

Appendix E

Land Use Profile

Steuben County's culture and economy has long been shaped by agriculture. The County is home to rolling hills and deep valleys of the Allegheny Plateau that are characterized by the occasional village and small cities. As a farming community, Steuben County's agricultural land and open space is one of the County's greatest assets. In order to plan for the continued preservation and growth of farming, the County's land use and environment were analyzed as a part of the planning process. This includes a comprehensive review and inventory of the natural environment, land use patterns, and agricultural land uses. The results from this inventory were used to prioritize lands for protection as discussed in Section 2 (Appendix G) of the report.

1.0 Regional Context

Steuben County is located in the Southern Tier of New York State and borders Pennsylvania. The county is bordered by Allegany, Livingston, Ontario, Yates, Schuyler, and Chemung Counties as well as Potter and Tioga Counties in Pennsylvania (Map 1). Steuben County encompasses 1,390 square miles and ranks 7th in the state for land area behind St. Lawrence, Essex, Hamilton, Franklin and Herkimer and Delaware Counties. In addition to the 32 towns and 14 villages, the county has two cities including Hornell (population 8,563) and Corning (population 11,183; Map 2). The county is home to 98,000 residents, a 0.2% increase since the 2000 Census. 80% of the population lives outside of the County's two cities.

There are two major highways that serve the county including Interstate 86 (Southern Tier Expressway; portions of the interstate were formerly NY Route 17) and Interstate 390, a 75-mile, north-south route that terminates at the I-86/NY 17 interchange in the Town of Avoca. The I-86 improvements and upgrades over the past decade have greatly improved accessibility to rural areas of the County, enhanced safety and increased the capacity to transport goods throughout the region.

The County retains a strong manufacturing sector which is critical to the long-term success of the region. According to the IDA, services, government and manufacturing account for 77% of employment in the county. Major employers include Kraft Foods, Corning Incorporated, Crowley Foods, Inc., and Guthrie Medical Group, among others.

Steuben County's population grew by almost 14 percent between 1940 and 1970, likely the result of the post-World War II economic boom. Since 1970, however, the county's population has declined slightly (-1 percent). In addition to a declining population, the number of people per household has also declined, although at a much higher rate. In 1970 there were approximately 3.36 people living in each household in the county, whereas in 2010 that number fell to 2.45. As a result, the number of homes needed to house those residents has increased.

When combined with the average household size data, the number of residential acres per person has also increased considerably – from 1.1 acres per person in the 1940s to 6.4 acres per person in the 2000s. Today, Steuben County residents take up 83 percent more space than they did in the 1940s. This overall trend suggests that people were buying larger lots in the last two decades which has increased the area needed to house the population. Despite slow population growth, the County has seen some development pressure

over the past few decades due to increasing residential lot sizes and more households of fewer household numbers.

1.1 The Natural Environment

The success of the County's agriculture is heavily reliant on the health and availability of its natural resources including waterbodies, soils, forests and slopes. The following section provides a detailed overview of the County's natural features and how they impact the region's agriculture.

Forestry

Almost 40 percent of the county is located on slopes greater than 8 percent. Depending on soil conditions, steep slopes can be used for certain types of farming such as grape growing or livestock. Additionally, it can be used for timber harvesting and forestry practices. Forest lands, in particular, can be economically productive for farmers when managed properly. They can provide timber, mushroom production and land for silvopasturing, the practice of combining forestry and the grazing of livestock for enhanced soil protection. As indicated in the 2002 Plan, trees are one of the County's most important crops, but its value is not fully realized because crop rotation period is so long and its most common end uses have low economic returns.

Waterbodies

The County's topography further confines the county's waterbodies and floodplains to the valleys associated with the Cohocton, Canisteo, Chemung and the Tioga Rivers. While the county's highest concentration of prime farmland is located within these floodplains, farming is rare on these lands since non-agricultural development has long followed the shore of these rivers.

In total, more than 2,200 miles of rivers, streams and creeks flow through the county. Keuka Lake is an 11,730 acre Finger Lake with approximately 5,337 acres located in the northeast corner of Steuben County (the remaining 6,393 acres are located outside of the county). Keuka Lake is a driver of both the local tourism industry and the agricultural industry. Wine-producing grapes thrive on the lake's sloping shores while tourists and wine enthusiasts are drawn to the many vineyards for tastings and special events.

In addition to Keuka Lake, the 61-mile Canisteo River flows from the north through the western and southern portions of the county, where it drains into the Tioga River in the Town of Erwin. The marsh and wetlands that used to line the Canisteo River in the northwestern section of the county were drained over time to become a broad stretch of farmland known as "The Muck." Mucklands are particularly favorable for growing crops like potatoes, onions and carrots.ⁱ

Soils and the Land Capability Classification System (LCC)

A key component of the county's natural environment, particularly as it relates to farming, is soil. The varying characteristics of different soil types can constrain the types of vegetation and crops that can grow in a particular location and, often have great influence on the location of farms. Developed by the USDA as a way to classify soils according to their suitability for growing most types of field crops, the Land Capability Classification (LCC) system identifies the relative degree of limitations for agricultural use inherent in the soils of a given area. Based on soil characteristics such as location in the landscape, slope, depth and texture, the LCC categorizes soils into one of eight classes (Classes 1-8) where Class 1 soils have slight limitations that restrict their use and Class 8 soils have limitations that preclude commercial plant

production and that restrict their use to recreational purposes, wildlife habitat, watershed, or aesthetic purposes.

Generally, soils in classes 1 through 4 are capable of producing common field crops and pasture plants without reducing the soils long-term productivity, while soils in classes 5 through 8 have limited value for commercial plant production but may be suitable for use as pasture, range, or forestland as well as providing opportunities for recreation, wildlife and water supply.ⁱⁱ Using soil data provided by the Web Soil Survey, the vast majority of soils in Steuben County are included in classes 1 through 4 (76 percent) with soils in classes 5 through 8 primarily located in areas of steep slopes.

Prime Farmland and farmland of statewide importance

As defined by the United States Department of Agriculture (USDA), *prime farmland* include those lands that have the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, oilseed and other agricultural crops with minimum inputs of fuel, fertilizer, pesticides, and labor.ⁱⁱⁱ Due to this combination, prime farmlands represent some of the most productive soils for agriculture.

An additional category of soils identified within the county is *Farmland of Statewide Importance*. Although the specific criteria for defining this category of soils is determined by individual states, Farmland of Statewide Importance typically include areas that are nearly prime farmland and that can produce yields similar to prime farmlands when treated and managed according to acceptable farming methods.

Based on soil data provided by the Web Soil Survey, 51 percent of Steuben County consists of Prime Farmland or Farmland of Statewide Importance.^{iv} As depicted in Map 3, the majority of Prime Farmlands are located in the river valleys and other low-lying areas of the county, while Farmland of Statewide Importance dominate the upland areas and higher elevations

1.2 County Tourism

The County's economy is also grounded in tourism. Steuben County is one of 14 counties in the Finger Lakes Region. The region is renowned for its 100+ vineyards and breweries that generate over \$14 million a year in sales and has an overall economic impact of \$26 million. The \$2.8 billion tourist industry supports attracts over 20 million tourists annually and supports 58,000+ jobs including food and beverage, recreation, lodging, retail services, transportation and second homes.

In addition to the vineyards and breweries, Steuben County is home to the Corning Museum of Glass. Located in the City of Corning, the museum is an international attraction that welcomes over 400,000 tourists annually. As these attractions continue to thrive, the county is in a position to capitalize on these resources to expand its agricultural economy.

Agri-tourism

Steuben County is well positioned to increase the role of agri-tourism in its economy. In 2012, 41 farms in Steuben County reported income from agri-tourism and recreational services, including income from hunting, fishing, farm or wine tours, hay rides, and other services. This almost doubled since 2007, when only 24 farms reported such income. However, while the number of farms with tourism-related income doubled, income itself declined from \$188,000 to \$149,000. The increase in farms receiving income from

agri-tourism is important, as it shows an increase businesses involved in agri-tourism related activities. The decline in income is not as meaningful since reporting in this category can be difficult due to variations in reporting methods.

Many opportunities for expanding this industry can be seized through cooperative marketing efforts between farms, restaurants, bed and breakfasts, and other businesses. The County already has destinations and services marketing agriculture to visitors, including The Black Sheep Inn which offers stays packaged with farm tours. Local restaurants have also shown an interest in farm-to-table arrangements with local farms.

1.3 Land Use Patterns

Land use, in its broadest sense, means classifying how land is used. Each type of use has its own characteristic that can determine compatibility, location and preference to other land uses within the municipality. Land use considers both the physical as well as the social characteristics of the County or municipality. The data and information is often collected and compiled at the County level and used to map and analyze the current pattern of development, as well as serve as a framework for determining future uses. This section discusses the County's land uses and how they related to agriculture.

Land use overview

Land use is primarily defined at the parcel level where only *one* use is assigned to each parcel, regardless if there are multiple uses. Each parcel in a given municipality is assigned a specific 3-digit classification code which is used specifically for property assessment. The County uses this information to develop a comprehensive set of land use data which can be analyzed at the parcel level.

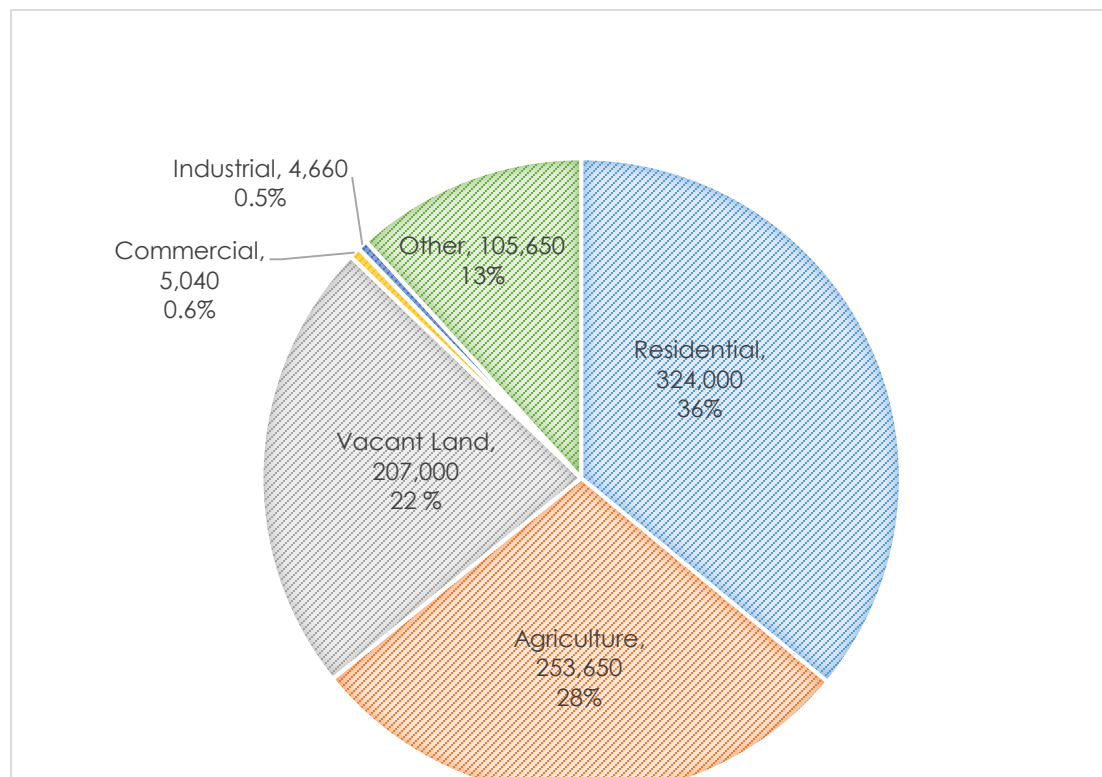
Land use categories typically include general use descriptions such as residential and commercial, as well as more detailed information including the type of residential or commercial use (e.g., single-family residential or highway commercial). In New York State, land uses are classified according to the New York State Office of Real Property Services (NYSORPS) classification system, which includes the following nine general land use categories:

- Agriculture;
- Residential;
- Vacant Land (which includes abandoned agricultural land);
- Commercial;
- Recreation & Entertainment;
- Public Services;
- Industrial;
- Public Utilities; and
- Conservation & Parks.

As identified from parcel data provided by Steuben County, there are just under 59,500 parcels covering almost 894,000 acres in the county (note that the amount of land in parcels is typically less than that in the entire county as roads and other rights-of-way are not identified as parcels). In terms of total acres, three land uses comprise almost 90 percent of the land in Steuben County including Agriculture, Residential and Vacant lands (See Figure 1 and Map 4).

Although they encompass a small percentage of all land uses (~4 percent), there are several areas within the County that contain commercial, recreation and entertainment, community, public services and industrial land uses. These uses are mainly concentrated in the cities of Corning and Bath, and the town of Hornellsville. With the exception of Hornellsville, these towns have populations that exceed 11,000—the most concentrated areas of the county. It is likely that future commercial and industrial uses will continue to be concentrated around established cities, towns, villages and nodes (e.g., business parks, industrial parks, etc.) As a result, it is anticipated that the County’s agricultural lands will experience limited development pressure from non-agricultural uses.

Figure 1: Existing Land Uses in Steuben County (Acres/Percent of Total)



Source: County Parcel Data 2014, Bergman Associates

Agricultural Land Uses

Agricultural land uses include over 253,000 acres or 28%¹ of the county (See Table 2 and Map 5).

As previously indicated, each parcel is assigned a 3-digit code during the property assessment process based upon the current utilization of the land, as well as any improvements. The Agricultural category is defined as property used for the production of crops and livestock. This category is further divided into 10 divisions including:

- 105 – Agricultural Vacant Land (productive)
- 110 – Livestock and Products
- 120 – Field Crops
- 130 – Truck Crops – Mucklands
- 140 – Truck Crops – Not Muckland
- 150 – Orchard Crops
- 160 – Other Fruits
- 170 – Nursery and Greenhouse
- 180 – Specialty Farms
- 190 – Fish, Game and Wildlife Preserves

¹ This information derived from the County Land Use data and is not interchangeable with the Census of Agriculture data.

As seen in Table 1, the County’s agricultural land uses have been organized by the total number of acres. The three largest land uses include agricultural vacant land, field crops and dairy production which account for 88% of all agricultural land uses.

Table 1: Agricultural Land Uses in Steuben County (ranked in order by acreage)

Agricultural Classification (in order by acres)	Steuben County				
	No. of Parcels	Percent of Total	Acres	Average Parcel Size	Percent Cover
Agricultural Vacant Land (Productive)	2,168	48.6%	106,213	49.0	41.9%
Field Crops	1,066	23.9%	68,650	64.4	27.1%
Dairy Products: milk, butter and cheese	690	15.5%	48,537	70.3	19.1%
Cattle, Calves, Hogs	280	6.3%	19,073	68.1	7.5%
Nursery and Greenhouse	42	0.9%	2,362	56.2	0.9%
Horse Farms	46	1.0%	2,010	43.7	0.8%
Agricultural	23	0.5%	1,417	61.6	0.6%
Vineyards	58	1.3%	1,474	25.4	0.6%
Sheep and Wool	16	0.4%	854	53.4	0.3%
Truck Crops - Mucklands	40	0.9%	822	20.6	0.3%
Other Livestock: donkeys, goats	5	0.1%	722	144.5	0.3%
Livestock and Products	5	0.1%	498	99.6	0.2%
Poultry and Poultry Products: eggs, chickens, turkeys, ducks and geese	7	0.2%	485	69.4	0.2%
Livestock: deer, moose, llamas, buffalo, etc.	3	0.1%	282	94.2	0.1%
Truck Crops - Not Mucklands	7	0.2%	171	24.5	0.1%
Aquatic: oysterlands, fish and aquatic plants	1	0.0%	55	55.6	0.0%
Apples, Pears, Peaches, Cherries, etc.	1	0.0%	25	25.5	0.0%
TOTAL	4,458		253,659		

Source: County Parcel Data 2014, Bergman Associates

Within the county’s agricultural land uses, 48% are classified as *Agricultural Vacant Land*. Unlike the general vacant classification, land in this category is part of a productive, operating farm, but does not contain living accommodations, such as a farm house or barn. Land in this category is typically a part of a larger farming operation owned by one landowner, and is often one of many contiguous parcels.

Although found throughout Steuben County, the largest concentration of Agricultural Vacant Land is in the northwestern portion of the county particularly in the towns of Howard, Wayland and Cohocton (Table 2).

Map 6 shows those areas with the greatest agricultural vacant (productive) land.

Table 2: Agricultural Profile of the Towns of Wayland, Howard and Cohocton

	Number of Parcels	Number of Agricultural Parcels (%)	Total Parcel (Acres)	Agricultural Acres	Average Agricultural Parcel Size
Town of Wayland	1,649	262 (16%)	24,280	11,560	44.1
Town of Howard	1,417	428 (30%)	38,900	24,150	56.4
Town of Cohocton	1,580	376 (23%)	33,700	18,300	48.7

Source: County Parcel Data 2014, Bergman Associates

The second most common agricultural land use in the county is *Field Crops* which accounts for 24% of all agricultural uses. The county's most common field crops include hay, corn, oats and soybeans, which are primarily intended for livestock consumption and processed food production (See Table 3). These crops are known as "commodity crops" because they are usually sold to the commodities market instead of for direct consumption. Commodity crops are commonly grown by farmers in the county and nationwide because they are supported by federal agricultural subsidies and can be stored for long periods of time without spoiling. Commodity crops are typically grown in large volume on large, flat parcels that can accommodate the necessary industrial equipment. While these field crops are grown throughout the county, the highest density occurs in and around the Town of Howard due to the area's flatness, limited development and high quality soil.

Table 3: Field Crops in Steuben County (2012)¹

Crop	Harvested (2012)		
	Farms	Acres	Quantity
Barley for Grain (Bushels)	31	738	29,412
Buckwheat (Bushels)	9	137	3,270
Corn for Grain (Bushels)	289	30,383	3,713,359
Corn for Silage or Greenchop (tons)	223	19,500	316,867
Dry Edible Beans, Excluding Limas (SWT)	9	1,373	32,424
Emmer and Spelt (Bushels)	4	12	640
Oats for Grain (Bushels)	219	8,820	578,242
Rye for Grain (Bushels)	14	639	16,293
Sorghum for Grain (Bushels)	1	(D)	(D)
Sorghum for Silage or Greenchop (tons)	8	127	774
Soybeans for Beans (Bushels)	60	5,936	232,094
Sunflower Seed (Pounds)	5	80	112,550
Triticale (Bushels)	7	117	3,922
Wheat for Grain (All) (Bushels)	35	1,836	107,567
Winter Wheat for Grain (Bushels)	35	(D)	(D)
Spring Wheat for Grain (Bushels)	2	(D)	(D)
Forage- land used for all hay and all haylage, grass silage, and greenchop (tons, dry) ²	1,065	116,931	225,147
Vegetables harvested for sale	80	4,551	--
Potatoes	38	2,983	--

Source: County Parcel Data 2014, Bergman Associate

Farm acreage

Nearly 96 percent of the 2.2 million farms in the United States are small family farms. According to the USDA, a family farm is defined as, “any farm organized as a sole proprietorship, partnership, or family corporation. Family farms exclude farms organized as nonfamily corporations or cooperatives, as well as farms with hired managers.”

Steuben County is primarily comprised of farms of less than 100 acres. As indicated in Table 5, 52% of farms in Steuben County are less than 100 acres with only 4 percent are over 500 acres. A detailed economic analysis based on farm size is included in Appendix F.

Table 4: Farm Size by Acre

	Number of Farms¹	Percent of Farms¹	Total Acres
Less than 100 acres	874	52.0%	41,750
100 to 250 acres	534	31.7%	84,269
250 to 500 acres	205	12.2%	70,770
Greater than 500 acres	69	4.1%	56,869
TOTAL	1,682	100.0%	253,659

¹. Agricultural lands were identified using the Steuben County parcel database and include any parcel with a land use classification code in the 100s. Farms were identified by merging together individual parcels owned by the same individual or entity.

Source: County Parcel Data 2014, Bergman Associates

While large farming operations are located throughout the county, the largest concentration can be found in the northwestern Towns of Howard, Cohocton, and Wayland. The correlation between the northwestern section of the county having the highest concentration of large farms and field crops grown is not a coincidence since the field crops commonly grown in the county require economies of scale to be profitable. Concentrations of smaller farms are found in the towns on the southern border including West Union, Troupsburg, Woodhull, Tuscarora, Lindley and Canton, on lands directly surrounding the Village of Wayland, and on parcels adjacent to Keuka Lake. Map 7 illustrates the distribution of farms by parcel size throughout the county.

1.4 Agricultural Districts

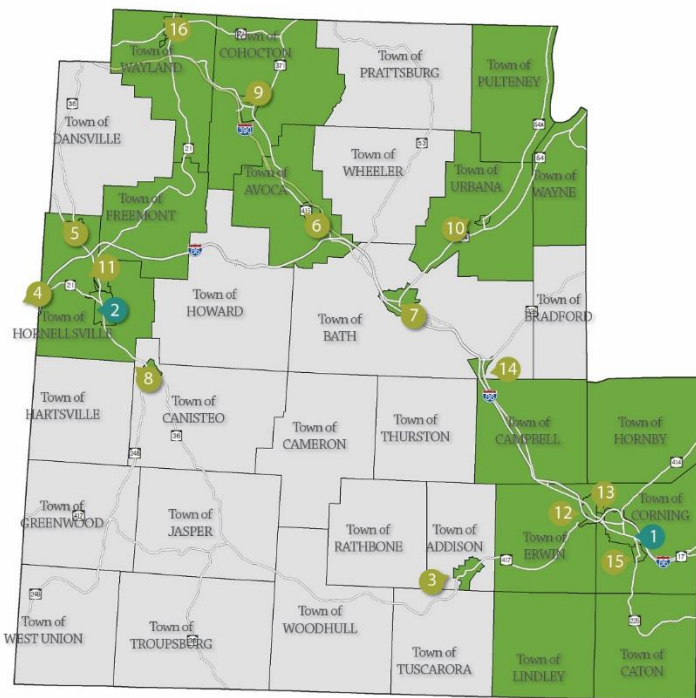
The purpose of Agricultural Districts is encourage the use of farmland for agricultural production and to discourage the conversion of farmland to non-agriculture uses. Authorized under AML-Article 25-AA, the Agricultural District Program provides a combination of landowner incentives and protections, including preferential real property tax treatment in the form of agricultural assessments (i.e., property tax assessments based on the value of the land for agricultural production rather than on its “highest and best” use for non-farm development) and protections against overly restrictive local laws, government funded construction projects, and private nuisance suits involving agricultural practices. According to Section 303 of AML, “Any owner or owners of land may submit a proposal to the county legislative body for the creation of an agricultural district within such county, provided that such owner or owners own at least five hundred acres or at least ten per cent of the land proposed to be included in the district, whichever is greater.” The County Legislature is further responsible for reviewing parcels to be added to an existing Agricultural District.

There are currently seven Agricultural Districts in Steuben County, down from a previous high of 25. The reduction in districts was led by the County Agriculture and Farmland Protection Board (AFPB) in an effort to better streamline the administrative management of the districts. District boundaries correspond to tax parcel data and are subject to change on an annual basis as farmland is added to the nearest district. Map 8 depicts the current Agricultural Districts. Map 8A depicts all of the properties that receive an agricultural assessment and whether it is located in an agricultural district.

1.5 Municipal Zoning Audit

As communities continue to grow and develop, it is important for local municipalities to adopt or amend their local zoning regulations to reduce potential conflicts between farm operations and local land use controls. The need to better coordinate local planning efforts with the Agricultural Districts Program is particularly important in municipalities with significant farming activities. Zoning codes can ensure that farming is given adequate protections and is permitted in a manner that is consistent with the overall goals of the community. Opportunities for providing value added services and incorporating innovative agricultural practices can also be achieved through sound land use practices.

The map below identifies those communities in Steuben County that currently have adopted zoning ordinances. The purpose of the Zoning Audit is to determine whether those that have zoning in place have incorporated general Best Management Practices specific to the agricultural industry. These criteria are described in further detail in the following section. For the purpose of this study, four communities were evaluated – the Towns of Pulteney, Wayne, Urbana and Campbell. These towns were selected based on the following criteria: (1) the presence of agriculture, (2) these towns may be experiencing, or might be experiencing in the near future, some development pressure – mainly from spotty residential development and small tourism businesses, and (3) their zoning laws are different from each other but are also similar to those of other towns in Steuben County.



MUNICIPAL ZONING

- Municipality has Zoning
- Municipality does not have Zoning

CITIES & VILLAGES

- | | |
|--|--|
| ● 1 City of Corning | ● 9 Village of Cohocton |
| ● 2 City of Hornell | ● 10 Village of Hammondsport |
| ● 3 Village of Addison | ● 11 Village of North Hornell |
| ● 4 Village of Almond | ● 12 Village of Painted Post |
| ● 5 Village of Arkport | ● 13 Village of Riverside |
| ● 6 Village of Avoca | ● 14 Village of Savona |
| ● 7 Village of Bath | ● 15 Village of South Corning |
| ● 8 Village of Canisteo | ● 16 Village of Wayland |

Evaluation Criteria

To identify the strengths and weaknesses of local efforts as they relate to agricultural practices and farmland protection, each of the following generic review guidelines (developed by NYSDAM) and associated Best Management Practices (BMPs) were reviewed against each of the town's regulatory program:

1. Do the regulations materially limit the definition of farm operation, farm or agriculture in a way that conflicts with the definition of "farm operation" in AML §301, subdv. 11?
2. Do the regulations regulate any farm operation in agricultural districts to "non-conforming" status?
3. Is the production, preparation and marketing of any crop, livestock, or livestock product as a commercial enterprise materially limited, restricted or prohibited?
4. Are certain classes of agriculture subject to more intensive reviews or permitting requirements than others? For example, is "animal agriculture" treated differently than crop production without demonstrated links to a specific and meaningful public health or safety standard designed to address a real and tangible threat?
5. Are any classes of agricultural activities meeting the definition of "farm operation" subject to special use permit, site plan review, or other original jurisdiction review standard over and above ministerial review?
6. Are "farm operations" subject to more intensive reviews than non-farm uses in the same zoning district?
7. Are "farm operations" treated as integrated and interdependent uses, or collections of independent and competing uses on the same property?
8. Is the regulation in accordance with a comprehensive plan and is such a plan crafted consistent with AML Article 25-AA as required by law?

In addition to the generic review guidelines established by the NYSDAM, the department encourages local municipalities to review their special use permit and site plan review regulations to ensure that the rules or regulations do not unreasonably restrict or regulate farm operations inconsistent with AML-Article 25-AA. Additional zoning-specific factors to review should include minimum and maximum lot dimensions, lot sizes to ensure that they do not unreasonably restrict farm operations, setbacks, sign limitations, maximum lot coverage; and screening and buffers (included in the analysis below).

Analysis

Each town's code was reviewed in conjunction with the review guidelines and answered with either a "yes", "no" or "minimal"- indicating that this item/issue may be addressed in the zoning ordinance, but may be too general and needing additional clarification or information (Table 5).

Table 5: Zoning Audit for the Towns of Pulteney, Wayne, Urbana and Campbell

Generic Review Guidelines (NYS Agriculture & Markets)	Municipality			
	Town of Pulteney	Town of Wayne	Town of Urbana	Town of Campbell
1. Do the regulations materially limit the definition of farm operation, farm or agriculture in a way that conflicts with the definition of "farm operation" in AML §301, subdv. 11?	NO	NO	MIN	NO
2. Do the regulations regulate any farm operation in agricultural districts to "non-conforming" status?	NO	NO	NO	NO
3. Is the production, preparation and marketing of any crop, livestock, or livestock product as a commercial enterprise materially limited, restricted or prohibited?	NO	NO	NO	NO
4. Are certain classes of agriculture subject to more intensive reviews or permitting requirements than others? For example, is "animal agriculture" treated differently than crop production without demonstrated links to a specific and meaningful public health or safety standard designed to address a real and tangible threat?	NO	NO	NO	NO
5. Are any classes of agricultural activities meeting the definition of "farm operation" subject to special use permit, site plan review, or other original jurisdiction review standard over and above ministerial review?	NO	NO	NO	NO
6. Are "farm operations" subject to more intensive reviews than non-farm uses in the same zoning district?	NO	YES	NO	NO
7. Are "farm operations" treated as integrated and interdependent uses, or collections of independent and competing uses on the same property?	Integrated Uses	Integrated Uses	Integrated Uses	Integrated Uses
8. Is the regulation in accordance with a comprehensive plan and is such a plan crafted consistent with AML Article 25-AA as required by law?	YES	YES	YES	YES
<i>Additional review: Does the municipality have screening / buffer regulations?</i>	NO	NO	NO	NO

Zoning analysis findings

As outlined by NYSDAM, if the answer to any of the first six questions is "yes" or "minimal", or the answers to 7 & 8 is "no", the zoning regulations under review are likely to be problematic and may be in violation of AML §305-a, subd.1. A detailed review of the findings for each municipality are listed below.

Town of Pulteney

The town's zoning ordinance is generally compatible with AML. In District 3, non-residential, agricultural buildings and structures are exempt from the Town's regulations, and no Land Use Permit or Certificate of Compliance is required². This allows for flexibility for farmers to erect agriculture-related buildings and structures as necessary without unreasonable restrictions. To further strengthen the code, the town should include individual definitions for barns, farm worker housing, direct farm market, silos and milking parlors to reduce the risk of needing a zoning interpretation by the Zoning Board of Appeals. The town should also consider including buffer regulations to protect farming operations from neighboring incompatible uses.

Town of Wayne

The town's largest district, Agricultural- Residential (AG-R), permits all agriculture uses to be carried on without a permit. Construction of agricultural buildings, accessory buildings and other structures (other than dwellings) requires a permit, and shall meet the minimum setback requirements. Although generally compatible with AML, there may be several areas that could be problematic under the state law.

A produce market is subject to a Special Use Permit in the AG-R district. A produce stand is defined as, "Premises devoted primarily to retail sale of produce and other foodstuffs, bedding plants and bulbs in season, and related articles, not necessarily locally produced; a produce market is a business use." This may unreasonably restrict farmers from buying and selling products from neighboring areas or states, or a group of farmers/homesteads from collectively selling products.

Similarly, vegetable stands are more restricted and subject to a Special Use Permit in the R-2 district. A Vegetable Stand is defined as, "Premises devoted primarily to the sale of seasonal locally grown produce, locally produced food stuffs, and handicrafts, with or without a building; an accessory to a farm or residence." As an accessory to a primary residence, this provides an unnecessary restriction on small hobby farms/gardens or non-agricultural assessed properties. Special Use Permits are generally considered more restrictive than Site Plan Review or Permitted uses. The allowable use chart should be reviewed and amended as necessary.

The town should further amend the definitions. Unlisted uses not included in Section 6.2 of the code (allowable use chart) are subject to an interpretation by the Zoning Board of Appeals which can be cost and time prohibitive. To help clarify uses and reduce the need for a ZBA interpretation, the following uses should be added to the "Agriculture or Building Structure" definition or listed individually: greenhouses, commodity sheds, farm worker housing, direct farm markets, manure storage facilities, and poultry houses. The town should also consider including buffer regulations to protect farming operations from neighboring incompatible uses.

Town of Urbana

The Agriculture (A-District) allows agriculture by-right, including the keeping of fowl or farm animals as well as the retail sale of agricultural produce grown on the same lot from a road stand. Road stands are permitted through a Special Use Permit and Zoning Board of Appeals approval in the Residence (R-District), Highway Business (H-District), and Flood Plain (F-District). Special Use Permits are generally considered more restrictive than Site Plan Review or Permitted uses, and should be reevaluated to determine if these regulations are restricting certain farm activities.

² A permit is required if such building or structures are designed for housing animals located within fifty feet (50 ft.) of a highway right-of-way; within two hundred feet (200 ft.) of a lot line; or within three hundred feet (300 ft.) of an existing dwelling on an adjoining lot.

The town defines a farm as “Any parcel of land consisting of at least 10 acres which is used for the raising of agricultural products, livestock, poultry or dairy products. It includes necessary farm structures and the storage of equipment used. It excludes riding academies and dog kennels.” The law does not include a definition of agriculture. The farm definition may restrict other types of hobby farms and homestead activities that do not meet the minimum 10 acres.

The town should consider amending the definitions to include agriculture-specific terms including: agriculture, barns, farm worker housing, direct farm market, silos, milking parlors, nursery/greenhouse, and produce market (to differentiate between roadside stand) to reduce the risk of needing a zoning interpretation by the Zoning Board of Appeals.

Town of Campbell

The Town’s Zoning Law is generally compatible with New York State law. The zoning law includes specific definitions for agriculture, agricultural machinery, farm (in accordance with AML §301), farmstead, farmstead maintenance, produce grown on and off the lot, cluster development, and roadside stand. This list is comprehensive and will help reduce the need for a ZBA interpretation or conflict over agricultural uses. There are two zoning districts specific to agriculture: Agricultural Residential (AG) and Agricultural Protection Zone (AP).

The intent of the AG district is to encourage and promote a “suitable environment for low-density family living while conserving those areas in the Town suitable for farm and agricultural purposes.” A direct farm market requires a Special Use Permit, however, there is no definition for farm market or farm stand. This should be clarified in the definitions and reevaluated to determine if a SUP is necessary for this type of use.

The intent of the AP district is to “promote and keep the agricultural use as the primary use of these districts...” Agricultural uses are permitted by right, and no agricultural use requires a Special Use Permit or Site Plan Review. This district was added to better protect the town’s better agricultural lands and eliminate some of the incompatible uses that are allowed by a Special Use Permit in the AG district. The town will need to amend the Zoning Map to ensure that all districts are enforceable.

ⁱ <http://www.ilovethefingerlakes.com/rivers/canisteo.htm>. Accessed September 10, 2014.

ⁱⁱ <http://www.udel.edu/FREC/spatlab/oldpix/nrcssoilde/Descriptions/landcap.htm>

ⁱⁱⁱ Natural Resources Conservation Service, United States Department of Agriculture. Prime Farmland. Available online at http://www.nrcs.usda.gov/wps/portal/nrcs/detail/null/?cid=nrcs143_014052. Accessed May 22, 2014

^{iv} Soil Survey Staff, Natural Resources Conservation Service, United States Department of Agriculture. Web Soil Survey. Available online at <http://websoilsurvey.nrcs.usda.gov/>. Accessed May 22, 2014