

ORANGE COUNTY
AGRICULTURAL AND FARMLAND
PROTECTION PLAN

April 1996

**ORANGE COUNTY'S
ENDANGERED
SPECIES**



Postponed Public Meeting
RESCHEDULED

How many more dairy farms,
orchards, and vineyards
can we afford to lose?

WE NEED YOUR HELP!

Come to the Public Hearing on
Orange County's Agriculture
and Farmland Protection.

Tues. NOV 28th 7:30 P.M.

LEGISLATIVE CHAMBERS
Orange County Government Center, Goshen

**ORANGE COUNTY
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EXECUTIVE SUMMARY

Agriculture is the economic foundation of Orange County. Orange County continually ranks in the top ten of New York counties in terms of gross farm sales. The Agricultural and Farmland Protection Board (AFPB) has worked diligently over the past twelve months to develop a plan for Orange County which will protect its vital agricultural industry and preserve that irreplaceable resource called farmland.

The issues and concerns of the agricultural community have been addressed in the form of 17 recommendations. The centerpiece of the plan revolves around the need for a dedicated staff position for agricultural economic development, and education of both the public and elected officials about the agricultural industry. Recommendations focusing on land use address primarily property tax assessment, soils valuation, and the need for land preservation. Recommendations focusing on agriculture profitability address property taxation, a circuit breaker tax program, estate taxes, and utility expenses. Recommendations also address methods to reduce the regulatory burden on farmers and proposals to increase awareness and support for maintaining a viable agricultural industry in Orange County.

The Plan contains recommendations which can be accomplished at the County level as well as those which will require State or Federal action.

Most recommendations will cost minimal amounts and with one exception, the work can be accomplished with existing staff and facilities. Several recommendations constitute on-going endeavors for which support from the Legislature is deemed critical. The proposed protection plan is designed to be a living document, evolving to meet the changing needs of Orange County's agricultural industry.

AGRICULTURAL AND FARMLAND PROTECTION PLAN

In 1992 New York State gave local governments more responsibility to develop plans and strategies to enhance agricultural and farmland protection programs. These new rights were contained within the amended New York State Agricultural Districts Law in a section entitled the Agricultural Protection Act.

The Agricultural Districts Law recognizes agricultural lands as an irreplaceable resource. It seeks to create an economic and regulatory climate which will encourage farmers to continue farming as well as preserving agricultural lands. The Law is the State's most effective tool for maintaining land in agriculture.

Counties and municipalities know best which lands should be maintained. It is also local governments which can best say how to maintain agricultural lands against development pressures, the high costs of doing business and regulatory constraints in their own areas. The New York State Department of Agriculture and Markets recognized this fact and recommended changes to the Law, to bring local governments more fully into the process.

The Agricultural Protection Act authorized counties to form an Agricultural and Farmland Protection Board (AFPB). Orange County formed its Board out of the previous Agricultural Districts Advisory Committee. Representatives from the Planning Department, Cornell Cooperative Extension, the County Legislature, Real Property Tax Services, Soil and Water Conservation District, and a land trust participate on the Agricultural and Farmland Protection Board. Additionally the Board includes four farm operators and one agribusiness operator.

The Agricultural Protection Act also provided county governments with the opportunity to apply for State grant money, to be matched locally. The grant money was expressly for the purpose of developing county agricultural and farmland protection plans. Orange County, through its AFPB, was one of the first counties to apply for the New York State grant. The Orange County Planning Department received the grant effective November 1, 1994. Cornell Cooperative Extension was contracted as the consultant to perform the services. The AFPB had outlined what it hoped to accomplish and developed a timeline to write the draft protection plan even before the planning grant was received.

To create a document which truly reflected the needs and concerns of the agricultural industry and of county residents, the AFPB used several communications strategies. AFPB members talked to an untold number of fellow farmers, business professionals, and county residents face-to-face to solicit input. Surveys were sent to growers and agribusinesses throughout the county. Nearly 200 respondents provided input on a myriad of topics, organized into four overall categories of marketing assistance, education, legislative initiative, and technical assistance. The project coordinator organized eight focused discussion groups with citizens groups, growers and agricultural students to gather input. The focus groups reached over 100 people. In late September 1995, the AFPB cosponsored a day-long Agricultural Issues Tour to identify some

issues the farm community had raised as important. The target audience for the tour was local officials, county and state representatives, business people and other interested residents of Orange County. The AFPB reached another 100 people through that day's series of events. Lastly, the AFPB scheduled a Public Hearing on the proposed protection plan. Over 200 concerned citizens crowded the Legislative Chambers and 30 of them spoke in support of the proposed protection plan. There were no dissenters among the participants. Additionally, the project coordinator published articles monthly in the Cornell Cooperative Extension AgFocus outlining the status of the planning process, asking for input and encouraging people to help with the process. The project coordinator also made five radio appearances to discuss the planning process and ask for input.

18 volunteers from the farm and related agricultural business community worked with the 12-member Board on the protection plan writing effort. Recommendations for action were developed by each of four task groups or working committees. The four themes the task groups targeted evolved from the intensive information gathering done in the early months of the planning process. These four themes were land use, regulations, public education and profitability. Profitability has come to be titled equitable taxation policies. The draft protection plan contains 17 recommendations for action. These recommendations were based on issues raised from the survey, focused group meetings, individual interviews, and the public events the AFPB sponsored.

The proposed draft Orange County Agricultural and Farmland Protection Plan is hereby submitted to the Orange County Legislature for its approval. Some of the recommendations for action that can be accomplished on the County level are already underway. Some recommendations can only be implemented with New York State legislative action. Therefore, their implementation would require Orange County to endorse such action. Lastly, the plan contains recommendations which will require Orange County and New York State legislators to lobby the United States Congress to act. Upon approval of the plan by the County Legislature, it shall submit it to the Commissioner, New York State Department of Agriculture and Markets, for his approval.

The proposed plan is to be a living document, changing to meet the ever-changing challenges facing agriculture as it moves into the next century.

RECOMMENDATIONS

1. The Orange County Legislature will authorize funds of \$30,000 per year to be used by the AFPB to promote agribusiness economic development in Orange County.

2. The AFPB educate local municipal officials and the public about farming, including but not limited to:

- *its favorable taxes paid/services required characteristics.
- *its value as an industry.
- *its aesthetic and environmental contributions to the community.
- *the protection afforded to agricultural activities through the Agricultural Districts Law.
- *how zoning affects agriculture.

The AFPB would accomplish the education goal primarily through the efforts of the Agricultural Economic Development Director. Absent that, the AFPB would establish a speakers' bureau to make presentations.

3. Cornell Cooperative Extension work through its 4-H Program to improve the "Ag in the Classroom" series and its use by classroom teachers in grades K-6th. This classroom education effort would be supplemented by other special events, speakers, displays, and programs.

4. Orange County Planning Department incorporate as part of the Master Plan Review process a detailed plan to fully evaluate the potential for programs to preserve farmland, scenic vistas and other open space, including options such as Purchase of Development Rights (PDR), Transfer of Development Rights (TDR), conservation easements, and others.

5. Orange County Legislature endorse the further study of efforts of any municipality to make farmland more affordable, for example TDR in the Town of Warwick.

6. The AFPB be available to work with local municipalities to review existing and proposed local laws/ordinances to identify "ag insensitive" aspects, especially conflicts with New York State Agricultural Districts Law. Pursue proposed changes where such aspects are identified. Likewise, the AFPB identify "farmer friendly" and "land preservation friendly" aspects of local laws/ordinances and publicize them to other municipalities.

7. Orange County Legislature will adopt a policy supporting fair taxation to all farmers in Orange County so that they remain productive and competitive. The AFPB will examine various components of this issue including:

- *increase the exemption limit for New York State estate taxes.
- *extend Section 405B of the Real Property Tax Law to new farmland and farm structures.
- *implement "value-in-use" assessment.
- *eliminate real property taxes on specific-use farm buildings.
- *eliminate all special assessments on productive agricultural land, regardless of when special district was organized.

*create circuit breaker tax credits for New York State farm owners.

8. Orange County Legislature endorse the New York State Legislature's modifying the formula for valuing organic soils. The effort should be in cooperation with the AFPB, the Farm Bureau, the Orange County Vegetable Improvement Association, Wallkill Valley Drainage Improvement Association, and other grower groups.
9. Orange County Legislature will urge New York representatives to the United States House and Senate to support US Senate and House bills which would increase the exemption limit for estate taxes on family businesses, including family farming operations.
10. The AFPB work with utility companies serving Orange County to explore opportunities to reduce high energy costs to the farm industry. Enlist the support of the Farm Bureau and other grower groups in this effort.
11. The Orange County Legislature will reaffirm New York State's right-to-farm law and will encourage towns to adopt their own right-to-farm ordinance.
12. The Orange County Legislature draft policy encouraging towns to include agricultural notes on all town zoning and subdivision maps. The policy should also encourage the towns to require developers to research and notate on plat maps, land proposed for development lying within an agricultural district as part of the subdivision application procedure.
13. The AFPB inform real estate firms and associations about buyer notification requirements and encourage realtors to provide such notification to buyer when initially showing property that is within an agricultural district.
14. The AFPB educate municipalities as to the importance of local right-to-farm ordinances. The AFPB assist municipalities in drafting an ordinance, using the State right-to-farm law as a model.
15. The AFPB organize meetings by farm organizations with agency representatives to learn firsthand about changes in regulations and how to best prepare for and meet each agency's standards. The meeting should be held in the off-season, preferably in January but not after 15 February. Such meetings would be scheduled as needed, until the long-term goal of a consolidated team inspection is realized.
16. The Orange County Legislature adopt a resolution and forward it to the New York State Legislature requesting a single team to visit farm operators to inspect for all agencies. The purpose of such a team is to eliminate overlapping oversight by several agencies.
17. The Orange County Legislature adopt a resolution and forward it to the New York State Legislature to urge reform of Worker's Compensation laws and regulations to reduce cost.

DISCUSSION

Agriculture, with its affiliated businesses, is the largest industry in Orange County. Orange County has 641 farms, totaling 102,733 acres. The market value of all agricultural products sold from the County was \$74.6 million, according to the 1992 Census of Agriculture. (See Recommendation #1)

Land is the farmers' major production cost and land in Orange County is not affordable for farmers. Most agricultural land is included in a zoning district with residential and industrial land uses. The greater the competition for non-farm use of land, the higher the land values. When land prices reflect their potential value for industrial and/or housing development farmers cannot compete with speculators/developers. (See Recommendations #2, #4 and #5).

The property taxes that come with the land also represent a significant cost to farmers. Local assessments reflect highest and best use, not present use - creating unfair and excessive land tax burdens for Orange County farmers. (See Recommendations #7, #8, and #9)

Farming is unappreciated for its contributions to the local tax base. Agriculture contributes nearly three times the revenues that it receives back in services. While there is no argument that a rural residential acre lot with a house on it will generate more income than an acre of cattle or corn, that argument does not look at the cost of providing services to that new rural home. All recent studies conducted on the cost of community services (COCS) indicate that farms contribute a net gain to the tax base. The American Farmland Trust figures compiled for the mid-Hudson Valley COCS indicate that an average of \$ 1.12 are spent on public services for every dollar raised from the residential sector. Conversely, agriculture and open space consume only \$.35 in services per dollar of revenue, leaving \$.65 to offset other expenses. Such disparity is unfair to farm operators.

It is more economical to service settlements which are concentrated in areas with existing infrastructure. Coordinated efforts at all levels of government should be concentrated on preventing "sprawl" development. Adopting growth management plans and making public spending decisions that reinforce those plans will help eliminate haphazard development. Concentrating development where infrastructure already exists, that is cities and villages, has the coincidental effect of revitalizing those areas. It also has the effect of eliminating the patchwork look of the countryside that results from sprawl, leaving larger contiguous areas for farming and easing the conflict between farmers and non-farm residents.

While farmers are offered some property tax abatement by the ceiling on land assessment afforded them by the New York State Agricultural Assessment Program which is a part of the Agricultural Districts Law, efforts to ease the farmers' tax burden are inadequate. Property assessed according to its present use is one method to accomplish that, as several recent court cases in NY have demonstrated. Tab D contains a summary list of cases on "value-in-use" assessment. Local technical experts believe that these cases have far-reaching beneficial effects for farmers in Orange County. Adoption of "value-in-use" assessment would compel local assessors to calculate farm assessments using fair and accepted methodologies (See Recommendation #7)

The Agricultural Districts Law exempts farm properties from special districts assessments. Special districts may include fire or sewer, for example. Real Property Tax Law dictates that where special districts were in place before agricultural districts, properties are not exempt from the special district taxes, even if otherwise eligible for agricultural assessment. The Law also exempts certain farm buildings from property taxes. These are specific-use farm buildings, especially feed storage buildings which are deemed to have no other uses. However, when farmland is converted to non-farm uses, all farm buildings are considered of little or no value. They are razed to develop the site.

Exempting all productive farm operations from special district tax assessments regardless of when the district was organized is a recommended method to ease the farmers' tax burden. It is further recommended that farmers be exempted from taxes on all specific-use farm structures. Thirdly, extending Section 405B of the Real Property Tax Law to new farmland and farm structures would allow farmers to compete more equitably with commercial and industrial developers (See Recommendation #7)

Another possible method to make the farmers' tax burden more manageable is the circuit breaker tax credit program, which is designed to significantly offset farm operators' property taxes. Two states, Michigan and Wisconsin, have circuit breaker tax programs for their farmers. The programs makes farmers eligible to receive an income tax credit from the state for the amount which the property taxes paid exceeds a certain percentage of household income. Both Orange County and New York State Farm Bureaus support the circuit breaker tax initiative. (See Recommendation #7)

Another issue affecting the affordability of land for farming in Orange County is the formula dictated by New York State to calculate organic soil (black dirt) values for the Agricultural Assessment Program. The formula uses inputs that are inappropriate for actual black dirt farms and yields unjustifiably high values. The issue of unreasonable black dirt assessments has been considered locally for some time. (See Recommendation #8)

The US Department of Agriculture's Natural Resource Conservation Service in cooperation with the Soil and Water Conservation District has completed remapping of the County's organic soils to afford appropriate assessment reductions where these soils diminished in value. This past year, Orange County Real Property Tax Services has begun to work with local assessors in the towns with organic soils to develop more appropriate valuation procedures. The town of Wawayanda has completed the revaluation of its muck soils.

Yet a third issue affecting the affordability of farming is the opportunity to pass the farm business to the next generation. The current Federal estate tax rate stands at 55% of taxable assets above \$600,000. In Orange County where land values are so high, the value of just the farm land easily can reach or exceed the maximum value. Thus heirs frequently have to liquidate all or part of the land base of the farm to satisfy the estate tax bill. That leaves the next generation with an inadequate land base on which to farm profitably. (See Recommendations #7 and #9)

Both Senate Bill #S 1086 and House Bill #HR 2190 propose creating a family business-tax credit

of \$ 1.5 million. The bills also exclude 50% of family-business assets above the \$ 1.5 million, resulting in an estate tax rate of approximately 27% on the remaining assets. A change of this magnitude in the exemption limit coupled with the other features would provide direct benefit to family farm operations in Orange County in reducing the estate tax burden. Farm Bureau also supports these bills.

According to the New York Agricultural Statistics Service, fuel and oil and a category which includes electricity are among the highest production expenses for farm operators, after land ownership. New York State utility rates are higher than our competing agricultural states, putting our farmers at a competitive disadvantage with other farmers. As in all areas of production, operating costs can be reduced. The AFPB already has begun discussing with representatives of the utility companies how to reduce this operating expense for Orange County farmers. (See Recommendation #10)

It is difficult for farmers to operate profitably for a variety of reasons. One that bears critical examination is the cost of workmen's compensation insurance. Compensation insurance is an operating cost which farm operators must pay and over which they have no cost control. At Tab J is an example of just one farm's compensation insurance cost. The cost has risen exponentially over the four year period shown. (See Recommendation #17)

Farm operations employing 5 or more seasonal laborers are subject to inspections by several agencies. Those agencies which inspect Orange County farms include both Federal and New York State Departments of Labor, both New York State and Orange County Departments of Health, and the Employment Standards Administration. Occupational Health and Safety Administration may inspect every 2 or 3 years. Farm Worker Legal Services representatives visit. The Naturalization and Immigration Service occasionally inspects. Most recently farmers are reporting that the Federal Bureau of Investigation will commence inspections.

There is considerable overlap in agency duties; however, there is no working communication between and among agencies to prevent duplication of efforts. A collaboration was attempted in the recent past between the Federal and New York State Departments of Labor. Such a collaboration is in the interest of farm operators, and tax payers in general, and should be pursued. The agency which requires the strictest standards should provide one team member to the recommended two-person team. (See Recommendations #15 and #16)

Orange County has been one of New York State's fastest growing counties. Transition from rural to an increasingly urban county has resulted in conflicts, such as increased traffic and objections to familiar farm practices, manure handling and chemical use, as examples. Also problems of noise associated with normal farm operations at unusual hours is another source of potential conflict.

Farmers make up a very small percentage of the overall population, and this percentage is reflected in the make up of the governing bodies of local communities. Additionally, the general populace has a poor level of understanding about modern-day farming. Ironically, the same people who elect the local officials, accept and abide by their policies and sometimes even complain about standard farm practices often highly value the "community character" provided by farming and its use of the landscape. (See Recommendations #2, #3 and #6)

New York State is a home rule state. Towns and municipalities have considerable power to enact laws, which may result in discrepancies with State law. The 1992 amendment to the Agricultural Districts Law, called the Agricultural Protection Act, attempts to limit the extent to which local governments enact local laws or ordinances which will adversely affect or restrict farm structures or farm practices. The Agricultural Protection Act also specifies that before a transfer of real property, the buyer be notified that the property is wholly or partially within an agricultural district and that farming activities will occur. Improper notification or no notification gives rise to home owner complaints against farmers, in direct contravention of another clause of the law, that is the Right-to-Farm clause, section 308. The towns of Montgomery, Warwick and Wawayanda include agricultural notes on zoning and planning maps now.

Many residents of Orange County have no immediate or even distant connection to the land. They do not understand that farming is a business, an industry. Children no longer connect the food they see on their tables with its origins in fields near their homes. Without the knowledge and appreciation of what the neighboring fields provide them, they will have little interest or incentive to sustain the farm industry in Orange County. The need to educate these people about the realities of modern farming - the perceived inconveniences that may accompany the bucolic setting - and to garner their support for ag-sensitive local policy-making cannot be overstated. (See Recommendations #2, #11, #12, #13, and #14)

Most towns have a stated goal of maintaining traditional patterns of urban and rural, and preserving agriculture and open space. Production agriculture is the best source of open space as well as scenic views. Several land preservation methods are available to protect and preserve productive farmland, scenic vistas, historic areas and other open space. Purchase of Development Rights (PDR), Transfer of Development Rights (TDR), and conservation easements are just a few. Such programs are best when designed for a particular town by town officials and residents working together to accomplish certain goals. The County can play an important role in coordinating the necessary up-front studies and providing program oversight/technical assistance. (See Recommendations #4 and #5)

TAB A

LANDS PROPOSED FOR PROTECTION

Land which the Orange County Agriculture and Farmland Protection Board (AFPB) have identified for protection are lands which are in productive agriculture and lie in an agricultural district. The AFPB has prioritized among those lands that the specific areas critical for protection will be designated either because the lands cover a large contiguous area; the soils are highly productive; or a combination of both criteria.

The Towns of Warwick, Minisink, Greenville and Crawford and parts of the Towns of Mt. Hope, Wawayanda, Goshen, Montgomery, Newburgh, Hamptonburgh, Chester, and Wallkill clearly have agricultural lands which cover a large contiguous area. The AFPB supports the Town of Warwick investigate Transfer of Development Rights (TDR) Program. See Tab B for more information on TDR and the Warwick proposal.

Orange County will undergo its 8-year Agricultural Districts review in 1996. It is anticipated that there will be changes in the acreage included in Ag Districts as a result of that review. Maps are currently being drawn which overlay the agricultural districts, highly productive soils and productive soils, and intensive agriculture. Until the review is complete, a more specific designation of areas to protect is held in abeyance.

TAB B

TRANSFER OF DEVELOPMENT RIGHTS (TDR)
AND
TDR PROPOSAL TO WARWICK TOWN COUNCIL

TDR is a program in which local governments have authority to provide for a transfer of development rights with a comprehensive plan. Once the development rights are transferred, a conservation easement is placed on the property. This ensures that the requirements of the municipality's planning goals for open space and agriculture are met without restricting development. It is a voluntary program for landowners in the area designated as the sending area, that is, the area which is to be preserved. A landowners may choose to sell development rights for transfer (cash sale) or develop the land himself. The landowner may transfer rights from all or a portion of the parcel. Sale of the development rights usually is done on the open market; developers purchase the development rights for use in the receiving area. That relieves the municipality of the financial burden. Developers receive a density bonus for development within the receiving area, that is, areas where residential development and associated infrastructure already exist. After transfer the sending area land taxes are based on the true use value, not the potential value.

November 27, 1995

TO: THE TOWN BOARD, WARWICK, NY
FROM: TOWN OF WARWICK AGRICULTURAL ADVISORY BOARD
RE: TRANSFER OF DEVELOPMENT RIGHTS

We propose the adoption of Transfer of Development Rights (TDR) as a modification of the present system of land usage within the Town of Warwick, and we herewith ask the Town Board to enact enabling legislation through which TDR can be established.

TDR can permanently preserve Warwick's farms and open space -- its exceptional scenic beauty -- while channeling orderly growth within the most appropriate and efficient growth areas. It can enhance farming as the town's economic powerhouse. And, of crucial importance, it can achieve these objectives while protecting and maintaining the equity of landowners.

TDR is already being successfully pursued in other areas that have much in common with Warwick...for example, in Montgomery County MD, where a viable farm economy is being preserved in the face of severe suburbanization pressure from Washington DC; and in Burlington County NJ, adjacent to the expanding Philadelphia/Camden metropolitan areas.

We believe that Warwick can learn from their examples, minimize our organizational costs, avoid mistakes and reduce the potential for conflict.

We have been offered firsthand advisory assistance by people in TDR Administration in Burlington County. With their assistance, our committee and volunteers who have participated in this study stand ready to help the Town implement a successful TDR program in Warwick.

TRANSFER OF DEVELOPMENT RIGHTS -- HOW IT WORKS

Transfer of Development Rights (TDR) now appears the *only* viable way Warwick can preserve a large portion of its farmland permanently. It is financially feasible because, as you'll see, it depends primarily on private sector money and free market forces. It is fair to all, because no one segment of the town benefits at the expense of another. Everyone comes out ahead with a town that remains rural, open and very livable.

(more)

TDR is not intended to stop or reduce growth. Rather, it *rearranges* the growth that the town has already deemed acceptable. Parts of the town are designated as growth areas and the rest as preservation areas. New-home construction will be *more concentrated* in growth areas – and far *less concentrated* in preservation areas – than under the pre-TDR planning. But the *overall* growth of new homes will be the same.

"Sending" and "Receiving" Areas. To achieve this, development rights are transferred, or "sent," from the town's preservation areas to its growth areas. In TDR vocabulary, preservation areas are called SENDING areas and growth areas are called RECEIVING areas.

Say that a farmer in a sending area has, by previous zoning, 20 good buildable lots on his land. Under TDR, in return for deed-restricting his farmland to agricultural use, he gets 20 development credits. When a builder buys these credits from the farmer, that developer can build 20 *extra* homes in a receiving area.

If the pre-TDR zoning in the receiving area was one home per two acres, it can be increased to two, three, or four homes per acre (whatever the TDR plan permits) ONLY with the use of development credits purchased from farmers and other landowners in sending areas.

Why Development Credits Are Valuable. Higher-density construction can greatly increase development profits. With clustered housing, a developer can improve building efficiencies and save lots of money on roads, utilities and the like. Thus development credits can be very valuable to the developer.

Indeed, under TDR the town does everything consistent with its overall goals to make development in receiving areas as easy and profitable as possible... because this correspondingly boosts the value of development credits held by farmers in the sending areas. The greater the profit potential for builders, the more they'll be willing to pay for development credits.

TDR guarantees that *every* development credit held by landowners in a sending area can be used in a receiving area. A farmer will *never* end up holding unusable development credits...even if that should require enlarging a receiving area to accommodate those credits. This is a basic tenet of TDR.

How Much Will Development Credits Be Worth? The specific value of development credits cannot be pinned down in advance. A "hungry" farmer may sell his credits to developers for less than a "patient" farmer. Credits will increase in value during a real estate boom and decrease during a bust.

However, experience elsewhere may provide a very rough guide. In a Southern New Jersey area where building lots are selling for \$25,000 each, conservative projections indicate farmers will receive about \$20,000 each for development credits. Of course, the farmer still owns his land after receiving the money. While the land is now deed-restricted from development use, the farmer is free to sell it or rent it for agricultural use anytime he chooses.

There is no time frame within which a sending-area landowner must sell his development credits. Nor does he have to sell them all at once. He can sell them piecemeal in whatever manner best fits his financial goals. Development credits will *always* be usable in a receiving area. Some years down the road they might have a value that's hard to imagine now. Development credits are not taxable until sold, and can be used as collateral for bank loans.

What Happens To Deed-Restricted Farmland? The *agricultural* value of farms near expanding urban/suburban areas tends to increase rapidly. Such farms are right "next door" to populations eager for farm-fresh produce. And, because deed-restricted farms are *permanently* farms, they are likely to be far more efficient and profitable. The "impermanence syndrome" is gone. The farmer no longer puts off investing in needed equipment and improvements because "I may be selling my land for development one of these days."

With TDR, a farmer who wants to expand his farming operation can purchase other deed-restricted farmland at a realistic price, or lease it knowing that it won't be sold out from under him for development. For the farmer who wants to sell, a deed-restricted farm can be economically attractive to prospective farm buyers within and outside our area who are interested in actively farming here.

This will make it possible for Warwick to maintain the "critical mass" of farms needed to support agricultural service businesses...farm machinery, fertilizer, seed, veterinary, repair, artificial breeding, etc. If we fall below "critical mass" -- and that eventuality is not very far away -- preserving Warwick's rural character and open spaces is probably a lost cause.

TDR Fosters Traditional Growth. While TDR is a relatively new concept, it fosters the kind of growth patterns that are traditional in rural America -- clustered housing in villages and hamlets, with nearby stores and commercial services, surrounded by farms, woods and open spaces.

Receiving areas, where growth is concentrated, are carefully designed to make possible the most efficient and economical infrastructure -- water supply,

sewers and waste-water treatment, roads, utilities, fire protection, school bus routes, etc. New growth is often contiguous to existing villages and hamlets, and may take advantage of infrastructure already in place. The long-term tax savings inherent in well designed receiving areas -- as opposed to haphazard sprawl development -- are enormous. With TDR, every taxpayer is a big winner.

Higher-density clustered housing in receiving areas emphatically does not have to mean less attractive neighborhoods. Indeed, TDR typically employs visual preference surveys, which let everyone in town take part in determining what the town's growth areas will look like. (In Burlington County NJ, such surveys showed that most people greatly preferred single-family homes with front porches and detached garages at the rear to the more "modern" layouts often spawned by developers.)

How TDR Can Benefit Everyone. With TDR, the appearance of Warwick's growth areas can be decided by the citizens, not the developers. But this can actually work to the advantage of developers, because they know in advance exactly what is, and is not, acceptable. Approval procedures that might have taken a few years may now require only a few months. This can substantially increase builders' profit potentials. The greater the profit potentials, the greater the value of the development credits builders purchase from farmers and other landowners in sending areas.

This is the essence of TDR. Properly conceived and carried out, it is fair to all and can benefit everyone. The town stays beautiful. Property values grow stronger. And taxes remain far lower than with suburban sprawl.

End of proposal.

TAB C

OTHER LAND PRESERVATION TECHNIQUES

Bargain or Conservation Sale: Property is sold to a not-for-profit group at less than full market value. Both the buyer and seller benefit. It reduces or eliminates tax on capital gains. The value of the "bargain", that is, the difference between full market value and the sale price, can be taken as a charitable contribution. A "bargain sale" allows another farmer to buy the land at lower than full market value.

Conservation Easement: A Conservation Easement identifies a right to use land for a particular purpose, in this case agriculture, under specified standards. An easement is notated on the property deed and follows the property. It is binding on all succeeding fee owners of the property. Easements are individually designed to meet the needs of the landowner. Generally, the restrictions easements place on the land lower its value.

Gift of Land by Will: This is a method that can be used to legally transfer or "will" farmland to a group or individual. It allows a landowner to make arrangements for an orderly transfer of property to a desired use after death. It allows the landowner to meet a specific objective, such as the maintenance of the property in agriculture.

Land Trust: A Land Trust is a non-profit organization legally established to own land for resource protection purposes. A land trust can own property which has been donated to it or which it has purchased outright. Alternately, it can hold only a conservation easement on the land while the property is still owned and managed by the landowner.

Limited Development: Limited Development is the enactment of land use regulations to control development in and around urban areas. Success in using this method depends on farmer-landowner willingness to accept additional land use controls and proper monetary compensation for any loss of property values. It provides potential property tax reduction as an incentive to participating farmer-landowners, or even potential payments for development rights to maintain land in agriculture. Planned development and ordinances can make economic and residential growth compatible with adjacent land use.

Purchase of Development Rights (PDR): PDR is the acquisition of the right to develop by a public corporation, government agency, or non-profit organization. Once the development rights are sold, there is an easement placed on the land which prohibits development. The landowner receives a cash payment for the difference between market value and agricultural value of the land. The landowner retains all other rights to the land. PDR is a voluntary program which insures land will stay in agriculture. New York State does not have a state-funded PDR program at this time. Nine states do.

Reserved Life Estate: Developing a "Reserved Life Estate" allows a landowner to plan how his property will be used in the future, and at the same time, reduce taxes on income. After the land is deeded to the beneficiary, the landowner usually maintains use and income from the property until death.

TAB D

"VALUE IN USE" ASSESSMENT CASES

85 A.D.2d 697, Weingarten v. Town of Ossining, Dec. 28, 1981.

79 A.D.2d 856, Addis Company v. Srogi, Dec. 12, 1980.

99 A.D.2d 600, Adirondack Mountain Reserve v. Board of Assessors of the Town of North Hudson, Essex County, New York, Jan. 19, 1984.

4 No. 254, State of New York Court of Appeals, Allied Corporation v. Town of Camillus, Nov. 18, 1992.

7 Op. Counsel SBEA No. 125, Assessments, generally-methods of valuation(reservoirs)-Real Property Tax Law, Sections 305 and 566, Dec. 22, 1982.

Index No. 12696/88, Supreme Court Nassau County, The New Country Club of Garden City v. The Board of Assessors and the Board of Assessment Review of the County of Nassau, Jun. 4, 1991.

IAS Part 36 of the Supreme Court of the State of New York, Assessment Methods, Czuchman v. The Board of Assessors and the Board of Assessment Review of the County of Nassau, Dec. 14, 1992.

Index No. 15692/89, IAS Part 36 of the Supreme Court of the State of New York, Judicial Review, Hicks Nurseries, Inc. v. The Board of Assessors and the Board of Assessment Review of the County of Nassau, Apr. 8, 1993.

IAS Part 24 of the Supreme Court of the State of New York, Judicial Review, 19 NY Properties Limited Partnership v. The Commissioner of Finance and the Tax Commission of the City of New York, Sep. 30, 1993.

RJI Nos. 17-1-90-425, 17-1-91-509, 17-1-92-482, and 17-1-93-381, Supreme Court Hamilton County, Stonegate Family Holdings, Inc. v. The Board of Assessors and the Board of Assessment Review of the Town of Long Lake, May 10, 1994.

TABLE
PROPOSED ORANGE COUNTY
LAW ESTABLISHING RIGHT-TO-FARM-LEGISLATION

Be it enacted by the Legislature of Orange County as follows:

SECTION 1. LEGISLATIVE INTENT AND PURPOSE.

The Legislature recognizes that farming is an essential enterprise within Orange County. Farming is an important source of livelihood, providing locally produced, fresh commodities and raw materials for processing. The unique agricultural diversity in this area, which includes a variety of income producing services, undergirds the economic stability of the County. Agriculture also enriches the quality of life enjoyed by all citizens, providing the visual appeal of open space while generating social well-being within the community. Therefore, the County Legislature emphasizes to all current and prospective citizens (and real property owners) that this County encourages its agriculture and urges understanding of and cooperation with the necessary day-to-day operations involved in farming.

It is the general purpose and intent of this law to maintain and preserve the rural traditions and character of the County, to permit continuation of agricultural practices, to protect the existence and operation of farms, and to encourage the initiation and expansion of farms. In order to maintain a viable farming economy in Orange County, it is necessary to limit the circumstances under which farming may be deemed to be a nuisance and to allow agricultural practices inherent to and necessary for the business of farming to proceed and be undertaken free of unreasonable and unwarranted interference and restriction.

SECTION 2. DEFINITIONS.

1. "Farm" shall mean the land, buildings, and machinery used in the production, whether for profit or otherwise, of agricultural products.
2. "Farmer" shall mean any person, organization, entity, association, partnership, or corporation engaged in the business of agriculture, whether for profit or otherwise, including the cultivation of land, the raising of crops, or the raising of livestock.

3. "Agricultural products" shall mean an enterprise in which activities include the production of food, fiber or horticultural crops; or the raising of livestock. Those products and enterprises as defined in Section 301(2) of Article Twenty-five-AA (25-AA) of the State Agriculture and Markets Laws shall mean but not be limited to:
 - a. Field crops, including corn, wheat, oats, rye, barley, hay, alfalfa, potatoes, and dry beans.
 - b. Fruits, including apples, peaches, grapes, cherries, and berries.
 - c. Vegetables, including onions, tomatoes, snap beans, sweet corn, lettuces, and others.
 - d. Horticultural specialties, including nursery stock, ornamental shrubs, ornamental trees and flowers.
 - e. Livestock and livestock products, including cattle, sheep, hogs, goats, horses, poultry, farmed deer, farmed buffalo, fur bearing animals, ratites, milk, eggs, and fur.
 - f. Maple sap.
 - g. Christmas trees derived from managed Christmas tree operations whether dug for transplanting or cut from the stump.
 - h. Aquaculture products, including fish, fish products, water plants, and shellfish.
 - i. Farm woodland includes land used for the production and sale of woodland products, including but not limited to logs, lumber, posts and firewood.
4. "Agricultural practices" shall mean all activities conducted by a farmer on a farm to produce agricultural products and which are inherent and necessary to the operation of a farm, including but not limited to the collection, transportation, distribution, storage, and land application of animal wastes; transportation and use of equipment for tillage, planting, harvesting, irrigation, fertilization, and pesticide application; storage and use of legally permitted fertilizers, limes, and pesticides in accordance with local, state and federal law and regulations and in accordance with manufacturers' instructions and warnings; storage, use, and application of animal feed and foodstuffs; construction and use of farm structures and facilities for the storage of animal wastes, farm equipment, pesticides, fertilizers, agricultural products, for the sale of agricultural products, and for the use of farm workers, as permitted by local and state building codes and regulations, including construction and maintenance of fences.

SECTION 3. RIGHT TO FARM DECLARATION.

Farmers, as well as those employed, retained, or otherwise authorized to act on behalf of farmers, may lawfully engage in agricultural practices within Orange County 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 will be given to both traditional customs and procedures in the farming industry as well as to advances resulting from increased knowledge and improved technologies.

Agricultural practices conducted on farmland shall not be found to be a public or private nuisance if such agricultural practices are:

1. reasonable and necessary to the particular farm or farm operation,
2. conducted in a manner which is not negligent or reckless,
3. conducted in conformity with generally accepted agricultural practices,
4. conducted in conformity with all local, state, and federal laws and regulations,
5. conducted in a manner which does not constitute a threat to public health and safety or cause injury to health or safety of any person, and
6. conducted in a manner which does not unreasonably obstruct the free passage or use of navigable waters or public roadways.

Nothing in the Local Law shall be construed to prohibit an aggrieved party from recovering damages for bodily injury or wrongful death due to the effect of not following sound Agricultural Practices, as outlined in Section 3 above.

SECTION 4. REAL PROPERTY SALE NOTICE.

In accord with New York State Real Property Law, Section 333 and Real Property Tax Law, Section 574, a notice shall be provided to purchasers of property in Agricultural Districts, as well as agricultural lands outside such Districts, which would contain the following language:

Proposed County Farmland Protection Notice

"It is the policy of Orange County (and the Town/Village of _____) to conserve, protect, and encourage the development and improvement of farm operations within our borders for the production of food and other products. Existing and prospective residents of Orange County (of the Town/Village of _____) should be aware of the inherent conditions associated with farm operations. Such conditions may include, but are not limited to, noise, odors, fumes, dust, smoke, insects, operation of machinery at all hours, day or night, storage and disposal of plant and animal waste products, and the application of fertilizers, soil amendments, and pesticides by ground or aerial spraying or other methods. Property owners and residents of Orange County (within the Town/Village of _____) should be aware that farmers have the right to undertake generally accepted practices and one should expect such conditions as a normal and necessary aspect of living in an agricultural area."

SECTION 5. SEVERABILITY CLAUSE.

IAS Part 36 of the Supreme Court of the State of New York, If any part of this Local Law is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remainder of this Local Law.

SECTION 6. EFFECTIVE DATE.

This Local Law shall be effective immediately upon filing with the New York Secretary of State.

TAB F

AFPB LETTER TO NYS COMMISSIONER OF AGRICULTURE



*Agricultural and Farmland
Protection Board*

November 1, 1995

Members of the
Orange County Agriculture and
Farmland Protection Board

Mark Roe, Chair
Farmer
Hooding Grove

William Padergan, Chair
Soil/Water Conservation District Board
Middletown

Walter Mactoss, Jr.
Farmer
Warwick

Gary Bennett, Director
Real Property Tax Service Agency
Westtown

Peter Garrison, Commissioner
Orange County Planning Department
Goshen

William Johnson
Farmer
Goshen

Richard Hanson
Orange County Legislator
Unadoville

Arthur Lala
Farmer, Orange County Land Trust
Westtown

Kevin Sumner, District Manager
Soil/Water Conservation District
Newark Hope

Lacy Joyce
Agriculture Program Leader
Cornell Cooperative Extension
Wawarsing

Russell Kowal
Farmer
Pine Island

N. Donald Duattz
Ger-Dum, Inc.
Florida

Marcia Maloney Robb
Agricultural Project Coordinator
Corwain

Donald Davidsen, Commissioner
New York State Department of Agriculture and
Markets
1 Winners Circle, Albany, NY 12235

Dear Commissioner:

On behalf of the Orange County Agricultural and
Farmland Protection Board, I would like to
congratulate you on your new position.

We read with great interest a piece in our local
newspaper that described your desire to decrease
the property tax burden that New York farmers
must bear. This is an issue that our Board has
been examining as we work towards the preparation
of a County Farmland Protection Plan. We would
like to share some of our findings with you
because we believe that you will be in a unique
and influential position to promote changes
beneficial to farmers based on these findings.

1. As you and your staff are probably aware,
several recent court cases in New York have found
that property must be assessed based upon its
present use, not upon its highest and best use as
has been common practice in Orange County. While
the Agricultural Assessment Program partially
addresses the problem of inflated farm
assessments here, our local technical experts are
convinced that a shift to "value-in-use"
assessment would be a tremendous benefit for
local farmers. It would take the "guesswork" out
of assessing, instead provoking local assessors
to calculate farm assessments based upon accepted
and fair methodologies.

Any efforts you and your staff can take to
reinforce the implications of these cases and
expedite local adoption of value-in-use
assessment will have far-reaching benefits in
Orange County and, we assume, elsewhere in New
York. One example of a extremely useful action
would be to seek a definitive clarification from

Commissioner Davidson


New York State Real Property Services legal council about these court cases as they relate to local farm assessments. There are, undoubtedly, many other avenues through which you and your staff could assist with this matter.

2. Another big concern regarding property taxes, especially relevant in largely rural communities, is that farmers often end up picking up much of the tax load that agricultural assessment abatements were supposed to afford them since there is very little "non-farm" property to which the tax load may be shifted. This is an area where a State role would be most appropriate if they are serious about helping to preserve farming. By stepping in with aid to local communities who meet certain criteria regarding agricultural assessment abatements relative to total Town assessment value, the farmer would be able to avoid having the tax load returned to his property. The cost would be minimal to the State, but it would be extremely helpful to a rural agricultural community in this situation.
3. Currently, Real Property Tax Law dictates that where Special Districts were in place before Agricultural Districts, parcels are not exempt from the Special District taxes, even if otherwise eligible for agricultural assessment. A change in the law to allow exemption even where the Special District pre-dated the Agricultural District would provide direct benefit to farmers in this situation - several such cases presently exist in Orange County.
4. There is widespread agreement that the State-assigned values for organic soils are way out of line based upon arms-length sales, income capitalization or any other justifiable method. As has been stated by Kim Blot of your Department, the Agricultural Assessment Program is one of "imperfect justice" - ie, it cannot be made entirely fair and appropriate for every individual situation. However, the inequality in this case is widespread and extreme. Apparently, the procedure used to calculate organic soil values uses data largely from upland vegetable settings - not all appropriate to muck farming. Again, this is not an isolated situation, and is one of tremendous dollar value significance to Orange County muck farmers. What can your Department do to encourage revision of the unfair formula used to calculate these values?

If you would like more information on any of these issues, we would be pleased to try to provide it. You might want to start by speaking with our Director of Real Property Tax Services - Mr. Gary Bennett. He can be reached at (914) 294 - 5151 ext. 1445.

Thank you in advance for your attention to these matters. Let's break the trend of rhetoric and take some real action to address the problems facing NY farmers.

Sincerely,


MARK ROE
Chairman

TAB G

POSITION DESCRIPTION

POSITION TITLE: Orange County Agricultural Economic Development Director.

POSITION REPORTS TO: Chairman, Orange County Agricultural and Farmland Protection Board.

PRIMARY FUNCTION: Manages all aspects of the agricultural economic development program for Orange County. Identifies needs of Orange County's agriculture and agribusiness community. Promotes agricultural and agribusiness development throughout the County, Region, and State.

EDUCATION, TRAINING or CERTIFICATION: Master's degree, preferably in Agricultural Business or related degree. Business or educational experience helpful. A combination of education and employment experience may be considered qualifying factors.

EXPERIENCE and SKILLS: Two to three years experience in dealing with public and private sectors of the agriculture industry. Excellent written and verbal communication skills. Public relations exposure. Demonstrated leadership and negotiating skills. Ability to work independently. Knowledge of Orange County agriculture or similar broad based agricultural area. Computer literacy, including word processing, spreadsheets, database management, and graphics.

PHYSICAL REQUIREMENTS: Ability to work in an office environment. Ability to travel offsite independently to meet with the agriculture community, agribusinesses, and community groups. Ability and willingness to commit time outside of "normal" work week, including evenings and weekends.

DUTIES AND RESPONSIBILITIES:

- Promotes positive image of agriculture in Orange County, through public speaking and media venues. Arranges interviews and feature coverage on radio and television.
- Communicates advantages of Orange County agriculture to Commercial Ag brokers, Ag Industrial brokers, and Real Estate Brokers.
- Researches and analyzes issues, concerns and future plans as they pertain to agriculture.
- Develops a long-term strategic plan for each commodity area, with periodic review of such efforts. Develops and assists in executing special programs, such as product promotions and marketing strategies.

- Consults with municipal officials and County agencies regarding development and regulatory issues and agriculture interface.
- Represents agriculture on committees and task forces pertaining to agriculture as it affects competitiveness and quality of life.
- Represents agriculture to local restauranteurs and hoteliers, and industries, school districts, State and County governmental institutions encouraging them to serve locally grown and produced products.
- Coordinates various agriculture agencies within Orange County.
- Operates within budget goals of the Agricultural and Farmland Protection Board. Executes short and long term budget forecasts.
- Provides staff assistance to the Agricultural and Farmland Protection Board.

TAB H
AGRICULTURAL NOTES

TAB I

CIRCUIT BREAKER TAX CREDIT PROGRAMS

Circuit breaker tax credit programs offer farmland owners property tax relief through income tax credits. The State government implements a circuit breaker program. It requires the farmland owner to pay taxes on the full value of his property. The State then provides financial benefit to the landowner in the form of a state income tax credit, called a circuit breaker, based on the amount the landowner's property taxes exceed a set percentage of household income. Sometimes eligibility for such a program is tied to participation in an agricultural district. While state governments experience a reduction in tax revenues, local governments benefit. Farmland does not produce as much income as developed land, but their need for services is so modest that their net effect on the tax base is a surplus.

Michigan adopted a circuit breaker program in 1974. It requires the farmland owner to commit to a 10-year period of land preservation during which no conversion to a non-agricultural use is allowed. Michigan's law defines eligible farmland for purposes of the circuit breaker program: 40 or more acres devoted primarily to agricultural use; a farm between 5 and 40 acres producing a gross annual income from agriculture of \$200 per acre of cleared, tillable land; and a farm designated as a specialty farm producing a gross annual income from agriculture of \$2,000 or more. If eligible, the farmland owner is entitled to a credit for the amount by which his property tax bill exceeds 7% of household income. Both farm and non-farm income is used to calculate the credit. If the tax credit is greater than the amount the landowner owes in state income tax, he is reimbursed for the difference. Farmland owners can receive a 100% credit, with no limit on the total amount that can be reimbursed or credited against income taxes.

Wisconsin enacted a circuit breaker program in 1977. Wisconsin's law differs from Michigan's in that it has unique land eligibility requirements and tax credit calculations. Land requirements are: a minimum of 35 acres producing \$6,000 from farm products in the previous year or \$18,000 in the previous three years; and a farm conservation plan. In addition, if the farmland is located in an urban county, it must be located in an area zoned for exclusive agricultural use. If in a rural county, the farm must be located in an agricultural zone or sign a farmland preservation agreement. Then the tax credit is graduated based on total household income, with a maximum potential credit. Additionally, farmland owners in Wisconsin with household income above a certain level, currently \$36,622, do not qualify for any tax credits from the circuit breaker program. Like Michigan, Wisconsin's law includes both farm and non-farm income for calculating the credit.

TAB J

WORKERS COMPENSATION INSURANCE

Workers compensation is a fixed operating cost for farm operators in that it is one they pay and one over which they have no control. While discussion rages around escalating property tax rates, rates for workers compensation insurance have risen at a much sharper rate. The following comparison for one large orchard in Orange County illustrates the difference in increase between property taxes and compensation insurance. The figures for 1995 cover the time period up to October only.

Oct. 30, 1995

Dear Dan,

Various news articles, including the "Farm Bureau Perspective" have pointed out the emphasis Farm Bureau is placing on the property tax relief issue. Real estate taxes are a significant expense, and any reduction would be gladly accepted. However, a greater concern than taxes for us, is controlling Workers Compensation costs.

The following comparison of costs for the 1992 and 1995 years for [REDACTED] Orchards, Inc. puts the two costs into perspective.

	<u>Workers Compensation</u>	<u>Real Estate Taxes</u>
1992	\$ 34,319	\$ 54,499
1995	108,678	57,154

At a time when it has been very difficult to show any profit, the apple industry can not stand an expense that more than triples (a 316% increase) in just four years. Over the last ten years Worker's Compensation expense has gone from a fairly minor expense to one of our largest expenses.

Unfortunately New York State, when compared with other states, again stands out as having one of the highest costs. Note the attached "Workers Compensation Net Insurance Costs by State" which shows New York having the second highest cost.

Thank you for your consideration of this matter and your efforts on our behalf.

TAB K
GROWER AND AGRIBUSINESS SURVEYS
AND
SURVEY RESULTS

Grower Survey

The Agriculture and Farmland Protection Act of 1992 replaced the old Agricultural Districts Advisory Committee with an 11-member Agriculture and Farmland Protection Board. One aspect of the new Act provides counties with the opportunity to develop and implement local agricultural protection plans.

* To protect farmland from conversion to other uses such as residential and commercial development, it is necessary to plan county land use.

* But without supporting farming, no land planning scheme will succeed in keeping land in farms.

As an important step towards developing a county farmland protection plan, the Orange County Agriculture and Farmland Protection Board is surveying farmers to learn directly from you what measures would help most to keep farming viable, prosperous and worthwhile.

So that we have the information we need to make a plan that will help agriculture in Orange County, please take a few minutes to answer the questions in this survey.

Part I Keeping Agriculture and Farming Viable

The most obvious way to keep farming viable would be to raise the price farmers receive for their crops, but adjusting prices is beyond the power of the county alone. Please rate the following measures from your perspective. Circle the number indicating how helpful you think each measure would be.

3 - very helpful 2 - somewhat helpful 1 - not helpful

A. Technical Advice

1. Providing marketing advice to farmers
3 2 1
2. Providing advice on how to manage woodlots for greater profitability
3 2 1
3. Advising how best to develop non-tillable portions of farmland
3 2 1
4. Advising how to preserve the best cropland through land preservation techniques
3 2 1
5. Providing technical assistance in diversifying farm production or in shifting to a new enterprise
3 2 1
6. Providing technical assistance in reducing farm operating costs
3 2 1
7. Assisting in finding a steady labor supply
3 2 1
8. Helping find someone to take over the farms of those leaving farming
3 2 1
9. Providing advice on estate planning
3 2 1

B. Marketing Assistance

1. Obtaining commitments from local institutions (schools, hospitals, the jail, etc.) to purchase local farm products
3 2 1

Agriculture and Farmland Protection Plan Grower Survey p.2

- 2. Forming marketing or processing cooperatives
3 2 1
- 3. Assisting in developing agri-tourism
3 2 1
- 4. Promoting local farms and farm products
3 2 1

C. Legislative Initiatives

- 1. Establishing a loan fund to help farmers get into on-farm processing or other enterprises that might increase net farm income
3 2 1
- 2. Assisting beginning farmers by guaranteeing loans with deferred payments
3 2 1
- 3. Offering reductions in school and land taxes in exchange for a commitment to stay in farming
3 2 1
- 4. Minimizing threat of nuisance lawsuits by passing local right to farm ordinances
3 2 1
- 5. Purchasing or transferring farmland development rights
3 2 1
- 6. Establishing a County ombudsman to mediate between farmers and State or Federal regulators
3 2 1
- 7. Reducing State and Federal regulations
3 2 1
- 8. Advocating more farm friendly local land use decisions
3 2 1

D. Public Education Initiatives

- 1. Organizing farm tours for town and city dwellers to increase their understanding of farming
3 2 1
- 2. Encouraging schools to sponsor summer work on farms for young people
3 2 1
- 3. Improving and increasing what is taught about agriculture and farming in local schools through such programs as "Ag in the Classroom"
3 2 1
- 4. Officially recognizing the value of productive farmland, and the rural character and beauty it provides
3 2 1

E. Please rank in order of importance

___ Technical Advice ___ Marketing Assistance ___ Legislative Initiatives ___ Public Education

Part II Taxation

1. Some towns offer farmers reductions in local taxes in exchange for their commitment to keep farmland in farming. How much would you favor your town adopting this kind of easement? (circle one)
 1. strongly oppose 2. somewhat oppose 3. neutral 4. somewhat favor 5. strongly favor
2. How fair do think it would be for towns to require a commitment to soil conservation and IPM in exchange for tax reductions to farmers? (circle one)
 1. very unfair 2. somewhat unfair 3. neutral 4. somewhat fair 5. very fair

Part III The Agricultural Districts Law

The State of New York instituted agriculture districting more than 20 years ago to preserve and protect agricultural lands.

1. How familiar are you with agricultural districts?
 1. not at all 2. somewhat 3. very
2. Do you think the system of ag districts has served the purpose of preserving agriculture and protecting farms?
 1. yes 2. somewhat 3. no
3. Do you think more needs to be done by the State to preserve farmland?
 1. yes 2. no
4. Please describe any additional measures that you believe would be helpful.
5. Do you think local planning boards need more information about the value of protecting agricultural lands in order to make more effective land use decisions?
 1. yes 2. no If yes, what kind of information?

Part IV Your Farm

1. In what town (s) is your farm located? _____
2. Is your farm an upland or black dirt farm, or both ? (circle one)
3. How many years have you operated your farm? _____
4. Describe your farm operation. If more than one applies, then please rank in order of principal enterprise

___ Dairy	___ Horticultural retail
___ Field crops	___ Horticultural wholesale
___ Livestock	___ Fruit
___ Horses	___ Other (please specify) _____
5. How many year-round employees do you have working on the farm?
 none 1 or 2 3 or more
6. Do you employ seasonal laborers? ___yes ___no
 If yes, are your seasonal laborers ___domestic ___off-shore ___both?

- 7. How many households does the farm you operate support?
1 1-2 3-4 other _____

- 8. Approximately how many more years do you expect to farm?
no longer farming 1-5 5-10 10-15 more than 15 years other _____

- 9. Do members of the next generation in your family intend to farm after you?
yes no

- 10. Are you personally more interested in selling your farmland than in continuing to farm?
yes no

- 11. If yes, why? _____

- 12. About how much of your net family income in 1994 came from your farming operation?
1. less than 25% 2. 25-49%
3. 50-74% 4. 75-100%

- 13. Are you a member of one or more county agricultural organizations? (check all that apply)
____ Cornell Cooperative Extension ____ Organic Farming Association ____ Grange
____ Farm Bureau ____ Growers' Association ____ Other (specify) _____

Comments ? _____

THANK YOU !!!!!

If you would you like to receive more information about our efforts in Orange County please complete and return this portion with your survey by June 30th. Be assured that the confidentiality of your reply will be protected.

Would you like to participate in the Agriculture and Farmland Protection Board's work of creating a County plan?

Please circle all that apply.

- a. help organize local or town meetings
- b. have opportunity to discuss my views more fully
- c. give advice
- d. keep informed about meetings and other activities through mailings
- e. be non-voting member of the Board
- f. other: _____

Name _____

Address _____

Agriculture and Farmland Protection Board Agribusiness Survey

The Orange County Agriculture and Farmland Protection Board wants to identify the needs of agribusinesses and the trends towards future growth. Your answers will help the Board to develop strategies to preserve and promote agriculture in Orange County. If you need more space to answer please use the back of the sheet as well.

Describe your type of business: _____

What are the 3 most important issues facing farming in Orange County as it relates to your business?

1. _____

2. _____

3. _____

Has business (in terms of dollar volume) increased or decreased in the past five years?

What is in store for the future of your farm-related business? Over the next five years, do you plan to:

- ____ Expand services or sales to farmers
- ____ Expand services or sales to non-farmers
- ____ Phase out services or sales to farmers
- ____ Stay the same

What are the reasons for your decision?

What are the problems related to dealing with local farmers and what particular problems should be looked into and handled on a local level?

Is the loss of farmland in Orange County of concern to you? Why or why not?

In your opinion, what initiatives should county/local government take to help keep farming viable in Orange County?

Would you like to participate in the Board's work of creating a County plan? (check all that apply)

- ____ help organize local or town meetings
- ____ have opportunity to discuss my views more fully
- ____ give advice
- ____ become a non-voting member of the Agriculture and Farmland Protection Board
- ____ keep informed about meetings and other activities through mailings
- ____ other: _____

PLEASE RETURN YOUR SURVEY BY JUNE 30TH. THANK YOU FOR YOUR ASSISTANCE.

Name (optional) _____ Address (optional) _____

SURVEY RESULTS

Grower survey: 340 mailed; 65 returned = 19.1% return rate
Agribusiness survey: 159 mailed; 16 returned = 10% return rate

Return rates by commodity type:

Dairy: 39%	Wholesale Horticulture: 7%
Vegetable: 29%	Horse: 5%
Fruit: 9%	Retail Horticulture: 4%
Livestock: 7%	

Income from farming:

between 75-100% = 64%	between 25-49% = 11%
between 50-74% = 13%	between 0-24% = 13%

Income between 75-100% from farming, by commodity type:

- 100% -- Fruit growers and Wholesale Horticulturists
- 74% -- Vegetable growers
- 67% -- Horse industry
- 60% -- Dairy farmers
- 25% -- Livestock producers

Employ year-round or seasonal labor:

Year-round: 48%

- 1 or 2 employees: 28%
- 3 or more employees: 20%

Seasonal: 48%

- Domestic: 53%
- Off-shore: 7%
- Both: 40%

Ranking of general issues:

- Legislative Initiatives: 27%
- Technical Advice: 13%
- Marketing Assistance: 10%
- Public Education: 9%

Top 5 Specific Issues within general categories:

- Minimize Lawsuits: 76.5%
- Reduce Taxes: 76%
- Reduce Regulations: 74%
- Farm-friendly Land Use: 70%
- Promote Local Farms/Products: 70%

TAB L

AGRICULTURAL AND FARMLAND PROTECTION BOARD

Mark Roe, Chairman, Orange County Agricultural and Farmland Protection Board

LAND USE

Kevin Sumner, Committee Chair
Henry DeVries
Michael Sweeton
Richard Jones
Peter Garrison
John Wright
Jim Stout
Arthur Lain
Gary Bennett
John Lupinski
Ted Talmadge
Carl Hansen

PROFITABILITY

Wisner Buckbee, Jr., Committee Chair
John Sanford
William H. Smiley
Chip Osborn
Leonard DeBuck

PUBLIC EDUCATION

N. Daniel Dunitz, Committee Chair
Seymour Gordon
Martin Borko
William Johnson
Lucy Joyce
Mark Roe
Frances Sodrick

REGULATIONS

David S. Cole, Committee Chair
Richard Hansen, Sr.
Holly Blacker
Robert Lawrence
Jack Hoeffner
Russ Kowal

Resource Person: Maureen Maloney Robb

TAB M

RESOURCE AGENCIES

The following Orange County, New York State and Federal agencies have been instrumental in compiling data and producing reports, maps and other items for developing the Orange County Agricultural and Farmland Protection Plan. All agencies have pledged support in continuing to work on farmland protection issues and projects.

Cornell Cooperative Extension
Community Campus, Dillon Drive
Middletown, NY 10940

Natural Resource Conservation Service
225 Dolson Avenue, Suite 103
Middletown, NY 10940

New York State Department of Agriculture and Markets
1 Winners Circle, Capital Plaza
Albany, NY 12235

Orange County Planning Department
124 Main Street
Goshen, NY 10924

Orange County Real Property Tax Services
124 Main Street
Goshen, NY 10924

Orange County Water Authority
35 Matthews Street, Suite 301
PO Box 997
Goshen, NY 10924

Soil and Water Conservation District
225 Dolson Avenue, Suite 103
Middletown, NY 10940