

APPENDIX B

Overview of Existing Plans, Programs and Regulations

Agricultural District Program

The Agricultural District Program includes the following provisions to protect farmers:

- Agricultural use value assessments: Eligible farmland is assessed at its value for agricultural production, rather than at its full market value. If land that received the agricultural exemption is sold for non-farm purposes, the landowner must repay the amount of property taxes saved over the life of the District, up to 8 years.
- Protection from local regulations that would restrict farm practices.
- Protection from public acquisition of farmland through “eminent domain.” Before a local or county government may undertake a project that affects land within an Agricultural District, it must submit a "Notice of Intent" to the County Agricultural and Farmland Protection Board and the NYS Department of Agriculture and Markets for consideration of the impacts on agriculture.
- Protection from nuisance suits (right-to-farm provisions). A person who buys property within an Agricultural District must be notified about the possible presence of noise or odors associated with farm practices and acknowledge receipt of this notice in writing.

Environmental Protection Programs

Several State and federally funded programs provide financial incentives and technical assistance to farmers and farmland owners to encourage the installation of “best management practices” (BMPs) that incorporate environmental protection into agricultural practices. These techniques are designed to protect the natural environment from contaminants that may be associated with agricultural activities. Environmental management goals include reducing the amount of stormwater that leaves a farm site, managing fertilizer inputs to match the amount taken up by crops, and providing safe storage and application of pesticides. Although such practices may be expensive to install and maintain, they frequently result in lower costs for fertilizer, decreased soil erosion, and improved pest control.

Programs that support environmental management on farms include:

- Agricultural Environmental Management (AEM)
- Agricultural Nonpoint Source Abatement and Control
- Environmental Quality Incentives Program (EQIP)
- Conservation Reserve Program (CRP)
- Conservation Reserve Enhancement Program (CREP)
- Conservation Security Program (CSP) and

- Wildlife Habitat Incentives Program (WHIP).

Tax Relief Programs

Farming utilizes large amounts of land but does not demand proportionally large expenditures from local governments. In response to this situation, New York State has made established programs to reduce property taxes on farmland that meets certain eligibility requirements.

Agricultural Use Assessments base property taxes on the value of the land as farmland, rather than its value for development. Eligible farms located within certified Agricultural Districts, as well as farms outside a District that meet certain requirements, may receive Agricultural Use Assessments. Agricultural Use Assessment is available to landowners who rent the property to an eligible farmer.

The NYS Department of Agriculture & Markets has established a formula to determine the Agricultural Use value of property based on soil types and projected crop yields. In areas where the land is valuable for development purposes, the agricultural use value will be much lower than the market value, resulting in significantly lower property taxes. However, in areas where farming is the “highest and best use” of the property – where a farmer is likely to pay as much for the land as anyone else - the agricultural use value is the same as the market value.

New York State has established the **Farmers School Property Tax Credit** program for eligible farmers to receive refunds of up to 100% of School taxes on up to 350 acres of agricultural land, and 50% of School taxes on acreage in excess of 350 acres. To be eligible for this tax credit, farmers must earn at least 2/3 of their income in excess of \$30,000 from farming. The credit may be claimed in the farmer’s annual NYS tax return.

Farm worker housing is exempt from property taxes, provided that the facility meets all safety and health standards set by the State building code and the NYS Department of Labor. Renovation of a historic barn for continued agricultural use also qualifies for a property tax exemption.

Certain property and services used in agricultural production is exempt from sales tax. Farmers need to complete Form ST-125.

“Right to Farm”

Farming practices sometimes result in neighbor complaints or, in more extreme cases, lawsuits. Non-farm neighbors may consider certain agricultural practices to be objectionable, such as noise from farm equipment, dust from harvesting, odors from animal housing or manure storage, or pesticide applications. Techniques to address neighbor relations include local “Right-to-Farm” laws and notification provisions.

The NYS Agricultural District law establishes a procedure to define “sound agricultural practices.” Upon request of a farmer or neighbor, a representative from the NYS Department of

Agriculture and Markets will investigate the practice and determine whether it is “sound.” If a party brings a nuisance suit against a farmer for a practice which is determined to be “sound”, the person bringing the suit must pay all legal costs to the farmer.

The NYS Agricultural District Law also includes provisions to notify purchasers of property of potential farming impacts. When property located within a certified Agricultural District is purchased, the buyer must sign a statement acknowledging that:

"It is the policy of this state and this community to conserve, protect and encourage the development and improvement of agricultural land for the production of food, and other products, and also for its natural and ecological value. This disclosure notice is to inform prospective residents that the property they are about to acquire lies partially or wholly within an agricultural district and that farming activities occur within the district. Such farming activities may include, but not be limited to, activities that cause noise, dust and odors. Prospective residents are also informed that the location of property within an agricultural district may impact the ability to access water and/or sewer services for such property under certain circumstances."

Local “Right to Farm” laws often include provisions for settling disputes between farmers and non-farming neighbors. An appointed committee may be empowered to mediate the dispute, or mediation could be assigned to a specialized organization trained by New York State’s network of Community Dispute Resolution Centers (CDRCs).

Land Preservation Programs

Programs that result in permanent preservation of farmland for continued agricultural use include public Purchase of Development Rights and the acquisition of conservation easements by private land trusts. These programs are voluntary and typically provide the landowner with payment equal to the difference in the value of land for development and its value for continued agricultural use.

New York State administers a Purchase of Development Rights program that provides up to 75% of the cost of acquiring permanent easements to viable farmland. Since the inception of this program in 1996, the Department has awarded nearly \$80 million to protect approximately 36,000 acres on 200 farms in 18 counties.

The U.S. Department of Agriculture also administers a Purchase of Development Rights program, the Farm and Ranch Lands Protection Program, which was reauthorized as part of the 2008 Farm Bill. Federal funds may be available to provide the local match for a State PDR application.

Conservation easements may also be conveyed privately to a land trust or other qualified conservation organization. A conservation easement is a legal document written in the form of a deed, in which a landowner permanently restricts the future development of real property for

the purpose of preserving or maintaining the scenic, open, historic, agricultural, or natural condition, character, significance or amenities of that property. Once a conservation easement is attached to a property, the property may be sold, subject to the restrictions defined in the easement. The restrictions placed by the easement will also affect the value of the property for property tax assessment purposes.

Temporary Easements may protect land for a period of time. Several municipalities have established programs that reduce property taxes for farmland owners who agree to leave land undeveloped for a specified period of time. If the land is developed prior to the end of the period, the landowner pays a penalty which goes into a fund for purchase of land or easements.

Agricultural Economic Development Programs

Farmland can continue to be utilized for agricultural purposes only as long as the business of farming remains viable. Publicly funded programs aimed at encouraging investment in farming include loans, technical assistance, research and grants.

The **Grow NY Enterprise Program** is a joint Governor's initiative of the Governor's Office for Small Cities (GOSC), Empire State Development Corporation (ESDC) and the Department of Agriculture and Markets (NYSDAM), which dedicates \$3 million annually to increasing the demand for and expanding the use of New York's agriculture and forest products. The primary objective of the program is to provide funds to local governments who in turn use the dollars to assist qualifying businesses who undertake activities resulting in the creation of job opportunities for low- and moderate-income persons.

The New York State Department of Agriculture and Markets operates several programs aimed at improving the economic viability of farming. These include:

- grants to provide promotional support for farmers' markets in New York State.
- a matching grant program for the development, implementation or expansion of programs, projects, activities or events which will promote New York State food and agriculture through agri-tourism. For the purposes of this program, agri-tourism is defined as any food or agriculture related program, project, activity or event taking place at a farm or other food or agriculture related location(s) that will attract visitors to promote and enhance the public's understanding and awareness of New York food, farms, and agriculture.
- a **Farm to School** program to encourage school districts to purchase fresh produce directly from local farmers. School district must follow certain guidelines in order to participate in the program.
- A program to assist farm operators and agricultural cooperatives developing business plans or implementing part(s) of an existing business plan that will enhance the profitability and/or environmental compatibility of their farm operations.

Energy Conservation/ Sustainable Energy Programs

The NYS Energy Development Agency (NYSERDA) administers programs to encourage energy conservation and the use of sustainable energy sources in agricultural operations. These include:

- financial assistance to farmers interested in installing alternative or sustainable energy facilities, such as a wind-powered or bio-fuel-based electricity generator.
- NYSEDA offers cash incentives to install wind-energy systems, solar electric systems, and energy-saving equipment. It provides technical assistance to farms and other facilities through energy audits to reduce energy consumption.
- NYSEDA's Agricultural Waste Management Program focuses on farms under pressure to control contaminants from manure. To meet these challenges, farms are partnering with NYSEDA to evaluate a variety of potential technological solutions, innovative business structure, and community waste management systems that could improve system economics and farm profitability. Technologies being evaluated include:
 - Anaerobic digestion of manure
 - On-site production of electricity from digester biogas
 - Composting of manure and digested solids.

Promotion of Locally-Grown Products

New York State administers the "Pride of New York" program, which assists food producers and retailers by promoting the sale of New York produced food and food products. The program provides marketing materials and assistance and conducts promotional activities which highlight New York State's many exceptional products.

Organizations that assist farmers and farmland owners

Soil & Water Conservation District

The Monroe County Soil & Water Conservation District has been actively involved in assisting farmers evaluate, install and improve conservation management practices since the District formed in 1954. In conjunction with evolving state and federal funding opportunities, District and NRCS technical staff have assisted many farmers with planning and implementation of conservation practices.

The Monroe County SWCD has identified the following natural resources concerns relating to farming:

- Cropland erosion control
- Loss of farmland to development
- Lake Ontario shoreline protection relating to water quality impacts
- Water quality impacts by nutrient, pesticide and sediment runoff from cropland

Conservation programs administered by the SWCD include:

- Agricultural Environmental Management (AEM)
- Agricultural Nonpoint Source Abatement & Control Grant Program
- Identifying soil types as basis for agricultural use assessments

Cornell Cooperative Extension

Cornell Cooperative Extension of Genesee County provides information and technical assistance to farmers. Teams of experts have been assembled on a regional basis to address issues:

- The Cornell Vegetable Program serves the vegetable, greenhouse, potato, and dry bean industries within a 9 County region in western New York. It provides research-based information to assist farmers produce and market vegetable crops profitably and in an environmentally safe manner.
- The Northwest Dairy, Livestock and Fieldcrops Team organizes educational programs to help producers:
 - Enhance the sustainability of their businesses.
 - Enhance profitability and other aspects of economic performance of their businesses.
 - Practice environmental stewardship.
 - Enhance employee well-being and satisfaction.
 - Provide safe, healthy agricultural products in ways that are safe to farm owners and their families, farm employees and their families, and neighbors.

- Provide leadership for enhancing relationships between the agricultural sector and the general public.

Other educational programs administered by Cornell Cooperative Extension of Genesee County include a directory of agritourism and direct market sales outlets and “Agriculture in the Classroom” activities. More information is available at the website:

USDA Natural Resources Conservation Service (NRCS)

The Natural Resources Conservation Service (NRCS) was established pursuant to Public Law 103-354, the Department of Agriculture Reorganization Act of 1994, (7 U.S.C. 6962). The mission of NRCS is to provide national leadership in a partnership effort to help people conserve, improve, and sustain the Nation’s natural resources and environment.

NRCS technical experts help land managers and communities take a comprehensive approach in planning the use and protection of soil, water, and related resources on private and non-Federal lands, in rural, suburban, urban, and developing areas. NRCS assistance to individual landowners is provided through soil and water conservation districts, which are units of local government created by state law. NRCS works in partnership with the State conservation agency and other State and local agencies to deliver a wide range of programs necessary to enhance our natural resources.

Financial Assistance Programs

- Conservation Security Program
- Environmental Quality Incentives Program (EQIP)
- Wildlife Habitat Incentives Program (WHIP)
- Forestry Incentives Program (FIP)

Easement Programs

- Farm and Ranch Lands Protection Program
- Wetlands Reserve Program
- Grassland Reserve Program
- Conservation Reserve Program

Other Programs

- Conservation Operation & Technical Assistance
- Watershed and Flood Prevention Operation
- Emergency Operations
- Resource Conservation & Development Program
- Grazing Lands Conservation Initiation
- Plant Materials Program
- Urban Resource Partnership Program

USDA Farm Service Agency (FSA)

The Farm Service Agency (FSA) administers several programs that assist farmers and farmland owners, including Conservation Reserve Program (CRP), disaster assistance and loans, as well as outreach, education and analysis of laws and regulations. The FSA works closely with NRCS, SWCD and Cooperative Extension to administer many of these programs.

New York Farm Bureau

The New York Farm Bureau is a private organization that advocates politically on a broad range of issues. Its structure encourages participation among members at the local level through County chapters. The website of the Monroe County Farm Bureau indicates that the organization works to “promote public policy that protects an owner's right to use land” and believes that “a strong, viable agricultural industry benefits the economy, local communities and consumers.” More information is available on the Genesee County Farm Bureau website, <http://nyfb.org/genesee/index.html> and the New York Farm Bureau website: <http://www.nyfb.org/whatisfb.htm>

USDA Rural Development

USDA Rural Development administers several grant programs that provide assistance to farmers, municipalities and institutions, including the following Rural Business-Cooperative Service programs:

- Grant funds to help independent agricultural producers enter into value-added activities. Awards may be made for planning activities or for working capital expenses
- Rural Economic Development Loan and Grant (REDLG) program