquifer.

Most farms within these areas have enrolled in the Whole Farm Planning process to address water quality concerns on farmland.

There are other private water systems near agricultural areas.



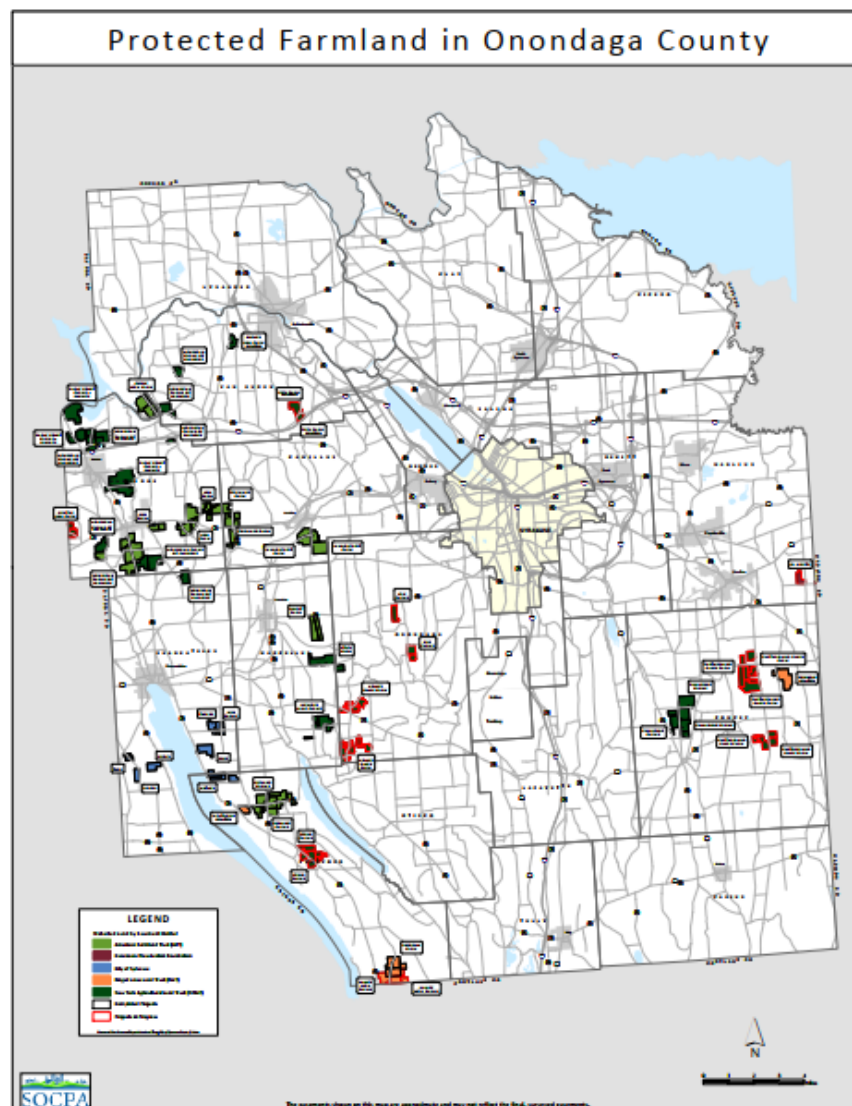
# Purchase of Development Rights (PDR) & Agriculture

## Protected lands through PDR in Onondaga County

- Over 30 farms protected
- Over 13, 000 acres protected

For more information on PDR visit:

<http://www.ongov.net/planning/pdr.html>



**Natural Resources Focus Group Jam-Board:**  
**<https://jamboard.google.com/d/14K12eKCZOuV42OoigQNopBYRKAZU1gXNSw31tWn92gE/edit?usp=sharing>**

## FG NOTES – FARM OPERATIONS

Nov 30 @ 11:00am

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Erica Tauzer  
Megan Costa  
Dan Kwasnowski  
Jane Rice  
George Frantz  
Bart Bossard  
Pat Frazee  
Will Frazee  
Brian Reeves  
Douglas Blumer  
Kevin Doody  
Ed Doody  
John Fatcheric  
Jim Smith  
Nancy Hourigan  
Lee Hudson

Slides...

### Scale + Needs

Small to Medium dairy: land base needed to farm – 1,700 acres operate (w/ cash crop)

Large to medium: smaller farm – direct marketing vs big claim determines what is needed vs consumer cost of food vs local + fresh

Medium size: land sub division regs would be beneficial

Very large: downsized to small with off farm income

Scale has changed/shifted: local muni leaders don't understand the needs and necessary impacts of farming

Medium – should we grow?

(3 family's) land based issues! Farmers are taking all the land.

2 county + 3 townships                      Sewer line being proposed which will generate pressure to develop land for non-farmer use

Location of new wells in ag/rural area

County Dept of Health

Sewer and water infrastructure: long-term planning with bigger picture

Pressures: next generation – who wants to run it?

Network can be fragile and mostly word of mouth – connection with educational institutions

Large – 3 counties, 4000 cows/9000 acres/75 employees (50 cows per worker)

Sm/Md/Lg (scale is people to animals)

Need the same land base (tight and competitive leasing) and need same labor  
Diversification – size – downsized dairy to be organic; robotic (minimal labor) increased efficiency  
Land owners may not be local and are not farmers

#### Land leasing

Waste disposal/community digester – is it worth the effort to invest?

Commercial digging: increases trucking  
300 trucks to empty manure pit – one farm with 300 +/- cows. Com. Dig. Will triple truck traffic  
On farm digester – one (word with a t) to run several on-farm digesters

Carbon credit vs food waste in digester

Labor issues: biggest competitor for labor is government (handy work up, benefits and predictable hours)

Slintekote

\$ per unit needs to go up

#### Land Use

Solar – looking for location to transmitter or substation; should move transmission lines to better land that is not prime land.

State agencies should be more progressive with long-term planning

Soil recovery time? Decommission plan?

Stop light approach – go (green), maybe pause (orange), no go (red) – incentives, disincentives, fees

Renewable energy via methane: market rate for energy produced by methane digester

Broadband high-speed internet services necessary for farms to become technically more efficient

Milk processing is trending issue: labor issues, inefficient and out of today's standards, need aseptic processing needed

Update technology– need investment into newer technology - co-ops need assistance

Subsidy – Social Issues – Political Issues

Strategic: educational campaign – law makers, middle business person, \_\_? , \_\_? ?

Spokesperson as 1<sup>st</sup> line of defense

How do we get general public to understand farming and farmers?

Onondaga Grown campaign

City support/subsidize purchase of local food for school age kids

# ONONDAGA COUNTY AGRICULTURE & FARMLAND PROTECTION PLAN

**Farming Operations Focus Group  
November 30, 2021**



# ONONDAGA COUNTY AGRICULTURE & FARMLAND PROTECTION PLAN

## Prepared For

Onondaga County Agriculture & Farmland Protection Board (AFPB)  
Onondaga County Legislature

## Project Team

Syracuse-Onondaga County Planning (SOCPA)  
Cornell Cooperative Extension of Onondaga County (CCE)  
Onondaga County Soil & Water Conservation District (SCWD)

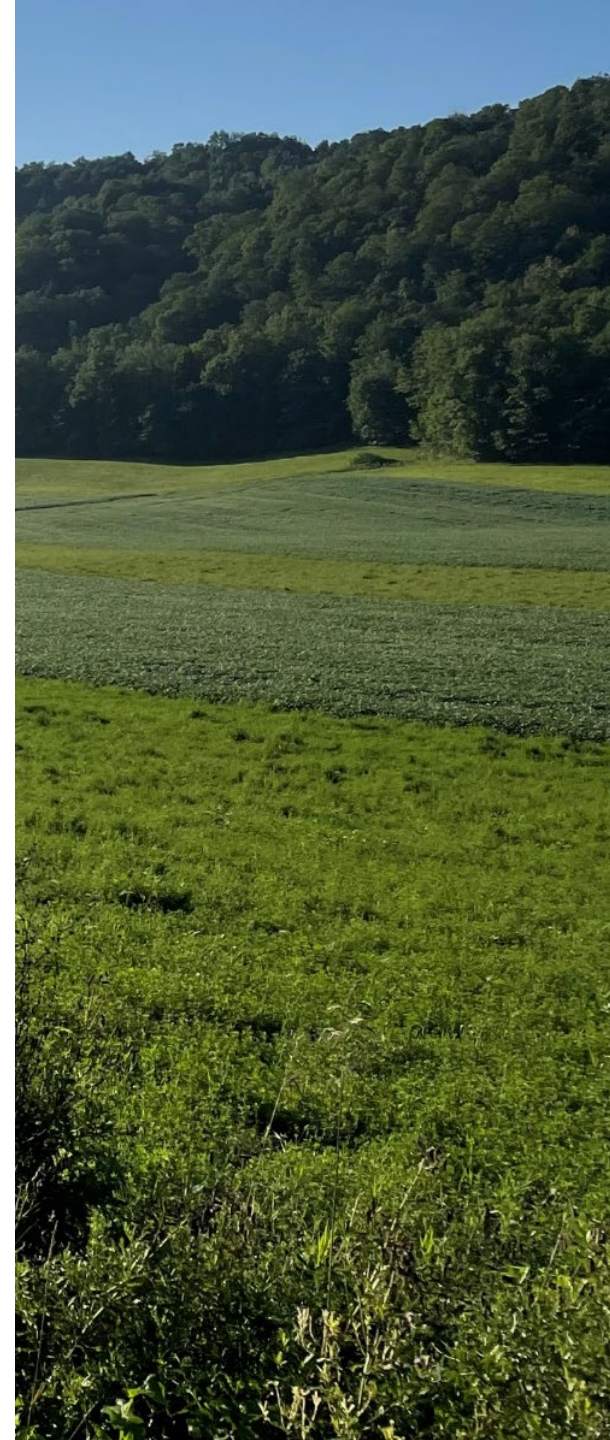
## Consultant Team

EDR (Environmental Design & Research)  
KK&P  
George Frantz & Associates



# Agenda

1. Overview of the Agricultural Plan (10 mins)
2. Review of Relevant Data and Gaps (10 mins)
3. 4. Focus Group Questions (~1 hour)



# Purpose of Ag Plan

Report on the State of Onondaga County's Agriculture

Develop a Shared Vision for Agricultural Economic Development and Farmland Protection

Create Actionable Strategies to Increase Agricultural Viability

Increase public awareness and interest in Onondaga County agriculture



# Project Elements

Engagement - Farmers, Municipalities, & Public

Municipal Survey

**Focus Groups**

Public Meetings

Pop- Up Events

Website / Social Media

Agricultural Profiles

Community

Economic

Market Trend Assessment

Farm-Friendly Toolbox

Farmland Mapping Tool

**Vision & Goals for Agriculture**

**Implementation Plan**

Venture Proposals





# Purpose of Focus Groups

We want to hear from you about your thoughts on:

- Local resources and regulations that impact farms or the local food system
- Economic, environmental, or social connections that should be created or enhanced
- Obstacles to and opportunities for growth and viability, specifically at the local level

# Agriculture in Onondaga County

Onondaga County is an agricultural hub

- 600+ farms contributing \$300+ million

Onondaga County is in the top 5% of U.S. counties for milk production

- Milk accounts for over half of the county's sales, followed by corn and poultry

As a resource base/food shed, agriculture is strong

- Entire metropolitan population of Syracuse could be fed by agriculture within a 20-mile radius



# Agriculture in Onondaga County (con't)

Agricultural producers in Onondaga County tend to be significantly older than the general population in Onondaga County

The number of individual farms has declined over the same period, indicating a trend toward larger farms and consolidation.

Land leased by farmers has increased, particularly in for certain types of agricultural production (specifically dairies and field crops).

Solar energy is competing for farmland: energy systems require 5 to 10 acres of land per megawatt of electricity generated



# Relevant Data and Gaps Identified: **Farm Ops**

Fluctuating commodity prices combined with increasing production costs make it challenging.

Due to climate change, increasing common heat waves are expected to stress livestock and crops and prolong exposure to invasive species, causing farms to increase pesticide use. Additionally, wetter springs can delay planting for crops, reducing yields. Floodwaters may also spread invasive plants.



Who's  
Farming  
Today?

Would you refer to your operation as small, medium or large? How do the needs of your operation differ from operations of a different size?

What kinds of crops do you grow and how does that impact the challenges you face?

What challenges exist for new farmers in Onondaga County? How are people working around them?

Are farm succession plans common local ag operators? Why or why not?

What labor issues have you encountered in agriculture?

# Specific Questions

## **LAND USE**

What are recent trends in land use practices for farming, and how has that changed the ways you practice agriculture?

What issues and opportunities exist with respect to renewable energy development and agriculture?

Do you have any experiences with local regulations, policies, real property tax assessments,, or programs that discourage/hinder the growth of your operation? If so, can you explain the issue(s)?

**TECH.  
+  
LOCAL  
FOOD**

What are some trends in technology (or otherwise) when it comes to local agriculture?

Is the lack of cold storage facilities a barrier for you? What would the facility need to be useful for local farmers?

# Future Ventures

Here are some projects that may be promoted by the Ag Plan to venture proposals. Any thoughts?

- Manure digesters on farms or community based.
- Broadband (high speed) internet to support agriculture technology (sensory, GPS, GIS, ect...)
- Cheese plant.
- Meat processing.
- Agriculture and food processing waste disposal especially in meat processing.
- Logistics and distribution centers and a transportation and coordination

## FG NOTES – AGRITOURISM

Nov 29 @ 12:30pm

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Paulie Drexler - Springside Farm  
James Smith – Tre-G , Farm Bureau  
Mark Tucker – Tucker Farm, AFPB  
Brian Reeves, Reeves Farms, AFPB Chair  
Dan & Megan, SOCPA  
Erica & Jane, EDR  
David & Hilary, CCE

Slides...

600+ Farms

1.4% of OnCo Farms do agritourism; identical to Nation, less than state

Onco Agritourism brings in 2x revenue compared to US, less than NYS

Onco: \$5.09 agritourism sales for every \$100,000 in ag sales (\$6.86 NYS)

### What is Agritourism?

Anything to attract non-farm public to farm props and reason for going has something to do with product of that farm;

Attracted to farm bc of what

Homestead Farms vs Hobby Farms – not necessarily a hobby  
smaller commercial

May not be main occupation, but significant nonetheless

Organic farms, xmas trees

Gotta start somewhere

Scenery and landscape is 'part of the product'

Working landscape – diversity of experience

Pumpkins, fall activities, fun and games, (with accidental learning)

End up asking questions that they don't know who else to ask

Lack of knowledge of general public is always surprising

Really based in education and product(s) at its core

"Agritainment" may not be agritourism

### Zoning

At Ag & Markets – some venues loosely defined as agritourism, but is it ag? (wedding venues, etc); issues we wrestle; some breweries that look like farm some don't. \*Issues for municipal consideration and farmland protection.

Agritourism zoning to allow for flexibility allowances

Wedding venue in ag district needs to be connected to USDA definition of farming

Pompey, has to be attached to 'farm'. What if wedding income exceeds farm income

### Any downside for farmers?

Agritourism is great

Skate zoning / special permits, hearings, etc = works well

Most aren't ag

Largely a win-win

#### How has agritourism changed?

Pressure to get bigger

Expectations of something new each year

Some original customers complain it's too busy

Careful what you add

Gotten bigger, add, add, add

Ones that stay small don't survive (cost of labor)

#### Traffic/Parking/Safety

Increased ag tourism = increased traffic from non-farmers, accidents with farm vehicles

Educate those wanting to get in – parking, access

Educate drivers – heed farm vehicle characteristics

Traffic control – where does responsibility lie? Farm, Muni, etc ; maybe muni set up framework, but allow owner to come up with own plan.

Crossing the street a real issue

Skaneateles – special permits used for managing safety

Parking is an important first impression

#### Resources

Direct Farm Mkt Assoc

Value of networking, conferences, etc.

NAFDMA (conf)

Network locally?

Wish Onondaga Grown would do OnFarm Fest in “off season” or 2x/yr when they can offer free admit

Advertising / Mktg is hard

Help with non-farmer skillsets (logistics, zoning, marketing, people skills, etc)

Social media – helps to have someone; google difficult; need internet

Alcohol vs non-alcohol venues

Small vs large – room for both?

Broadband/Internet access is a good problem (online registration)

Internet sales / searches

Farmers sometimes adapt to agritourism

Venture proposals (eg. pasteurization equip may have helped Tucker)

Not enough to promote the diversity that we have

It is not normal, it is unique, that we can feed Syr Metro ourselves

Highest per capita xmas tree sales – but fake one in dtown syr

Greatly accessible, great central locale

Hard to communicate with other farmers

Hub of Ag in non-nyc NY, need to promote

Tell the story of the benefits of the so-called dirty, smelly farms

# ONONDAGA COUNTY AGRICULTURE & FARMLAND PROTECTION PLAN

**Agritourism Focus Group  
November 29, 2021**



# ONONDAGA COUNTY AGRICULTURE & FARMLAND PROTECTION PLAN

## Prepared For

Onondaga County Agriculture & Farmland Protection Board (AFPB)  
Onondaga County Legislature

## Project Team

Syracuse-Onondaga County Planning (SOCPA)  
Cornell Cooperative Extension of Onondaga County (CCE)  
Onondaga County Soil & Water Conservation District (SCWD)

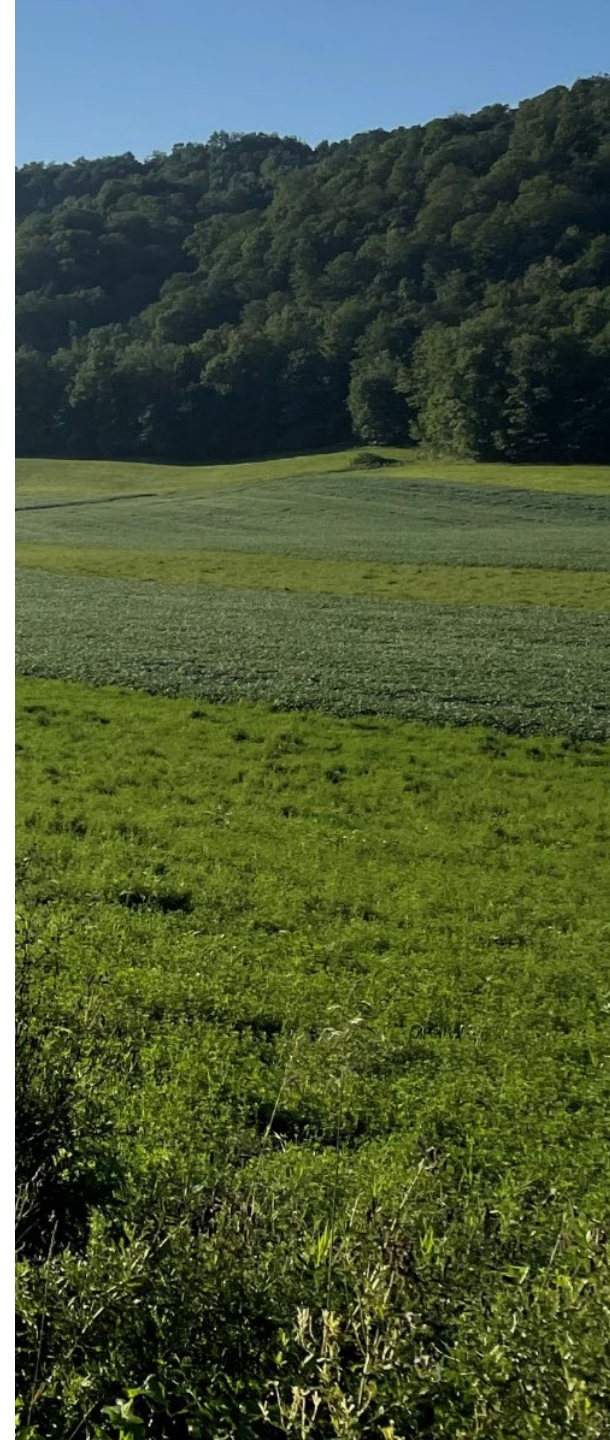
## Consultant Team

EDR (Environmental Design & Research)  
KK&P  
George Frantz & Associates



# Agenda

1. Overview of the Agricultural Plan (5 mins)
2. Ice Breaker Questions (15 mins)
3. Review of Relevant Data and Gaps (10 mins)
4. Focus Group Questions (1 hour)



# Purpose of Ag Plan

Report on the State of Onondaga County's Agriculture

Develop a Shared Vision for Agricultural Economic Development and Farmland Protection

Create Actionable Strategies to Increase Agricultural Viability

Increase public awareness and interest in Onondaga County agriculture



# Project Elements

Engagement - Farmers, Municipalities, & Public

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Community

Economic

Market Trend Assessment

Farm-Friendly Toolbox

Farmland Mapping Tool

**Vision & Goals for Agriculture**

**Implementation Plan**

Venture Proposals





# Purpose of Focus Groups

Let us know your thoughts on the county's agriculture & food system

- Environmental, economic, or social connections
- Impact of local resources and regulations
- Barriers and opportunities for growth and viability

# Agriculture in Onondaga County

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Onondaga County is in the top 5% of U.S. counties for milk production

- Milk accounts for over half of the county's sales, followed by corn and poultry

As a resource base/food shed, agriculture is strong

- Entire metropolitan population of Syracuse could be fed by agriculture within a 20-mile radius



# Agri-Tourism in Onondaga County

Farms that participate in agritourism

- Onondaga County farms with agricultural tourism sales is nearly identical with national levels (1.4% of farms)
- Lower than the New York State (2.5% of farms)

Onondaga County's agritourism brings in twice the revenues compared to US, but less than NYS

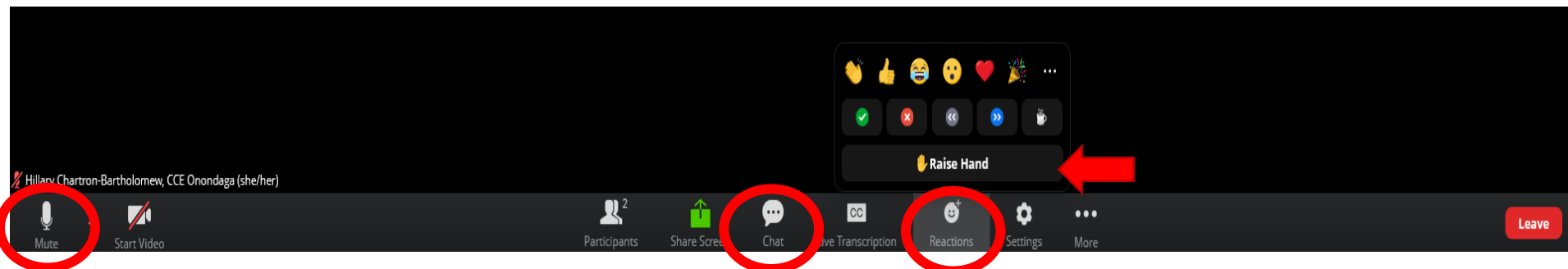
- Onondaga County: \$5.09 agritourism sales for every \$100,000 in ag sales
- NYS: \$6.86 agritourism sales for every \$100,000 in ag sales



# Basic Zoom Controls

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- **Raise Hand** – To be called on so you may unmute and speak
- **Test it out** – Send your name and organization in the chat

*Helpful Hint: Move your cursor if controls disappear from your screen*



# Agri-Tourism Focus Group Jam-Board link:

<https://jamboard.google.com/d/1Gw6-QuDm96cFHwo2BZEocB1WY415Th3tw6YACz9p8Ls/edit?usp=sharing>

Amanda Vitale, CNYRMA  
Matt Potteiger, ESF, CNY Food Plan  
Brian Reeves, Reeves Farm, AFPB Board Chair  
Jenn Smith, Grown NY Program  
Len Rauch, Onondaga County Econ Development  
John Russo, Russo Produce  
Tony Mangano, Emmi & Sons, Inc  
Erica, Meg, David, Hilary, Ben, Brian

#### CNY FOOD PLAN / FOOD SYSTEM

MP: comment on data and local food sales; hard to get; any means to get; USDA getting better but tough  
DS: What's a farm? Those \$10k.; 75 dairy farms; 15 of those produce half the milk in OnCo.; so most of our dairies are not "big dairy"; same for vegetable; need to look at scale, and way to look at numbers to put a bit more nuance to it.

BK: fair direct, fair wholesale, but FG to build out qualitative data

Food Systems Plan - How can OnCo better support local agriculture? OnCo in scope of NE, dairy dominates; irony that production, structural issues of concentrated poverty so some don't get adequate food, and farms like other places in global system struggle economically because we haven't looked at it, and need to; potential to think regional local level to address opps; many individuals innovating, but not together. Lot of opportunity to start working regionally.

Got into planning for develop on ag

AV: Once a farm goes out, if not born into it, nearly impossible to afford land and take over ops; hard to do small scale not profitable; people interested but not able to find their way in; when small farm goes out, often taken by larger operation; keeps ag, but not feeding into local sales;

AV: Gaps in local food system, local food deserts surrounding the market; did do a mobile market, but not ultimately consistently successful;

AV: schools local food is a huge struggle in NY, getting fresh product requires manuf and processing; food insecure issues; RMA would like to make the connections/relationships, would be good to have a liaison between farmers and school district;

Liaison: for schools, for farm starts, for farm transitions, can't do until create the market; some kind of coordinating middle market; have had some niche farm to market efforts but very niche; needs sustenance that can work with govt, stakeholders, etc.; to get connections, funding; BK: coordinator role common, wonder if in OnCo an entity to house

John Russo - school dist, local producers, sat with majority of producers, brian, and from that come up with a plan to check all the boxes; problem is there has to be a certain return to farmer to be sustainable

and unfortunately schools can't pay; work with a co-op state growers and packers; doing food boxes, overwrapping, trying to turn total dollars over, need to look at **\*\* How to get the farmer the return they need when dealing with custom orders/customers?? Have a whole business plan, but finding a local processing location hard. Russo has wholesale, but need area to process with food safety/etc., would need a facility. Market has looked at a few locations and prices high. As a group, actively working on. Would like to stay central @ market. Strong distrib channels for large and small farmers.**

Market self funded, no public funds. No budget to outfit a space. Budget to fund processing; market mgmt. looking at; mkt wants to provide facil, but need people

Jenn Smith: Grow NY food and ag startup, work with REDC's so they can facilitate growth; become familiar with things; creating a virtuous dependence on school district is that processing capacity; wondering degree to which other institutions engaged too (SUNY construction fund); somewhere where pooling and infrastructure can be build so other institutions can rely on local producers/; univ good ideas; had discussed other agencies, like senior living; SUNY largest employer, SU tried but not yet successful

## TECHNOLOGY

JS: Given what knows about resources, expand drones to automation/robotics, Genius/Tech Garden applicable; one of the reasons I think OnCo should double down and support programs that are supportive of innov and entrepreneurs in drone/robotics, is there creates a draft for workforce development, a way for those not in ag to get involved in food production sector without being a farmer; Erie 21 @ LeMoyne starting in middle school, working with them to try to find some \$ in ag tech sector; build skills to build/maintain equipment; secondary issues, but need farmers to use them; Long term investment sector makes sense.

Broadband is prerequisite for tech

Cannabis is coming, so why not get into the game; next 5 years issues to work through

DS: Turnpike Trail; Add subpage to Onondaga Grown search by product; searchable direct sales; rather than separate; not out of realm to create web resource on how to source local food; some efforts in past, but nothing now; keeping up to date a challenge; good to bring local procurement/access; web based social media platform

Social Media campaign @ RMA; Bill LeMann program to highlight; there are farms that don't go to market; great that market highlighting, but others

Even if product created, need to maintain/sustain the team

## PRIORITIES:

Talked about:

Buy Local; marketing; media

Processing for institutions

Broadband

How about:

Meat/Cheese processing?

Logistics, Transp?

Biomass production?

Cold Storage? And Flash Freezing, ability for year round use

Diversifying operations in agriculture – diversifying crops or diversifying

Value Chain Coordinator – human infrastructure

A lot of these in place, look at existing resources to work within them; from Russo, both local in season and ship in during off season; challenge to be sustainable doing just local project in our environment; places like Mineo's; expand on local production within existing distribution channels; ride shares/transp company to share product delivery to NYC; food hubs come and gone

Sat with city schools IQFing quick freeze system

Tony Mangano (Emmi): Labor major issues; everything he grows he sells; labor ine thing going crazy; fed H2A Program; not a lot of local labor; # hrs; more upkeep, ; struggling with cost of labor;

Ag Job fair?

Skilled labor, tractors, harvesting techniques

Robotics, palletizers, robotic technology, mechanics,

Carmen/Joe Emmi – Our family farm 300, down to 150 , love pkg/frozen pkg; can grow as much as need just need right price for product; county help with that

Hard to compete

IF lower threshold to 40 hrs, wont be able to farm again; H2A farmers want the hours even if 60 hr limit; can go elsewhere even though rate higher, by law have to advertise for local lablr ; labor regs,County Lobby governor on labor issues

Not going to be feasible at 40 hours; struggle at 60 ; going to be a time it doesn't work anymore;

Dealing with regs ; looking at getting out of business altogether, roadblocks

Kids gone, no succession,

Willing to do what county wants us to do can't continue labor wage increases and regulation;

Labor when stuff ready to be picked, day off don't want;

Competing with other states

Most of apps for labor from HS kids;

DS: program at RISE immigrant pop training; raised in ag; being acclimated to farm work; pluses for new American program come from that ethic of outside hard labor; maybe catholic charities; a resource in OnCO, but need to

DS: county help with healthcare to migrant workers; farm laborers need healthcare



# ONONDAGA COUNTY AGRICULTURE & FARMLAND PROTECTION PLAN

**Food Systems / Economic Development Focus Group  
December 2, 2021**



# ONONDAGA COUNTY AGRICULTURE & FARMLAND PROTECTION PLAN

## Prepared For

Onondaga County Agriculture & Farmland Protection Board (AFPB)  
Onondaga County Legislature

## Project Team

Syracuse-Onondaga County Planning (SOCPA)  
Cornell Cooperative Extension of Onondaga County (CCE)  
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1. Overview of the Agricultural Plan (5 mins)
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**Venture Proposals**





# Purpose of Focus Groups

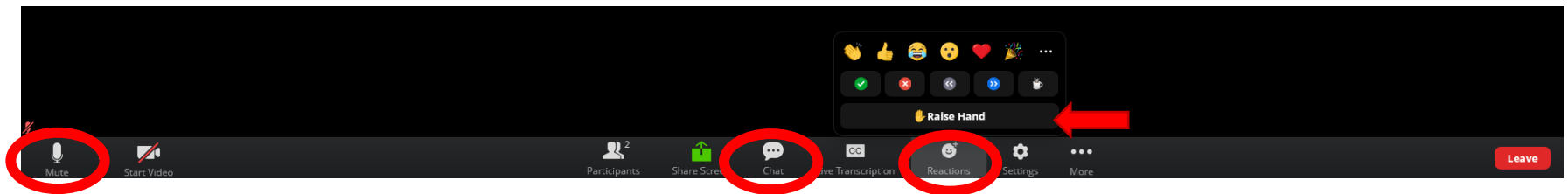
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# Gaps identified by Food Plan CNY

Food Plan CNY is part of an ongoing coordinated effort to increase the health of our local food system.

Many people cannot find healthy AND affordable food in their own neighborhoods.

Farmers cannot sustain operations economically.

The region has lost much of its original food processing and distribution infrastructure.



# Using a market-oriented approach: Strong food sectors

Onondaga County businesses in the following food and agricultural sectors employ more employees as a share of total county employment than the national average.

In descending order of Location Quotient (LQ), these are:

- specialty food stores (1.81)
- grocery and related product wholesalers (1.78)
- dairy product manufacturing (1.71)
- cattle ranching and farming (1.53)
- grocery stores (1.36)
- alcoholic beverage retailers (1.30)
- support activities for animal production (1.06).



# Direct Retail Sales

Direct retail sales (selling directly to consumers via farmers' markets, farm stands, CSAs, etc.) is common in Onondaga County but doesn't garner as many sales as elsewhere in NYS

Onondaga County outranks both NYS and national averages in terms of direct retail sales

- In Onondaga County just over 21% of farms have direct retail sales
- 17% of New York state farms, and only 6% of U.S. farms.

Onondaga County exceeds the national average for % of direct retail sales \$, but is less than NYS

- Onondaga County: 2.4% of agricultural sales; National avg 0.7%; NYS average of 4.2%.
- Direct retail sales per capita are higher in Onondaga County (\$9.44) compared to the U.S. as a whole (\$8.57), but also lower than New York State (\$11.40).



# Direct Wholesale

A high proportion of Onondaga County agricultural products are sold via direct wholesale (farmers selling directly to local restaurants, grocers, institutions, etc.).

- Over 14% of county sales are sold via direct wholesale
- More than six times greater than the national average of 2.3% and over twice the state average of 5.9%.
- Nearly 6% of Onondaga County farms have direct wholesale sales, exceeding both the national average of 1.4% and New York State average of 4.8%.



# Value-Added Product Sales

More Onondaga County farms have value-added product sales compared to the U.S. and New York state.

- Just over 8% of Onondaga County farms sell value-added products
  - New York State ~6%
  - US: ~1.6%.
- Value-added products constitute 2.5% of Onondaga County agricultural sales
  - nearly 2.5 times US average but less than the New York state average of 3.4%.



## **Food Systems / Economic Development Focus Group Jam-Board link:**

<https://jamboard.google.com/d/1WJsKUDpcKa20FXdWHtjdkHOKMcJVfdZTApwVo9c0OXw/edit?usp=sharing>



## Memorandum

**To:** Megan Costa and George Frantz  
**From:** Erica Tauzer  
**Date:** July 2, 2021  
**Reference:** Meetings with Town of Onondaga and Town of LaFayette to Launch County Ag Plan Farm Friendly Assessments  
**EDR Project No:** 20242

Below are notes from the introductory meetings for Farm Friendly Assessments in the Towns of Onondaga (held June 30<sup>th</sup>) and LaFayette (held July 2<sup>nd</sup>). Feel free to add to this as needed with your own notes.

**2021-06-30**

**Project Team: Megan, Dan, George, Erica  
Tony Donito and John Mahar (Dep. Supervisor)**

Presentation observations:

Presentation from Megan on Ag Plan – remove the word “audits” (should be assessments)  
How exactly *does* the development pressure in Onondaga County compare to other places that have used Lancaster/Maryland? If things start picking up here, we should be monitoring this to possibly recommend TDR in the future.

Issues to Consider:

New types of ag becoming agri-commercial, how does ag infringe on the ever-increasing residential activities, balancing act needed and to date Town feels pretty good about striking that balance, Town of Onondaga has most of Beak n Skiff within the Town

GF: How do you protect things like noise complaints or other issues related to large events? How do we keep the idea from mushrooming/event centers popping up everywhere?

Town: B&S is their own neighbor, the issues occur when smaller farms within ag districts want to become the new B&S and they're in proximity to housing, farmer needs to be a good partner (they hire sheriffs for traffic control), so far so good: no issues have occurred as of yet.

DK: Corridor Plan for Rte 20 to inform DOT management for EcoTourism  
Navarro Orchards is big too.

Town of Onondaga Mennonite and Amish populations have expanded rapidly; commercial home businesses require

Solar development – Town does not permit commercial solar in residential or residential country, just in light industrial zone (landfill would be a good spot for it). Use variance is required. This has kept the developers out. There was an individual farmer that wanted to sell to solar as a way to retire; town met with him and said no because it would be an exception to the rule. Zoning based on soil types can make it hard for solar facility layouts and neighbor payments. 2 ac parcels required for areas that are off water/sewer.

PDR- has been supported; conservation easements lock farming in for ag use. The Town sees their zoning for agricultural areas as enough protection given the development pressure, especially when compared to places like the Town of Otisco. Sewer line extensions are expensive and are the main deterrent for sprawl, and 2 acre lot zoning keeps residential from expanding (but in theory could keep the area from expanding).

Smell complaints from liquid fertilizer (DEC receives them); Hourigan Farms is the main instigator, no right to farm law.

Processing/indoor farming/large commercial areas? None identifiable off the top of their head, small vacant areas along Salina/Nedrow with some possibilities

**202-07-21**

**Town of LaFayette: Supervisor Bill McConnell and Councilor Melanie Palmer**

**Project Team: Megan, Dan, Erica**

Issues to consider:

Landowners use small parcels as dumping ground for liquid manure which creates environmental issues; how do young farmers compete? Update to comp plan by B&L; comp plan 2012 original; 2014 LaFayette; hamlet plan too: synergies and AgriTourism

Residents struggle with farm activities; manure storage can create hot spots of resident opposition, education on municipal staff is needed to answer and respond to residents about right-to-farm activities; 20 year residents are now seeing large out-of-town landowners come in and complaining about smells they never had to worry about before.

Where are all the young farmers? Would be interested in understanding land succession issues more. How can young people compete as ag operations are getting larger and larger.

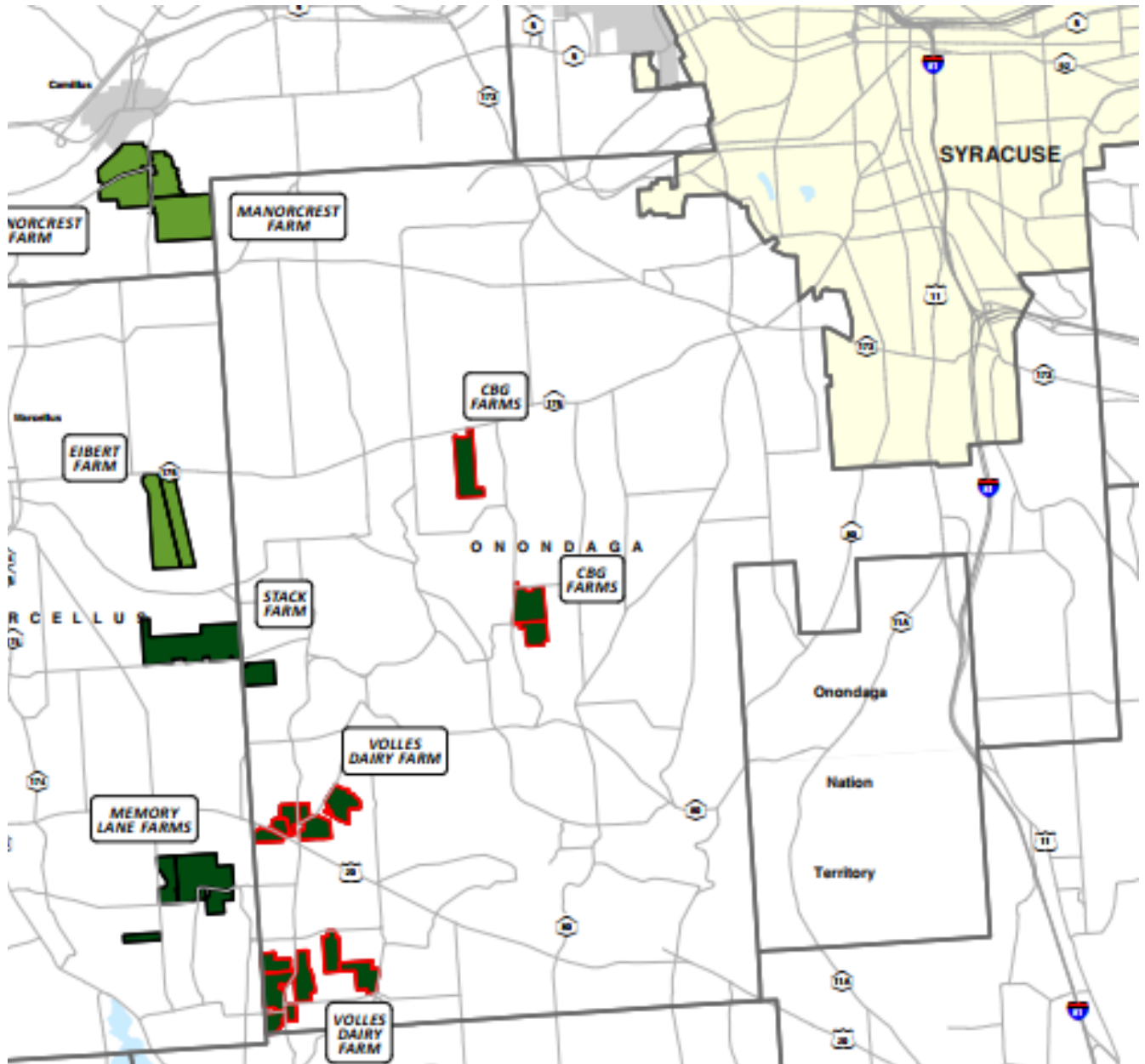
Agri-Tourism needs to be the focus; farms that need to make extra income: How to protect the land and viewscape to not be sold off (e.g. solar)? How to make it in the future (llama farm)? Value-added businesses small farm?

Make sure Route 20/Route 80 corridor plan and hamlet plan converge

Over the past 7 years, we've tried to have regional markets but they have failed because of lack of traffic; maybe Cornell could start an incubator farm?

Next Steps:

1. We can present report to Town board- they would like to (August meeting, 2<sup>nd</sup> Tuesday of the month)
2. Melanie will be go-to person for Town: [mjp6331@gmail.com](mailto:mjp6331@gmail.com)







## Memorandum

**To:** Megan Costa and George Frantz  
**From:** Erica Tauzer  
**Date:** July 6, 2021  
**Reference:** Meetings with Town of Cicero to Launch County Ag Plan Farm Friendly Assessments  
**EDR Project No:** 20242

Below are notes from the introductory meetings for Farm Friendly Assessments in the Town of Cicero (held July 6<sup>th</sup>). Feel free to add to this as needed with your own notes.

**2021-06-30**

**Project Team: Megan, Dan, George, Erica**

**Kate Fiorello (Town Engineer), Gabrielle (Supervisor's Secretary), Mark Marzullo, Mike Mirizio (Planning Board), Mark Parrish (Engineer), Mike Becallo (Town Board member)**

Notes:

Cicero –suburban community currently; much of which George presented on does not apply and that's ok. It's time to discuss what the future of farming is for the Town. Is what little ag that is left in the Town something that they do want to protect? Even though there is a small base, could there be an increased role in the Syracuse metro food system?

There is about 7-8 farmers; they were too busy to join in because it's farming season.

Right to Farm Law: no?

Town Comprehensive Plan: ongoing for the next year or two, just starting. Comprehensive Planning process is just starting. Citizen volunteers have stepped up (about 24 so far). They would like to bring us into the Comp Plan process in any way possible. One focus that they need to build in: ag zone allows for residential dev but not with the same density; issue is that ag zoned land is converting to residentially zoned land.

Any topics to explore further? Barrone's farm did a hop house/brewery restaurant, and it looks nice (this area is actually zoned commercial but partially ag too; zoning process was easy, ). "We hope the farms that we have left stay, and the zones are allowing agriculture, but it is a hard thing to protect what few farms are left".

Solar ordinance is in the process of being drafted; they will send that along. County has some solar guidance on website (specifically how to balance/review projects on ag land), and Town is interested in it.

What is the profit margin of ag lands in Cicero? It seems like they would be high. We should point this out, because there may be a great future in high-value ag produce (e.g. greenhouses).

Residential ag: chickens, bees, etc. – specific design standards, basic language would be helpful. Town is interested.

Next steps:

Questions? Call Kate.

In a month, we'll call with the findings and report back to the board if desired.



## Memorandum

**To:** Megan Costa and George Frantz  
**From:** Erica Tauzer  
**Date:** July 9, 2021  
**Reference:** Meetings with Town of Cicero to Launch County Ag Plan Farm Friendly Assessments  
**EDR Project No:** 20242

Below are notes from the introductory meetings for Farm Friendly Assessments in the Town of Cicero (held July 6<sup>th</sup>). Feel free to add to this as needed with your own notes.

**2021-06-30**

**Project Team: Megan, Dan, George, Erica**

**Town representatives: Sara Bollinger (Town Councilor, Co-Chair of Comp Plan committee), Judie Fenster (100 ac part farm) knit farmland into other uses, Richard Rosetti (Town Planning Board), Doug Miller (Planning and Dev Office as assistant of activities, member of community since 1966), Edward (Town of Manlius Supervisor), Melissa Spicer (Farmer wants to make farm Forever Wild/Forever Farm, grass fed beef, lease farmland to others as well)**

Notes:

Recognition that Manlius has unique challenges re: growth management and zoning. That said, has a lot of land in the ag district.

Richard: zoning code is not going to help much with these questions.

GF: This is common throughout NYS; you're not alone. Planners have finally begun to catch up to the need for local agriculture in efforts to promote sustainability. Urban agriculture is thought of more regionally in other counties than it is here.

Sarah: Farmland protection is a focus on the comp plan too; need to adjust our Comp Plan efforts to adapt the zoning code.

Edward: Manlius' challenge at this point is that there's not enough farmland left to protect. What can we do to generate more farming incomes for people?

Doug Miller: Silviculture is becoming more of thing (3-4 farms), microbreweries and small operations, Mulaney off of Pck Hill now leases out, Allen Olmstead real estate agent lives in the town, how can we start promoting things that fly under the radar today?

Meg: Are large dairy farmers buying up land and cutting out smaller farms?

- Town's response: No, largest farm is Gridly but they no longer do dairy. That's not happening here like it is in the southern town.

Melissa: Our next gen of farmers is struggling to see farming in their future. How can the local municipalities keep land in ag and not sell off to renewable energy? We have a historical revolutionary farm tract. Manlius's farmers are interested in keeping large tracts in tact. The farmer community is aware of this

Richard: lack of municipal infrastructure keeps sprawl away.

- Doug's Response: ...but there's pressure to expand.

Doug: Another interesting aspect is the diversification and the different types of farming in different areas of the Town, flatter areas have more fruit/flower farming, Nicotra farm stand near intersection in Kirkville is nice.

- GF: Lancaster County now has a farm stand that's larger than small shopping malls. Be careful what you wish for.

Ed: Increased awareness of different varieties of farms in the Town, Would love to promote Manlius in terms of its agricultural land area: are there programs to promote local agriculture?

- Megan will bring this up to the Onondaga Grown campaign.

Richard: Timing couldn't be better; solar is a hot topic. Is there any kind of an IMA? Contract?

- Megan: No- this is a free service for municipalities.

Sara Bollinger: Maybe we could create our own local designation for local agriculture? Like how historic properties are labeled with signs.

Melissa Spicer: A bit of confusion about the County's efforts to protect farmland (specifically "Farm Plan" listed in pre-application) compared to FSA services (CRP) for farm plan. How do these

compare and what does that term "Farm Plan" mean? We just want to do the right thing for our land, but there are multiple programs that .

- Meg: we will take a careful look at this in our data gathering.

Board is seeking moratorium for now re: solar. Have had 7 or so plans, but some of them haven't been serious, only one has been initiated so far. We can all agree that solar is going to be around, so we need to think about it now.

Next Steps:

- Timeline: August to turn over results, public outreach in mid-fall, Late Winter to share results

# ONONDAGA COUNTY AGRICULTURE & FARMLAND PROTECTION PLAN



# What is the Agriculture and Farmland Protection Plan?

- Update to the 1997 plan
- Reports on the state of Onondaga County's agriculture
- Provides a framework for both protecting our farmland and supporting agricultural viability



# Project Team

**County (Syracuse-Onondaga County Planning Agency)**- principal point of contact for all inquiries regarding the project

**Cornell Cooperative Extension** - staff resources toward assistance with the planning process in stakeholder engagement and facilitation of the public meetings

## Consultant Team

**EDR** - project manager and primary contact for consultants during this project

**George Frantz & Associates** - specialist related to local regulations and farmland protection

**KK&P** – specialists related to food system policy and market assessment

**Agricultural and Farmland Protection Board** - oversight committee for the plan



# Goals of the Agriculture and Farmland Protection Plan

Describe current agricultural conditions in Onondaga County

Develop a shared vision for agricultural economic development and farmland protection

Create actionable strategies to increase agricultural viability

Encourage and support farmland protection

Increase public interest and awareness of local agriculture.

**Farmer, landowner and municipal engagement is key.**

Link to NYSDAM Circular 1500 Art. 25AA on Ag and Farmland Protection Programs:  
[https://apps.agriculture.ny.gov/rfps/CAFPPGA/Article25AAA\\_Circular1500.pdf](https://apps.agriculture.ny.gov/rfps/CAFPPGA/Article25AAA_Circular1500.pdf)

# Goals of the Agriculture and Farmland Protection Plan

Project Kick-Off

**Gathering Data**

**Modeling and Assessing**

Vision and Goal Development

Strategies

Final Adoption

# ONONDAGA COUNTY AGRICULTURE & FARMLAND PROTECTION PLAN

**Farm-Friendly Toolbox Webinar | October 25, 2021**



# ONONDAGA COUNTY AGRICULTURE & FARMLAND PROTECTION PLAN

Prepared For

**Onondaga County Agriculture & Farmland Protection Board (AFPB)**  
**Onondaga County Legislature**

Project Team

**Syracuse-Onondaga County Planning (SOCPA)**  
**Cornell Cooperative Extension of Onondaga County (CCE)**  
**Onondaga County Soil & Water Conservation District (SCWD)**

Consultant Team

**EDR (Environmental Design & Research)**  
**George Frantz & Associates**  
**KK&P**



# Purpose

Report on the State of Onondaga County's Agriculture

Develop a Shared Vision for Agricultural Economic Development and Farmland Protection

Create Actionable Strategies to Increase Agricultural Viability

Increase public awareness and interest in Onondaga County agriculture



# Project Elements

Engagement - Farmers, Municipalities, & Public

Municipal Survey  
Focus Groups  
Public Meetings

Pop- Up Events  
Website / Social Media

Agricultural Profiles

Community  
Economic  
Market Study

**Farm-Friendly Toolbox**

**Farm-Friendly Assessments**

Farmland Mapping Tool

Vision & Goals for Agriculture

Implementation Plan

Venture Proposals



# What is the Farm-Friendly Toolbox?



It provides resources for communities to protect farmland through local planning, land use ordinances, and other programs that work.

## Basic principles

- Contemporary agricultural enterprises need flexibility to compete
- Agriculture should be promoted to obtain long-term economic viability of in Onondaga County
- Rural character of our communities should be protected from incompatible development



## Agriculture today is not what it used to be....

- Complex, capital-intensive business
- Constantly evolving in face of new challenges, new opportunities
- Unstable markets & global competition
- Increasing regulation



## Local government decisions impact agriculture

- Comprehensive plans set land use policies that can promote or hinder the long-term trajectory of agriculture in communities
- Zoning regulations impact day-to-day agricultural operations
- Subdivision regulations can impact the agricultural land resources

# Changes to New York State Agriculture

	2017	2007	% Change
Number of Farms	33,438	36,352	-8%
Total Value of Production	\$5.369 billion	\$4.419 billion	+21.5%
Grains	\$572 million	\$315 million	+81.0%
Fruits, berries tree nuts	\$400. million	\$363 million	+10.2%
Livestock, poultry & their products	\$3.261 billion	\$2.857 billion	+14.1%
Milk	\$2.528 billion	\$2.280 billion	+10.9%
Cattle	\$426 million	\$318 million	+34.0%
Direct sales marketing	\$316 million	\$77.46 million	+308%
*USDA, Census of Agriculture, 2017, 2007.			



# What is agriculture?

Agriculture and Markets Law (AML) Article 25-AA, Section 301

## Definition:

“...the use of land, buildings, structures, 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 or a hobby...”



## New York Agriculture Today





## New York Agriculture Today



# Farm-Friendly Comprehensive Plans

- Recognize the importance of agricultural land as a natural resource and an economic asset
- Document agricultural operations in the community and their characteristics
- Identify the challenges, opportunities weaknesses & strengths of local agriculture



# Farm-Friendly Comprehensive Plans

- Recognize the economic potential of a robust, local food and agriculture system
- Move beyond viewing farmland “simply as land in reserve for future urban development”
- Provide a clear set of goals, objectives, and policies to protect the agricultural land resource, and promote the long-term viability of local agriculture



## Other Farm-Friendly Plans

### **Municipal Agriculture & Farmland Protection Plans**

- Community-based, farmer guided
- Detailed look at the farm sector and issues it faces
- Tailored recommendations to enhance long-term viability of local agriculture
- Long-term protection of the agricultural land resource
- Long-term viability of local agriculture



## Other Farm-Friendly Plans - Open Space Plans

- Detailed look at community open space resources: ecological, recreational, scenic, agricultural lands
- Tailored recommendations to enhance long-term protection of open space resources, including agricultural lands



## Other Farm-Friendly Plans

### Local Economic Development Plans

- \$15.5 billion annually to State's economy
- Key part of the local economic base
- One element in a diverse economic base
- Policies and actions that can promote growth of agricultural sector



# Farm-Friendly Zoning

- Promotes agriculture as a legitimate, long-term land use with the same status of other land uses
- Protects the agricultural land asset by channeling development away from actively farmed areas
- Provides farmers the flexibility they need to adapt and compete in a dynamic market
- Avoids unreasonably burdensome restrictions on agricultural operations



# Farm-Friendly Zoning Definitions

- Comprehensive
- Clear and concise
- Ensure the term is defined as you mean it to be defined
- Don't fall back on the NYS Ag & Markets definitions
- Leave behind commonly used terms (those that can be defined in the dictionary)



# Farm-Friendly Zoning Definitions

- Are they up-to-date?
- Definition of agriculture
- Other key definitions
  - Agriculture-related businesses
  - Agri-tourism
  - Farm brewery, farm cidery, farm distillery, farm winery
  - Farmstand
  - On-farm commercial processing
  - Business directional signs



# Farm-Friendly Zoning Definitions

## Agriculture

*The use of land and on-farm buildings, equipment, manure processing and handling facilities, and practices which contribute to the production, preparation and marketing of crops, animal husbandry, livestock and livestock products as a commercial enterprise, including a commercial horse-boarding operation, and timber processing as defined in this zoning law.*

\* Example only. Consult your municipal attorney when amending any zoning regulations.



# Farm-Friendly Zoning Definitions

## Agri-tourism

*An agriculture-related enterprise, operated as an accessory use to an active farm operation engaged in the production, preparation and marketing of crops, animal husbandry, livestock and livestock products as a commercial enterprise, which brings together tourism and agriculture for the education and enjoyment of the public, and which may include: hay rides, corn mazes, hay mazes, petting zoos (farm animals only), farm tours and agriculture themed festivals and other public or private events."*

\* Example only. Consult your municipal attorney when amending any zoning regulations.



# Farm-Friendly Zoning Definitions

## Business Directional Signs

*"A sign located off the premises on which a business is located, not exceeding nine square feet in area, posted by the business along a public road or highway for the purpose of guiding prospective customers to their location."*

\* Example only. Consult your municipal attorney when amending any zoning regulations.



# Farm-Friendly Zoning Definitions

## Farmstand

*A permanent or temporary structure and accessory use to an ongoing agricultural operation, with or without appurtenant open display area, for the retail and wholesale sale of agricultural produce and other natural, processed or manufactured food products which are directly linked to and promote the use and sale of agricultural products.*

\* Example only. Consult your municipal attorney when amending any zoning regulations.

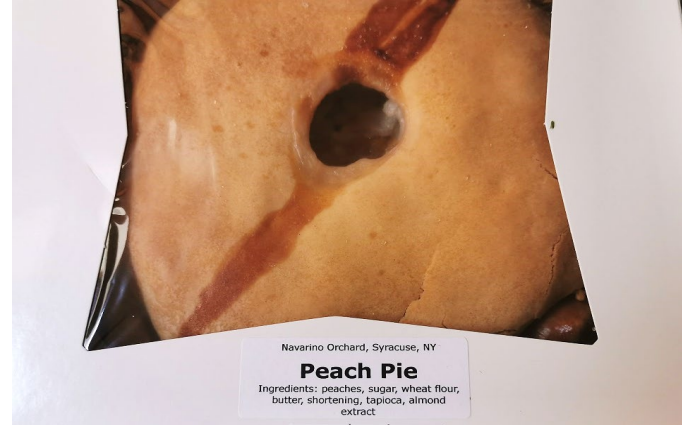


# Farm-Friendly Zoning Definitions

## On-Farm Processing

*The production or processing of whole fruit and vegetables, baked cakes, muffins, pies or cookies, candy, jellies, jams, preserves, marmalades, cheeses, butters, and other milk derived products, meats and meat products and other foodstuffs, as regulated by state and federal law, for wholesale or retail sale, and operated as an accessory use to an active farm operation engaged in the production, preparation and marketing of crops, animal husbandry, livestock and livestock products as a commercial enterprise.*

\* Example only. Consult your municipal attorney when amending any zoning regulations.



# Farm-Friendly Zoning Definitions

## Farm brewery, cidery, distillery, winery

*The production or processing of whole fruit vegetables and grains into beer, cider, distilled spirits or wine for wholesale or retail sale as regulated by state and federal law, operated as an accessory use to an active farm operation, and which may include subsidiary cafes, tasting rooms, gift shops and agri-tourism activities."*

\* Example only. Consult your municipal attorney when amending any zoning regulations.



# Farm-Friendly Zoning Definitions

By right: permitted with approval of building permit, etc.

Accessory use: a subordinate and incidental use to a primary permitted land use (e.g., agriculture) on the same property



# Farm-Friendly Zoning Definitions

Site Plan Approval: A technical review of a proposed development, generally by a planning board, to ensure conformance with zoning, local design standards, engineering standards and, to ensure the health and safety of the general public entering the premise



# Farm-Friendly Zoning Definitions

Special Use Permit/Special Approval: Higher level of review for proposed development which is permitted in a zoning ordinance or local law, subject to conditions to ensure that the proposed use is in harmony with zoning and will not adversely affect the neighborhood if such requirements are met



## Renewable Energy Regulations: Non-commercial

- Non-commercial solar and wind renewable energy systems are appropriate accessory uses to agricultural operations and should be permitted as such in zoning codes;
- Protected uses under the “use of land, buildings, structures, equipment” language in the NYS definition of farm operation;
- Should be permitted by right with building, other relevant permits.



## Renewable Energy Regulations: Commercial

- Commercial wind renewable energy systems are considered generally compatible with agriculture
- Commercial scale solar can present major issues
  - Competition for higher quality farmland
  - Locate on inactive farmland, unimproved pasture or other lands
  - Decommissioning plan to fully restore site critical



## Renewable Energy Regulations: Section 94-c:

- Office of Renewable Energy Siting oversees approval of solar and wind energy projects with 25 MW/year or more capacity
- Must consider local land use regulations in its review
- Has power to override “unreasonably burdensome” local regulations



## Renewable Energy Regulations: Section 94-c

- Local land use regulations must be clear:
  - Where such development is permitted, include prohibition on use of best quality agricultural soils
  - Have clear design and operating standards for such development



# Fixed Ratio (Density Averaging) Zoning

- Zoning and subdivision concept in which density is calculated by number of lots permitted based on acreage (e.g., 1 lot for each 10 acres)
- Permitted lot sizes much smaller: 1 to 2 acres or minimum required for on-lot septic
- Permits small scale low density rural subdivision by landowners
- Can preserve large tracts of agricultural lands



Fixed-Ratio +  
Conservation Subdivision

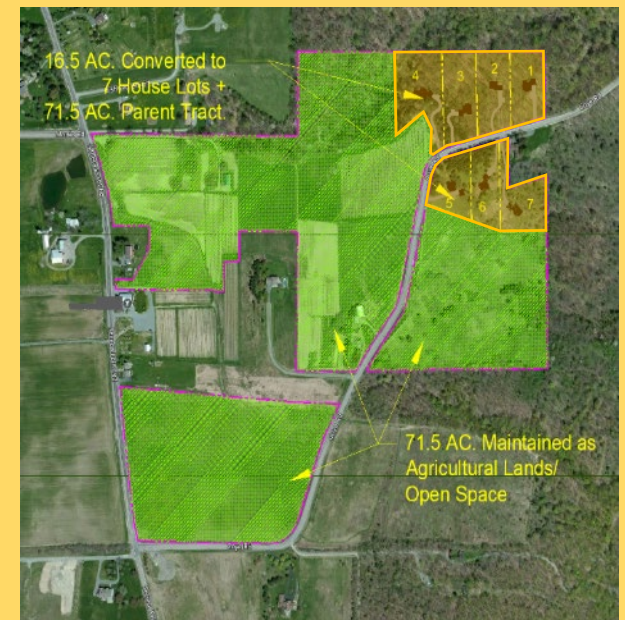


# Conservation Subdivision

- Avoids productive agricultural lands and environmentally sensitive areas through careful placement of individual homes on a site
- Utilizes smaller than conventional permitted lot sizes: 1-acre or minimum required for on-lot septic
- Preserves large tracts of open space and agricultural lands, and rural character



Fixed-Ratio +  
Conservation Subdivision



# Purchase of Development Rights

- Voluntary between a landowner and another party to permanently protect farmland
- Landowner surrenders their rights to develop the land, accepts restrictions that protect the agricultural land and other open space lands
- Provides cash compensation to landowner;
- Can be state, locally funded, or combination
- Not-for profit land trusts also active



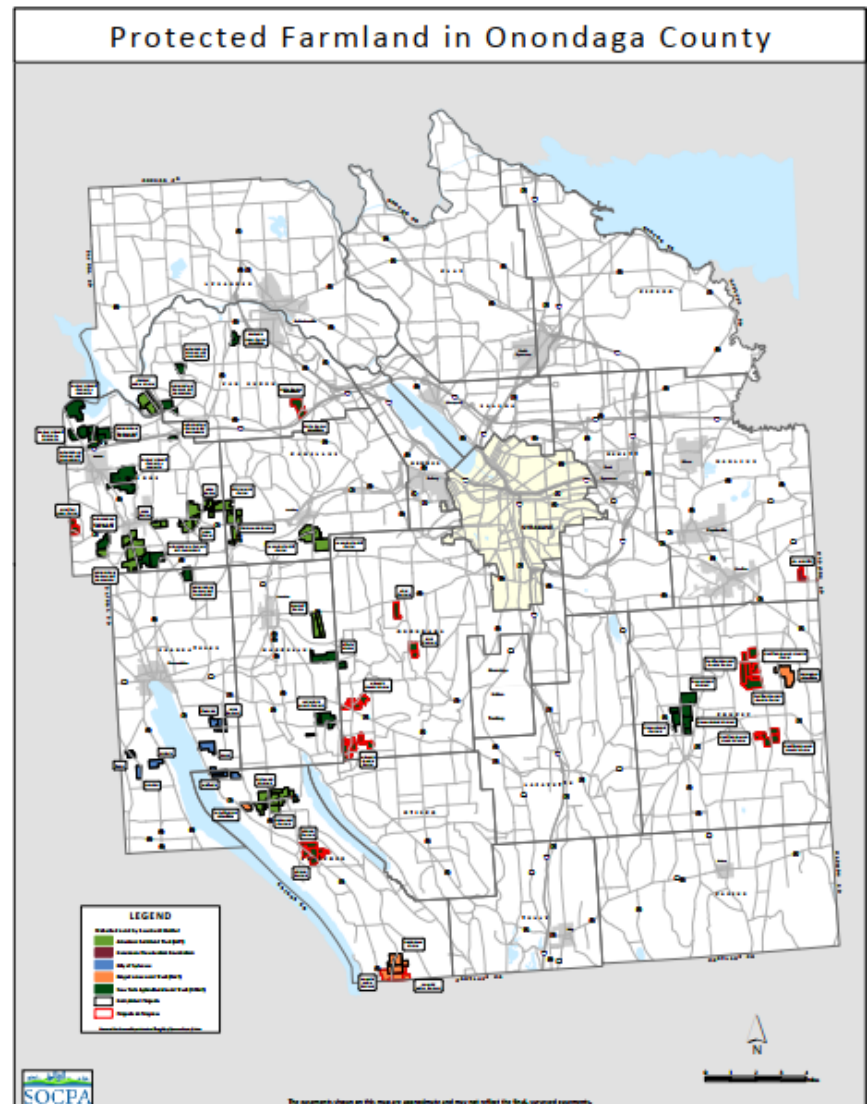
# Purchase of Development Rights (PDR)

## Protected lands through PDR in Onondaga County

- Over 30 farms protected
- Over 13,000 acres protected

For more information on PDR visit:

<http://www.ongov.net/planning/pdr.html>



# Questions?

## ONONDAGA COUNTY AGRICULTURE AND FARMLAND PROTECTION PLAN

[agriculture.ongov.net](http://agriculture.ongov.net)

**PLAN ONONDAGA**  
COUNTY COMPREHENSIVE PLAN

[plan.ongov.net](http://plan.ongov.net)



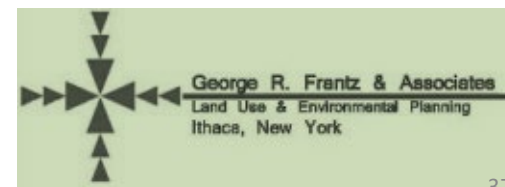
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Participate in the

## Onondaga County Agriculture & Farmland Protection Plan

Working with Farmers, Local Governments, and the Public on a Vision for the Next Generation of Agriculture in Onondaga County



### WAYS TO GET INVOLVED

Visit our website at [agriculture.ongov.net](http://agriculture.ongov.net)

- Join our email list
- Find information on upcoming events
- Submit your ideas and comments
- Learn about agriculture in Onondaga County

### FARMERS

Share your experiences. Tell us what's working and what's not. Help us envision the next generation of agriculture in Onondaga County.

### LOCAL GOVERNMENTS

Tell us your perspective on agriculture and farmland. Participate in mapping priority lands in your community. Get tips on building farm-friendliness into your local regions.

### THE PUBLIC

Learn more about the value of agriculture in Onondaga County and how you can help support local farmers and rural communities.



The Onondaga County Agriculture & Farmland Protection Plan is being overseen by the Onondaga County Legislature's Agriculture & Farmland Protection Board (AFFB) and managed by the Syracuse-Onondaga County Planning Agency (SOCPA), with funding and support from the NYS Department of Agriculture & Markets, the Onondaga County Agriculture Council, Cornell Cooperative Extension of Onondaga County and the Onondaga County Soil & Water Conservation District.