

Westchester County Agricultural District Recertification Report

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Prepared for

***Westchester County Agricultural and Farmland Protection Board
Westchester County Agricultural District Recertification Review Steering Committee***

Prepared with the Assistance of

***Westchester County Department of Planning
Agricultural & Community Development Services***

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Section 1: Agricultural Districts within New York State

A. NYS Agricultural Districts Law

Agricultural Districts in New York were created to encourage the continuous use of farmland for agricultural protection, in recognition of agriculture as a significant economic industry of the state and as a way to conserve and protect natural resources and scenic beauty. In many parts of the state, farmland is threatened by encroaching urbanization. The state legislature sought to protect agricultural producers from high tax costs and burdensome local regulations.

Agricultural Districts Law is found in Article 25-AA of New York State Agriculture and Markets Law. The law states that agricultural lands in the state are in jeopardy because of the extension of nonagricultural development. The state as a whole and many local communities depend socially and economically on agriculture to survive and to grow. Furthermore the Constitution of the State of New York directs State government authorities to protect agricultural lands. The Agricultural Districts Law is intended to provide tools to landowners and local authorities (counties and municipalities) to provide this protection in an efficient manner that meets both state and local needs. Agricultural Districts Law includes the agricultural districting program for municipalities and an agricultural assessment program and legal protections under the right to farm provisions for agricultural landowners.

B. Benefits to Landowners

Agricultural Districts Law contains several key elements that form the structure through which farmland is protected. A description of key benefits follows.

Unreasonably Restrictive Local Laws and Regulations

One of the most powerful benefits of Agriculture and Markets Law is the authority of the Commissioner of Agriculture to compel local municipal governments to modify local regulations, ordinances or procedures that the department has determined are unreasonably restrictive of agriculture. Section 305-a of the Agriculture and Markets Law mandates that:

local governments, when exercising their powers to enact and administer comprehensive plans and local laws, ordinances, rules or regulations, shall exercise these powers in such manner as may realize the policy and goals set forth in this article, and shall not unreasonably restrict or regulate farm operations within Agricultural Districts in contravention of the purposes of this article unless it can be shown that the public health or safety is threatened.

Local governments are subject to 305-a actions when a farmer within an agricultural district requests a review of the ordinance or regulation by the New York State Department of Agriculture and Markets. Municipalities can also preemptively request review of proposed regulations and ordinances to prevent issues from arising later. Instances of both types of reviews have occurred in Westchester. A discussion of the 305-a actions in Westchester is provided in Section 3.E of this report.

Eminent Domain and Special Districts

Agricultural Districts Law requires additional analysis and notification requirements when public agencies intend to use eminent domain or expend public funds on Agricultural District properties. It also limits the ability to impose special taxes and fees on Agricultural District properties located within certain improvement districts or benefit areas.

Agricultural Assessments

Properties included within an agricultural district do not automatically receive a tax exemption or reduction, and a property is not required to be in an agricultural district to participate in the New York State agricultural assessment program.

Section 305(1) of Agricultural Districts Law creates a program whereby an agricultural district property is eligible for reduced tax assessment based on the agricultural value of the soils on the property and the amount of land being farmed or used as woodlot. This agricultural assessment program is often confused with the agricultural district program. Section 306 allows land located outside of an agricultural district to participate in the program, subject to certain conditions. While both programs are created under Agricultural Districts Law, they operate independently. In fact, only 26% of the tax parcels within the current Westchester County Agricultural District receive agricultural assessments.

To take advantage of the agricultural assessment program, the property owner must have a soil group worksheet prepared by the Soil and Water Conservation District (the Westchester County Department of Planning staffs the County Soil and Water Conservation District) and submit a request to the local tax assessor annually. Because the tax assessment program provides a direct financial benefit to the landowner, there are criteria in place to ensure that the land is being used for a commercial agricultural enterprise, and there are significant financial penalties for converting the land from an agricultural use to a non-agricultural use. More information is available from the New York State Office of Real Property Services.

Nuisance Suits

The “right to farm” provisions of Agriculture and Markets Law state that on any land in an Agricultural District or on any land subject to an agricultural assessment not in an Agricultural District, an agricultural practice shall not constitute a private nuisance, provided such agricultural practice constitutes a sound agricultural practice pursuant to an opinion issued by the Commissioner of Agriculture. In such a case, the farm owner is eligible for fees and expenses related to the defense of such a suit.

C. Benefits to Municipalities

Beyond benefits to landowners, the Agricultural Districts Law provides benefits to municipalities. These benefits range from quality of life enhancement to growth management and tax base protection. The planning benefits are largely derived from the set timeframes for Agricultural Districts, which when properly managed provide municipalities with a tool to leverage short-term growth management needs without having to employ other regulatory structures and programs. Similarly, the Agricultural District can be incorporated within an open space or scenic vistas plan as a cost effective means to provide quality of life benefits.

Stabilization of economic base is a further enhancement offered by the Agricultural District program, as the program provides a means to keep viable agricultural lands in production and contributing to tax base and job creation. Economic effects can extend to support of tourism programs, enhancement of revenue generating private recreation (e.g. horse shows and boarding) and the provision of locally supplied fresh foods from roadside markets.

Other possible benefits of the Agricultural District program that can support community goals include:

- Environmental and watershed protection
- Wildlife habitat provision
- Cultural, historic and scenic vista protection
- Local food system development
- Reduced cost of community services such as schools, fire, police, water and sewer
- Reduced stormwater runoff
- Improved outdoor recreation opportunities such as fee fishing and trail riding
- Increased on-farm investment
- Improved opportunity to leverage food cluster development

D. Requirements of District

Agricultural Districts Law includes requirements of counties and municipalities in which districts are located. These requirements are discussed below along with potential impacts or costs to governmental operations and procedures.

Conformance with State Policy and Goals

Agricultural Districts Law states that county and municipal regulations, ordinances and the administrative procedures and requirements associated with them must not be unreasonably restrictive of agricultural operations unless it can be shown that the public health or safety is threatened. County and local comprehensive planning efforts must ensure that such plans further the policy and goals of the protection of agricultural land. The commissioner, upon his or her own initiative or upon the receipt of a complaint from a person within an Agricultural District, may bring an action to enforce these requirements. In making land use decisions for agricultural district properties, county and local municipalities may need to prepare additional evidence and documentation to demonstrate that their regulations, ordinances and procedures warrant application to agricultural properties in the interest of the health and safety of the public.

Agricultural Data Statement

Agricultural Districts Law adds mandatory application forms and notification requirements to certain land use review and approval applications.

An agricultural data statement must be prepared by the applicant for any application for a special use permit, site plan approval, use variance or subdivision approval requiring municipal review and approval by a planning board, zoning board of appeals, town board or village board of trustees that would occur on property within an Agricultural District containing a farm operation or on property with boundaries within 500 feet of a farm operation located in an Agricultural District.

The planning board, zoning board of appeals, town board or village board of trustees must evaluate and consider the agricultural data statement in its review of the possible impacts of the proposed project upon the functioning of farm operations within such Agricultural District. The data statement must also be sent to the owners of any farms within 500 feet of the proposed application. It is the responsibility of the municipality to ensure that the data statement is prepared and distributed in compliance with Agricultural Districts Law.

Notification upon Sale

Agricultural Districts Law establishes a mandatory notification requirement on certain property owners who intend to sell property.

The Law requires that when any purchase and sale contract is presented for the sale, purchase or exchange of real property located partially or wholly within an Agricultural District, the prospective grantor shall present to the prospective grantee a disclosure notice stating that the property lies partially or wholly within an Agricultural District, that farming activities occur within the District and that such farming activities may include, but not be limited to, activities that cause noise, dust and odors. The intent is to notify prospective property owners within proximity of agricultural uses that such uses may include noise, dust and odors.

E. District Formation and Review Process

Landowner Petition

Typically, landowners within a county submit a proposal to the county legislative body to form an Agricultural District. The landowners must collectively own at least 500 acres of land or at least 10% of the land area within the proposed District, whichever is greater. Upon receipt of such a proposal, the county legislative body must publish a notice that such a proposal has been received. Any persons or municipalities within the proposed District may submit proposed modifications to the proposed District within 30 days of the notice. After the 30-day period, the District proposal, along with any proposed modifications to it, is referred to the county planning board and county agriculture and farmland protection board, and each board has 45 days to prepare a recommendation to the county board of legislators.

The following factors must be considered by the county planning board and the county agriculture and farmland protection board:

1. The viability of active farming within the proposed District and in areas adjacent thereto.
2. The presence of any viable farm lands within the proposed District and adjacent thereto that are not now in active farming.
3. The nature and extent of land uses other than active farming within the proposed District and adjacent thereto.
4. County development patterns and needs.

After reviewing the reports and conducting a public hearing, the legislative body submits a plan to the state. The plan may adopt the proposal from the landowners, any proposed modification received or any modification deemed appropriate by the legislative body. The Commissioner of Agriculture will review the plan and consult the Commissioner of Environmental Conservation

in this process. The Commissioner of Agriculture may propose modifications to the plan, in which case the county legislative body may review and either reject or accept the proposed modifications. Once the plan is certified by the Commissioner of Agriculture, a renewal date is established based on the renewal period chosen by the legislative body (typically eight years) and notice is sent to the local legislative body.

County-Initiated District

Counties can initiate the formation of an Agricultural District. In such instances, Districts are typically created after an analysis of the agricultural industry has identified agricultural production centers and groups of agricultural operations that would benefit from the protection of a critical mass of operations needed to support the infrastructure required to maintain the long term viability of the farming operations in that area.

Many counties used this approach when first forming Agricultural Districts with the intent to aggregate blocks of productive ground, particularly if parcels could be consolidated into contiguous blocks of land. This led many counties to have multiple Districts with multiple renewal dates and reporting standards. The District Renewals and Recertification involve just the communities in which the Districts exist. Orange County has used this approach to create two county-initiated Agricultural Districts. These Districts were intentionally designed to include the major production areas in the county and to protect both a critical mass of agricultural infrastructure and agriculturally productive lands. Conversely, the boundaries were also establishes so as to exclude areas, such as the Highlands, that have little or no agricultural activity. The intent was to limit conflict between the County, towns and agricultural industry where little agriculture existed.

Multiple Agricultural Districts in Suffolk County

Suffolk County has seven Agricultural Districts incorporating land from eight of the County's ten towns. (Babylon Town and Shelter Island Town have no parcels within an Agricultural District.) District #1 was created in 1979 with additional districts added by 1988. Districts consist of parcels of farmland, with Ag District #1 containing the parcels in the Town of Southold; Ag District #3, Towns of Brookhaven, Huntington, Islip and Smithtown; Ag Districts #4 and #5, Towns of East Hampton and Southampton (AD #4 is one parcel); and Ag Districts #6 and #7, Town of Riverhead (AD #6 is one parcel). The County is anticipating the consolidation and recertification of Ag Districts #4 and #5 (to become #5), and Ag Districts #6 and #7 (to become #7). Within the Agricultural Districts, there are approximately 20,000 acres of farmland. The Agricultural Districts are laid out in this fashion to concentrate protections where there are concentrations of agricultural activity and to protect any one district from the failure of renewal in another district. Suffolk County initiated a review and revision of its Agricultural Districts in fall 2009.

Over time, the multiple District programs in many counties have been consolidated to ease the administrative burdens to the County and Agriculture and Farmland Protection Board (AFPB). Corresponding to this change, facilitated by the increasing availability of digital tax parcel maps, was an evolution toward including only the applicant parcels in the Agricultural District, which made the Districts exclusively agricultural in nature. While this met the requirements of 25-AA, in some cases it made approval of new District properties more difficult by placing the burden of accepting or rejecting a parcel entirely on the AFPB without regard to the physical boundaries of

a defined geographic District area. The criteria specified in Agricultural Districts Law for the inclusion of additional parcels are not as broad in scope as that used for the creation of a district.

This process can leave orphaned Agricultural District properties in areas that are largely commercial or residential. The problem inherent in this situation is that the District itself remains largely agricultural in nature and therefore compliant with 25-AA, while certain parcels may not meet that strict definition within their community. This issue arose in Ulster County whereby the Town of Shawangunk challenged (after the fact) the enrollment of an Agricultural District property that was, in the Town's view, a non-complying use in the center of a residential community. Unless this condition is addressed, the Town Board indicated that it may not support renewal of any Agricultural District properties as a matter of town policy.

Recertification

When Agricultural Districts are created, a review period must be selected of eight, twelve or twenty years. At the end of the review period, the county legislative body must follow the procedures outlined in Section 303-a of Agricultural Districts Law for the recertification of the District. Section 303-b requires that the county legislative body follow the same noticing requirements as outlined above for the creation of districts. Any landowner or municipality within the existing or proposed District may submit proposed modifications to the District.

The legislative body must also refer the plan to the county agriculture and farmland protection board, which must prepare a report addressing the following:

1. The nature and status of farming and farm resources within such District, including the total number of acres of land and the total number of acres of land in farm operations in the District.
2. The extent to which the District has achieved its original objectives.
3. The extent to which county and local comprehensive plans, policies and objectives are consistent with and support the District.
4. The degree of coordination between local laws, ordinances, rules and regulations that apply to farm operations in such District and their influence on farming.
5. Recommendations to continue, terminate or modify such District.

During the review process, municipalities and land owners must be notified and given the opportunity to submit proposed modifications to the District. The legislative body must hold a public hearing and consider the report from the agriculture and farmland protection board along with any proposed modifications received before submitting a proposal to the Commissioner of Agriculture to either continue the District as-is, modify it or terminate it.

The District does not automatically terminate nor is the District automatically renewed. It continues in its current state until the recertification process is completed and the Commissioner of Agriculture recertifies the District.

Stakeholder Roles and Responsibilities

The two major programs within Agricultural Districts Law, the agricultural districts program and the agricultural assessment program, have wide ranging implications in the State of New York,

affecting stakeholders that include landowners, counties, municipalities and agencies of the State of New York. Where the law applies, each of these groups is affected differently, depending on the section of the law, but each has some obligations that require proactive attention. These obligations are designed to maintain the integrity of agriculture within communities whose land use is predominately agricultural. All of the rights and responsibilities of the various parties engaged in Agricultural Districts can be found in Agriculture and Markets Law 25-AA.

Following are a description of these obligations for agricultural districts and the agricultural exemption program.

For Agricultural Districts

I. Landowners must:

1. Follow sound agricultural practices to receive Right to Farm protections.

II. The County must:

1. Establish an Agriculture and Farmland Protection Board to review annual applications to include additional land within the district and evaluate and make recommendations during district renewal and recertification.
2. Develop a legislative process to approve district changes and to periodically renew, modify, certify or terminate a district property or entire district.
3. Review and comment on Notices of Intent.

III. Municipalities must:

1. Include specific recommendations to support agriculture as a component of any comprehensive plan.
2. Amend local ordinances, rules and regulations as necessary to not unreasonably restrict agriculture.
3. Prepare a “Notice of Intent” and “Agricultural Data Statement” if undertaking a public works or development project that may negatively impact an agricultural district.
4. Avoid assessing special taxes, with some exemptions, to agricultural district properties.
5. Require an “Agricultural Data Statement” of any applicant for special use permit, site plan approval, use variance, or subdivision approval requiring municipal review on agricultural district properties or properties located within 500 feet of an agricultural district and mail notification of such to those agricultural district properties identified on the agricultural data statement.

IV. State of New York must:

1. Provide a process to review municipal land use controls and sound agricultural practice determinations.
2. Review state laws and regulations relative to impact on agriculture and agricultural districts.
3. Review, comment and/or act on Notice of Intent reports.
4. Review renewal and recertification reports and certify agricultural districts.

5. Provide a written report on the status of agricultural districts within the state biennially to the governor and legislature.
6. Make determinations whether a practice is considered a sound agricultural practice that shall not constitute a private nuisance.

For Agricultural Assessments

Note: Section 305(1) of Agricultural Districts Law does not specify a role for county government in the Agricultural Assessment program. Refer to the New York State Office of Real Property Services at <http://www.orps.state.ny.us/pamphlet/exempt/agassess.htm> for more information about the Agricultural Assessment program.

I. Landowners must:

1. Maintain their property in an agricultural use or in accordance with the intent of the Agricultural Districts Law.
2. File with the local tax assessor on an annual basis.
3. Pay penalties and interest for converting land to a non-agricultural use.

II. Municipalities must:

1. Grant an agricultural assessment to agricultural landowners meeting the qualifications.

III. State of New York must:

1. Calculate and certify agricultural assessment values annually, and collect and maintain information on lands receiving agricultural assessments.
2. Establish and maintain a land classification system for use in the calculation of agricultural assessments.
3. Provide a written report on the agricultural assessments biennially to the governor and legislature.

F. Amendments to Agricultural Districts Law

In 2003, Agricultural Districts Law was amended to add Section 303-b which requires counties in which Agricultural Districts are located to create an annual process to receive and review applications from landowners to include additional parcels of land within the District. Prior to this amendment, owners would have to wait until the end of the multi-year review period.

The amended review process includes an annual 30-day period in which property owners can submit applications and specifies a process and anticipated timeline for reviewing applications and making a recommendation to the Commissioner of Agriculture for final review and certification.

Other amendments to the law include the addition of various types of agricultural operations to the definitions of what is included in the law and definitions and limitations on the inclusion of start-up operations. The Department of Agriculture and Markets also publishes a number of guidance documents concerning Agricultural Districts available at:

www.agmkt.state.ny.us/AP/agservices/agdistricts.html.

Section 2: Westchester County Agricultural Highlights

Developing a statistical picture of agriculture in Westchester County is a challenge due to the small size of the county's agricultural sectors and the limited nature of data collection at the county, state and federal level. The primary data source used nationally to measure the scope and scale of agriculture is the United States Census of Agriculture which is conducted every five years by the Department of Agriculture (USDA). Due to the relatively small size of Westchester's agricultural sectors, much of the county's Census data is withheld because of concerns over disclosure. This makes it difficult to derive specific farm level information and makes reporting and predicting agricultural trends difficult. Because of this shortfall, other sources are critical to verify even basic data points. All sources and their uses and limitations are listed in Figure 1.

Figure 1.

Data Sources Used to Evaluate Agriculture in Westchester County	
Source	Use and Limitations
United States Census of Agriculture	Comprehensive study of agriculture on a county-by-county basis. Due to small industry size in Westchester most data is unreported. The Census often under-reports agriculture data in urban and suburban environments.
Bureau of Economic Analysis, Regional Economic Information System	Annual survey used to track income and expense accounts in agriculture by major category. Survey provides time series data, but uses a small sample size.
Minnesota Implan	Input – Output model using proprietary data sources and harmonized federal data bases. Used to determine output and employment multipliers by agricultural sector.
New York Equine Census	New York State conducts a periodic survey of equine activities and investments by county. The Census is thought to under report equine activity in Westchester County.
Office of Real Property	Real Property records are used as a proxy for Census data to determine acreage allocations for various crop and livestock uses. Data is limited to Property Code Descriptions which are not likely to be applied in a uniform basis across the county.
Proprietary Survey	ACDS conducted a survey of farmland owners to develop a brief snapshot of existing farm conditions. The survey is discussed later in this report.
Existing Reports	Various internal reports such as the Westchester County Agriculture and Farmland Protection Report are used to assess trends and report historical conditions.

The lack of a cohesive data set to describe and enumerate agricultural activities marginalizes farm businesses in Westchester County, many of which are profitable despite the lack of numerically large industry clusters. Put differently, agriculture in Westchester is a pastiche of entrepreneurial on-farm ventures that in some cases defies industry classification. This section of the report will attempt to describe these on-the-ground conditions in balance with the reported statistical data.

A. Agricultural Industry

According to the 2002 Census of Agriculture, there were 129 farms constituting 9,917 acres in Westchester County. These figures dropped to 105 farms on 8,521 acres as reported in the 2007 Census. (These figures exclude equine operations which are not fully reported in the Census of Agriculture). As shown on Figure 2, the largest decline was in the number of farms with 10 to 49 acres, which declined by 12 from 51 farms to 39 farms, a 23% reduction. The loss of active farmland continues a decades long trend.

Figure 2.

Farm Size by Range		
Size Range	Number of Farms in 2002	Number of Farms in 2007
1 to 9 acres	37	34
10 to 49 acres	51	39
50 to 179 acres	27	19
180 to 499 acres	9	9
500 to 999 acres	5	4
1,000 acres or more	-	-

Source: 2002 Census of Agriculture

Note: Farms with annual sales of \$1,000 or greater

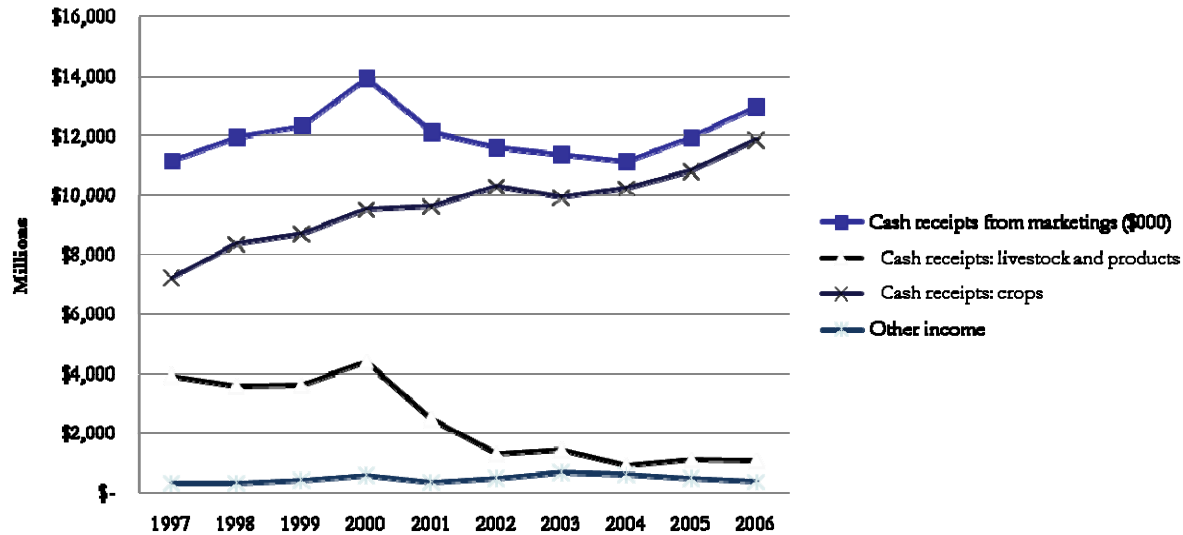
Despite losses in agricultural lands, the market value of production increased 24% from 2002 to 2007, from \$8.8 million to nearly \$11 million. Gross farm receipts increased exclusively due to growth in the crop sector which offset declines in livestock. Determining the composition of growth and contraction, beyond basic distinctions in “Crop” and Livestock” categories, is not possible using federal or state data sources with a few exceptions. Crop income growth seems to have been driven in part by sales gains in horticultural crops and declines by reduced livestock income from cattle operations. Evidence of this can be seen in both Census data and in the Bureau of Economic Analysis statistics as shown in Figure 3.

Rising farm income would represent a continuation of trends observed in the Westchester County Agriculture and Farmland Protection Plan, including a trend to more farm level vertical integration in produce and horticultural crops typified in the growth of Community Supported Agriculture operations, vertically integrated food systems such as Stone Barns and the expansion of agritourism activities. Statistical evidence bears out these trends as direct marketing of agricultural crops rose from \$288,000 to \$1.1 million, an increase of 280%.

Corresponding to the above trend, the number of farms reporting gains in income rose by 16% from 2002 to 2007 which corresponded with a growth in net gains from farm operations. On an operating basis, net returns to farm operations improved nearly 150% across the board. Farms that reported net gains in 2002 experienced a net benefit of more than \$60,000 per farm as measured by 2007 operating profits.

Government payments were not a contributing factor to gains in income over this period. In fact, the number of farms receiving government payments fell from five to one from 2002 to 2007.

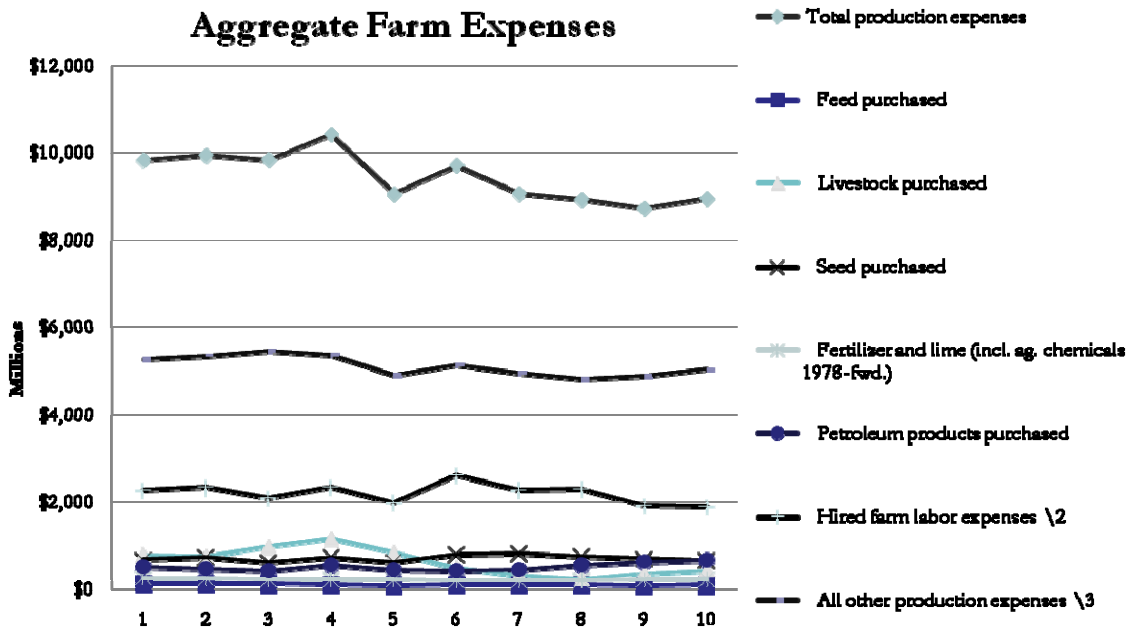
Figure 3.
Aggregate Farm Sales



Source: BEA, Table CA-45.

Correspondent with higher income is a trend to flat farm expenses. More organic agriculture and lower feed and livestock costs contribute to this condition.

Figure 4.



Source: BEA, Table CA-45.

Despite a 51% increase in farm income from 2002 to 2007, the percentage of farmers principally employed on the farm dropped from 58% to 46%. This trend indicates that more farms are operated by part-time farmers.

Even though agriculture is a relatively small industry, it continues to have external ties to the general economy in Westchester County through both employment and output effects. The 283 individuals employed on Westchester's farms induce the creation of another 60 jobs in the community in service and supply sectors. In 2007 the greenhouse and nursery production sector created \$4.2 million in direct sales while adding another \$2.1 million to the local economy through indirect effects. Figure 5 highlights employment and output (sales) multipliers by industry sector.

Figure 5.

Indirect Multipliers for Selected Agricultural Sectors						
	Output Multipliers			Employment Multipliers		
	Westchester	New York State	Difference	Westchester	New York State	Difference
Cattle Ranching & Farming	1.33	1.75	0.42	1.10	1.48	0.38
Vegetables & Melon Farming	1.47	1.66	0.19	1.22	1.49	0.27
Green House & Nursery Production	1.49	1.69	0.20	1.16	1.35	0.19
Fruit Farming	1.41	1.62	0.21	1.11	1.25	0.14
Forest Nurseries	0.00	1.29	1.29	0.00	3.35	3.35
Poultry & Egg Production	1.32	1.48	0.16	1.45	1.97	0.52
Grain Farming	0.00	1.54	1.54	0.00	1.14	1.14
Oilseed Farming	0.00	1.59	1.59	0.00	1.23	1.23

B. Equine Industry

The above discussions of agricultural conditions do not include the economic activities associated with commercial horse boarding and training operations and thus actually underestimate the viability of the overall agricultural industry in Westchester. As mentioned previously, presenting a complete picture of the county's equine industry is a challenge given the limited and incomplete data available.

Utilizing the 2005 New York Equine survey as the baseline, Westchester is home to 3,800 equine units with an inventory value of approximately \$87 million. This ranks Westchester 20th in New York in equine industry and 7th in equine inventory value. The survey does not provide discrete data for Westchester County, but does describe the equine region within which Westchester is located as the largest (42,000 equine) with a significant portion of the equine

inventory (29%) held for business related purposes such as breeding, racing and lessons while 14% are held for competitive purposes.

2009 Westchester Equine Survey Results

The equine survey distributed to farmland owners in February 2009 as part of the development of this report was completed and returned by 55 equine farm operations. Respondents represented 33 commercial boarding stables, 17 recreational farms and 5 mixed operations. Collectively these farms housed 910 animals and generated \$19.3 million in gross receipts from equine operations. The top five revenue generators on these operations were reported as boarding (\$6.9 million), training and conditioning (\$4.7 million), equine sales (\$1.8 million), other: grooming/commissions (\$1.8 million) and purses (\$1.5 million). Results of this survey indicate that equine is the largest and least understood aspect of Westchester's agricultural industry. It is also one whose economic value may be underestimated by tens of millions of dollars on an annual basis.

Like other agricultural sectors, equine has significant downstream effects on the local economy through employment and output multipliers. According to the New York Agricultural Statistics Service, the indirect multipliers are 1.28 and 1.12 respectively for output and employment in this sector. Applying the output multiplier to the 2009 Westchester Equine Survey results, the \$19.3 million in equine output reported would be expected to create an additional \$5.4 million in indirect economic output in the county.

Section 3: Westchester County Efforts to Protect Farmland

In the mid 1990s, the regular inventories of agricultural land conducted by the Westchester County Soil and Water Conservation District showed a dramatic and increasing rate of conversion of agricultural land to residential and other development. Most of this land was located in the Croton Watershed, a component of the New York City drinking water supply system. The potential impacts to the water quality within the watershed due to loss of agricultural land were identified as potentially significant. The County initiated a number of agricultural protection programs available through New York State Agriculture and Markets Law to protect water quality and the watershed by protecting remaining agricultural land.

A. Establishment of Agricultural and Farmland Protection Board

In February 2000, the Westchester County Board of Legislators acted to establish an Agriculture and Farmland Protection Board (AFPB). Under state law, Agriculture and Farmland Protection Boards are advisory boards to the county legislative body. In Westchester, membership consists of six representatives from the farming community appointed by the chair of the Board of Legislators and five ex-officio positions. AFPBs have several responsibilities including the review of petitions for establishment of Agricultural Districts and the review of applications to add land to existing Agricultural Districts. AFPBs may also request a review of regulations and ordinances by the state.

The Westchester County Agriculture and Farmland Protection Board has played a vital role in efforts to protect agricultural resources. The AFPB's work has been assisted by the County Department of Planning and a variety of organizations and agencies. The AFPB offers advice on the County's agricultural protection programs and represents the county in agricultural matters to agencies such as the NYS Department of Agriculture and Markets. It also continues implementation efforts for the Agriculture and Farmland Protection Plan. Additionally, it provides public education related to the benefits of preserving and promoting the environmental, cultural and economic aspects of agriculture in the county.

B. Establishment of Agricultural District

Shortly after the Westchester County AFPB was created in February 2000, the AFPB received a landowner petition to create an Agricultural District. In July 2000, the AFPB forwarded the petition to the County Board of Legislators, requesting the Board to initiate the process outlined in NYS Ag and Markets Law towards the creation of a District. The landowner petition proposed that 128 farms, comprising 11,748 acres, be included in the District.

According to the AFPB report to the County Board of Legislators, prepared in support of the formation of the Agricultural District, these farms represented about three-quarters of the viable agricultural land identified in Westchester County. In this report, the AFPB cited the following reasons for the creation of the agricultural district:

- *Farmland is open space that remains on the tax rolls.*
- *Agriculture is the preferred land use for the protection of drinking water for more than 9 1/2 million people.*

- *Saving farmland helps control urban sprawl and increased taxation.*
- *It's the only farmland we've got; when it's gone, it's gone forever.*
- *Westchester urban-edge farms provide fresh, local produce for neighbors and city residents.*
- *Farms and ranches provide wildlife habitat.*
- *Westchester farms provide a direct link to our agricultural heritage and history.*
- *Farms provide jobs.*
- *Farmland provides scenic open space and clean airsheds.*
- *Farm operations encourage agri-tourism, school trips, hands-on farm experiences, equestrian activities and provide recreation and therapy.*
- *Many communities are supported by their farmlands.*

The proposal for an Agricultural District in Westchester County was rather unique (as compared to the rest of the state) because it consisted of individual farms rather than large areas of the county within which farms were located. Because of that, the proposed District consisted predominantly of viable agricultural land. However, this approach created an environment of potential conflicts along the many edges of the District between agricultural uses and non-agricultural uses.

In October 2000, the Westchester County Planning Board released its report recommending the establishment of an Agricultural District in the County. The Planning Board report assessed the required factors, discussed on page 4 of this report, and summarized support for the creation of the district as follows:

Westchester County and its municipalities will benefit from the protection of the remaining farms by preserving valuable cultural and historic activities, scenic vistas and open space and by maintaining a viable economic contributor. In addition, water quality will be protected, community tax bases and resources will not be stressed by over development, development will be directed to existing established town and village centers in accordance with the County's long range land use policy and planning document, Patterns, and the overall quality of life in the county will be preserved. Based on the information described above and the overall benefits to protecting remaining agricultural lands in Westchester County, the Westchester County Planning Board recommends the adoption of an agricultural district in accordance with New York State Agriculture & Markets Law.

An important factor in the findings to establish the District was raised in the assessment of county development patterns and needs. This assessment placed weight on the Croton Watershed and the need to protect public drinking water supply sources. Well managed agriculture land and open space had been identified as preferred land uses vital to protecting the quality of drinking water supplies. Since agricultural land use constituted a major use of land within the watershed, one of the primary purposes of the Agricultural District was established as protection of farmland within the Croton Watershed as part of the broader effort of watershed protection.

The Board of Legislators accepted the report from the County Planning Board and the application from the AFPB. After the appropriate public hearings were held, the Board of

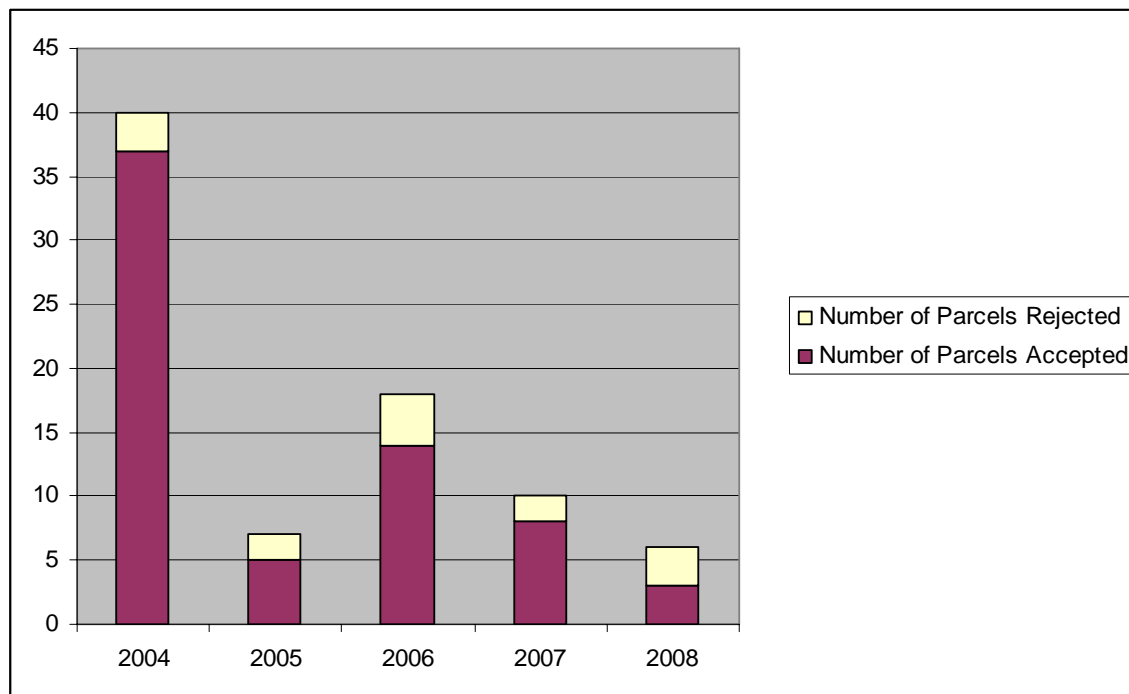
Legislators voted to create the Agricultural District on November 27, 2000. The District consisted of parcels located in 18 of Westchester's 45 municipalities:

Bedford	North Castle
Cortlandt	North Salem
Eastchester	Ossining
Greenburgh	Pleasantville
Harrison	Pound Ridge
Lewisboro	Scarsdale
Mount Kisco	Somers
Mount Pleasant	White Plains
New Castle	Yorktown

On November 28, the Board of Legislators forwarded the application and its Resolution (223-2000) to the NYS Department of Agriculture and Markets. Westchester County Agricultural District Number One was certified by the state on April 20, 2001 with an eight-year renewal date established of July 19, 2009.

Since 2004, the AFPB has received a total of 81 applications from farms wanting to be included in the Agricultural District. It has recommended the inclusion of 67 of those, totaling about 1,400 acres. After an initial burst of applications, the number of applicants has dropped considerably. In 2008, as many applications were rejected as accepted. See Figure 6.

Figure 6.
Applications for Inclusion in Agricultural District 2004-2008



Source: Westchester County Department of Planning.

C. Agriculture and Farmland Protection Plan

Westchester County prepared an Agriculture and Farmland Protection Plan in 2004. The purpose of the Plan was to provide Westchester County with a blueprint for action to protect the remaining agricultural lands in the county. The plan describes the unique challenges for agriculture in the county due to its proximity to New York City. The Plan makes eight recommendations to support agriculture in Westchester County:

1. Develop a public outreach program.
2. Strengthen the Westchester County Agricultural District.
3. Plan for agriculture at the local level.
4. Continue to expand the use of best management practices (BMPs) on farmland throughout the County.
5. Explore participation in a purchase of development rights (PDR) program.
6. Use the strategic farmland map as a link to the Croton Watershed planning efforts.
7. Support Westchester County's current and future agricultural entrepreneurs.
8. Integrate agriculture with local and regional economic and business development programs.

D. Purchase of Development Rights

One of the greatest obstacles to farmland preservation is development pressure. Development pressure drives up land value, making it difficult for farms to remain viable. The Agriculture and Farmland Protection Plan recommended participation in a New York State program to purchase the development rights over farms as a way to protect farmland. Through the Farmland Protection Implementation Grant program, New York State has awarded annually up to \$35 million in grants to purchase development rights (PDR) over farmland with the farmer/owner retaining ownership of the property. As part of the purchase, a conservation easement is placed over the property, ensuring the property will continue in perpetuity to be available for agricultural purposes.

In 2006, the County created an appropriation in its capital budget to participate in programs for the purchase of development rights of agricultural land. The intent was that the County would join financial partnership with New York State, municipalities in which the farms are located and other parties to support purchase of the development rights and execution of the necessary easement.

The capital budget amendment was a follow-up action to the County's application to New York State in 2005 to purchase the development rights over three farms: Wilkens Fruit and Fir Farm in Yorktown, Hemlock Hill Farm in Cortlandt and Yorktown and Stuarts Farm in Somers. The Hemlock Hill Farm (118 acres) and Stuarts Farm (170 acres) applications were successful.

In July 2008, the County Board of Legislators acted to accept the NYS grant of \$3.6 million, which would cover 75% of the estimated cost of purchase of development rights for Hemlock Hill Farm. The Board also acted to bond for the County's 12.5% match share (\$600,000) with the towns of Cortlandt and Yorktown each providing \$300,000, one-half of the other 12.5% share of the required total 25% local match. The County Department of Planning then initiated work with the farm owner, the two towns and the state to prepare the documents required by the

grant. A preliminary project file (including a survey, appraisal, title search, purchase agreement, draft conservation easement, preliminary baseline report and stewardship plan) submitted to the state in September 2009. The state sent comments on the project file to the County in October 2009, which required an updated appraisal and title search as well as amendments to the purchase agreement, conservation easement, baseline report and stewardship agreement. In addition, the state required additional documentation from the landowner concerning the exceptions listed in the title search. The County received the updated appraisal in December 2009 and the updated title search in January 2010 and completed the amendments to the other documents in February 2010. The landowner is seeking additional documentation from the NYS Office of Finance and Taxation.

After the amended project file is submitted to and approved by the state - and the County is assured that it will be reimbursed under the grant - a closing date to purchase the development rights over the farm and execute the conservation easement will be set. After execution of the easement, a contract will be sought to bring in an outside organization to steward the easement and prepare the annual reports for submission by the County as required under the grant.

Submission of legislation to the County Board of Legislature to accept the NYS grant of \$2.4 million, which would cover 50% of the estimated cost of purchase of development rights for Stuart Farm, has been postponed until at least 2011. To accept the grant, the Board would also need to act to bond for the County's 25% match share (\$1.2 million) with the Town of Somers providing \$1.2 million, the other half of the required total 50% local match.

E. Section 305-a Actions in Westchester County

As discussed in Section 1.B of this report, Section 305-a of Agricultural Districts Law requires local governments to exercise their powers so as to not unreasonably restrict or regulate farm operations within agricultural districts. Farm owners within Agricultural Districts may petition the Commissioner of Agriculture to review local ordinances, rules or procedures to determine if such are unreasonably restrictive of agriculture and, if so, to require municipalities to make any necessary changes to ensure compliance with the law.

Agricultural District petitions and filings under Section 305-a are one indicator of the effects of land use changes and changing local attitudes about agriculture. In Westchester County, examples of 305-a actions highlight the difficulty of balancing the desires of suburban municipalities with agricultural operations and managing a district of individual parcels spread throughout the county.

In general, the most contentious issue between policy makers and farmers has been that of wetland protection. Municipalities in Westchester County generally include flood plains and stream corridors within wetland regulation, expanding the scope of regulated areas beyond state and federal definitions. Most wetlands protection regulations establish a 100-foot wide regulated "buffer" around wetlands – a provision that has been problematic for some farm operations. In requests for 305-a review of this nature, the New York Department of Agriculture and Markets has consistently found that the local regulations are restrictive to agriculture. Other issues arise from changing state policy (particularly in regards to horse boarding operations) and from changing local attitudes about agriculture.

Figure 6 lists all 305-a review requests since 1997 and highlights specific case examples. The resolution of these cases is subject to Freedom of Information Law request, which is being reviewed by legal counsel at the Department of Agriculture and Markets.

Figure 7.

AML § 305-a and Related Reviews			
Year	Town	Farm Owner or Farm Name	Purpose of Reviews
2001	New Castle	Tom Cogger	Agricultural/Livestock Restrictions
2001	Somers	Michael Dignelli/Heritage Farm	Review Zoning Code for Limitation of Horses per Acre and Operation Under a Special Use Permit
2002	North Salem	Town of North Salem	Review of Proposed Agricultural Business Zone
2003	North Salem	Barbara Howard/Chase Meadows Farm	Commercial Horse Boarding Operation - Construction of Indoor Riding Arena
2003	North Salem	Scott Hakim/Old Salem Farms	Commercial Horse Boarding Operation - Construction of Farm Worker Housing
2003	New Castle	Alfredo Landscape Development Corporation	Manure Storage and Soil Mixing Practices
2004	Yorktown	Patricia Peckham/Arcadia Farm	Commercial Horse Boarding Operation - Need to Apply for a Use Variance, Reviewable Every Three Years
2005	New Castle	Tom Cogger	Pipe and Drain System
2005	Cortlandt	Rob & JoAnne Vitolo	Commercial Horse Boarding Operation – Review of Town's Wetlands Law
2006	Yorktown	Town of Yorktown	Review of Draft Noise Ordinance
2006	North Salem	Stay Sail Farm	Review of Town's Wetlands Law, Buffer and Planning Board Review Requirements
2006	North Salem	Town of North Salem	Review Draft Local Law Establishing the Eastern Westchester Biotic Corridor
2007	New Castle	Tom Cogger	Review of Town's Wetlands Law
2007	Bedford	Rona Farm/Robert and Nancy Gjerlow	Review Requirements for a Special Use Permit and Site Plan Review
2007	Bedford	Chris Carollo	Commercial Horse Boarding Operation, Review County Requirements for the Treatment of Gray Water from Wash Stalls and Purification Requirements for a Community Drinking Water Supply
2008	North Salem	Old Salem Farm	Review County Requirements for the Treatment of Gray Water from Wash Stalls and Purification Requirements for a Community Drinking Water Supply

AML § 305-a and Related Reviews

Year	Town	Farm Owner or Farm Name	Purpose of Reviews
2008	Lewisboro	Todd Farm, LLC	Work with Town to Develop a Restrictive Covenant to Clear Cut Trees to Place Land in Agricultural Production
2008	Somers	Robert Stuart Farm	Review Wetlands Law and Tree Harvesting/Management Requirements/Fee
Sept. 25, 2000	New Castle	Frank Alfredo, Alfredo Landscape Development Corporation	AML § 308(4) Opinion on the Storage, Maintenance and Washing of Trucks and Equipment; Storage and Mixing of Soil Media; Storage and Loading of Gravel for Job Sites; Use of Wetlands within a 100 Foot Buffer to Plants; and Parking for Employees
July 31, 2001	New Castle	David White, Esq., Town Attorney	AML § 308(4) Opinion on Landscaping and Whether Certain Activities are Agricultural, such as Lawn Mowing and Maintenance, Snow Removal, Leaf Blowing, Etc.
March 25, 2005	New Castle	Thomas Alfredo, Alfredo Landscape Development Corporation	AML § 308(4) Opinion on the Sale of Nursery Stock Grown on the Farm (Bare Rootstock, Seeds, Cuttings, Plugs or immature Plants or Mature Plants Grown and Cared For at Least One Season) and the Sale of Topsoil and Mulch
January 8, 1997	New Castle	Alfredo Landscape Development Corporation	AML § 308(1-3) Sound Agricultural Practice Opinion Concerning Noise From a Nursery Operation

Source: New York State Department of Agriculture and Markets

Section 4: Existing Westchester County Agricultural District

Westchester's existing Agricultural District is a countywide District made up of a myriad of parcels with a wide variety of types for agricultural operations ranging from production (crops and livestock) to equine related (the predominant use) to two Westchester County parks (Muscoot Farm Park and Lasdon Park). The farm parcels range in size from 800 acres to 1.5 acre. The Agricultural District consists of 210 farms encompassing 12,675 acres located in 15 of Westchester County's 43 municipalities. (Total acreage represents the entire tax parcel, not the amount of land actively farmed.)

As shown in Figure 8, the Town of North Salem has twice the number of agricultural district properties as the town with the second highest total, the Town of Bedford. Of the 210 parcels in the Agricultural District, 85% are in six of the 15 towns. Seven towns have less than 2% of the farm parcels each.

Figure 8.
Number of Farms in Agricultural District by Municipality

Municipality	Number of Farms	Percent of Total
North Salem	72	34%
Bedford	36	17%
Lewisboro	23	11%
Yorktown	22	10%
Somers	16	8%
New Castle	11	5%
Cortlandt	7	3%
Mount Pleasant	7	3%
Greenburgh	3	1.4%
Mamaroneck	3	1.4%
North Castle	3	1.4%
Harrison	2	0.9%
Pound Ridge	2	0.9%
White Plains	2	0.9%
Yonkers	1	0.5%
TOTAL	210	100%

Source: 2009 Westchester County Agricultural District Database

As shown in Figure 9, the municipal rankings change somewhat when the acreages of parcels in the Agricultural District are assessed. North Salem still leads with 4,951 acres or 39% of the total acreage in the District. However, the Town of Somers is in second position as two of its 16 farm parcels are Westchester County parks with 1,055 acres – 50% of the town total. Of the total Agricultural District acreage, 81% is in four of the 15 towns. Seven towns have a total of 192 acres in the District, less than 2% of the District's total acreage.

Figure 9.
Acreage of Farms in Agricultural District by Municipality

Municipality	Acreage of Farms	Percent of Ag District Total	Percent of Municipal Land Area
North Salem	4,951	39%	33%
Somers*	2,132	17%	10%
Bedford	1,938	15%	8%
Mount Pleasant	1,219	10%	8%
Yorktown	846	7%	3%
Lewisboro	662	5%	4%
Cortlandt	399	3%	2%
New Castle	335	3%	2%
Pound Ridge	93	0.7%	0.6%
North Castle	42	0.3%	0.3%
Greenburgh	27	0.2%	0.2%
Harrison	13	0.1%	0.1%
White Plains	10	0.1%	0.2%
Mamaroneck	5	0.1%	0.2%
Yonkers	2	0.1%	0.01%
TOTAL	12,675	100%	

*County parkland (Muscoot Farm and Lasdon Park) accounts for 1,055 acres in Somers.

Figure 10 presents the type of agricultural operation by parcel acreage in the District.

Figure 10.
Acreage in Agricultural District by Type of Agricultural Operation

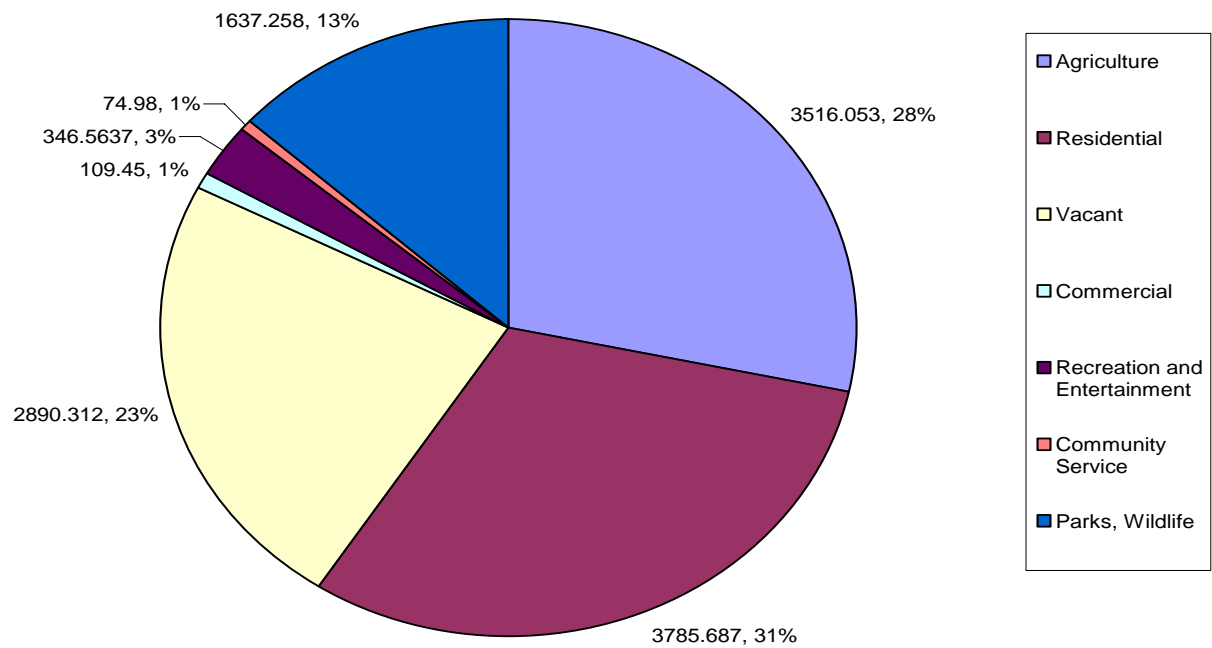
Type of Operation	Acreage	Percent of Total
Equine	3,883	31%
Livestock	3,057	24%
Unknown	1,451	11%
Crops	1,016	8%
Fallow	987	8%
Hay	869	7%
Nursery	476	4%
Christmas Trees	358	3%
Park	284	2%
Aquaculture	206	2%
Woodlot	46	0.4%
CSA	40	0.3%
Vacant	2	0.02%
Total	12,675	100%

Source: 2009 Westchester County Agricultural District Database

Figure 11 highlights the difficulty of developing protections for the remaining agriculture in an economically diverse, suburban county. Land use within the Westchester County Agricultural

District is characterized by the local tax assessors predominantly as either residential or vacant land, not agricultural production.

Figure 11.
Acreage of Agricultural District by Tax Assessor Code



Source: 2009 Office of Real Property Services

Section 5: Findings and Recommendations

The agricultural district program requires initiation and periodic review and renewal of Agricultural Districts by counties that establish districts. Through this required process, a county has ability to modify the district,

In 2008, well in advance of the July 19, 2009 Agricultural District renewal date, the Westchester County Department of Planning created an Agricultural District Recertification Review Steering Committee to assist in the review of the District. The steering committee consisted of representatives from the County Board of Legislators, municipalities, the County Agriculture and Farmland Protection Board, the County Planning Board, the County Tax Commission, the County Soil and Water Conservation District, the Watershed Agricultural Council and the Westchester Land Trust.

The committee's initial discussions centered on identifying conflicts between agricultural uses and non-agricultural uses that have occurred in Westchester. It was confirmed that municipalities were faced with multiple 305-a reviews and with increased regulatory requirements for improving stormwater management. It was also found that many parcels included in the Agricultural District did not contain agricultural operations, raising issues of what constitutes a farm in a suburban setting. As agricultural districts do not require continued use of farmland as farmland, it was noted that inclusion of a parcel in a district may be relatively ineffective in reducing farmland conversion. The value of other preservation techniques to ensure long-term agricultural commitment of farms was brought into the discussion.

The services of a consultant were sought to assist in the review effort. ACDS, LLC was awarded a contract with the County and began working with the steering committee. The following is a result of the research and evaluation of a steering committee and the Agriculture and Farmland Protection Board, with the assistance of the Department of Planning and ACDS.

A. Renewal Form and Recertification Review Survey Results

In February and March 2009, ACDS mailed renewal forms and farmland surveys to all owners of property in the Agricultural District and to all known farmland owners utilizing a list provided by the Watershed Agricultural Council. The renewal form had the following heading:

**THIS FORM IS REQUIRED FOR ALL AGRICULTURAL LANDOWNERS WHO
WISH THEIR LANDS TO CONTINUE TO BE LOCATED WITHIN
WESTCHESTER COUNTY AGRICULTURAL DISTRICT NO. 1**

The information obtained will be utilized in the evaluation of the Agricultural District in compliance with New York State Agriculture and Markets Law. Only those parcels for which a completed form has been submitted will be included in any petition to continue or modify the agricultural district.

The renewal mailing was mailed in three iterations. Each mailing was followed up by a post card reminder.

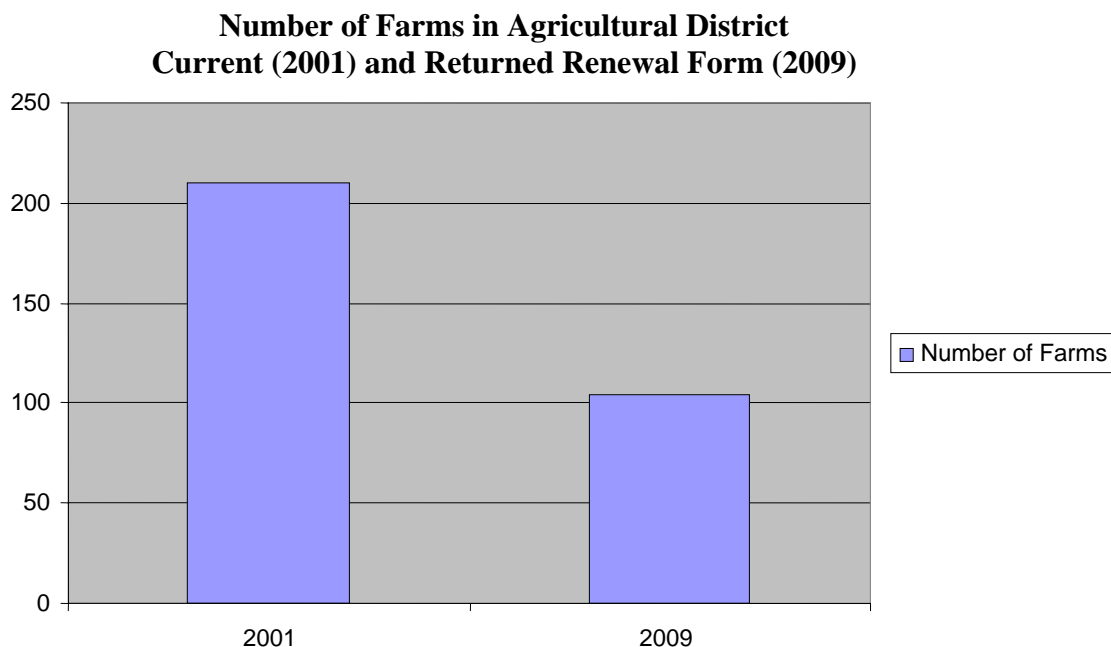
The response from landowners to the 2009 Agricultural District recertification survey was low. Due to low response rates, the Agriculture and Farmland Protection Board conducted individual outreach from May 2009 through August 2009.

By fall 2009, of the 210 farms in the District, 101 farms responded representing 7,007 acres of land - 55% of the total District acreage (12,674 acres). Based on the returned surveys, actively farmed areas represent 52% (3,628 acres) of the acreage represented by the responding property owners. (Note: some respondents did not enter data for this question)

Westchester County parks are not be included in the Agricultural District if recertified. The two County parks in the Town of Somers (Muscoot and Lasdon) total 1,055 acres and represent 50% of the Town of Somers acreage in the current District. An additional 52 acres of County land not to be included is the Hilltop Hanover Farm and Environmental Resource Center in Yorktown.

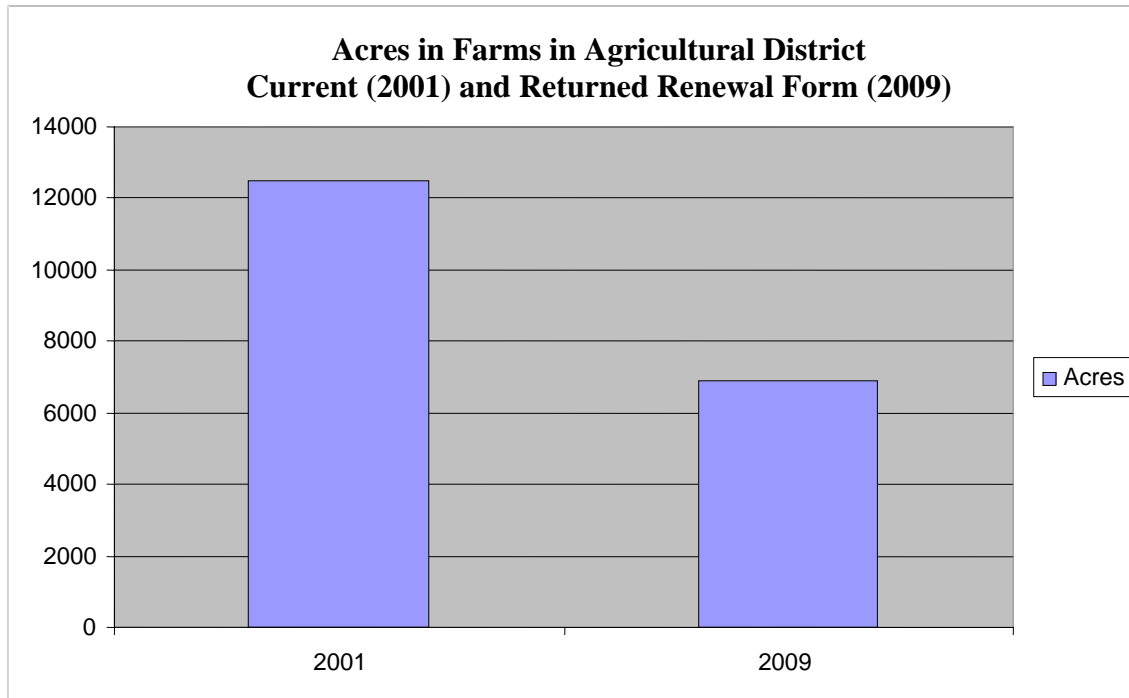
Figures 12 and 13 graphically demonstrate the decline in interest from land owners now in the Agricultural District to remain with the Agricultural District designation.

Figure 12.



Source: Survey conducted by ACDS, LLC in 2009 and 2001 Agricultural District certification process.

Figure 13.



Source: Survey conducted by ACDS, LLC in 2009 and 2001 Agricultural District certification process.

The collective investment in farm properties since 2004 was reported through the survey as \$60,000,000, spread of 41 Agricultural District properties.

In the survey, farm owners were asked, “What is your land and micro-climate well-suited to produce?” The results were: 23% pasture, 17% orchards, 16% vegetables, 16% hay and 11% crops.

There are a variety of management planning programs that can be applied to different types of agricultural operations to improve the environmental performance of such. Figure 14 identifies the type of management plans reported by the survey results.

Figure 14.

Type of Management Plans Reported on Renewal Survey			
	Count	Count Percentage	Respondent Percentage
A. Whole farm plan	16	16.16%	20.51%
B. Nutrient management plan	4	4.04%	5.13%
C. Forest management plan	7	7.07%	8.97%
D. None	50	50.51%	64.10%
E. Other:	8	8.08%	10.26%
F. Please contact me with information about:	5	5.05%	6.41%
Other Text Responses	9	9.09%	11.54%

Source: Survey conducted by ACDS, LLC.

Figure 15 shows the types and percentages of agricultural activities in Westchester based on the three rounds of surveys conducted in 2009. In rank order, the top results for farm activity are: 18% horse boarding, 12% vegetables, 10% hay, 9% fruits and 8% nurseries or horticulture.

Figure 15.

Agricultural Activity Reported on Renewal Survey			
	Count	Count Percentage	Respondent Percentage
A. Hay	21	10%	22%
B. Vegetables	27	12%	29%
C. Commercial horse boarding	40	18%	43%
D. Cows (dairy)	0	0%	0%
E. Goats (dairy or meat)	4	2%	4%
F. Sugaring	3	1%	3%
G. Grain	1	0.5%	1%
H. Grapes	0	0%	0%
I. Equine breeding	9	4%	10%
J. Cattle (meat)	9	4%	10%
K. Pigs (meat)	3	1%	3%
L. Christmas trees	7	3%	7%
M. Fruits	19	9%	20%
N. Nursery/horticulture	18	8%	19%
O. Other livestock breeding	5	2%	5%
P. Sheep (wool or meat)	7	3%	7%
Q. Poultry (meat or eggs)	12	6%	13%
R. Timber (for sale)	8	4%	8%
S. Other:	12	6%	13%
Other specific responses	11	5%	12%

Source: Survey conducted by ACDS, LLC.

B. Proposed Westchester County Agricultural District Purpose

Based on the review and research conducted and the status of Westchester County farmland protection programs, the Steering Committee and the Agriculture and Farmland Protection Board reviewed the purposes of the Westchester County Agricultural District. The AFPB emphasized the importance of the agricultural district in protecting the economic viability and consequent continuation of agricultural operations. The Steering Committee and the AFPB recommended that the purposes of the district be clearly documented in legislation and in efforts to promote the district to farm owners, municipal officials and the general public.

The following is the proposed statement of purpose for the Westchester County Agricultural District:

- Protection of agriculture as an economic activity through the protection of farmland (agricultural soils) as a necessary asset of the agricultural industry and the promotion of groups of agricultural operations that could then benefit from shared services and resources.
- Protection of open space to reduce congestion, pollution and demand on municipal services.
- Provision of buffers for water and air quality, particularly in areas of the county identified as watersheds for drinking water supplies.
- Provision of habitat to protect biodiversity and unique habitats of plants and wildlife.
- Protection of community character to protect quality of life and property values.
- Provision of locally grown food to promote healthy and sustainable living.
- Provision of educational opportunities to foster a better understanding and appreciation of local agriculture and the environment.
- Preservation of links to the region's agrarian past for educational value and the preservation of cultural and historic resources.

C. Proposed Agricultural District Property Criteria

The Steering Committee and the Agriculture and Farmland Protection Board (AFPB) recommended that the scale, nature and environmental performance of agricultural operations be evaluated to determine whether a property or agricultural operation will further the purposes of the Agricultural District and would therefore be appropriate for inclusion. Following are the criteria that the Steering Committee and AFBP recommended be used to evaluate properties for inclusion in the District:

1. **Farm operations must be of a minimum size or scale.** For each farm operation (not each individual parcel), the total area of the farm parcels must be a minimum of seven acres and the farm must have a minimum of \$10,000 annual gross sales value, as defined in Ag and Markets Law. A farm operation that does not meet the seven-acre minimum may be eligible for inclusion if it has a minimum of \$50,000 annual gross sales value, as defined in Ag and Markets Law. Federal or state tax income forms for the agricultural operation are the accepted document to establish annual gross sales value and may be requested for the two years prior to an application to include land within the District or any year after a parcel has been included in the District. Not-for-profit operations such as educational institutions or community supported agriculture operations must submit information demonstrating the scale of the operation and adherence to these standards and may include information such as the number of persons the operation will serve as an indicator of scale.
2. **Individual parcels must function as a single farm.** If parcels of land are not contiguous, the applicant must adequately demonstrate that the individual parcels function as a single farm operation.
3. **The parcel(s) must be able to support the agricultural activity.** In order to demonstrate that the land is capable of supporting the agricultural activity, the applicant must submit a plan showing the locations of existing and proposed buildings, fields, pastures, waste

management areas and other elements of the proposed farm operation. Steep slopes, soils, wetlands and watercourses, access and other site conditions must also be identified and will be evaluated. (Aerial maps are available from the County GIS website or the Department of Planning which the land owner can use to prepare a plan.) A narrative description of the operation, including any future plans to expand the operation, must also be submitted.

4. **The agricultural operation must be the predominant commercial land use of the site.**
The agricultural activity on each parcel of land must constitute a minimum of 51% of the land area of the parcel, excluding fallow land, wooded portions of the property or portions of the property used as a residence. The agricultural activity on each parcel of land must constitute a minimum of 51% of the annual gross sales value generated on the parcel. For sites with multiple land uses, only the agricultural components of the operation will receive protection under the Agricultural Districts Law. Federal or state tax income forms for agricultural and other operations at the site are the accepted document to establish annual gross sales value and may be requested for the two years prior to an application to include land within the District or any year after a parcel has been included in the District. (Proprietary farm information such as tax returns is not subject to F.O.I.L. requests and is therefore considered the most secure means to gather this information.) Start-up operations must submit a plan that demonstrates the agricultural operation will be implemented within a period of two years.
5. **Sound agricultural practices must be employed to protect environmental resources.**
Applicants must demonstrate that the agricultural operation is operating under a Whole Farm Plan, nutrient management plan, integrated pest management plan or similar plan to ensure that excess nutrients, pesticides, herbicides and pathogen transfer off-site is avoided to the maximum extent practical through the implementation of agricultural best management practices. In addition, the applicant must demonstrate a willingness to address, to the extent practical, environmental standards and requirements associated with permits or programs intended to improve water quality, such as the USEPA/NYSDEC stormwater permit program.
6. **Other information may be required.** The County reserves the right to request additional information it determines necessary to fully evaluate the operation or land.

D. Proposed Agricultural District Geographic Area

The Steering Committee discussed many options for the future of the Westchester County Agricultural District, including the creation of multiple districts. The Committee reviewed the purpose of the New York State agricultural district program, the purposes documented in the creation of the Westchester County Agricultural District, the history of the district, concerns about the impacts of the district on the ability of local municipalities to administer land use and environmental regulations, the character of the agricultural industry in the county, the character of district properties and the location of the farm properties represented in the renewal survey responses.

As a result of this review effort, the Steering Committee and Agriculture and Farmland Protection Board (AFPB) developed the following approach and recommendations to continuation of the district in Westchester County.

1. Only farms that meet the state's definition for land used in agricultural production be included in the district.

The agricultural industry in Westchester is predominated by large commercial horse boarding and breeding operations. There also exist a smaller number of large livestock operations, fruit and vegetable farms and commercial nurseries. Most of these operations are located in the northeastern portion of the county, which is also located within the watershed of the Croton Reservoir. Large farms such as these are typically well managed and most in conformance with the natural resource, water quality, environmental and open space protection objectives of the Westchester Agricultural District. The development of such large, contiguous tracts of land such as these to other land uses would have significant potential impacts due to the scale alone of such development. In addition, these larger farms are typically located in more rural settings and are of a scale more in keeping with the primary purpose of the state agricultural district program—to protect agriculture as an economic activity. For these reasons, these farms are considered most appropriate for the protections under the agricultural district.

2. The County government should work with other agencies and organizations to encourage local municipalities to better understand and promote local agriculture and adopt ordinances and regulations such as local right-to-farm laws to help protect them.

There are many smaller farms throughout Westchester that play a valuable role in the quality of life for Westchester residents. Small farms and a growing suburban agriculture movement offer residents fresh, locally grown agricultural products and niche products that are of great value. They offer residents the opportunity to experience agriculture first-hand, promote low impact and sustainable gardening and landscaping practices, and foster a greater understanding and appreciation for the land. The Steering Committee and AFPB recognized the value of such operations but concluded that that these operations are best promoted by the local municipalities outside of the state agricultural district program. The Steering Committee and AFPB recommended that partnerships be explored to facilitate the implementation of the recommendations included in the Agriculture and Farmland Protection Plan, in particular those that focus on education and outreach to municipalities and residents to encourage a better understanding and appreciation of the benefits and needs of agricultural operations and the adoption of farm-friendly local ordinances, regulations and administrative procedures.

3. The agricultural district should continue as individual parcels but be restricted to certain geographic areas of the county where the preservation of agriculture would best further the purposes of the district.

Municipalities with significant amounts of agriculture acreage. The towns of North Salem, Somers, Bedford and Yorktown have significant numbers and acreage of Agricultural District properties and land. The properties include large parcels of contiguous land that serves well to further the objectives of agricultural protection. They are contiguous or in proximity to one another, forming large tracts of open space that function as effective buffers for water quality and habitat protection. These farms also provide a variety of agricultural products, contribute

significantly to community character, and offer educational opportunities and links to our agrarian history. ***The Steering Committee and Agriculture and Farmland Protection Board recommends that these four municipalities continue to be included as eligible areas for Agricultural District properties.***

Municipalities with some agriculture. The municipalities of Mount Pleasant (including the Village of Sleepy Hollow), Lewisboro, Cortlandt, New Castle, Pound Ridge and North Castle have smaller numbers of farms. Agricultural parcels in these municipalities are smaller in size and typically have a larger number of neighboring properties, resulting in an increased potential for conflicts between agricultural land uses and other land uses. Municipal officials from New Castle and North Castle have written letters questioning the appropriateness of an Agricultural District in their communities. Mount Pleasant has crafted zoning regulations to allow and promote the specific types of agricultural activity desired while regulating other types of activity. ***The Steering Committee and Agriculture and Farmland Protection Board recommends that the towns of Lewisboro and Cortlandt continue to be included as eligible areas because they have a significant amount of agricultural land and these communities are contiguous to other eligible municipalities. The Steering Committee recommends that the portion of the town of Mount Pleasant west of the Taconic State Parkway (including the village of Sleepy Hollow) continue to be included as an eligible area due to the large amount of contiguous farmland. The Steering Committee recommends that the towns of New Castle, Pound Ridge and North Castle be excluded as eligible areas due primarily to a low amount of agricultural land and the nature of the development pattern.***

Municipalities with little or no agriculture. The remaining municipalities within Westchester do not have significant Agricultural District parcels either in number or acreage. There is very little undeveloped land with prime agricultural soils or agricultural soils of statewide importance. There is little, if any, agricultural activity within these communities. The promotion and protection of agriculture therefore may be best advanced through tools that each municipality determines appropriate to best protect and encourage agriculture. ***The Steering Committee and Agriculture and Farmland Protection Board recommends that the Agricultural District not be used as an agricultural protection tool in these other Westchester County municipalities.***

E. Summary

Implementation of the above geographic area recommendations for a recertified district would make 11 of the 101 properties represented by the renewal forms returned by land owners in 2009 ineligible for inclusion in the recertified Agricultural District. The total area of these 11 properties, located in municipalities that are not proposed to be included in the modified Agricultural District, is 153 acres.

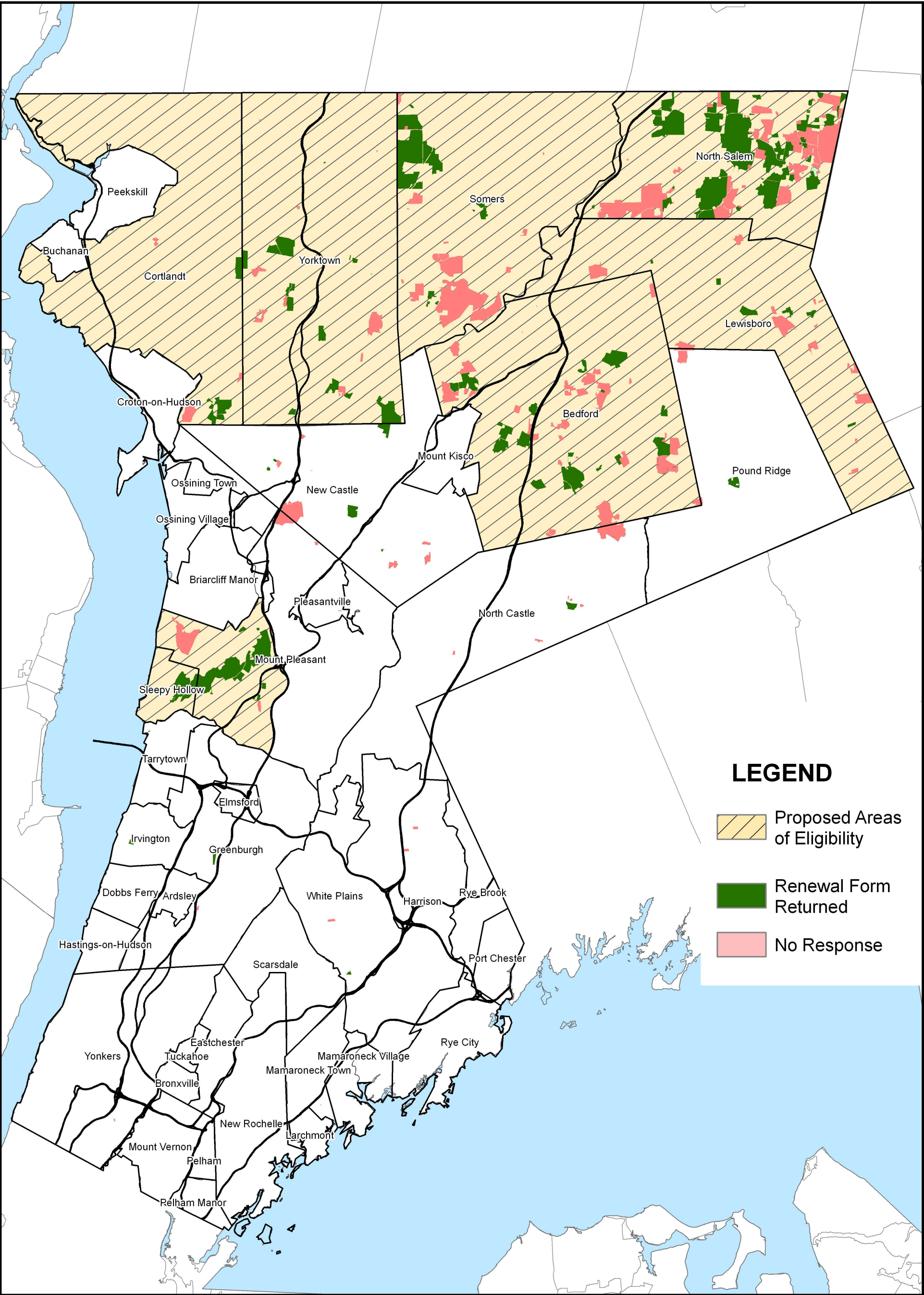
Eleven additional farm properties represented by the renewal forms have an area of less than seven acres. To be included in the recertified district, each such farm will need to demonstrate in excess of \$50,000 gross sales annually in conformance with the proposed criteria. The total area of these 11 properties is 46 acres.

One returned renewal form was for a 33.5-acre property not currently in the district; it appears that this property would meet the proposed geographic and minimum size criteria.

Removing the 11 properties in ineligible municipalities and assuming that the 11 small farms cannot meet the gross sales threshold (and assuming the addition of the new 33.5-acre farm), the recertified district would consist of 80 properties with a total of 6,841 acres. These totals are 38% of the number of properties and 54% of the land area in the district currently.

By far, the largest decline in farm properties and acreage would result from the lack of response to the renewal survey by owners of properties in the municipalities that are recommended to be eligible for agricultural district designations.

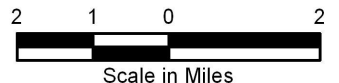
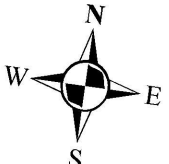
Figure 16.
Renewal Form Response and Proposed Agricultural District



Westchester County Agricultural District Recertification Review

WESTCHESTER COUNTY
DEPARTMENT OF PLANNING

APRIL 2010



**Westchester County
Agricultural District
Review Form**

**THIS FORM IS REQUIRED FOR ALL AGRICULTURAL LANDOWNERS WHO
WISH THEIR LANDS TO CONTINUE TO BE LOCATED WITHIN
WESTCHESTER COUNTY AGRICULTURAL DISTRICT NO. 1**

The information obtained will be utilized in the evaluation of the Agricultural District in compliance with New York State Agriculture and Markets Law. Only those parcels for which a completed form has been submitted will be included in any petition to continue or modify the agricultural district.

Please contact David Kvinge, Director of Environmental Planning
at dsk2@westchestergov.com or (914) 995-2089 with any questions.

RETURN COMPLETED FORM BY MARCH 31, 2009 TO:
Westchester Ag District, c/o ACDS, 27 Elk Street, Albany, NY 12207

Part 1: Landowner Information

Landowner Name: _____

Mailing Address: _____

Phone: _____ E-Mail: _____

Part 2: Parcel Information

Street Address: _____

Municipality: _____

List tax parcel identification (Section / Block / Lot) and acreage for each parcel owned:

Section/Block/Lot	Acres	Section/Block/Lot	Acres
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

List tax parcel identification (Section / Block / Lot) and acreage for each parcel rented from another landowner:

Section/Block/Lot	Acres	Section/Block/Lot	Acres
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

List tax parcel identification (Section / Block / Lot) and acreage for each parcel rented to another farmer:

Section/Block/Lot	Acres	Section/Block/Lot	Acres
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Part 3: Farm Description

Farm Name: _____

Amount of Land Actively Farmed: _____ Acres

Amount of Land Rented (from another landowner as part of the subject farm): _____ Acres

Is the farm open to the public? ☐ Yes ☐ No

Agricultural Activity (please number in order of predominance):

___ Hay	___ Grain	___ Fruits
___ Vegetables	___ Grapes	___ Nursery/Horticulture
___ Commercial Horse Boarding	___ Equine Breeding	___ Other Livestock Breeding
___ Cows (dairy)	___ Cattle (meat)	___ Sheep (wool or meat)
___ Goats (dairy or meat)	___ Pigs (meat)	___ Poultry (meat or eggs)
___ Sugaring	___ Christmas Trees	___ Timber (for sale)

Other: _____

Do you have a Nutrient Management Plan, Whole Farm Plan or similar (prepared by a certified agricultural planner or organization such as the Watershed Agricultural Council) for your operation?

☐ Whole Farm Plan ☐ Nutrient Management Plan ☐ Forest Management Plan ☐ None

☐ Other: _____

☐ Please contact me with information about: _____

Part 4: Important Notes

This application form will be filed with Westchester County and will be public information subject to access under the Freedom of Information Law.

This form is only an application for land to remain in an agricultural district. The district may be modified in such a way that any parcel may no longer be eligible for inclusion. Westchester County will be soliciting input from landowners, municipal officials and the general public in its review of the district. The Board of Legislators is also required to hold a public hearing before making its recommendation to the state. The property owner will be notified of public hearings and decisions pertinent to the continuation, modification, or termination of the district. Should the agricultural district continue, the County will be accepting applications annually to add parcels to the district, in compliance with New York State Agricultural District Law.

Part 5: Owner Certification

I hereby swear that I am either the owner of record or am duly authorized by the owner of record to file an application to include land within the Westchester County Agricultural District for the subject property as described above, and I hereby swear that all information submitted as part of this application is, to the best of my knowledge, correct and complete.

Property Owner's Signature: _____ Date: _____

Print Name: _____

RETURN COMPLETED FORM BY MARCH 31, 2009 TO:

Westchester Ag District, c/o ACDS, 27 Elk Street, Albany, NY 12207

Westchester County Equine Survey

(see other side for agricultural producers)

ALL INFORMATION ON THIS FORM WILL BE KEPT CONFIDENTIAL

Thank you for taking time to complete this survey.
Your feedback is an extremely valuable part of this process.

1. Which best describes your horse involvement? (Choose one)
 - a. Recreation
 - b. Business
 - c. Hoses are secondary business
2. If you board horses at your facility, please answer the following
 - a. What is your charge for board per month per horse?
3. As of today, how many equine do you OWN on your property?
4. As of today, how many equine do you BOARD on your property?
5. Currently, how many of those equine that you OWN are located:
 - a. In Westchester?
 - b. In New York State?
 - c. Out of State?

(Note: To accurately provide the following data, you may find it helpful to refer to your 2007 tax information)

Total Gross Receipts:

2007 Equine Related Revenue	Gross Receipts in 2007 (Dollars)	Revenue Generated by a non-resident (Percent)
Boarding	\$	%
Equine Judging	\$	%
Equipment Sales	\$	%
Feed Sales (pasture, hay, etc.)	\$	%
Guest Farm/ Bed and Breakfast/ Tourism	\$	%
Leasing/ Renting Equine and Equipment	\$	%
Manure Sales	\$	%
Mare-Care	\$	%
Racing Purses	\$	%
Riding Lessons/ Clinics	\$	%
Rodeo Winnings	\$	%
Sale of Horses (including private sales, claimers, and auction purchases)	\$	%
Sales Preparation	\$	%
Show/ Competition/ Futurity Purse Winnings	\$	%
Stallion Service Fee	\$	%
Trail Riding/ Recreational Services	\$	%
Training/ Conditioning/ Day Rates	\$	%
Other Equine Related Income Specify:	\$	%
Other Equine Related Income Specify:	\$	%

(please see other side)

Westchester County
Agricultural Producers Survey
(see other side for equine operations)

1. **On farm investments in the last 5 years \$_____**
2. **What is your land and micro-climate particularly well-suited to produce?** (check all that apply)

Pasture____ Grain____ Hay____ Vegetables____ Orchard____ Other_____
3. **How would you define your growing practices?**

Organic, Certified ____
Organic practices, not certified ____
No till (restricted tillage systems that limit tillage to the area around the plant) ____
Conventional ____
Other ____ (Please specify_____)

Please place a checkmark indicating the answer which best represents your opinion.

	Strongly Agree	Agree	No Opinion	Disagree	Strongly Disagree
1. The County should do everything in its power to encourage the protection of farming and agricultural operations in the County.					
2. In the future, Planning and Zoning should allow for development of farmland for other uses than farming.					
3. The County should do everything in its power to encourage protection of farmland.					
4. The County should consider formal programs to assist in the preservation of farmland.					
5. The County should encourage development of homes on smaller lots where they are surrounded by permanently preserved open space or farmland.					
6. The New York Agricultural Assessment is important to my farm.					

ALL INFORMATION ON THIS FORM WILL BE KEPT CONFIDENTIAL

Thank you for taking time to complete this survey.
Your feedback is an extremely valuable part of this process.

Please return survey to:

Westchester Ag District
c/o ACDS
27 Elk Street
Albany, NY 12207