

**Planning Board
May 26, 2016**

Members Present: Joe Laquatra (Chair), Marty Hatch, Joe Wilson (alternate), John Kiefer, Craig Anderson, David Weinstein, Marty Moseley, Tom Hatfield

Guests: Debbie Teeter, Cornell Cooperative Extension

Town Hall Staff: Ray Burger, Planning Director

Liaisons: Deborah Cipolla-Dennis, Town Board

The meeting was called to order at 7PM.

Agriculture and Ag Land Protection Plan: Debbie Teeter

See attached documents

The Ag Committee, working with Cooperative Extension, gathered information to develop an agricultural profile of the Town of Dryden. (Attached) They also created a list of issues and concerns of the agricultural community. Surveys were done with the Farmers and Ag Land owners. The Committee followed up with several meetings and mailings.

J. Kiefer shared with the Planning Board the goals and strategies document in January. D. Weinstein commented on some of the suggestions and the document was eventually sent around to D. Teeter.

The Ag Committee decided to hire George Frantz to review the Town Zoning. His preliminary draft of suggestions is attached.

The Ag Committee has identified informational maps to be included.

The next step for the Ag Committee is to return to the list of Goals and Strategies to determine who/what organization can fulfill that recommendation.

On the Goals and Strategies chart, H indicates a High priority, M = Medium priority and L = Low priority. There were a varied number of responses and not all participants responded to all questions. (Attached)

D. Teeter reviewed the Town of Dryden Agricultural Profile with the Board:

- Are abandoned agricultural lands included in the 14,512 acres? No, Ms. Teeter will add that information.
- Will the plan identify prime ag lands? Yes, there will be a map.
- D. Teeter indicated that dairy farmers generally prefer to own the land but crop farmers are tending toward renting. Along those thoughts, almost 50% of the farmers do not have an estate plan even though most farmers insist that they want to keep farm land for farming.
- J. Wilson asked if by using the term "Hispanic", is Ms. Teeter referring to undocumented workers? Yes, but it is preferred using Hispanic rather than undocumented; she indicated that some organizations prefer the term "farm workers" but this group of workers are Hispanic.

M. Hatch attended a talk by Monika Roth from Cooperative Extension during which she broke down the number of small versus large farms in the Town. He asked if that information could be included.

D. Weinstein asked if the availability of land is restricting farms. Yes, land availability (good or bad) is constricting especially in Dryden, Groton and Lansing.

D. Weinstein asked about the viability of existing farms continuing to the future with the increased cost of land reducing the availability of land. D. Teeter indicated that so far, they have not seen any of the farmers driven out by the prices. T. Hatfield said the

average cost per acre of viable farm land is \$4000 (currently according to Tompkins County Assessment).

Agricultural Land Owners are property owners who are renting to the larger farms. They don't necessarily have an ag exemption.

M. Hatch questioned the statement that "the future of farming will depend on the viability of large farm operations." and he asked C. Anderson if he is dependent on the larger farms? Yes, the small and large farms work together. The feed companies, etc. will certainly feel the impact of large farms going out of business.

D. Teeter indicated that niche markets are getting saturated in this area. Although there are several farmer markets and niche markets, they are not taking off. It is easier to get all of the groceries at the local supermarket rather than stopping at a farmers market for the fresher, local vegetables.

T. Hatfield expressed concern regarding transitions and the ag exemption. Land that is taken out of ag, for example, by a land owner who has been renting the land to a farmer who can no longer rent the land, stands a chance of losing the ag exemption. The land owner is then forced to pay seven (7) years of back taxes – the taxes that were originally exempt. Permitting a longer period of time for the resumption of ag activity on the land benefits the land owner and the future of agriculture.

D. Teeter argued that as long as the land **use** is not changed, the exemption should not be affected. She is going to verify her information. (see attachment from NYS Taxation and Finance)

M. Moseley pointed out that farmers are a unique breed and may not reach out to Cooperative Extension. He used his family as an example – they had to sell their land that had lost its ag exemption. Once production stops, the farmer cannot hold onto the land.

Large Solar Farms: C. Anderson and D. Weinstein

- D. Weinstein stated that he and several others attended a Farm Bureau meeting last week in which they discussed the "traps" that many folks are falling into while setting up contracts with the solar industry. Some of the leases will prevent the land owners from using the land in other manners even if the solar panels are not installed.
- The Board considered whether the Planning Board has a requirement to protect the land owners by educating them. The general consensus was part of the Board's charge is to protect the public in terms of land use.
- D. Weinstein asked if the Town should open up to all solar companies or only community solar. The out of area solar companies are leasing huge amounts of land which they then simply bank and prevent the owners from use of the land.
- The owners are leasing the land with a \$500 sign on bonus but then they don't get paid any more unless the solar farm is actually built and producing; very similar to the oil and gas leases.
- the solar companies will not sign if the land owner tries to negotiate the lease
- M. Hatch indicated that he was under the impression that the proposed changes to permit large scale solar farms were based on the companies being community based solar.
- The resolution as written recommends the Town Board open the field to all large scale solar without any real size restriction other than the amount of energy produced; limited to 2.6 megawatts

- J. Kiefer pointed out the leases are signed without any consideration for approval by the Town. The tools that the Planning Board uses, such as Site Plan Review, will not come into play.
- M. Hatch agreed and indicated that if the limits (size, uses, etc) are in the zoning then land owners might not be as likely to sign.
- T. Hatfield suggested that leases that are not permitted in the Town laws might make the leases illegal
- The Board members agreed that education is the key factor. C. Anderson said that Mr. Denton, the Farm Bureau presenter, shared a contract between a land owner and the solar companies stating that the solar company takes full liability for simply being on private property. It also requested that any information gathered from the visit be given to the land owner.
- D. Cipolla – Denis asked if the Board members thought it worthwhile to have a presentation (with Mr. Denton) at the Town Hall.
- C. Anderson added (from the meeting) that any solar builder has to notify the taxing entity. The taxing entity has 60 days to respond or the solar builder will fall into the state agreement that provides tax exemptions for 15 years
- All that is needed is for the solar builder to send a letter. Delaware County has opted out of the state mandate due to the tax exemptions. Each situation can be case by case, perhaps a PILOT (payment in lieu of taxes)
- The Town will have to opt out of the state mandate to negotiate a PILOT but can opt back in at a later date
- C. Anderson pointed out that the school districts and villages, as taxing entities, will need to be notified as well

C. Anderson offered the following recommendation:

Whereas, commercial solar energy systems are required to notify the local taxing entity of their intention to build; and

Whereas, the taxing entity (the Town of Dryden) has sixty (60) days to respond to the solar energy system indicating their tax status; and

Whereas, failure to respond within sixty days will grant the solar energy system tax exempt status via New York State RPTL Section 487;

Therefore, be it resolved, the Town of Dryden Planning Board recommends the Town Board of the Town of Dryden passing a resolution to disallow the exemption; and

Be it further resolved, the Planning Board also recommends notification be sent to the Village Boards and School District Boards regarding the commercial solar energy system's notification.

The motion was seconded by T. Hatfield and unanimously approved.

J. Kiefer added that he believes the document presented by D. Weinstein provides reasonable protections when the large solar companies apply for a special use permit (SUP). There are a couple of companies interested in the Town now and he hopes that the mechanisms are in place for them to move forward which means getting a recommendation to the Town Board

M. Hatch questioned whether we are limiting size, location, soil type, etc?

C. Anderson pointed out that the biggest they can be is 2.6 Megawatts dc, about 13 acres.

D. Weinstein said we are trying to make sure the solar systems get built.

M. Hatch pointed out that we have a map illustrating the optimum sites for wind power and asked about a solar map? Once we have the sites identified we could “market” them.

T. Hatfield feels that M. Hatch’s questions are correct. The Planning Board doesn’t have to write a law, that is the Town Board’s job. We need to encapsulate the issues that we have learned: location, close-ology (close to the established power lines), and keep them off prime agricultural land (if possible).

C. Anderson asked about the Town’s goal: is it to meet the County’s energy road map or to power the Town of Dryden or what? Should we cherry pick areas that we can then tell the developers they can develop? Do we identify the areas that need more energy?

D. Cipolla-Dennis asked about private property? What about people who may or may not want the solar energy system on their property?

M. Moseley advocated an overlay district for the zoning.

T. Hatfield pointed out that the burden of proof of need is up to the developer. They are also required to pay for our engineering expert to pay for the study.

Zoning Law amendment: Ray Burger

This is an amendment to the recently passed (March 2016) zoning amendment. It addresses density for development in rural agriculture and rural residential zones that have access to public sewer and water.

- The Town Board has postponed action in order to get more detailed feedback from the Planning Board
- D. Weinstein did a map analysis: there are 40 parcels covering 60 acres and all in the Varna vicinity. He didn’t see any in other areas of Town. In addition, there are two (2) parcels (about 95 acres) that are rural ag outside of Varna (Cornell owned although they say they have no intention of building there).
- On the 40 parcels with current zoning of 2 units/acre, there is potential for 117 additional units
- With proposed change, these parcels could add up to 351 units at 6 units per acre
- They are located in a string leaving Varna headed toward NYSEG which he believes will create sprawl development
- TG Miller did a study of sewer districts and determined that the system could handle up to 200 additional units.
- The Varna Plan encourages density in the “village proper” and he doesn’t see a benefit to the zoning change unless sprawl is the goal.
- J. Kiefer stated that the comprehensive plan appears to have a different vision and name for that district - suburban residential district – which was not implemented in the zoning. The comprehensive plan envisioned that as a more densely populated area.
- The comprehensive plan acknowledged that there would be increased pressure for housing
- T. Hatfield added that more sewer capacity can be purchased.

T. Hatfield moved to send the zoning amendment to the Town Board. J. Kiefer seconded the motion which was passed 6-1.

Planning Department update: Ray Burger

- The Tiny Timbers project is moving forward and they may be back next month.
- The 1061 Dryden Road project is working with the Planning Department. The Town Board didn't take any action last month.
- The Planning Department has received an application for a development on Mineah Road. They will be building 20 single family homes for rent with one access road off Mineah road. The homes will be about 800 sq ft homes built in clusters of three (3). It is an allowed use but the developer, Richard Wawak, would like some feedback.
- The William George Agency is going to be building a 24 bed dormitory. Since the William George Agency is an educational institution, it doesn't require a site plan.
- Regarding infrastructure upgrades, there is lots of capacity in the whole sewer/water system. He will be putting some numbers together. The current agreement is based on 110,000 gallon capacity per day. There is more capacity and the Town might be able to buy more capacity from the system.
- The Zoning Board of Appeals will be hearing two (2) cases regarding right of way set backs.

Review and Approval of meeting minutes from April 27, 2016:

D. Weinstein moved to approve the minutes with edits. C. Anderson seconded the motion and the minutes were approved. T. Hatfield and M. Hatch abstained due to absence.

There being no further business, the meeting was adjourned at 9PM.

Respectfully Submitted,

Erin A. Bieber
Deputy Town Clerk

ATTACHMENT #1

Town of Dryden Agriculture Profile

Draft – 5.26.16

To effectively protect and promote agriculture in the Town of Dryden, it is necessary to understand the nature of farming in the Town. There are 7,007 owned and 4,040 rented acres in the town receiving agricultural property tax assessment, an additional 229 owned acres that do not receive agricultural assessment, plus 3,166 acres owned and farmed by Cornell University, for a total of 14,512 acres involved in agriculture – 24% of the town's land base. Tompkins County Assessment Department data (2015) provides fairly accurate information about land that is farmed because both farmers and landowners value the benefit of agricultural assessment of property they own or rent to farmers. Cornell University agricultural land is tax exempt, and therefore is not included on a list of property receiving agricultural assessment. However, there is significant Cornell-owned agricultural land in the town, so it's important to include those acres when considering the town's agricultural base. There may be more than mentioned above that is farmed and does not receive agricultural assessment.

Thirty-seven (37) farm enterprises receiving agricultural assessment are associated with the above agriculturally-assessed farmer owned properties, five of which are actually based in another town of county. To gain a better understanding of Dryden agriculture, a survey was distributed to these operations, plus ten farmers identified as not receiving agricultural assessment, in 2014, 21 of which were returned (45% return rate, 50% return rate if only Dryden-based farms are considered). The survey included questions about farm operations (acres, crops, livestock, employees, etc.), farming in the Town of Dryden, and future plans. For farms that did not return the survey, Cooperative Extension staff referenced Agriculture District review survey data (2015). Therefore, in developing the town farm profile, all farming operations known at that time were included; additionally, all farming operations were invited to public information meetings to provide further input.

A survey was also sent to 38 landowners renting land to farmers and receiving agricultural assessment. Twenty-one (21) of these surveys were returned (55% return rate). All landowners receiving agriculture assessment were invited to attend public information meetings held. In this survey landowners were asked about future plans for their land, which has significant impact on land available for farming given the amount of rented land that is farmed.

Land in Farms

As noted above, 14,512 acres of land are associated with farming in the town. Twenty-eight percent of the farmland is rented (4,040 acres) by farmers, another 22% (3,166 acres) is owned by Cornell University, and the balance is farmer-owned (7,007). 1,469 (10%) of the 14,512 acres owned or rented by farmers are under certified organic production. Compared to 2004 Agriculture Assessment data, there were 13,341 acres owned and rented by farmers. In the past 10 years, there has been a 1,171 acre increase in land that is owned or rented by farmers.

The increase in land owned and rented by farmers can be attributed to: 1) expanding dairy and crop operations; 2) inactive land that is easily certified for organic production; 3) large dairy and crop farmers in other town and counties renting and buying land in the town; and 4) government regulations that require Confined Animal Feeding Operations (CAFO) to spread manure over a larger area to avoid nitrogen and phosphorous contamination of water supplies. Demand for land in Dryden from Cortland and Cayuga County farmers has been primarily driven by large dairy operations that must comply with CAFO regulations; however, there are also several crop farmers that farm land in the town. At the same time, three Dryden farms own or rent land beyond town boundaries into Cortland County or in the Town of Groton, illustrating that Dryden farmers are being pushed to find land at some distance from their home farms.

Farming Enterprises

The predominant agricultural enterprise in the town, both in terms of land used and income generated, is dairy farming along with commodity feed and field crop production. Other types of farm enterprises include horticultural businesses, large and small vegetable and fruit farms, farm markets, equine and other livestock farms, and hops. The growth of diversified farming operations in the town has been slower relative to other parts of the county. The reasons are that agricultural lands in the town are intensively used by crop and dairy farmers, and the price of farmland in the town is higher than in other parts of the county, making it harder for small diversified farmers to buy land in most of Dryden. Larger farm operations are able and willing to pay more for quality farmland.

A diversity of field crops is grown on Dryden farms. The most common crops are corn, legume and grass hay, and soybeans. Producers also raise oats, winter barley, wheat, triticale, sorghum, sunflowers and trees. Pasture is another significant use of farmland, most typically for dairy livestock, although farmers also reported raising equine, beef cattle and sheep.

There are two are certified organic farms: one dairy farm and one vegetable farm.

Farming Activity by Type of Enterprise

Dairy 9

In the town; 1 dairy owns land in Dryden with facilities in Groton

Crops, No dairy..... 15

Includes 1 hops operation, and 4 operations from other Tompkins County towns and 1 each from Cortland and Cayuga Counties.

Vegetables/Fruit..... 7

Includes 4 Farm Markets, Cornell Orchards on Sweazy Road; 1 Community Supported Agriculture/Retail produce operation, 1 U-Pick small market gardeners

Livestock..... 10

Includes 2 beef, 5 sheep and/or goats, and 3 heifer operations

Equine..... 12

Includes 5 offering stables or riding services; these operations also often sell hay

Ornamental Plants/Nursery 1

Includes 1 operation also listed as a Farm Market under Vegetables/Fruit

Total: 48

Enterprises associated with 47 farm businesses.

Source: Cornell Cooperative Extension Tompkins County

Farm Operators/Employment

While only 37 farming operations receive agricultural assessment, the total number of agricultural businesses in the town is 47; this includes 4 horticultural sales and service operations. Of the 47, 74% (35) are operating full time or significant part time businesses. Nine farms have been in existence for 50 years or more, and three of these are century farms.

Nearly all farms report that various family members (parents, spouses, siblings, children, "other") have roles in the farm operations, including labor, management, bookkeeping and clerical. On some farms, there is a division of labor with different family members in charge of different aspects of the operation, such as caring for calves, being in charge of equipment, or overseeing crops.

Dryden farms provide full or part time employment opportunities for over 60 owners and their family members. Additionally, farmers hire at least 60 part time and seasonal employees. It is estimated that there are at least 29 Hispanic workers on town dairy farms. Hispanic workers are vital on many dairy farms. There is concern that immigration enforcement actions and changes in immigration law could result in the sudden loss of Hispanic workers resulting in critical labor shortages on dairy farms. Further efforts to evaluate the importance of the Hispanic workforce should be considered by the town agriculture committee once appointed.

Economic Value of Farming

Overall farm product sales in the town are estimated to be around \$12 million with about \$8 million attributed to dairy farming. This is the second largest value of agricultural product sales of any town in the county and it reinforces the significance of the agriculture industry in the Town of Dryden. Town of Dryden farms generate 18% of total farm product sales in the Tompkins County (\$67 Million total sales for Tompkins County, 2012 Census of Agriculture).

Capital investments on farms over the past 7 years as reported in the 2011 agriculture district review survey ranged from ten farms with investments under than \$10,000 to three farms with over one million invested, and three more with investments between \$500,000 and one million. The majority of farms invested \$10,000 to \$50,000 per farm (7 year period). The fact that the larger farms are investing in their businesses is a sign of farm viability, that farms are modernizing, and that farmers are optimistic about the future of farming. Typical farm investments include: new structures or equipment and, on dairy farms, environmental investments required for EPA Confined Animal Feeding Operation (CAFO) compliance.

As mentioned before, farms in Dryden provide at least 60 full and part time jobs for owners and operators and at least 60 additional jobs that are part-time or seasonal. This amounts to a combined payroll of at least 3 million. Most farm employment is associated with dairy farms and horticulture businesses. Dairy farm management jobs pay

competitive wages and laborers are generally paid above minimum wage. Crop farms and smaller specialty enterprises are owner operated and may employ extra workers during harvest. Jobs on farms result in dollars being spent in the community for housing, food, and other personal goods.

Both part-time farmers and full-time farmers indicate that having off farm family income to provide health and retirement benefits is vital to the farm operation and family quality of life.

Taxes paid by Dryden Farmers – [awaiting data]

Fire District Tax

Town of Dryden Taxes

County taxes

Dryden School Taxes

Other School Taxes

Total tax liability paid by farmers in the Town of Dryden ????? – burden shared by 47 businesses involved in farming. Note that nearly ?% of gross ag sales is paid out in taxes.

Source: Tompkins County Assessment Department, 2015

Future Plans Reported by Dryden Farmers

Dryden farmers (full and part –time) and non-farming agricultural land owners indicate a strong desire to keep their land in agriculture and productive farming into the future. Most have not sold lots for development outside of homes for family members, and of the few lots reported sold, they were typically many years ago. Because the agricultural sector in Dryden is very strong and growing, there are current examples of existing farms buying, and often competing for, good farmland as it becomes available. Because a large part of Dryden’s agricultural land base lies somewhat contiguously around the Village of Dryden, and there are often side roads farmers can use to access land that is several miles from the home farm, farmer and non-farmer owned agricultural land is knit together into a fairly cohesive band of actively farmed land in the western half of the town. Half a dozen farmers plan to buy and/or lease more farmland in the future, if it becomes available.

While many farmers and non-farming agricultural landowners report an intention of passing their land to the next generation, less than half have estate plans in place. Those that do have plans in place tend to be the larger dairy farms. Often, land owned by those without an heir is considered the most at-risk for being lost for farming in the future. However, when a farmer or agricultural land owner passes away without a well-written estate plan, or even an up-to-date will, the land may become vulnerable – even if

there are heirs. Dryden has a good base of contiguous farmland under conservation easement, in a location where it serves as an “anchor” for surrounding farmland.

There are a total of 1266 acres land under permanent easement in the Town of Dryden: 852 acres of farmland, protected through the NYS Purchase of Development Rights program, and 414 acres protected through the Finger Lakes Land Trust.

While Dairy Farms work the most land in the town, Crop farmers are a close second; the three largest crops farmers in the town have no “next generation” in place. The land they work is in the agricultural band mentioned above, but it may be more acreage than the larger dairies can absorb. Some of this land borders the Village of Dryden, which may make it attractive for development.

The continuing availability of land to rent is a source of stress for both dairy and crop farmers, of all size operations. With over half of the land that is farmed being rented by farmers, there is some level of uncertainty about landowner plans. However, from the landowner survey, there was a strong stated preference to keep land in farming.

Small and beginning farming enterprises also face uncertainty. Many small farms, including those in Dryden, find it challenging to develop a profitable farming enterprise. It is typical that a major effort is expended on the part of owners during the startup years, but if limited progress is made with marketing, covering costs, and building equity, the owners tend to burn out. Some are able to refine and adjust operations until their goals are met which may include covering costs and taxes while raising food for themselves, while others hope to develop a part or full time business that eventually replaces off farm income. Small, part-time livestock and produce farms may be less likely continue beyond the current owners, however, others such farms will emerge, therefore it is anticipated that farmland use will remain stable into the future.

Key Concerns Voiced by Farmers

Agricultural policies

- Ag land zoning should not be in conflict with Ag District Law
- There need to be more farmer input when zoning changes are being considered;
- Active farmland and land attached to it (forests and woodlots, fallow land, waterways, etc.) should not be re-zoned to anything else
- high level of importance placed on the NYS Agricultural District Law in keeping land in
- agriculture assessment to keep taxes manageable but the state exemption is not great enough
- desire for town leadership pre-disposed to protecting farming interests, making it possible to keep farming
- government regulations in general are of concern

Risks to farming operations

- Landuse: access, prices, competition, increased ag land prices results in higher assessed value.
- Increasing costs: fuel, taxes, improvements, production
- Regulation: increasing State and Federal regulations, local government interference
- Labor: finding and managing good help; young people don't want to work on farms
- Economic pressures: staying financially viable without getting bigger, competitive pricing, low prices, access to financing and capital, increasing efficiencies
- Commodities: finding good quality feeds
- Climate change: adjusting to new weather patterns
- Planning for the future: many of today's issues will be passed to the next generation if not resolved

Development pressure

- Development should be in pockets, eg. cluster of homes with open space attached
- Development should radiate from an established population center
- Increased traffic slows farming access
- Dryden is slowly growing, and will continue to have urban pressure with people wanting a home in the "country". Every new house is another "neighbor" with potential relationship challenges/complaints (smell, dirt on road, farming practices)
- misinformation and lack of understanding about agriculture practices among general public: farmers are stewards of their land – this needs to be communicated to the public

Demand for good farmland among farmers – Due to the level of farming activity in the town, there is demand among farmers for good quality farmland to own and rent. In recent years, rental rates and the price of farmland in Dryden have increased, contributing to higher operating costs (debt). The increase in prices paid for farmland is driven by larger farm operations, some from outside the town and county, that rents town farmland as it become available. Given the size of these farming operations, they can often afford to pay higher land prices. Some Dryden farmers have consequently lost nearby rental land to expand their farming operations. While larger operations keep land in farming, it makes it harder for Dryden farmers to remain competitive and impacts the ability of new farming operations to start up. High value and small scale farming enterprises may be able to afford higher prices for smaller parcels. The demand for land may result in squeezing out middle sized farms.

Property values – In 2012 Tompkins County Assessment undertook a comprehensive review of agriculture property sales to determine the current value of farmland for assessment purposes. The purpose of the review was to bring agricultural land assessments to 100% fair market value. For the Town of Dryden, farmland sales ranged from \$1,000 to \$4,500 per acre, with an average selling price for the 6 farm properties in the review of \$2,850. The average farmland selling price in the county was

\$2,300. Farmers are concerned about the increase in the assessed value of their properties along with the ability to buy or rent land at a price they can afford. Farming as a business is based on land as its productive resource. If land is not available at a price a farmer can afford, it will surely be taken over by other interests. A town Purchase of Development Rights program is one way to keep land available and affordable for town farmers. However, higher prices paid for farmland is also making PDR less attractive to farmers, as the difference between agriculture values and development values is shrinking, meaning that farmers will get paid less when selling their development rights.

Taxes – given the amount of land required to operate a viable farming operation, taxes - even with agricultural assessment and the NYS Farmers School Tax Credit - represent a significant operating expense. Of the five leading agricultural states, NY farmers pay the highest taxes, even higher than California farmers. This means that NY farmers are at a competitive disadvantage given the higher cost of doing business and they are also, therefore, less profitable. Higher taxes and less profit can lead to loss of farming enterprises and the associated farmland.

Land Rented vs. Owned – farmers can be uncertain about whether land they are renting today for farming will be available in the future. Rural landowners, like farmers, are impacted by increasing taxes. Those renting land to a farmer and receiving agricultural assessment are less impacted by tax increases. Most farmers work with landowners they rent from to ensure there is a five-year lease in place as required to qualify for agricultural assessment. Many parcels being rented to farmers are owned by older residents including some that retired from farming but still own their land. A key concern is what will happen to this land once it is transferred to the next generation; will the heirs hold on to the land or will they sell it? Some may be sold to farmers, but some may be lost to farming depending on the heirs and estate. Estate planning and the sale of development rights may be one way to help keep rented land in farming.

The Next Generation of Farmers – Agriculture depends on future farmers to take over current operations or start new ones. In Dryden, there is a mix of farming operations with a younger generation or business partners ready to take over, along with farms that have no heirs or transition plan in place. The transition of farming operations to new owners or the next generation will require estate planning. Cooperative Extension and NY FarmNet can link farmers to legal counselors to help this process move forward.

There is an active community of beginning farmers and farming entrepreneurs in Tompkins County. These farming enthusiasts are seeking to raise a variety of crops and livestock on a small scale destined for local markets. In the Town of Dryden there are fewer start-up farms because land is less available and prices are higher. Small scale farming can play an important role in the rural economy and could be encouraged by matching beginning farmers with rural landowners or farmers who want to keep their land in farming. Cooperative Extension has started Finger Lakes LandLink to foster connections between land owners and land seekers.

Economic Realities of Farming – Ultimately, maintaining land in farming will depend on the economic conditions and policies that impact farming. Regulations, high taxes,

high utility costs, availability of labor, supply and demand, input costs, and market prices all impact the costs and returns. Many farms have expanded to keep up with these realities; however, expansion alone may not address these challenges. Good management and strategic planning is critical. Some farmers have changed production and marketing strategies to generate higher returns. Policies at the local, state and federal level all play a role in agriculture's future. At the local level, the key policy issues will be land use control and giving priority to agriculture, along with property taxes.

Other Ways to Encourage the Continuation of Farming

As Mentioned by farmers and landowners at meetings and in the surveys

- encourage growth in concentrated areas to stop/slow down growth in farming areas
- evaluate the option to lease development rights for a period of time with stipulations
- Evaluate zoning requirements to make sure farmers who want to sell a lot are able to sell the smallest lot possible, and that it can be the least desirable for farming
- Review zoning to ensure active farmland is not zoned residential or conservation
- Amend existing zoning to align with NYS Agriculture and Marketing recommendations

AGRICULTURAL TRENDS AND FUTURE OUTLOOK

Farmers in the Town of Dryden have reflected on what they see as trends and the outlook for agriculture in the town. Given the long history of active agriculture as a dominant land use and economic sector, there is optimism that agriculture will remain viable in the future given protection of high quality soil resources, well managed farming operations, and the availability of farmland for expansion.

Farmland

Farming has been a continuous activity in the Town of Dryden since it was settled. Over its 200+ year history, there has been a shift in farming and farm related enterprises. One major shift was from small plot diversified farming and related processing facilities such as creameries, mills, and tanneries that existed in the late 1800's to early 1900's to more specialized agriculture that emerged mid-20th century and continues today. There is a trend today to return to smaller specialty agriculture and organic farming. While there has been a loss of farm numbers over time, the land in farming has remained steady and is recently increasing.

The gain in actively farmed lands as show in the Land Use Land Cover data from Tompkins County Planning (2012) has been fueled by both large and small farms. Larger dairies are seeking land to comply with regulations for manure spreading; higher corn prices drive the need for more acreage; organic farms are seeking land where synthetic inputs have not been used for at least three years; and small specialty farms are emerging on parcels from one to 20 acres. While there is turnover of ownership, there is continuity in agriculture due to the fact that Dryden is a highly active farming area with high quality soils to support productive agriculture.

In the past ten years, there has been a transition in farmland ownership from many small farms to larger dairy and crop farms, some from out of the town and/or county. Both farm real estate prices and farmland rental prices have increased. As a result, some of the town's mid-sized farms may be being squeezed by the larger farms that buy land or pay higher rental rates. It is harder for town farmers to find land to buy or rent at affordable prices, which impacts their ability to expand. Some town farmers are buying land at some distance from their home base, when land next door sold or was rented at a price higher than they were able to pay. When farmers buy land at a distance from their home farm, there is an increased cost to farming.

This raises several questions about agriculture in the future. Will it be dominated by large farm owners; will mid-sized crop farming operations be able to find land they need to remain viable, and will high priced farmland deter the next generation of beginning farmers? Another impact of higher farmland prices is that it results in higher assessed values. The overall tax liability for farmers increases even with the benefit of agricultural assessment. Taxes may be a small portion of a large farm's operating costs, but for small farms, it has a big impact on farming profits, cost of living, and overall quality of life for farming families.

Without an active farmland protection program that helps balance agricultural land use for operations of all sizes, these trends may continue with the following consequences:

- 1) The future of farming will depend on the viability of large farm operations. If these operations should downsize or even worse file for bankruptcy, it is uncertain what would happen to farmland they own or rent. With fewer farms to re-absorb that land, some land may be abandoned until some future use emerges.
- 2) Smaller diversified farming enterprises may find it harder to buy land in the town given the competition for farmland and higher selling prices. This limits the opportunity for new ventures focused on local food production and agri-tourism to emerge unless they have significant investment capital.

Several actions could be considered by the Town to help preserve an active local farming community. One is to make rural landowners aware that selling or renting farmland to a neighboring farmer instead of the highest price may help preserve the local farming community. An incentive program that encourages landowners to sell to local farms could be considered. New farming enterprises might be encouraged through similar incentives that connect current landowners with beginning farmers with the goal of ultimately transitioning land to new owners. Creativity and commitment will be needed to secure a future for farming. To realize the vision for agriculture's continuation will require an engaged town agriculture committee and agriculture community, as well as consensus among town officials and the community at large that agriculture should be protected and promoted for the benefit of all.

Farming Operations

In the Town of Dryden as farmers have retired, the remaining farmers have absorbed much of the available farmland. This has resulted in fewer farmers farming more acres

spread throughout the town. This historical trend of fewer and larger dairy and crop farms will likely continue.

The transition to organic dairy farming began in early 2000. Currently there is one certified organic dairy in the town, farming at three separate farmsteads, farming a total of around 1,400 acres of land they own or rent in the Town of Dryden, plus about 1000 acres in Courtland County, and a third farmstead in the Town of Groton with about 230 acres. At present, there are no reports of additional dairies planning to become certified. Organic dairies rely on organic crops they grow or buy. Given prices of organic feed, more crop farmers could raise organic crops to meet the needs of organic dairies. There is one crop farmer raising approximately 230 acres of organic hay to supply area dairy farmers, an organic vegetable farm with about 45 acres in production and an organic blueberry u-pick operation.

Livestock beyond dairy is rather diverse, with five sheep and/or goats, two beef, three dairy heifer, and 12 equine operations, for a total of about 2800 owned and rented acres.

Overall, there has not been as strong a trend towards small diversified farming in Dryden, mostly because the larger specialized dairy and crop enterprises dominate. Also, the price of farmland is generally higher in the Town of Dryden, making it less attractive to new farmers who are starting up south and west of Ithaca where land prices are somewhat lower.

There is limited commercial ornamental horticulture industry in Dryden, primarily through four farm stand operations. Growth in housing and commercial development creates demand for horticulture sales and services and generates niche farming opportunities that are less land intensive than grain or dairy farming.

Vegetables and berries growing have potential in Dryden. Evidence for this comes from the fact there are, or have been, successful u-pick strawberry and blueberry operations in the town as well as a diverse vegetable operation. A pick your own fruit farm could offer a high value crop opportunity for an enterprising new farmer.

There is currently one CSA operation in Dryden: Ithaca Organics, which has a storefront in Freeville. The new TC3 agricultural program may also begin offering produce through a CSA model at some point in the future. Based on the large numbers of CSA's based in Trumansburg, Dryden could certainly become home to at least a couple more CSA farms.

Interest in local foods is likely to continue as a societal trend as long as local foods are easily obtainable and affordable. The level of interest among Dryden residents in local foods is unknown; a survey of residents might be considered. Many Dryden residents shop at one of the two Dryden Farm Markets. There has been a recent effort to start a Farmer's Market in Dryden, but it is too soon to tell if it will be successful. A market will only succeed if there are sufficient vendors and customers.

LANDOWNER SURVEY RESULTS

A survey was sent to 38 Dryden non-farming landowners that receive agricultural assessment on land they rent to farmers; 21 returned the surveys (55% return rate). These property owners were asked a variety of questions about their land and what they thought might happen to it in the future. Following is a summary of landowner responses (survey questions can be found in Appendix II).

Like much of the farmer owned land in Dryden, agricultural land that is rented to farmers has typically been in the family for decades. Seventeen (81%) landowners responding have owned their land for 20 or more years, and ten of these owners reported their land has been in their family for over 50 years. The most commonly cited reasons for holding on to or purchasing agricultural land were maintain open space (14 responses/67%), for privacy (10 responses/48%) and recreation was somewhat important (5 responses/24%). Income was the least often selected response (3 responses/14%). Eight respondents (38%) provided additional reasons including family, love, inherited it, it's home (two respondents), dislike zoning (?), garden and nature, and family heritage.

All respondents were reasonably satisfied with their current rental arrangement, with 15 (71%) leaning towards highly satisfied. Most, 18, found it relatively easy to find a farmer to rent land, although one reported some difficulty. Thirteen landowners reported renting their land to the same farmer for more than ten years, and eight of these had agreements for twenty years or more. Only one landowner reported that their current rental arrangement was less than five years old. All of the landowners expect to rent their land to a farmer for at least the next five to ten years, although only nine (43%) of those expect to rent beyond ten years; only one said no, the rest were all unsure.

Fourteen landowners (67%) place no restrictions on farming practices used by farmers renting land. Of the five (24%) reporting some form of restriction, four are involved organic production/no pesticides use.

Fifteen landowners (71%) have never sold land for house lots. Fourteen landowners respond no, they do not intend to sell housing lots in the next five to ten years; five said they didn't know or maybe, and no one said yes. Profit, the need for supplemental or retirement income, or high taxes were some of the reasons landowners had sold or might sell housing lots. Landowner hopes for the future are that their land stay agricultural or open space, whether or not it passed to family members, (13 or 62%), and three thought the land would be used for development. Nearly all respondents indicated income from the sale of housing lots was not important.

Landowners clearly indicated interest in keeping their land actively farmed (31 or 82%) and undeveloped (25 or 61%). They also cited that receiving agricultural assessment on rented land is important (25 or 61%), and rental payments they receive were somewhat less important by comparison (20 said it was important, 12 moderately important, and 5 said not important).

Of the non-farm landowners with woodlands, seven have a forest management plan, seven regularly harvest wood for timber, and nine regularly harvest wood for firewood.

Most landowners (31 or 82%) do not expect to ever farm the land themselves, although five expected to start farming at some point.

Sixteen respondents (42%) thought there was a great amount of housing development pressure on the Town of Dryden, 8 thought there was some, and 11 thought the pressure was very low. There was a shift in these figures when landowners were asked about development near their land: 11 thought there was a great amount of housing development pressure, 11 thought there was some, and 13 thought the pressure was very low. Most respondents, 28 (74%), indicated nearby development would not influence them to subdivide their land, while five said it would and three others indicated it might.

Landowners indicated interest in the following as services/assistance to help manage land:

- Keep the Ag District intact
- Someone to look at the land and let me know it is being most productively used
- Keep zoning to a minimum
- Lower taxes
- Keep the land around me strictly for agriculture; don't want to be blocked in by housing developments
- Continue to encourage farmland to stay in farming
- Observance/enforcement of existing land use ordinances
- Make it possible for retired farmers live off their land by not restricting farmland sales
- Tax advantages for farming & small rural business
- Lower taxes on farmland. Undeveloped land owners should be rewarded for NOT subdividing. Most subdivide to pay for land they are trying to keep.

Sentiments regarding large farms and their associated odors and potential pollution hazards were not mentioned as issues by survey respondents perhaps because they rent to farmers, some renting many years to the same farmer, and therefore they may have less concern about farming practices than a more recent rural landowner who does not know the farmer as well. At least one rural landowner attending a public meeting expressed concern about farming practices on large dairy farms.

Agriculture production methods have improved significantly over the years and larger farms do pose some risks that smaller less intensive enterprises may not pose. The EPA regulations that dairy and large livestock operations must follow have generally minimized the environmental risks. Building good farmer neighbor relations is in the interest of the farm community. Farming practices can be modified to accommodate the needs of the farm and of the surrounding rural residents.

ATTACHMENT #2

**Town of Dryden Agriculture & Farmland Protection Plan Implementation Chart – ALL RESPONSES COMPILED
Goals and Strategies to Preserve Farmland and Promote Agriculture**

Priority Rankings: H – High, M – Medium, L- Low

INCREASE COMMUNITY AWARENESS AND UNDERSTANDING OF AGRICULTURE'S BENEFITS

Recommendation

Priority

Goal 1 - Increase general agriculture awareness and support for the Town's agriculture industry

1-a	<i>Town Right to Farm Law & State Ag District Law - education & outreach</i>	16H 2M 2L
1-b	Strengthen real estate property disclosure in Ag Districts (part of Ag District Law)	14H 8M 1L
1-c	Town website information about farming in the Town; Town newsletter articles	7H 8M 7L
1-d	Promote farm direct marketers and encourage residents to buy local	8H 7M 5L
1-e	Road signage denoting when entering farming areas/ag zone	7H 7M 7L
1-f	Data gathering about farming in town - economic impact, trends	6H 7M 8L
1-g	Farm tours for Town officials, school staff, farm neighbors, youth, public	4H 11M 4L
1-h	Classroom Education about farming/Tractor Safety Courses/4-H ag clubs/Community & School gardens	10H 8M 4L

CREATE A SUPPORTIVE ENVIRONMENT FOR FARMING

Recommendation

Priority

Goal 1 - Infrastructure/policies important to farming

1-a	Maintenance of roads & bridges - for heavy ag vehicles	12H 9M 0L
1-b	Review traffic/speed limits/signage in agriculture areas to improve safety	9H 11M 1L
1-c	Trespass control	11H 7M 4L
1-d	Policies that enable farm-based renewable energy development	7H 10M 2L
1-e	<i>Continue to improve communication between the Town and farmers & agricultural land owners</i>	9H 4M 0L

Goal 2 - Limit non-farm development in agricultural areas

2-a	Abide by & refer to NYS-Certified Agriculture District Law provisions for protections	18H 4M 0L
2-b	Limit water & sewer extension into agricultural areas	12H 5M 2L
2-c	Avoid development of prime and soils of statewide significance	14H 6M 1L
2-d	Create a new Agriculture Zoning district in dominant ag areas	9H 10M 1L

Goal 3 - Create incentives to direct development away from agricultural areas

3-a	<i>Encourage/reward clustered development</i>	11H 8M 2L
3-b	Infill-density development in Hamlets (consider Transfer of Development Rights)	9H 12M 1L
3-c	Continue to develop Walkable Communities concepts in villages and hamlets	8H 6M 8L
3-d	Ensure stormwater regulations are followed to avoid Drainage into farm fields	13H 8M 1L

Goal 4 - Tax policies that make owning farmland affordable

4-a	<i>Explore Town tax abatement through short term easements to keep land in ag</i>	12H 8M 1L
4-b	<i>Educate farmers/rural landowners about Ag Assessment if not receiving</i>	8H 11M 2L
4-c	<i>Educate farmers about NYS Farmers School Tax Credit if not receiving</i>	10H 9M 2L
4-d	Work to increase the amount of forest acreage eligible for agricultural	8H 5M 0L

assessment

PROTECT AND PROMOTE THE BEST FARMLAND AND ENCOURAGE ENVIRONMENTAL STEWARDSHIP

Recommendation	Priority
Goal 1 - Promote land stewardship to protect soil, water and environmental quality	
1-a Encourage sustainable soil building farming practices	9H 8M 4L
1-b Encourage farms to adopt/follow nutrient management plans	8H 9M 4L
1-c Make farmers aware of programs and funding to protect the environment	11H 8M 4L
1-d <i>Provide information and training for maintaining and improving soil fertility</i>	9H 8M 4L
1-e <i>Provide information about and assistance with drainage issues</i>	9H 7M 5L
1-f <i>Provide woodlot value assessment and management tools</i>	6H 11M 5L
1-g <i>Provide information and training about pond management</i>	4H 11M 7L

Goal 2 - Protect the best land for farming

2-a <i>Investigate options for short term easements (Lease of Development Rights)</i>	6H 11M 3L
2-b Support town farmer applications for State Purchase of Development Rights (PDR) funding	5H 10M 6L
2-c Town should hold easements on farms awarded State PDR funding	7H 6M 6L
2-d Investigate Town PDR program and means to fund	7H 8M 5L
2-e Educate landowners about benefits of renting/selling to town farmers	12H 5M 3L
2-f <i>Ensure zoning allows for minimum lot sizes and flexibility for farmers to sell the least desirable land</i>	11H 8M 0L

FARM FRIENDLY ZONING & OTHER LEGISLATION

Recommendation	Priority
Goal 1 – Ensure zoning and other local laws are not unreasonably restrictive and give priority to farming and related enterprises in the Rural Agricultural District	
1-a <i>Amend zoning so active farmland is not zoned residential or conservation</i>	16H 5M 1L
1-b <i>Remove creation of Critical Environmental Areas (CEAs) from the Town’s Land Preservation Toolbox</i>	15H 5M 1L
1-c Zoning laws should continue to permit ag commerce and related enterprises	19H 3M 0L
1-d Allow smaller ag enterprises in some residential, Rural Ag, and Ag zones (farm markets, ag tourism)	15H 6M 0L
1-e Ensure town staff (code/planning) are familiar with NYS Ag District Law	20H 1M 0L
1-f <i>Ensure local zoning is not in conflict with NYS Ag District Law</i>	18H 2M 0L
1-g <i>Investigate zoning for cluster housing on poorer soil and maintain open farm land</i>	10H 9M 2L
1-h Require developers to maintain buffer between housing & farmland in ag zone	11H 6M 3L
1-i Link Agriculture Plan with Comprehensive Plan to ensure common goals are met	15H 6M 0L
1-j <i>Investigate additional methods of identifying agriculture as pre-eminent in the Rural Ag district</i>	9H 8M 1L
1-k <i>Discourage/eliminate local regulations that overlap State and Federal regulations</i>	11H 9M 1L

STRENGTHEN THE FARM ECONOMY AND FUTURE VIABILITY OF FARMING

Recommendation	Priority
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Goal 1 - Strengthen the Farm Economy, Farm Viability and Agricultural Economic Development		
1-a	Farm energy conservation and renewable energy development	8H 7M 5L
1-b	Promote farm direct marketing opportunities and options	10H 5M 5L
1-c	Timber Sales based on forest management plans	6H 9M 5L
Goal 2- Encourage new farming enterprises - promote new opportunities		
2-a	Identify organic farming, specialty crop, niche marketing opportunities	6H 9M 6L
2-b	Encourage cooperative ventures among farmers to reduce cost/secure markets	9H 7M 4L
2-c	More local food production for local consumption	6H 10M 4L
2-d	Grants & funding information for new business development (include on Town website)	7H 9M 5L
2-e	<i>Promote participation in LandLink</i>	3H 7M 4L
Goal 3 -Future Farmers/Farm Labor		
3-a	Increase high school student/guidance counselor awareness of farm careers	8H 9M 4L
3-b	Develop High school training/internship programs	7H 10M 3L
3-c	Provide farm business transfer information/education	9H 8M 2L
3-d	Farm job posting on Town website	4H 11M 7L
3-e	Work to provide a legal pathway for non-citizens to fill farm worker jobs	7H 11M 4L

ATTACHMENT #3

Introduction

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

Agriculture and farming, and agricultural operations and farms, are considered to be interchangeable terms in this report.

Analysis

This section focuses on four areas of the Town of Dryden Zoning Law as it relates to agriculture in the Town of Dryden:

- A. conformance with Agriculture and Markets Law
- B. permitted (and not permitted) land uses
- C. zoning dimensional requirements
- D. zoning definitions.

A. Agriculture and Markets Law

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

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

Generally questions that municipal officials should ask when assessing their application of zoning regulations to agriculture include:

1. Do the regulations materially restrict the definition of farm, farming operations or agriculture in a manner that conflicts with the definition of "farm operation" as set forth in AML Sect. 301(11)
2. Do the regulations materially limit or prohibit the production, preparation or marketing of any crop, livestock or livestock product?
3. Are certain types of agriculture subject to more intensive review or permitting process than other types of agriculture?

4. Is any agricultural activity that meets the definition of "farm operation" as set forth in AML Sect. 301(11) subject to special permit, site plan review or other local review standard above ministerial review, or subject to a more intensive level of review than other uses permitted within the same zoning district?
5. Are farm operations treated under the local zoning regulations as integrated, interdependent uses and activities, or as independent, competing uses of the same property?
6. Do the local zoning regulations relegate any farm operations located within a State agricultural district to the status as "nonconforming use?"

The Commissioner of Agriculture and Markets is empowered to initiate a review of local land use regulations as they may affect farm operations within a State agricultural district, either independently or upon the request of a farmer or municipal official within an agricultural district. The Department of Agriculture and Markets will review the regulations to assess whether the local law or ordinance is unreasonably restrictive on its face and whether it is unreasonably restrictive when applied to a particular situation. The Department must also assess whether the regulated activity also poses a threat to public health or safety.

If the Department of Agriculture and Markets determines that a local law or ordinance does impose an unreasonable burden on farm operations within a State agricultural district, it will notify the municipality of its findings. The Department will then work with municipal officials to bring the local regulations in line with the AML. If the issue cannot be resolved through negotiation the Commissioner is authorized under the law to bring an action against the municipality to enforce the provisions of Section 305-a.

B. Permitted Land Uses

The Town of Dryden is divided into 9 zoning districts outside the hamlet of Varna, each with a range of permitted land uses. The zoning districts are:

1. CV - Conservation District. The purpose of this zoning district is to protect areas of the town that contain a variety of ecological and open space assets that warrant protection from intensive development. Agriculture is an allowed use in this district.
2. LIO - Light Industrial / Office District. This zoning district permits light industrial and warehousing enterprises, office buildings and administrative operations and service enterprises, or research and development enterprises. Agriculture is an allowed use in this district.
3. LIO-A - Light Industrial / Office / Adult Use District. This district is to accommodate “adult uses” in an appropriate location in the town. In addition to “adult uses,” all other uses permitted within the Light Industrial/Office District are permitted within the Light Industrial/Office/Adult Use District, including agriculture.
4. LSRDD - Large Scale Retail Development District. This zoning district is to accommodate large-scale retail development may be appropriate. This district is not mapped, but may be proposed on any property, not located in the Tompkins County Agricultural District 1, along a State or County Public Highway.
5. MC – Mixed Use Commercial District. The Mixed Use Commercial (MC) District allows a mix of retail and service businesses, office buildings and research and development businesses. Agriculture is an allowed use in this district.
6. NR - Neighborhood Residential District. The Neighborhood Residential (NR) District identifies established neighborhoods that are situated in a rural landscape and constitute the primary land use. Agriculture is an allowed use in this district.
7. RA - Rural Agricultural District. The Rural Agricultural (RA) zoning district is to accommodate agricultural uses and associated natural areas protection. Agriculture is recognized as the primary land use, however the district permits a wide variety of non-agricultural uses, including auto repair shops, car washes, conference and retreat centers, inns, retail stores and professional offices.
8. RR - Rural Residential District. The Rural Residential (RR) zoning district defines areas of the town where residential uses situated in a rural landscape constitute the primary land use. Agriculture is also permitted.

9. TNDO - Traditional Neighborhood Development Overlay District. The Traditional Neighborhood Development Overlay District (TNDOD) provides development alternatives for landowners located at the periphery of villages and in hamlets. Utilizing incentive zoning authority in Town Law, land in the overlay district can be developed more intensively, and with mixed uses, in return for specified public benefits and the incorporation of Traditional Neighborhood Design (TND) principles in the design of sites and structures.

The various land uses permitted in the Town of Dryden fall into three general categories: permitted as of right; permitted with approval of a site plan; or permitted upon the approval of a special use permit. Uses permitted as of right are land uses that may require a building permit but usually no further review by a Town body.

In some cases however the proposed use may be subject to site plan approval by the Planning Board. The intent of site plan approval should be to ensure that 1) the proposed development conforms to the minimum requirements of the zoning law; 2) the proposed development meets minimal design requirements to ensure the health and safety of the general public entering and using the premises; and 3) under the provisions of NY SEQR, ensure that potential significant adverse environmental impacts are identified and mitigated. Since a site plan approval by a planning board is considered a discretionary action, it is subject to SEQR.

Those land use activities subject to special use permit are generally more intense land uses that, depending on their location and scale, may have specific negative impacts on surrounding properties, or on public infrastructure such as streets and highways. The special use permit review is similar to site plan review, however the Town also has the authority to impose reasonable conditions on the proposed development that will mitigate the impacts identified in the review process. Special permit reviews are also subject to SEQR.

The NYS Department of Agriculture and Markets opposes site plan review and special permit review for the construction of on-farm buildings and the use of land for agricultural purposes within any State certified agricultural district. In the opinion of the Department, agricultural uses in an agricultural district are constitutionally recognized land uses which are protected by AML §305-a. The State however does recognize that some agriculture-related land uses do warrant site plan review. As noted above, those land uses that are open to the general public may warrant site plan review to ensure the health and safety of the general public entering and using the premises.

Table 1 below shows the permitted land uses in the Town of Dryden, by zoning district. The table is color-coded using green and red. Green areas or use where there are no issues or conflicts regarding zoning and agriculture in the town, while red indicate an issue or conflict with regard to agriculture and zoning. Because they contain the bulk of the agricultural lands in Dryden, the focus of this report is on three zoning districts: Rural Residential (RR), Rural Agricultural (RA), and Conservation (CV) districts.

The following are the issues identified:

1. Automotive Salvage Junkyards are permitted in the RA and CV, with a special use permit. These uses are industrial uses with the potential for soil and groundwater contamination. They can utilize large parcels of land better suited to agriculture. They should be removed as permitted uses in the RA and CV zoning districts, and limited to LIO and LIO-A light industrial zoning districts.
2. Automotive Towing Services are permitted in the RA zoning district with a special use permit. This type of land use can compete with agriculture for productive farmland and should be limited to commercial and industrial zoning districts.
3. Boarding Houses are permitted with a special use permit in the RA zoning district. This type of business can compete with agriculture for productive farmland, but just as importantly, is sensitive to byproducts of agricultural operations such as noise, odors and dust.
4. Car Washes can compete with agriculture for productive farmland, but also should be located close to their customer base, generally in a village or hamlet of commercial area.
5. Industry/Light is not permitted in the RR, RA and CV zoning districts. Although this prohibition may be appropriate for the RR and RA zoning districts, not permitting some form of light manufacturing in the RA zoning district may preclude small food processing and other types of light manufacturing that can boost farm viability. This issue could be addressed by adding a new land use category – Industry/Agriculture, defined in a manner to limit such enterprises in scale and types of products.
6. Inn businesses are permitted in the three zoning districts with a special use permit. Although on a small scale an inn may fit well with a rural setting, there is no limit in the zoning definition for “Inn” on the maximum size of such an establishment. The definition should

have some limit in terms of number of rooms/guests permitted. By limiting the size of to being a relatively small-scale enterprise, such uses could also be limited to site plan review.

USES	NR Neighborhood Residential	RR Rural Residential	RA Rural Agricultural	CV Conservation	H Hamlet	MC Mixed Use Commercial	LIO, LIO-A Light Industrial/ Office
AGRICULTURAL GROUP							
Agricultural Use	P	P	P	P	P	P	P
Farmstand	P	P	P	P	P	P	P
BUSINESS GROUP – All Permitted uses are subject to Site Plan Review							
Adult Use (see §1302)	X	X	X	X	X	X	SUP Only permitted in LIO-A
Agriculture-Related Enterprise	X	SUP	P	P	X	P	SUP
Artist Studio/ Craft Workshop	X	P	P	P	P	P	P
Automotive Repair Garage (see §1310)	X	SUP	SUP	SUP	SUP	SUP	SUP
Automotive Sales	X	X	X	X	X	SUP	SUP
Automotive Salvage and Junk Yards	X	X	SUP	SUP	X	SUP	SUP
Automotive Towing Service (see §1306)	X	X	SUP	X	SUP	SUP	SUP
Bed-and Breakfast establishment	X	P	P	P	P	P	SUP
Boarding House	X	SUP	SUP	X	SUP	X	X
Campground	X	SUP	SUP	SUP	X	X	X
Car Wash	X	P	P	P	X	SUP	P
Contractor's yard	X	SUP	SUP	P	X	P	P
Day care center, child	X	SUP	SUP	X	P	P	P
Drive-through facility (see §1309)	X	X	X	X	X	SUP	SUP
Gasoline station	X	X	X	X	SUP	SUP	SUP
General Office Building	X	X	X	X	SUP	P	P
Hotel / Motel	X	X	X	X	SUP	P	SUP
Industry, Light	X	X	X	X	SUP	P	P
Industry/ Manufacturing (see §1303)	X	X	X	X	X	SUP	SUP
Inn	X	SUP	SUP	SUP	SUP	P	X
Kennel (see §1308)	X	SUP	SUP	SUP	X	SUP	X
Large Scale Retail Development	X	SUP	X	X	SUP	SUP	SUP

Table 1a. Permitted uses by zoning district, Town of Dryden

USES	NR Neighborhood Residential	RR Rural Residential	RA Rural Agricultural	CV Conservation	H Hamlet	MC Mixed Use Commercial	LIO, LIO-A Light Industrial/ Office
Mining (see §1304)	X	X	SUP See Section 1304 for restrictions	SUP See Section 1304 for restrictions	X	X	SUP See Section 1304 for restrictions
Nursery/Greenhouse, Retail	X	SUP	P	SUP	SUP	P	X
Professional office	X	SUP	P	SUP	P	P	P
Restaurant	X	SUP	SUP	X	SUP	P	SUP
Retail business	X	X	SUP	X	SUP	P	P
Retail shopping centers / plazas	X	X	X	X	SUP	SUP	X
Retreat or Conference Center	X	SUP	SUP	SUP	SUP	SUP	X
Self-storage	X	X	X	X	X	SUP	SUP
Service business	X	SUP	SUP	X	SUP	P	P
Theater	X	X	X	X	SUP	P	P
Warehouse	X	X	X	X	X	SUP	P
RESIDENTIAL GROUP							
Bed-and-Breakfast home	P	P	P	SUP	SUP	P	X
Congregate Care Facility	X	P	P	P	P	P	X
Day care home, Family	P	P	P	P	P	P	X
Day care home, Family Group	P	P	P	P	P	P	X
Dwelling, accessory unit (see §1311)	P as per §1311	P as per §1311	P as per §1311	P as per §1311	P as per §1311	P as per §1311	X
Dwelling, multi- family	X	SUP	SUP	X	SUP	SUP	X
Dwelling, single- family	P	P	P	P	P	P	X
Dwelling, two-family	X	P	P	P	P	P	X
Dwelling, upper-floor apartment(s)	X	X	X	X	SUP	SUP	X
Elder Cottage see §1305	See §1305	See §1305	See §1305	See §1305	See §1305	See §1305	X
Home Occupation: Level 1	P	P	P	P	P	P	X
Home Occupation: Level 2	X	SUP	SUP	SUP	SUP	SUP	X
Manufactured Home	X	P	P	P	SUP	SUP	X

Table 1b. Permitted uses by zoning district, Town of Dryden

USES	NR Neighborhood Residential	RR Rural Residential	RA Rural Agricultural	CV Conservation	H Hamlet	MC Mixed Use Commercial	LIO, LIO-A Light Industrial/ Office
Manufactured Home Park	X	SUP only with Municipal Water and Sewer	SUP only with Municipal Water and Sewer	X	SUP only with Municipal Water and Sewer	SUP only with Municipal Water and Sewer	X
Mobile Home	X	X	X	X	X	X	X
Senior Housing, Family	SUP	SUP	SUP	SUP	SUP	SUP	X
Senior Care Facility	X	SUP	SUP	X	SUP	SUP	X
Workshop/Garage Non-Commercial	P	P	P	P	P	P	P
COMMUNITY GROUP – All Permitted are subject to Site Plan Review							
Cemetery	X	P	P	P	P	P	P
Educational use	X	SUP	SUP	SUP	SUP	SUP	X
Library	X	SUP	X	X	SUP	SUP	X
Lodge or club	X	SUP	SUP	SUP	SUP	P	X
Municipal use	P	P	P	P	P	P	P
Public Safety Use	X	SUP	SUP	SUP	SUP	SUP	SUP
Public Utility	X	SUP	SUP	SUP	SUP	SUP	SUP
Religious Institution	SUP	SUP	SUP	SUP	SUP	SUP	SUP
RECREATIONAL GROUP							
Recreation, Active	X	SUP	SUP	SUP	SUP	SUP	SUP
Recreation, Passive	P	P	P	P	P	P	P
Recreation Facility, Amusement	X	X	SUP	X	X	SUP	SUP
Recreational Facility, Athletic	X	SUP	SUP	SUP	SUP	SUP	SUP
Recreational Facility, Motorized	X	X	SUP	SUP	X	X	X

Table 1c. Permitted uses by zoning district, Town of Dryden

C. Zoning Dimensional Requirements

The lot size requirements in a local zoning law can have implications for agricultural operations

D. Definitions Pertaining to Agriculture

An example of a definition of agriculture is:

"The use of land, buildings, structures and equipment, and the practices which support the production, preparation, marketing and transportation of grain, vegetable, fruit, and other crops, horticultural and floricultural products, animal husbandry, livestock and livestock products."

This definition is designed to take into account the numerous activities that may take place on a farm of any size. It provides a clear and concise definition of what would constitute an agricultural operation, but provides considerable flexibility that accommodates wide variety of activities generally recognized as being "agriculture" in New York and the constantly evolving nature of agriculture and agricultural practices.

In addition to residential and agricultural uses the Town of Dryden Land Use Law permits a number of other land uses within the Rural Agricultural – RA zoning district. These are listed in Table 1. include: small retail commercial, bars, taverns and restaurants, indoor and outdoor entertainment, gas stations, car repair shops, car sales, nursing homes, multi-family housing, dormitories and private educational institutions, hospitals and industrial operations.

These land uses, particularly industrial and commercial land uses, can require substantial amounts of level land and thus can compete with farmers for valuable agricultural land, particularly higher quality agricultural lands. Other uses, such as nursing homes, multi-family housing, restaurants and health care facilities, can be adversely affected by the noise, dust and odors associated with contemporary agricultural operations, and create conflicts with local farmers.

The Town of Dryden should consider amending its Land Use Law to remove these uses from the list of those permitted in the Agricultural/Residential-A zoning district. Although many of the above uses are subject to special permit review, in New York where a land use is permitted subject to special permit, the presumption has been made by the municipality that it is an appropriate land use in the zoning district(s) where it is permitted subject to special permit. As a result the municipality is generally limited to setting specific conditions of approval to mitigate potential impacts of the proposed development.

At the same time many farm operations have side businesses that supplement the income of the overall agricultural operation. The Town of Dryden already permits "farm occupations," which are defined as "a business run by a farmer or his family member(s) on farm property that is

incidental and not necessarily related to the farm business. The farm occupation, if not located in a barn or other existing outbuilding, is limited to a new building of 5,000 square feet in area."

The farm occupation concept, as defined in the Land Use Law, appears to provide the farm community in the town with the opportunity to supplement the income of farm operations, but on a smaller scale that would not compete for land or introduce potentially incompatible uses.

It appears to be similar to an approach utilized in other towns that have created a class of commercial enterprises described as "agribusiness," "agricultural enterprises," or "agricultural commercial" for the purpose of zoning. Such businesses are owned and operated by the owner/operator of an active farm and permit farm operators to tap sources of supplemental income by providing goods and other services that support theirs and other agricultural operations in the town and the region. Examples of such businesses would be farm equipment dealerships, seed, grain, hay, straw and fertilizer sales, repair services, building, excavating and other contracting services and trucking services.

In the Town of Ulysses such businesses are referred to as "agricultural commerce" and defined as:

"A retail or wholesale enterprise providing services or products principally utilized in agricultural production, including structures, agricultural equipment and agricultural equipment parts, batteries and tires, livestock, feed, seed, fertilizer and equipment repairs, or providing for wholesale or retail sale of grain, fruit, produce, trees, shrubs, flowers or other products of agricultural operations."

Some municipalities limit the size of such operations by limiting the number of employees permitted.

The Town of Dryden approach of limiting the size of the structure in which such businesses can operate to 5,000 square feet is an appropriate approach as well.

In many areas agritourism is a growing and important component of an overall direct marketing strategy for an active agricultural operation or farm market, and important source of supplemental income for farms. The above definition is crafted in a manner both describes the activities envisioned as part of an agritourism enterprise, protects the town from unanticipated ones, but permits some flexibility in interpretation. It does however leave out an activity that is commonly found in agritourism, which is the sale of prepared foods, generally from ingredients produced on the farm.

The definition also does not limit agritourism enterprises to being a component of an overall farm operation: anybody is permitted to engage in agritourism, on or off the farm.

Agritourism operations are designed to attract the general public. They also have the potential to grow into major businesses that may attract large numbers of people and heavy traffic, particularly for occasional special events. Site plan approval is a mechanism by which a municipality can ensure that the health and safety of the general public and patrons of such businesses is protected, ensure that adequate facilities for parking and safe ingress and egress from public highways are provided, and that potential adverse impacts of such businesses or large events are mitigated. The Town of Dryden may wish to revise the Land Use Law to require site plan approval for agritourism.

Farmstands

Farm Markets

Wind Energy systems

C. Zoning Dimensional Requirements

The area and bulk regulations set forth in Section 504, Schedule II appear to be reasonable and are not likely to unnecessarily burden agricultural operations in the Town of Dryden. For agricultural uses permitted by right the Town has not established additional setbacks for farm buildings or structures, nor do they restrict the size of type of agricultural buildings or structure.

D. Zoning Definitions

An important component in any set of zoning regulations is the glossary section containing definitions of various terms used in the zoning regulations. Because of the nature of zoning, clarity is critical to ensuring fair and consistent interpretation of the regulations, promoting efficient administration and positive public perceptions with regard to their local zoning, and inoculating the community against controversy and in some cases expensive litigation.

The Town of Dryden definitions section is comprehensive and provides complete and clear definitions of key terms related to agriculture. There are three definitions related to agriculture in the Town that may warrant some revision:

1. Farmstand
2. Farm.
3. Junk. As stated earlier in this report the Town should consider revising the definition of "junk" The Department however does not expect municipalities to grant farmers a blank check. A number of towns have simply modified their existing definitions for junkyard to include language such as "...and other debris that is not generated by or used in any ongoing agricultural operations on the premises."

Conclusions

The regulations in the Town of Dryden Zoning Law as it relates to agriculture are not overly burdensome and with the exception of a few minor issues avoid contravention of Agriculture and Markets Law (AML) Section 305-a or the provisions of Town Law governing land use regulations.

ATTACHMENT #4

https://www.tax.ny.gov/research/property/assess/valuation/ag_overview.htm

Farmland that is taken out of agricultural production

If farmland that has received an agricultural assessment is converted to a nonagricultural use (within five years of last receiving an agricultural assessment if located in an agricultural district and within eight years if located outside an agricultural district), a payment to recapture the taxes forgone for converting such land will be imposed.

The assessors determines whether a conversion has occurred on the basis of the facts of each case. Conversion is defined as "an outward or affirmative act changing the use of agricultural land." Non use of the property (for example, abandoning land or leaving it idle) disqualifies such land from receiving an agricultural assessment, but is not considered a conversion. Similarly, land converted to a nonagricultural use through oil and gas exploration, or extraction activity, or through eminent domain or through the purchase of land or the conveyance of a conservation easement to protect the New York City Watershed, or through other involuntary proceedings (except a tax sale) would be ineligible for an agricultural assessment but would not be subject to a payment for conversion.

Payments for the conversion of agricultural land to a nonagricultural use are added to the taxes levied upon the land so converted. The property may be subject to a tax sale should such payment remain unpaid. Therefore, these payments generally become the responsibility of the owner of the land at the time of conversion.

A payment for conversion will be equal to five times the taxes saved in the most recent year that the land received an agricultural assessment. In addition, interest of 6 percent per year compounded annually will be added to the payment amount for each year that the land received an agricultural assessment, not exceeding five years. When only a portion of a parcel is converted, the assessor apportions the assessment and the agricultural assessment and determines the tax savings attributable to the converted portion. The payment for conversion of the portion of the parcel is then computed.

90 Day Notice - Whenever a conversion occurs, the landowner shall notify the assessor within 90 days. Failure to notify may result in a penalty of two times the payments owed to a maximum of \$500.

ATTACHMENT #5

Recommended Sections to add to the Dryden Renewable Energy Law (Local Law 5) to Allow Large Solar Renewable Energy Conversion Systems

ARTICLE IV

Large Solar Renewable Energy Conversion Systems (LS RECS)

Intent.

This Article regulates and provides standards for Large Solar Renewable Energy Conversion Systems (LS RECS). The intent of this article is to facilitate the development and operation of large solar renewable energy systems based on sunlight, because it is in the public interest to provide for and encourage renewable energy systems and a sustainable quality of life when measures are taken, as identified here, to minimize adverse impacts on neighboring properties and protect the public health, safety and welfare.

Definitions

Large solar collection system or major system

An area of land or other area used for a solar collection system principally used to capture solar energy and convert it to electrical energy to transfer to the public electric grid in order to sell electricity to or receive a credit from a public utility entity, but also may be for on-site use. Facilities consist of one or more ground- or roof-mounted solar collector devices, solar-related equipment and other accessory structures and buildings, including light reflectors, concentrators, and heat exchangers, substations, electrical infrastructure, transmission lines and other

appurtenant structures and facilities. Includes ground-mounted accessory systems with a total surface area greater than 2,000 square feet.

Small solar collection system or minor system

A solar photovoltaic cell, panel, or array, or solar hot air or water collector device, which relies upon solar radiation as an energy source for collection, inversion, storage, and distribution of solar energy for electricity generation or transfer of stored heat, accessory to the use of the premises for other lawful purposes. Includes roof- or building-mounted solar collectors on any code-compliant structure, and ground-mounted solar collectors with the total surface area not to exceed 2,000 square feet.

Permitted Areas.

Large Solar RECS may be permitted upon issuance of a Special Use Permit, following a Site Plan Review, on any parcel meeting the standards of this local law in the Conservation, Rural Agriculture, Mixed-Use Commercial, and Light Industrial zoning districts where the equipment will be placed on slopes of less than 15 degrees.

1. It is discouraged to place these systems on prime agricultural soils.
2. No limitation on the size of the parcel or installation shall exist.
3. It is encouraged that all new commercial buildings have Large Solar RECS covering their roof where appropriate.

Incentives

Large Solar RECS shall be encouraged through tax incentives, community agreements, and any other means that the Town Board deems appropriate.

Applications.

Applications for LS RECS Special Use Permits shall include:

1. Name, address, telephone number of the applicant. If the applicant will be represented by an agent, the name, address and telephone number of the agent, as well as an original signature of the applicant authorizing the agent to represent the applicant is required.
2. The names and mailing addresses of all owners of all property adjacent to the Site and/or within 500 feet of the proposed Site.
3. Name, address, telephone number of the property owner. If the property owner is not the applicant, the application shall include a letter or other written permission signed by the property owner (i) confirming that the property owner is familiar with the proposed applications and (ii) authorizing the submission of the application.

4. Address of the proposed LS RECS Site, including tax map parcel number.
5. If proposed structure will exceed the height of the roofline of the building being served, application must be accompanied by an engineer's drawing.
6. A completed Short EAF.

The Board may require submission of a Visual EAF Addendum, including computerized photographic simulation, demonstrating the visual impacts from nearby strategic vantage points. The visual analysis shall also indicate the color treatment of the system's components and any visual screening incorporated into the project that is intended to lessen the system's visual prominence.

Applicants must have a pre-application conference with the Town Code Enforcement Officer to address the scope of the required visual assessment.

Performance Security

The Applicant and the owner of record of any proposed LS RECS property site shall be jointly required to execute and file with the Town a bond, or other form of security acceptable to the Town as to type of security and the form and manner of execution, in an amount and with such sureties as are deemed sufficient by the Board to assure the faithful performance of the terms and conditions of any Special Use Permit issued pursuant to this Law. The full amount of the bond or security shall remain in full force and effect throughout the term of the Special Use Permit and/or until the removal of the LS RECS facility and any necessary site restoration is completed. The failure to pay any annual premium for the renewal of any such security shall be a violation of the provisions of the Special Use Permit and shall entitle the Board to revoke the Special Use Permit after prior written notice to the Applicant and holder of the permit.

Standards for major solar collection systems.

1. Where applicable, and unless more restrictive regulations also apply, the requirements of this chapter shall apply to solar collectors and installations for major systems.
2. A major system may be permitted in Conservation, Rural Agriculture, Mixed-Use Commercial, and Light Industrial zoning districts where the equipment will be placed on slopes of less than 15 degrees. Major systems that are part of a farm operation [as defined by NYS Agriculture and Markets Law §301(11)] are exempt from site plan approval if the solar collection system does not exceed 110% of the anticipated electrical needs of the on-farm equipment. All major systems require site plan approval from the Planning Board and are subject to the terms and conditions listed below.
 - a. The total coverage of all collectors (excluding the space in between), buildings and equipment on a lot shall not exceed 60%.
 - b. The solar collectors and any associated infrastructure shall be surrounded by a fence of at least 6' in height, including a buffer area between the equipment and the fence of at least 20'. Efforts shall be made to made this fence as attractive as

possible and complementary with the surrounding residences.

c. Height and setback

- i. The maximum height for ground-mounted solar panels located on the ground or attached to a framework located on the ground shall not exceed 25 feet in height above the ground.
- ii. The minimum side yard, rear, and front yard setbacks from the equipment to the property boundary shall be 50 feet.
- iii. Based on site specific conditions, including topography, adjacent structures, and roadways, a landscaped buffer may be required around all equipment and solar collectors to provide screening from adjacent residential properties and roads.
- iv. No “Right to Solar Access” is assumed by either the installation’s owner or the adjacent land owners. LS RECS operators cannot force the cutting of trees on adjacent properties that existed at the time of the operation, and should assume these trees will eventually grow to their maximum expected height. However, trees that are planted or naturally become established after the installation that become tall enough to shade the LS RECS collectors can be required to be removed or topped.
- v. Co-use of the property shall be permitted, including the co-location of other equipment on the solar structures where feasible.

d. Design standards.

- i. Removal of trees and other existing vegetation shall be minimized as much as possible.
- ii. Roadways within the site shall be constructed of materials appropriate to the site and shall be designed to minimize the extent of roadways constructed and soil compaction.
- iii. All on-site utility and transmission lines shall, to the extent feasible, be placed underground.
- iv. Solar collectors and other facilities shall be designed and located in order to minimize reflective glare toward any inhabited buildings on adjacent properties and roads.
- v. A major solar collection system to be connected to the utility grid shall provide documentation from the utility company acknowledging the major solar collection system will be connected to the utility grid in order to sell electricity to the public utility.

3. Signs.

- a. A sign not to exceed eight square feet shall be displayed on or near the main access point and shall list the facility name, owner and phone number.

- b. A clearly visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations.
 - c. Solar collection systems shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the system.
4. Areas of Potential Sensitivity shall be shown on site plans and shall be given special consideration by the Planning Board at site plan review, those areas consist of the following:
- a. One-hundred-year flood hazard zones considered an A or AE Zone on the FEMA Flood Maps.
 - b. Historic and/or culturally significant resources in an historic district or historic district transition zone.
 - c. Within 100 feet landward of a freshwater wetland.
 - d. Adjacent to, or within, the control zone of any airport.
 - e. State owned lands.
 - f. Unique Natural Areas.
 - g. Properties with Conservation Easements or owned by a land conservation organization.
 - h. Public trails, including the Black Diamond Trail.
 - i. Prime Soils and Soils of Statewide Importance, as defined by United States Department of Agriculture.
5. Property Operation and Maintenance Plan.
- a. A property operation and maintenance plan is required, describing continuing solar collection system maintenance and property upkeep, such as mowing and trimming.
 - b. This plan can be updated as more efficient techniques become available.
6. Abandonment.
- a. All applications for a major solar collection system shall be accompanied by a decommissioning plan to be implemented upon abandonment, or cessation of activity, or in conjunction with removal of the facility, prior to issuance of a building permit.
 - b. In the event the facility is not completed and functioning within 18 months of

the issuance of the final site plan approval, the Town may notify the operator and/or the owner to complete construction and installation of the facility within 180 days. If the owner and/or operator fail to perform, the Town may notify the owner and/or operator to implement the decommissioning plan. The decommissioning plan must be completed within 180 days of notification by the Town.

- c. The decommissioning plan must ensure the site will be restored to the previous condition, absent of hazardous materials, without delay. This includes, but is not limited to, the following:
 - i. Removal of aboveground and below-ground equipment, structures and foundations.
 - ii. Restoration of the surface grade and soil after removal of equipment.
 - iii. Re-vegetation of restored soil areas with native seed mixes, excluding any invasive species.
 - iv. The plan shall include a time frame for the completion of site restoration work.
 - v. Upon cessation of activity of a constructed facility for a period of one year, the owner or operator shall implement the decommissioning plan.
 - vi. If the owner and/or operator fails to fully implement the decommissioning plan within the 180-day after the cessation of activity, the Town may, at its discretion, provide for the restoration of the site in accordance with the decommissioning plan, following the procedure outlined in §212-4.