



Town of Bethel



Agriculture &
Farmland
Protection Plan



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Draft Town of Bethel Agriculture and Farmland Protection Plan

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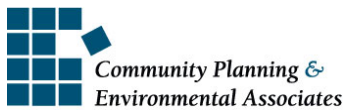
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Draft Town of Bethel Agriculture and Farmland Protection Plan

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**Draft Town of Bethel Agriculture and Farmland Protection
Plan**

Acknowledgements..... 1

Executive Summary..... 6

Introduction 9

 History of Agriculture Planning In New York..... 9

 Overview of the Planning Process..... 10

 Definition of Agriculture..... 11

 Status of Farming in Bethel..... 12

 Role of Agriculture in Bethel..... 13

Vision and Goals 14

Strategies 16

 Town Initiatives..... 16

 County Initiatives 26

 State Initiatives..... 28

 Recommended Strategies for Land Use..... 30

Implementation Steps..... 37

**Draft Town of Bethel Agriculture and Farmland Protection
Plan**

Appendix 1: Strengths, Weaknesses, Opportunities and Challenges Facing Agriculture 46

- 1. Buildout Analysis 46
- 2. Strengths, Weaknesses, Opportunities, and Threats..... 49

Appendix 2: Farms and Farm Resources 53

- 1. Farm Operations and Farmland 53
- 2. Snapshot of Bethel Farms and Farmland Owners from Survey 54
- 3. Highlights of US Census of Agriculture by Zip Code 58
- 4. County Trends..... 60
- 5. Ag Districts 61
- 6. Economic and Fiscal Conditions..... 61
- 7. Prioritizing Farmland for Protection..... 61

Appendix 3: Housing, Development and Demographic Trends..... 65

- 1. Housing and Development Trends 65
- 2. Demographic Trends 68

Appendix 4: Planning, Land Use Regulations and Agriculture 70

- 1. Town Comprehensive Plan and Agriculture 70
- 2. County Plans 71
- 3. Local Land Use Regulations 75

Appendix 5: US Agriculture Census Zip Code Level Data 85

Appendix 6. US Agricultural Census County Data 91

Appendix 7: Additional Details Related to Zoning and Subdivision Recommendations..... 95

Appendix 8: Maps 103

Draft Town of Bethel Agriculture and Farmland Protection Plan

List of Acronyms Used in Plan

Ag – Agriculture
AFPB – Agriculture and Farmland Protection Board
AG LDC – Agricultural Local Development Corporation
AML – Agriculture and Markets Law
BOCES – Board of Cooperative Education Services
CAFO – Concentrated Animal Feeding Operation
CCE – Cornell Cooperative Extension
CSA – Community Supported Agriculture
DHC – Delaware Highlands Conservancy
FFA – Future Farmers of America
IDA – Industrial Development Agency
LDR – Lease of Development Rights
LEED – Leaders in Energy and Environmental Design
NYS DAM – New York State Department of Agriculture and Markets
NYS DEC – New York State Department of Environmental Conservation
NYSERDA – New York State Energy Research and Development Agency
OSI – Open Space Institute
PDR – Purchase of Development Rights
SC – Sullivan County
TDR – Transfer of Development Rights
WAC – Watershed Agricultural Council
USDA – United States Department of Agriculture

Draft Town of Bethel Agriculture and Farmland Protection Plan

Executive Summary

The Town of Bethel sought and received a grant from the New York State Department of Agriculture and Markets to develop a town-level plan to protect and enhance agriculture. The grant tasked the Town to locate farm areas that should be protected, look at the value of farmland open space and the agricultural economy to the municipality, evaluate consequences of possible conversion, and describe activities, programs and strategies to promote continued agricultural use. A local committee was established in cooperation with the Town of Liberty to develop this Plan.

This plan is designed to offer the Town a toolbox of ideas and actions that can be implemented over time to improve agricultural opportunities in Bethel, preserve important farmlands, and maintain open lands as part of the landscape. Overall, the Ag Plan will give the Town:

- Additional leverage and success in receiving future State Aid;
- Assistance to local landowners who wish to participate in State or Federal purchase of development rights programs;
- A framework for the Town and interested landowners to promote farming and agri-tourism in town;
- Tools the Town and Planning Board can use during project review to protect farms to the maximum extent practical;
- A timetable for the Town to implement recommendations;
- Policies to establish agriculture as a critical land use in Town;
- Opportunities to identify new farm operations;
- Aid to help the Town maintain agriculture to promote healthy and local food.

“Ag” or “ag businesses” as used in this plan refers to agricultural operations, farms, and farming activities. “Agri-business” refers to those businesses such as machinery dealers, seed dealers and veterinarians that support agricultural operations.

What is included in the Plan?

1. Current status of farming: The Plan documents changes in farming over time and offers information about the economic and development pressures facing area farmers. The Plan presents a map showing priority farmlands so the town can target future programs to critical areas. A buildout analysis was done to illustrate the potential non-farm development capacity and building levels were analyzed to determine the conversion

Draft Town of Bethel Agriculture and Farmland Protection Plan

pressures on farmland. The Plan outlines issues facing farms including the milk price crisis, low profitability, and high production costs. A lack of understanding by the general public about agriculture, lack of a next generation of farmers, and new housing development pressures are other serious issues facing farmers.

2. Role of Agriculture in town: The Plan discusses the important roles that agriculture plays in the Town of Bethel, especially related to the economy, open space, rural character, and overall quality of life. The general public highly regards farms and how they contribute to the small town and rural character of the area. Farmers in particular, also recognize the important economic value of farms.

3. Farmland Prioritization: Criteria are established in the Plan to help prioritize agricultural lands based on farmland soils, agricultural activities, and development pressures. The priority map included in the Plan identifies critical areas where farmland protection and enhancement programs should be targeted.

4. Vision and Goals: The Plan establishes a long-range vision for agriculture in the Town that aspires for more profitable farms, more locally grown and supported foods, more involvement and understanding by the general public in agriculture, new land use patterns that support farming and prevent sprawl, and new, diversified farms and agri-businesses.

5. Strategies: The heart of the Plan is its comprehensive toolbox of potential actions that can be put to work to address the many issues facing agriculture. Over 70 different ideas are presented in the Plan. A set of foundation actions are recommended to be implemented immediately after adoption of the Plan. These strategies, including formation of an inter-municipal Agricultural Implementation Committee (Liberty and Bethel), are necessary to lay the foundation for success of future actions. The remaining strategies include economic development ideas, policy and regulation improvements, education and communication actions, and farmland preservation strategies suggested at the Town level. Because the success of this effort is in part based on regional efforts, County and State level strategies are also offered to support local initiatives. The Plan analyzes current land use regulations and makes specific recommendations aimed to help make zoning and subdivision laws more farm-friendly and supportive of ag businesses. In addition, new techniques such as transfer of development rights, conservation subdivisions, and purchase or lease of development rights are suggested. Helping match farmers to landowners who have farmland, promoting agricultural entrepreneurs, and helping new farms and

Draft Town of Bethel Agriculture and Farmland Protection Plan

farm expansions are central concepts included in the economic development strategies.

6. Implementing the Plan: All recommendations are included in a table to help the Town Board implement their plan. Each strategy has a priority, and agency or committee assigned to help with implementation.

Draft Town of Bethel Agriculture and Farmland Protection Plan

Introduction

History of Agriculture Planning In New York



In 1992, the State adopted the Agricultural Protection Act which strengthened farmers' right-to-farm. This Act placed greater scrutiny on state projects that could negatively impact agriculture, and authorized development of county farmland protection plans. Article 25-aaa of this act helps to sustain the farm economy and promotes local initiatives to protect agriculture and farmland in New York State. This section authorized the creation of county Agriculture and

Farmland Protection Boards (AFPB). These boards advise their county legislatures on actions that impact farms located in county agricultural districts. Sullivan County established their AFPB by legislative resolution in November of 1992.

County Agriculture and Farmland Protection Boards are authorized to:

- ✓ Advise their county legislature about agricultural districts;
- ✓ Review notice of intent filings;
- ✓ Make recommendations about proposed actions involving government acquisition of farmland in agricultural districts;
- ✓ Request review of state agency regulations that affect farm operations within an agricultural district; and
- ✓ Review and endorse applications for New York Purchase of Development Rights (PDR) funding.

New York State legislation modified the agricultural protection programs (Article 25-aaa) in 2006 to authorize local towns to develop agriculture and farmland protection plans (Section 324-a). The law requires that local plans include identification of land areas proposed to be protected, analysis of those lands related to their value to the agricultural economy, open space

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value, consequences of possible conversion, and level of conversion pressure, and a description of actions intended to be used by the municipality to promote continued agricultural use. The State established a funding program to assist local municipalities with the development of these plans.

Overview of the Planning Process

The planning process in the Town of Bethel was initiated in November 2007 when the Sullivan County Department of Planning and Environmental Management, on behalf of the Town, submitted a grant proposal to the New York State Department of Agriculture and



Markets for funding to develop this plan. This funding was awarded in 2008 as a collaborative and joint planning process between the Town of Liberty and the Town of Bethel. Throughout the process, the Town of Bethel has worked in partnership with Liberty by sharing a Steering Committee and implementing a completely integrated planning process. This was conducted with the understanding that the process would result in separate documents individualized to each Town. In 2008, the Town hired a planning consultant to assist in development of the plan. Work began in August, 2008.

Planning activities in the Town of Bethel included the following steps:

1. Documented the current conditions of farms and farmland in Town.
2. Identified public as well as farmer/farmland owner attitudes towards agriculture
3. Identified trends and issues facing agriculture.
4. Identified needs and opportunities and wrote a vision statement and a set of goals for agriculture.
5. Developed specific strategies to help the Town reach its agricultural vision and goals.
6. Developed a priority ranking system to identify locations that are critical to continuing agriculture in Bethel.

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7. Developed a full plan document that meets the statutory requirements of Section 324-a of Article 25- aaa of the New York State Agriculture and Markets Law.

A variety of public input activities took place as part of the planning process including meeting with the agricultural stakeholders to explore strengths, weaknesses, and opportunities related to agriculture, working with a farm focus group, conducting a survey of farmers, farmland owners, and agri-businesses, conducting in-depth interviews with representatives of a variety of agricultural oriented groups, businesses, and agencies, and conducting public meetings to present the plan and hear comments from the public and farmers.

Definition of Agriculture

Agriculture is defined and interpreted in different ways for different purposes. Defining agriculture to determine what operations or locations may be eligible for incentives, funding, or incentive programs is an important function of this plan. Town land use laws may define agriculture one way for determining what, where, and how agriculture is regulated through zoning. New York State defines agriculture from the perspective of the Agriculture and Markets Law related to the State Ag Districts and Ag Exemption programs.

As a result of the farm and farm business survey, interviews, public workshop and farm focus group meetings, the following broad definition of agriculture was developed to include a wide variety of agricultural operations:

Agriculture includes equipment, processing facilities, on-farm buildings, manure processing and handling, and practices that contribute to the production, preparation, or selling of crops, livestock, and wood products, including commercial horse boarding operations and compost, mulch or other biomass operations. Agriculture is an activity that produces food, fiber, animal products, wood products, and other goods and services from the land including but not limited to maple syrup, bee products, and Christmas trees. The Town of Bethel recognizes that there are different kinds of farms: hobby or subsistence farms that produce agricultural goods but whose intent may not be as a business, and production or commercial farms that operate with the intent to make a profit as a business. Both kinds of farms are working landscapes that help maintain the rural character and the economy of the Town.

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Status of Farming in Bethel

Appendix 1 and 2 offer many details about farms, the farm economy, and development in Bethel. A summary of this data points out several significant characteristics of farming in Town:



- There are 10,141 acres of land farmed in Bethel on 212 parcels of land. Of those 212, 40 are considered farms and coded as such by the Town Assessor.
- Of the 212 parcels of land being farmed, about 171 parcels (6,721 acres) are rented for farming activities.
- The average size of a farm is 48 acres.
- By acreage (in order from most to least acreage), farmlands are predominated by dairy farms, field crops, horse, livestock and then truck crops.
- There are 2,991 acres of prime farmland soils in Bethel. Of that, 480 are farmed.
- There are 28,196 acres of soils of statewide importance in Bethel. Of that about 6,824 are farmed.
- The NYS Ag District in Bethel encompasses about 22,500 acres of land. Of that, 9,111 are farmed on 193 parcels of land.
- About 15% of Bethel farms sell at farmers markets.
- According to the survey, of 33 farms who responded, at least 171 people are employed as a result of Bethel agricultural operations.
- The number of farms in Bethel indicating that the farm operation is the farmers principal occupation has decreased over the past decade.
- Since 1990, 869 new homes have been built in Bethel and 727 new lots created. There has been an 18% growth rate in population.

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However, there are about the same number of farms and Bethel has not seen the decrease in farms as in other nearby towns.

- The total market value of lands considered farmlands in Bethel is about 7.9 million dollars. The average market value is about \$198,000. Poultry farms had the highest assessed value while field and truck crops had the lowest.

Role of Agriculture in Bethel

Agriculture plays many important roles in Bethel. The following were identified through public input including the public workshop, and farmer meetings. These are listed in order as prioritized by workshop participants:

1. Farms contribute to the local economy through sales of agricultural products, and tourism. Since farms pay more in local taxes than they demand in public services, agriculture helps maintain the fiscal health of the Town. Farms support other local businesses in the region and there is a large multiplier effect of agriculture on the area's economy.
2. Farms add to the quality of life and are a foundation of the county.
3. Farms are working open spaces that enhance the diversity of the landscape, and contribute to the rural character in Bethel. Farms are important open spaces, contribute to scenic views, and add to the beauty and culture of the Town.
4. Farms will play an even more important role in the future as rising energy prices in the future will limit the distance food can come from. This will make local food sources critical.
5. There is a growing recognition of the importance of locally produced food from a safety and nutrition perspective.
6. Residents like knowing farms are there and seeing farm animals.
7. Agriculture plays an important role historically in the area.
8. Farms are important in continuing to attract visitors to the area.

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Vision and Goals

The following statements, developed by farmers and the general community as part of the public input for this plan, capture the hopes and desires for agriculture in Bethel:

- Agriculture becomes part of everyone's everyday existence.
- Agriculture will be the pride of our county.
- Farmers have greater knowledge of land preservation opportunities.
- Farms will be more profitable and will be the pillar of local economy.
- Farms will be viable and part of who we are.
- Foods can be grown and processed locally.
- More education about food and agriculture should be available to foster better connections to local farms.
- Sustainable agricultural practices are supported and encouraged.
- The development pattern will be more concentration of density in the village surrounded by open space and farms.
- There will be a diversified agricultural base and farms will take advantage of agri-tourism opportunities.
- There will be improved distribution of foods locally.
- There will be more agri-businesses.
- There will be more protected farmland.
- Zoning and local policies facilitate farms and agri-businesses.

These sentiments were summarized and incorporated into a unified statement, below, that represents the vision for the future of agriculture in Bethel:



Draft Town of Bethel Agriculture and Farmland Protection Plan

In 2020 the state of Agriculture will be:

Agriculture is appreciated as working open space and for its intrinsic contribution to Bethel economy, environment, community character, health, history, culture, and our quality of life. Our Town supports a wide diversity of profitable farms from niche farms and horticulture, to traditional dairy and livestock farming operations. Lands remain available for active agriculture. More farmers capitalize on local and regional markets and add value to their products. New and sustainable agri-business and agri-tourism investments in the area are promoted. Farmers and farmland owners are supported in their efforts through agri-friendly land use policies and regulations. Agriculture in Bethel is firmly integrated into our everyday lives.

Goals

- To enhance agriculture as an important economic contributor in the Town and promote agricultural diversity, viability, and profitability.
- To increase community support, awareness and appreciation of agriculture, and cultivate an appreciation of the many roles agriculture plays in our Town.
- To implement and promote local policies and programs that support and encourage a diversity of viable farm operations.
- To promote and preserve agriculture as working open space and a critical land use that protects our Town's rural character, scenic beauty, and quality of life.
- To preserve currently dormant but potentially valuable farmlands for future agricultural use.
- To eliminate conflicts between farm operations and other land uses.
- To promote woodlot management and preserve woodlands for forest-related agricultural activities.



Draft Town of Bethel Agriculture and Farmland Protection Plan

Strategies



This section details a variety of actions that should be taken to implement this Plan. The actions are organized as local, county and state initiatives.

Local initiatives are those that will be carried out by the Town. These are organized into two kinds – Foundation Actions and Strategic Actions. In order to be successful, the Town should concentrate its initial efforts to implement the foundation actions.

Foundation actions are those that “set the stage” and establish a solid foundation to enable other, more detailed actions to take place. The **Foundation Actions**, when implemented, establish the leadership and structure needed to effectively carry out the other more topic-oriented actions. **Strategic Actions** are topic-oriented and are specific to meet one or more of the goals established in this plan.

Town Initiatives

1. Foundation Actions

- A. Formally adopt this Plan as a part of the Town Comprehensive Plan. This could be as an appendix or addendum to the existing plan.
- B. Continue the inter-municipal cooperation and regional planning efforts initiated with the creation of this Plan. Create a formal inter-municipal agreement between at least the Towns of Bethel and Liberty and explore cooperation with adjacent towns to establish the leadership, scope of work, and procedures to implementing this plan.
- C. Establish an advisory Agricultural Implementation Committee and appoint members to represent farmer, open space, agri-business, and local government interests. This advisory committee should be an appointed, standing committee of the Town that is responsible for representing the farm community, encouraging and promoting agricultural-based economic opportunities, and preserving, revitalizing, and sustaining the Town’s

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agricultural businesses and land. The Town Board should assign terms of service, establish a time table and benchmarks for different actions as per this plan, establish a mission statement for the committee, and outline expectations for how the two will communicate with each other. This committee should be this Plan's implementing body, and should report regularly to the Town Board. Ideally, this committee should be shared between at least the Town of Liberty and Bethel to assist both in implementing their plans. A multi-town committee could have sub-committees oriented to specific actions that may be needed for each town. This Committee should coordinate and work closely with the County agricultural economic development staff. Of prime importance should be to promote small farms and dairy farms.

D. Consider hiring a part time person to serve as staff to the agriculture implementation committee. Funding this staff person will be most feasible if the costs are shared by multiple towns. A multi-town Agriculture Implementation Committee facilitated by one staff person could be very effective.

E. Aggressively advocate to Sullivan County (County Manager, Legislators and staff and the Agricultural and Farmland Protection Board) the critical need to fully implement the County Agriculture and Farmland Protection Plan. Work to elevate the importance of that Plan with Sullivan County officials.

F. Aggressively advocate to New York State (Department of Agriculture and Markets, Legislators, and Governor) the critical need to implement the state-level actions identified in this Plan.



G. Seek funding for implementing this Plan. Funding sources, especially public-private opportunities to be explored include, but are not limited to:

USDA: Has a variety of loans and grant programs including the Value-Added Producer Grant and the Rural Business Enterprise and Rural Business Opportunity programs.

NYS DAM: Has a variety of loans and grant programs including the Agri-Tourism Project, Specialty Crop Block Grant, Farmers Market Grants, SARE Farmers/Grower Grant Program, Grow NY including Ag Research

Draft Town of Bethel Agriculture and Farmland Protection Plan

and Development Grants, Farmland Viability Grants, Enterprise Program, and Non-point Source. Abatement and Control Grants
NYS DEC: Offers the Environmental Farm Assistance and Resource Management Program.

NYS Office of Small Cities: Offers Community Development Block Grants.
Sullivan County IDA – Has agriculturally oriented revolving loan funds, and the Agriculture Local Development Corporation that currently exists to provide incentives and tax benefits for new and expanding agricultural businesses.

NYSERDA: Offers Innovation in Ag Grants.

Watershed Agricultural Council: Offers funding for farm development and environmental protection programs on farms within the New York City Watershed.

Other sources of funding to explore include but are not limited to the Sullivan County Chamber of Commerce, Sullivan County Partnership



for Economic Development, Pure Catskills, and LEED Certification (for agricultural structures).

H. Implement farm and farmland related strategies recommended in the Town Comprehensive Plan. Keep both the Town Comprehensive Plan and this Agricultural Plan updated by reviewing and updating as needed every five years.

- I. Support programs, organizations, and agencies that assist farmers and farmland owners. These include but are not limited to Cornell Cooperative Extension, Soil and Water Conservation District, Natural Resource Conservation Service, Sullivan County Agriculture Economic Development, Sullivan County IDA, Sullivan County Agricultural Local Development Corporation (Ag LDC), Rural Economic Area Partnership, Delaware Highlands Conservancy, and Pure Catskills.
- J. Successful implementation will depend on a team approach. Coordinate implementation efforts with partners including, but not limited to Cornell Cooperative Extension of Sullivan County, the SC Soil and Water Conservation District, USDA Natural Resource Service, SC Agricultural and Farmland Protection Board, Open Space Institute, Delaware Highlands Conservancy, Sullivan Alliance for Sustainable Development, and the Catskill Mountainkeeper.

Draft Town of Bethel Agriculture and Farmland Protection Plan

- K. Stress the importance of agriculture in all Town functions. Use every opportunity to convey the importance of agriculture to the Town including implementing this Plan and using Town websites, newsletters, offices, press releases, etc.

2. Strategic Actions

A. *Topic: Economic Development*

- (1) Provide information to farmers and farmland owners regarding tax relief programs that are available. Maintain copies of brochures and other information in Town Hall on these programs as well as land trusts, new farm marketing and start-up information, etc.
- (2) Ensure that the Town Assessor, farmers and farmland owners have up-to-date information on the tax relief programs and make this available to farmers.
- (3) Work with the Sullivan County Agriculture Economic Development Specialist to promote economic development programs including, but not limited to:

- a. agricultural cooperatives,
- b. ag economic development zones,
- c. utilize existing empire zones to maximize enhancing status for agricultural cooperatives and other ag businesses. (As of



2004, agricultural cooperatives are eligible to be granted Empire Zone status, allowing them to receive current tax incentives for the creation and retention of new jobs. Agricultural cooperatives are comprised of farmers located in a specific region of the State who organize to market a bulk agricultural commodity. A number of dairy cooperatives exist in New York State.) Businesses operating inside a zone are eligible for a range of tax benefits that are applied against new capital investments. Benefits include tax reduction credits, real property tax credits, sales tax exemptions, wage tax credits, and utility rate reductions, among others.

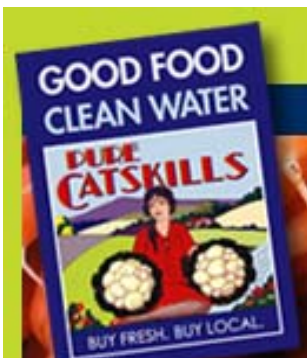
- (4) Promote agricultural entrepreneurship within the Sullivan County Partnership for Economic Development. Work with staff and their Board of Directors to build awareness of agricultural businesses and the role they play in the economic health of Sullivan County. This

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already-developed and successful private/public economic development effort could support agriculturally related businesses and farm operations as part of their stated mission because they already have programmatic structures such as revolving loan funds in place. There is an opportunity to improve the status of agri-business in the region through this program.

- (5) Work with Sullivan County and expand the Sullivan County Agri-Business Revolving Loan Fund. This targets entrepreneurial, emerging and expanding agri-businesses and is available to agri-businesses for establishment or expansion in Sullivan County. Review their definition of eligible agri-businesses and ensure that production agriculture, not just processing facilities are included so that it could be used to promote additional farming operations. The loan may be used to purchase capital goods, such as:
 - o Inventory (including livestock)
 - o Machinery and Equipment
 - o Furniture
 - o Fixtures and Signage
 - o To make leasehold improvements directly related to needs of business and working capital.
- (6) Work with Cornell Cooperative Extension to create a clearing house of information including websites, and educational materials that can be used to help new farming and ag business start-ups. Tie this into existing extension efforts such as the new farm start-up program.


Many materials have already been developed by a variety of agencies and organizations. These materials should be consolidated into a single “one-stop-shopping” as a small farm marketing and business development tool kit.



- (7) Promote local branding and the “Pure Catskills” brand. The “Pure Catskills: Buy Fresh, Buy Local” and the “Made in the Sullivan County Catskills” are existing brands that could be promoted and more effectively utilized. However, evaluate if there are advantages to having an additional brand specific to agriculture. The Town should evaluate the effectiveness of these brands and consider developing an agricultural-based one if needed.
- (8) Inventory and develop a method to advertise all farms in the Town.

Draft Town of Bethel Agriculture and Farmland Protection Plan

Consider the following ideas:

- a. Use the Town website as marketing for area farms with text and pictures that capture the agricultural character of the Town.
 - b. Create a local regional farm inventory website that includes location, products, availability, prices, etc.
 - c. Encourage farmers to become members of Pure Catskills and increase the number of farms in Town that are listed in the Sullivan County Catskills and Pure Catskills brochures.
 - d. Work with local farms and encourage them to be listed in the New York MarketMaker website. This is an interactive mapping system that locates businesses and markets of agricultural products in New York, and provides a link between producers and consumers. <http://ny.marketmaker.uiuc.edu>
 - e. Create a map and guide showing farms and farm markets in the county.
 - f. Organize farm tours, especially for local and county elected officials.
- (9) Use the Grow NY and Pride of NY materials to promote fresh foods and agriculture. Provide restaurants and businesses that buy or sell local food products with promotion materials that advertise Sullivan County fresh, local foods. (See NYS Department of Agriculture and Markets website).
- 
- (10) Work with Sullivan County and the Sullivan County IDA to finish development of the Southern Catskills Red Meat Processing Facility, in Liberty.
- (11) Establish a program to encourage entry of young and new entrepreneurial farmers into agricultural businesses. Consider the feasibility of using a Lease of Development Rights program (LDR, see below) for this purpose. An LDR could provide tax incentives for 10 years if farmers voluntarily agree to a term conservation easement and active farm operations for that time period.
- (12) Work with the Sullivan County IDA to enhance funding opportunities in the forms of loans, grants, and tax incentives directly for new farm,

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farm expansion, and ag-business development. Work to expand the Ag Local Development Corporation that currently exists to provide incentives and tax benefits for new and expanding agricultural businesses. Promote agricultural business development in this agency so that the same incentives are given to farms and ag businesses as other businesses.

- (13) Explore the feasibility of alternative agricultural opportunities such as aquaculture, and a kosher market in the region.
- (14) Partner with The Center for Workforce Development program, FFA, and establish a local intern program to help provide and train a skilled agricultural workforce.
- (15) Promote value-added farming, CSA's, niche farming, and agri-tourism opportunities with landowners and farmers. Use existing resources such as the Agricultural Marketing Resource Center (www.agmrc.org) and the Small Scale Food Entrepreneurship program (www.nysaes.cornell.edu) to help.
- (16) Work with Sullivan County to enable provision of cable and high-speed internet access to all locations in the Town.
- (17) Facilitate formation of buying cooperatives so farmers can pool resources together for lower costs of products and machinery.
- (18) Help local value-added food producers explore for-rent community kitchens such as the Hudson Valley Food Works (<http://hudsonvalleyfoodworks.org>) or other similar operations. The Hudson Valley Food Works is a facility that offers six separate but contiguous production spaces for rent, including well-equipped commercial kitchens, bakery and bottling lines and cooled packaging areas. They accommodate special production needs, including USDA and Kosher and have areas for shipping and receiving and secured spaces for dry storage, refrigeration and freezers. As the local need increases, consider developing, supporting, and marketing a similar multi-town or county-wide community kitchen.
- (19) Promote renewable energy such as solar, wind, and geothermal to take advantage of alternative energy options that will reduce energy costs of farms.

Draft Town of Bethel Agriculture and Farmland Protection Plan

B. Topic: Policies and Regulations

- (1) Develop a “farm-friendly” regulatory environment in Town. See Recommendations for Land Use, below.
- (2) Use NYS Town Law 271.11 and appoint a farmer to serve as a member of the Planning Board to ensure that the agricultural perspective is included in the planning process.
- (3) Educate local realtors about the Ag Disclosure Notice and the critical role they play in informing new land buyers about agricultural practices.
- (4) Develop a brochure that summarizes zoning and other land use requirements as they relate to farms and agricultural businesses and distribute to farmers and farmland owners.

C. Topic: Education and Communication



- (1) Establish an education campaign to publicize the value of farming to the total community and improve public understanding of farm practices. Concepts to concentrate on include the role of agriculture in the community (aesthetic, environmental, recreational, and economic), and the role agriculture plays in the broader open space of the community. Education needs to be three-pronged: for the general public, for local and county elected officials, and for farmers. Some ideas to consider include, but are not limited to:
 - a. Work with the County to continue establishment of an Agricultural Visitors Center with a working farm as a learning center;
 - b. Facilitate farm tours, for the general public and elected officials;
 - c. Work with school districts that serve Town residents and establish Farm-to-School, school-based gardens, and farm-based school trips;
 - d. Support local farmers markets and events to promote farms;
 - e. Include links on the Town website to local farms and farm events;

Draft Town of Bethel Agriculture and Farmland Protection Plan

- f. Create welcome packets for new residents with maps, coupons, and other farm-related promotional materials, including information about farm practices, the agricultural district law, the ag disclosure statement, local regulations and plans, and right-to-farm laws.
- g. Work with Cornell Cooperative Extension and other agencies and organizations to help farmers learn ways to promote positive farmer/non-farm neighbor relationships.
- h. Provide for training of the Planning Board in agricultural topics. This should count toward their required four hours of training.
- i. Promote youth education programs oriented to agriculture such as 4-H and FFA.



- (2) Work with Cornell Cooperative Extension and other agencies and organizations to coordinate a regularly held but informal farm focus group for Town farmers. Two or three times a year, invite farmers to the Town Hall for a lunch-time meeting to discuss farm-related issues and to provide information or training. If this is done at a town or bi-town scale, farmers might be more apt to take an hour to participate.
- (3) The agricultural community should have an increased voice as local businesses in the area chambers of commerce. Encourage the Sullivan County Chamber of Commerce, Liberty Chamber of Commerce, and the Bethel Business Association to reach out and recruit farms as members. Farmers should be educated about the benefits of Chamber membership.
- (4) Address gas drilling via educational programs and materials designed to help people learn about the various options and issues related to it.

D. Topic: Farmland Preservation

- (1) Support landowners who desire to use conservation easements to protect their farmland properties.
- (2) Establish a Purchase of Development Rights program (PDR). Use the

Draft Town of Bethel Agriculture and Farmland Protection Plan

prioritization map and criteria to direct funds to the critical farmlands first. Lands should be preserved with conservation easements.

- (3) Establish a Transfer of Developments Right Program (TDR). Ensure that preserved areas include high priority farmlands as shown on Farmland Prioritization Map.
- (4) Establish a Lease of Development Rights Program (LDR). Use the Priority Farmland Map to assist in determining critical locations to direct this program towards.
- (5) Use development density incentives to encourage preservation of important farmlands as identified on the Farmland Prioritization Map showing priority farmlands.
- (6) Connect land sellers and buyers to promote available farmlands for sale or rent to other farmers. Develop a program modeled on the Jefferson County "Come Farm with Us" program (www.comefarmwithus.com). Promote farmlands as potential niche farms to urban residents seeking a rural business opportunity.
- (7) Promote use of formal farmland rental agreements between farmers and farmland owners to stabilize availability of rental lands. Rental agreements are mostly verbal and informal agreements but farmers indicated a great deal of concern about continued availability of rented land.



- (8) Use this plan's farmland prioritization system for purposes of targeting PDR, TDR, LDR, incentive programs (mentioned above) and other farm-related programs to the critical mass of farmland in the Town. (See Farmland Prioritization criteria and map).
- (9) Develop non-consumptive model leases (example recreational leases and hunting leases) to promote maintenance of open lands.

Draft Town of Bethel Agriculture and Farmland Protection Plan

County Initiatives

- (1) Promote and expand the County IDA's program to retain existing farms and expand new farming and agri-business opportunities. (See also Strategy 2 (A) above).
- (2) Update the County Agriculture and Farmland Protection Plan and commit to full implementation of it. Add more detail, time frames, and to-do-checklists to aid in implementation.
- (3) Facilitate more interaction between County legislators and the farming community.
- (4) Continue to fund the County agricultural economic development efforts.
- (5) Support with staff, funding, and leadership the various town initiatives outlined in this Plan.
- (6) Direct IDA policies to target more than agricultural infrastructure and processing, but farm retention and expansion. Emphasizing dairy and livestock farm initiatives is critical.
- (7) Reach out and ensure that the farmers and farmland owners are familiar with county-level programs and opportunities. Provide additional information and training of local officials about the Ag District Program, its purposes, and its requirements.
- (8) Evaluate the feasibility of developing a farmer-supported, but county-facilitated farm produce distribution network that would aid moving farm products to restaurants, farm markets and other retail opportunities. Interviews for this Plan indicated that some potential markets do not have easy access to local products.
- (9) Provide up-to-date county-based information on the cost/benefits of conservation easements that protect farmland.



Draft Town of Bethel Agriculture and Farmland Protection Plan

- (10) Enhance presence of agriculture and locally grown products on the Sullivan County Visitors Association website. Agriculture should have a more prominent role in tourism. The website currently has opportunities for people to request brochures on county antiques, pottery, gay-friendly businesses, and historic sites, but nothing about agriculture. Some agricultural events and businesses are included on the site, but not as many as included in the Made in the Sullivan County Catskill brochure.
- (11) Promote agricultural education at local schools and in the community colleges, and through youth programs such as 4-H.
- (12) Develop and maintain an up-to-date list of all farms in Sullivan County.



Draft Town of Bethel Agriculture and Farmland Protection Plan

State Initiatives

- (1) Provide additional incentives to landowners who rent their land for farmland to maintain the rented land farm base.
- (2) Create additional funding streams to assist towns and counties to implement the ag and farmland protection plans the State has already sponsored.
- (3) Lower the gross sales limits a farmer needs in order to be eligible to receive ag assessments (currently \$10,000 or more if 7 acres are farmed or \$50,000 if less than 7 acres are farmed).
- (4) Increase the Farm to School initiatives.
- (5) Expand local options for raising funds for PDR and LDR programs including allowing for use of real estate transfer taxes.
- (6) Provide funding to reduce farm production costs through use of on-farm methane digesters and solar or small wind facilities to reduce energy costs for farms.
- (7) Allow local governments to use the penalties that are collected when land that has received ag assessments is taken out of production to be used for local PDR funding and other new farm incentives.
- (8) Create county by county information on cost of services, cost/benefit analyses, economic multipliers, and fiscal impacts of land conversion. This information is important to help local governments understand the implications of farms and farmland loss to their communities.
- (9) Develop mechanisms to help local communities bring their local planning to be more consistent with the Ag Districts Program.
- (10) Provide additional information and training of local officials about the Ag District Program, its purposes, and its requirements.
- (11) Provide a mechanism, possibly through Cornell Cooperative Extension, to provide specific business plan development and marketing support for direct sale, niche farming, and value added operations.
- (12) Change state level policies that require creation of new jobs as part of



Draft Town of Bethel Agriculture and Farmland Protection Plan

the ranking criteria for economic development project proposals.

- (13) Provide more training for local officials using up-to-date technology such as webinars on a variety of topics including:
 - a. Valuation of farm properties (assessors);
 - b. Provisions of Ag District Law;
 - c. Operational details of farmland protection;
 - d. Farmland protection techniques for towns and their attorneys; and
 - e. More tools and models for local leaders to help them effectively incorporate agriculture into their plans, codes and ordinances. Create a real toolbox that the average volunteer local official can easily and readily adapt to their situation.
- (14) Initiate state level programs to plan for local "foodsheds" to ensure that New York can "feed itself" in the future.
- (15) Establish a "farm viewshed protection program" by providing for tax incentives to farmers who maintain open farmland that are within public viewsheds (from State highways).

Draft Town of Bethel Agriculture and Farmland Protection Plan

Recommended Strategies for Land Use¹

A. Zoning Law (Section 345)

1. Section 5: Add to definitions a wide variety of agriculture terms and uses Agriculture, Agri-tourism, small farm (see suggestions, below), distillery, farm woodland, and hobby farms. Consider including the definitions of Chapter 160 (Right to Farm Law) as new, agriculturally-oriented definitions in the zoning. Revise definition for open space to also include agriculture and active agricultural fields as valid open space uses. The open space features included in section 24 should be the basis for the definition of all open space terms used in the law. Consider revising the definition for High Density Swine and Poultry to be consistent with the NYS CAFO regulations. Add definitions for sludge lagoon, landfill, and waste-holding facilities.



2. Section 24 (Conservation Subdivisions).
 - a. Include identification and protection of prime farmland soils and soils of statewide importance in the preserved open space as resources of importance. Application materials should require identification as to whether the parcel is within the NYS certified Agricultural District.
 - b. Include a set percentage required for open space preservation and not use the vague “substantial open space areas”.
3. Section 29 (Timber Harvesting Permits). Consider extending the farm exemption from a timber harvesting permit from just “land clearing for purpose of growing agricultural products” to “land clearing for purposes of growing agricultural products and farm woodland operations. Farm woodland can be defined as per NYS AML 25-aa.

¹ See Appendix 4 for full text of the regulatory audit that shows the explanation and rationale for these recommendations. All strategies listed here are for the consideration of the Town of Bethel and not mandatory.

Draft Town of Bethel Agriculture and Farmland Protection Plan

4. Section 30 (Special Uses).



- a. Consider adding identification of agricultural activities and active ag fields to the list of features to be included on the proposed site plan.
- b. Amend zoning to include the Agriculture and Markets Law (AML) 25-aa requirement for use of the agricultural data statement (see suggestions, below) for projects undergoing site plan and special use permit review.
- c. In sub-section I, add as a Planning Board consideration that they review the affect the proposal will have on agriculture in a district where agriculture is an allowed use in that district (see suggestions, below).
- d. In sub-section J, add as a Planning Board requirement that they determine the impacts on agriculture where agriculture is an allowed use in that district.

5. Section 31 (Site Plan Review).

- a. Sub-section (E). Consider adding the location of the NYS certified Agricultural District boundary and active agricultural operations to the list of features to be identified on the site plan. Also, add to the list of requirements the AML required Ag Data Statement.
- b. Sub-section (F). Consider adding that the Planning Board will consider the impact of the proposed project on agriculture when agriculture is a permitted use within the district.
- c. Sub-section (G). Consider adding a requirement that when a project occurs in the NYS certified Ag District, the ag data statement is to be used to identify and notify farmers in the district that are within 500 feet of the boundary of the project about the public hearing.
- d. Consider adopting the model site plan requirements for certain larger scale agricultural uses as suggested in the New York State Department of Agriculture and Markets *Guideline for Review of Local*

Draft Town of Bethel Agriculture and Farmland Protection Plan

Zoning and Planning Laws (see Appendix 7) and continue to have this review with the Bethel Building Department.

6. Schedule I (Use Table).

- a. It is recommended that the dimension requirements for farm operations and some of the other agricultural uses be removed or amended to be less restrictive in the Ag district. Consider adding a note in the table to correspond to the text that farm structures are exempt from the height requirements.
- b. Consider removing the 20% lot coverage requirement for farm structures as large barns or greenhouses may exceed that.
- c. Clarify the purpose statement of the RD District (see Appendix 4 for description of concern).



Draft Town of Bethel Agriculture and Farmland Protection Plan

Other Zoning Recommendations for Bethel to Consider:

1. Recognizing the results of and impacts related to the potential long-term buildout of Bethel (See Appendix 3), the Town may want to consider alternative methods to attaining a density that may be even more supportive of agriculture, Bethel could consider one or more of the following planning tools oriented to siting of new homes and density:

Sliding scale zoning limits the number of times that a parent parcel (a parcel existing on the date of ordinance adoption) can be split, based on its size,

Sliding scale zoning allows some non-farm residential development without special land use or other reviews. Sliding scale zoning can be useful in agricultural areas where there are significant development pressures and land speculation. The use of sliding scale zoning is most effective in areas where a wide range of parcel sizes exist and non-farm residential development has already begun to occur.

Sliding Scale (Example)	
Area of Lot of Record	Maximum Additional Lots Permitted
1 to 10 acres	1
10.1 to 20 acres	2
20.1 to 40 acres	3
40.1 to 80 acres	4
80.1 to 160 acres	5
160.1 to 320 acres	6
over 320.1 acres	7

Consider methods to reduce density of residential development in Town and direct that development to locations suitable for denser development. Consider one or more of the following tools (additional detail is offered in Appendix 4):

a. Use Average Lot Density: Do not require a minimum lot size, but instead rely on an average density to be attained over the entire parcel being developed. Minimum lot sizes can be as small as allowed by the Department of Health for septic systems or even smaller if sewers were provided for.

b. Reduce Density Using a Sliding Scale: This technique sets a density of development based on the size of the parcel to be divided. (See sidebar, this page.)

c. Reduce Density by Using Net Acreage: This removes lands on a parcel having certain characteristics such as wetlands, open water, very steep slopes, or prime farmlands from being included in the calculation for how many new residential units the parcel is eligible for.

- d. Reduce Density but give it back with Incentives: For conventional subdivision development with no open space protections, reduce the allowable density of development compared to existing regulations. Offer a density bonus if the applicant proposes a clustered subdivision, participates in a Transfer of Development Rights program, or otherwise protects agricultural lands in Town. A density bonus process that offer incentives for development could be added to zoning. Incentives could be offered for use of conservation easements, purchase and preservation of farmland off-site, use of

Draft Town of Bethel Agriculture and Farmland Protection Plan

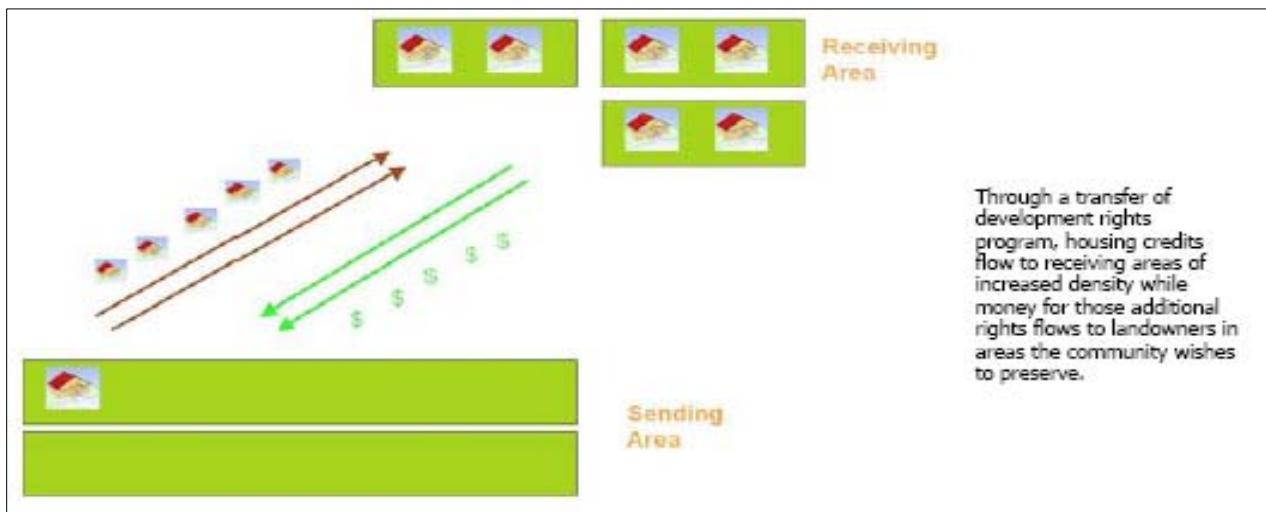
conservation subdivisions, use of clustered subdivisions, or a participation in a transfer of development rights program, for example.

- e. Mandate use of cluster/conservation subdivision for all subdivisions over 5 lots or at a minimum, or authorize the Planning Board to require such subdivisions for large developments if the environment or agriculture can be better protected than with a conventional subdivision. The criteria for this would be outlined in the zoning.



- 2. Initiate a Transfer of Development Rights (TDR) Program. This program should include the following concepts:

- a. A density bonus should be given when a TDR takes place. The TDR program should create a demand for density bonuses.
- b. Receiving areas should have adequate infrastructure, be politically acceptable, compatible with existing development, and be clearly designated and in a location where developers perceive a market for higher density. Receiving areas should be in the RS, RD-R, SR or perhaps within higher density locations already within the RD districts.
- c. Sending areas must have strict regulations and lower densities for TDR to work. Too high a density in the sending area will make the TDR option not favorable. Sending areas should be priority farmlands in the AG District.



Draft Town of Bethel Agriculture and Farmland Protection Plan

- d. The TDR program should be as simple as possible and set up to give developer's certainty in the planning and review process.
 - e. Consider use of a TDR bank. This is an entity officially authorized by the community to buy, hold and resell TDR's. The bank can acquire TDRs from sending area landowners who cannot find private buyers. It can establish and stabilize TDR prices, facilitate transactions, and market the program. Further, a TDR bank can create a revolving fund by buying TDRs, selling them, and using the proceeds to buy more TDRs.
3. Require Agricultural Buffers be placed when a non-agricultural use is proposed immediately adjacent to an existing farm operation or agri-business. This buffer would be the responsibility of the new, non-farm use. This is similar to the requirement for buffers that is already in the zoning law between residential and commercial uses. The size of the buffer should be site-specific and tailored to the specific conditions.
 4. Consider adding in a density bonus as an incentive to promote use of conservation subdivisions – especially when farmlands are preserved. This would give the Town the ability to offer an incentive to make it more attractive for a developer to use the conservation subdivision technique. (See also above).
 5. For the AG district, consider adding rural siting standards to help direct new structures to the most appropriate locations within a parcel. These could apply whether it was a subdivision or single parcel development. The Planning Board could be authorized in subdivision review to plan for building envelopes to help site the area of disturbance in a way that maximizes potential ag uses in and around the subdivision. Some examples include moving structures away from the middle of potentially farmed fields, minimizing driveways and road cuts, siting structures to allow for rear lot access for farm vehicles, and moving structures away from prime farmland soils.

B. Subdivision Regulations

1. Add purpose statement(s) that reflect the important role agriculture plays in Bethel and the community desire to protect farms and farmlands.
2. Add in agriculturally-related definitions relevant to terms needed in the

Draft Town of Bethel Agriculture and Farmland Protection Plan

subdivision law to be consistent with those in the zoning law.

3. Expand or change the definition of open space to extend beyond recreation and commonly owned land to include conservation and agricultural protection. This definition should be the same as that in the zoning law.
4. Add agriculture to the definition of what would be considered a secondary conservation area.
5. Add in the requirement to collect and use the Ag Data Statement as per AML 25-aa.
6. Include in the plat requirements the mapping and identification of active farm lands in or adjacent to the proposed subdivision.
7. Include in the plat requirements the identification as to whether the parcel is in a NYS certified Ag District or not.
8. Add agricultural lands to Section 20 (preservation of natural features).
9. Consider allowing agricultural uses such as pasture or croplands as valid uses of the preserved open space lands in Section 23 (A).
10. The subdivision law has no reference to the conservation subdivision process allowed for in Zoning. While the language in the zoning is fine, there should be some reference to the process and allowance of a conservation subdivision in the subdivision law.



Draft Town of Bethel Agriculture and Farmland Protection Plan

Implementation Steps

This section outlines an action plan to implement the Agriculture Protection Plan's recommended strategies. Leadership from the Town Board is critical to put this plan into action. Although the Town Board has the ultimate responsibility in implementing this plan, they will need assistance from various boards, agencies, and organizations for specific strategies recommended in the plan.

This plan calls for a variety of policy decisions, program initiation, regulatory changes, coordination with regional organizations and agencies, and securing funding. The following schedule is a compilation of all the actions identified in this Plan. The action table does not detail each strategy contained in the Plan. Instead, it is a compilation of the major actions suggested and presents a prioritization of major categories of work to be accomplished in Bethel. This Action Plan should not be a substitute for the details contained in the rest of the Plan.

The table below provides a checklist of strategies and identifies the level of priority each holds as well as staff, agencies and organizations who could be responsible for implementing that action, and the specific section in this plan where details about that action can be found.

Draft Town of Bethel Agriculture and Farmland Protection Plan

Key to Priorities

The priorities listed in the table below are based on the following scale:

Initial	Short	Medium	Long	Ongoing
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Where:

Initial = Highest priority to be implemented immediately following plan adoption (Within the First Year).

Short = High priority to be implemented within two years following plan adoption.

Medium = Priority to be implemented within two to five years of adoption.

Long= Important but not a critical priority, to be implemented within five to seven years following plan adoption.

Ongoing= An action item that needs ongoing attention.

Draft Town of Bethel Agriculture and Farmland Protection Plan

Topic of Action	Recommended Strategic Action	Implementation Priority	Responsibility	Plan Reference
Foundation	Adopt the Ag Plan as an addendum to the Town Comprehensive Plan.	Initial	Town Board	Foundation Action A
Foundation	Continue inter-municipal cooperation between Liberty and Bethel	Initial/Ongoing	Town Board	Foundation Action B
Foundation	Establish an advisory Agricultural Plan Implementation Committee	Initial	Town Board	Foundation Action C
Foundation	Advocate implementation of the Sullivan County Ag and Farmland Protection Plan	Initial/Ongoing	Town Board	Foundation Action E
Foundation	Advocate implementation of state-level strategies with New York State Department of Agriculture and Markets	Initial/Ongoing	Town Board	Foundation Action F
Ag Economic Development	Provide information and training on tax relief programs	Initial	Town Board/Ag Committee/Assessor/NYS DAM	Strategic Action (A) 1 and 2
Foundation	Seek funding and consider hiring part-time person to serve as staff and implementation facilitator	Short	Town Board/Ag Committee	Foundation Actions D and G
Ag Economic Development	Work with Sullivan County to establish ag economic development zones and enhance other IDA funding opportunities, expand the Agri-business Revolving Loan Fund, finish the Meat Processing Facility in Liberty	Short	Ag Committee/IDA/County Ag Economic Development	Strategic Action (A) 3, 6, 11, 13 and County Initiatives 1 and 6
Ag Economic Development	Enhance the role of agriculture in the Sullivan County Partnership for Economic Development programs	Short	Ag Committee/Sullivan County Partnership	Strategic Action (A) 5
Policies and Regulations	Appoint farmer to serve on Planning board	Short	Town Board	Strategic Action (B) 2

Draft Town of Bethel Agriculture and Farmland Protection Plan

Topic of Action	Recommended Strategic Action	Implementation Priority	Responsibility	Plan Reference
Education and Communication	Develop and disseminate educational materials on gas drilling to farmers and farmland owners	Short	Sullivan County Planning	Strategic Action (C) 4
Farmland Preservation	Update zoning to include an incentive program in the form of density bonuses for farmland protection	Short	Ag Committee/ Planning Board/ Town Board	Strategic Action (D) 5
Farmland Preservation	Promote use of formal farmland rental agreements	Short	Ag Committee/ Town Assessor	Strategic Action (D) 7
County Initiative	Enhance the role of agriculture on the Sullivan County Visitors Association website	Short	Sullivan County Visitors Association	County Initiative 10
State Initiative	Develop new initiatives to encourage landowners to maintain long term leases for farming	Short	NYSDAM	State Initiative 1
State Initiative	Create new funding streams to help towns implement ag plans; provide funding to reduce productions costs	Short	NYSDAM	State Initiative 2, and 6
State Initiative	Expand local options for raising funds for PDR and LDR programs; Allow for local governments to use penalties collected for taking land out of production to be used for local PDR funding	Short	NYSDAM	State Initiative 5 and 7
State Initiative	Develop mechanisms to help towns bring local planning to be consistent with Ag Districts program	Short	NYSDAM	State Initiative 9
State Initiative	Change state policies that require economic development project proposals to be oriented to employment creation to better mesh with agriculture	Short	NYSDAM	State Initiative 12

Draft Town of Bethel Agriculture and Farmland Protection Plan

Topic of Action	Recommended Strategic Action	Implementation Priority	Responsibility	Plan Reference
Ag Economic Development	Inventory and find ways to advertise all farms in Town	Short/Ongoing	Ag Committee/Sullivan County Planning	Strategic Action (A) 9
Ag Economic Development	Promote value-added, Community Supported Agriculture (CSA), niche, and agri-tourism farming opportunities	Short/Ongoing	Ag Committee/ NYSDAM/ Cornell Cooperative Extension	Strategic Action (A) 16
Education and Communication	Establish an educational campaign to publicize value of farming to the total community and improve public understanding of farm practices	Short/Ongoing	Ag Committee/ Cornell Cooperative Extension/ NYSDAM/ Open Space Institute/ DHC/ SCSWCD	Strategic Action (C) 1
Ag Economic Development	Work with Cornell Cooperative Extension to create a clearing house of information for new farm startups and expansions	Medium	Ag Committee/Cornell Cooperative Extension	Strategic Action (A) 7
Ag Economic Development	Establish programs to encourage entry of young and new entrepreneurial farmers into agriculture in Town	Medium	Ag Committee	Strategic Action (A) 12
Ag Economic Development	Explore feasibility of alternative agricultural opportunities such as kosher markets and aquaculture	Medium	Ag Committee	Strategic Action (A) 14

Draft Town of Bethel Agriculture and Farmland Protection Plan

Topic of Action	Recommended Strategic Action	Implementation Priority	Responsibility	Plan Reference
Ag Economic Development	Partner with Future Farmers of America (FFA), and the Workforce Development Program to establish a local intern program for training skilled agricultural workers	Medium	Ag Committee/FFA/ Cornell Cooperative Extension/County Workforce Development Program	Strategic Action (A) 15
Ag Economic Development	Work with Sullivan County to provide for high-speed internet and cable throughout Town	Medium	Town Board/Sullivan County	Strategic Action (A) 17
Ag Economic Development	Explore creation of a for-rent community kitchen to promote value-added farming	Medium	Ag Committee	Strategic Action (A) 19
Policies and Regulations	Update zoning, subdivision, and site plan laws to be farm-friendly	Medium	Ag Committee/ Planning Board/ Town Board	Strategic Action (B) 1
Policies and Regulations	Work with area realtors to educate them about the ag disclosure notice	Medium	Ag Committee/ Area Real Estate Agencies	Strategic Action (B) 3
Policies and Regulations	Develop brochure that summarizes zoning and land use requirements and disseminate to farmers and farmland owners	Medium	Ag Committee/ Planning Board	Strategic Action (B) 4
Education and Communication	Work with the Sullivan County Chamber of Commerce to increase farmer membership in the Chamber	Medium	Ag Committee/ Sullivan County Chamber of Commerce	Strategic Action (C) 3
Farmland Preservation	Establish a Purchase of Development Rights (PDR) program: Use this plans prioritization model to identify priority parcels	Medium	Ag Committee/ Planning Board/ Town Board/ Open Space Institute/ DHC	Strategic Action (D) 1, 2, and 8
Farmland Preservation	Promote use of model leases for landowners to use for recreation and hunting uses	Medium	Ag Committee/ Town Assessor	Strategic Action (D) 9

Draft Town of Bethel Agriculture and Farmland Protection Plan

Topic of Action	Recommended Strategic Action	Implementation Priority	Responsibility	Plan Reference
County Initiative	Explore a county-wide distribution network to improve local business access to local farm products	Medium	Sullivan County Planning	County Initiative 8
County Initiative	Conduct county study showing cost/benefits of use of conservation easements on town budgets	Medium	NYSDAM/ Sullivan County Planning/ DHC/ Open Space Institute	County Initiative 9 and State Initiative 8
State Initiative	Change ag assessment rules to allow for more small farms to take advantage of the ag assessment program	Medium	NYSDAM	State Initiative 3
State Initiative	Initiate "foodshed" planning for long-term sustainability in New York State	Medium	NYSDAM	State Initiative 14
Education and Communication	Work with Cornell Cooperative Extension to coordinate and hold regular farm focus group meetings for Town farmers and farmland owners.	Medium/Ongoing	Ag Committee/ Cornell Cooperative Extension	Strategic Action (C) 2
State Initiative	Support business plan development and marketing support	Medium/Ongoing	NYSDAM	State Initiative 11
Farmland Preservation	Establish a Transfer of Development Rights (TDR) program: Use this plans prioritization model to identify sending and receiving parcels	Medium/Long	Ag Committee/ Planning Board/ Town Board/ Open Space Institute/ DHC	Strategic Action (D) 3 and 8
Farmland Preservation	Establish a Lease of Development Rights (LDR) program	Medium/Long	Ag Committee/ Planning Board/ Town Board/ Open Space Institute/ DHC	Strategic Action (D) 4

Draft Town of Bethel Agriculture and Farmland Protection Plan

Topic of Action	Recommended Strategic Action	Implementation Priority	Responsibility	Plan Reference
Ag Economic Development	Explore formation of local buying cooperatives to help farmers pool resources and keep productions costs down	Long	Ag Committee/Cornell Cooperative Extension	Strategic Action (A) 18
Farmland Preservation	Develop a "Come Farm with Us" program to match buyers and sellers of farmland for farming	Long	Ag Committee/Local Real Estate Agents	Strategic Action (D) 6
State Initiative	Develop tax incentive program to encourage preservation of farms within viewsheds of State highways	Long	NYS/DAM	State Initiative 15
Foundation	Advocacy to NYS to implement state-level initiatives, continue support of farm support agencies and organizations, incorporate agriculture into all Town functions	Ongoing	Town Board, Ag Committee	Foundation Actions F, H, I and K
Ag Economic Development	Promote the "Pure Catskills" brand and consider establishing a new agriculturally-based theme, use Grow NY and Pride of NY materials and programs	Ongoing	Ag Committee/Cornell Cooperative Extension/ NYS Ag and Markets	Strategic Action (A) 8, 10
Ag Economic Development	Promote alternative energy for farms	Ongoing	Ag Committee	Strategic Action (E) 1
County Initiative	Facilitate more interaction between County legislators, County Manager, and the farming community	Ongoing	Sullivan County Planning	County Initiative 3
County Initiative	Continue funding of County agricultural economic development staff and programs and continue staff and funding of ag programs as outlined in plan	Ongoing	Sullivan County Planning	County Initiative 4 and 5
County Initiative	Create and maintain an inventory of farms in Sullivan County	Ongoing	Sullivan County Planning	County Initiative 12

Draft Town of Bethel Agriculture and Farmland Protection Plan

Topic of Action	Recommended Strategic Action	Implementation Priority	Responsibility	Plan Reference
County Initiative	Promote agricultural education in schools and colleges and support 4-H.	Ongoing	Sullivan County Planning, Cooperative Extension	County Initiative 11
County Initiative	Educate farmers and farmland owners about county level programs that support agriculture	Ongoing	Sullivan County Planning	County Initiative 7
State Initiative	Provide information and training on Ag District programs, farm valuation, farmland protection techniques, models and tools for land use planning	Ongoing	NYSDAM	State Initiative 10 and 13

Draft Town of Bethel Agriculture and Farmland Protection Plan

Appendix 1: Strengths, Weaknesses, Opportunities and Challenges Facing Agriculture

1. Buildout Analysis

A build-out analysis is an exercise designed to estimate the amount of development that can possibly occur if all developable land in a Town, Village, or County is built according to that municipality's current land use regulations. The buildout analysis applies current land use regulations, considers environmental constraints that would limit development in certain areas, and calculates the total residential density allowed at full buildout of the municipality. It does not predict when this would occur, at what rate it would occur, or where it would occur first. It only predicts the possible end result.

The general process followed to calculate full buildout conditions is:

- Identify areas that already have residential development and therefore would not allow new development.
- Identify properties subject to conservation easements, or are owned by government entities not likely to allow development.
- Identify areas in the Town having environmental constraints that would not support new residential development.
- Calculate the amount of new residential development allowed by the current land use regulations in the remaining undeveloped areas of the Town.

A geographic information system (GIS) software program is used to conduct the analysis. In essence, the analysis calculates the total land base of the Town, subtracts all lands having environmental constraints and completely built areas, and then applies the various development rules to calculate the number of allowable new residences. For purposes of this analysis, the buildout assumes that all new development would be single-family homes.

Note that the results of all of these calculations are only estimates. The GIS layers used are not exact replicas of what is actually found in the real world, only representations of what is there. The processing of the data also introduces a certain amount of error, and can increase the inaccuracy of the data layers. The only way to get an accurate count of allowed residential uses on a particular property is to do an on-site survey of existing

Draft Town of Bethel Agriculture and Farmland Protection Plan

conditions. The following table summarizes the results of the Buildout analysis. See also Buildout Maps for illustrated results.

Draft Town of Bethel Agriculture and Farmland Protection Plan

Bethel Buildout Using Minimum Lot Size Requirements by Zoning District															
Number of Residences	AD	AG	AGR	C-17B	CS	FC	G-17B	H-17B	PA	R-17B	RD	RD-R	RS	SR	Total
Existing	3	671	60	85	142	325	53	43	9	18	354	39	552	1,242	3,596
# with no environmental constraints considered	0	4,870	102	472	96	2,677	114	0	19	74	2,621	113	2,633	1,430	15,221
# with Water, Wetlands, and Flood Hazards constraints considered	0	4,349	90	440	87	2,307	97	0	18	70	2,359	90	2,390	1,421	13,718
# with Water, Wetland, 100 ft buffers of Water and Wetlands, and Flood Hazard constraints considered	0	3,937	89	408	83	2,141	85	0	16	64	2,217	81	2,218	1,411	12,750
# with all environmental constraints considered, including Slopes over 15%	0	3,212	81	356	82	1,858	83	0	15	53	1,969	78	1,978	1,388	11,153

Draft Town of Bethel Agriculture and Farmland Protection Plan

2. Strengths, Weaknesses, Opportunities, and Threats

The following list of strengths, weaknesses, opportunities, and threats was developed from public, farmer, stakeholder, and committee member input. Other items on the following lists were identified from analysis of trends, maps, and data.

Agricultural Strengths: resources or capabilities that help agriculture be successful. (Not in any priority order)

- Proximity to New York City provides additional markets for farm products.
- Educational programs for farmers, and about farming, are available through organizations such as the Sullivan County Chamber of Commerce and the Sullivan County Partnership for Economic Development, Cornell Cooperative Extension's, and the Farm Service Agency.
- Farmers markets, especially the Harvest Festival at Bethel Woods, attracts people to the area, which also benefits other local businesses.
- Farms contribute to the quality of life in the area.
- Farms offer fiscal benefits to the Town by not costing as much as residences need in terms of services.
- Farms protect water quality.
- Farms provide natural beauty and open space, which also helps to fuel the tourism industry. They add significantly to the rural character of the area.
- Farms provide wildlife habitats.
- Innovative farming efforts are taking place.
- There is a growing demand for local, healthy food products, especially in restaurants.
- More value-added processes are being used.
- Various grants and programs exist to support farmers.
- There is a good market for niche farming.
- The area provides fertile soil and moderate weather that are supportive of agriculture.
- There are a diversity of farming opportunities available.
- There is a large multiplier effect on spending on food/products.
- There is a regional buy local campaign "Pure Catskills".

Draft Town of Bethel Agriculture and Farmland Protection Plan

Agricultural Weaknesses: Internal deficiencies in resources or capabilities that hinder agriculture from being successful. (Not in any priority order)

- Farmers markets need better advertising.
- There is competition for land as non-farm development.
- About half of the farmers experience nuisance complaints about farm practices.
- Costs are increasing for fuel, fertilizer, taxes, and feed; and farm profitability is low.
- There is a disconnect between home, schools and farms.
- Farmers do not take full advantage of educational programs offered within the County.
- Farmers lack skills and time to establish and market value-added products.
- Farmers often don't use formal rental agreements with landowners and this can cause problems in the future.
- Farmers can have difficulty getting their products to market.
- Farming is not recognized as the economic force that it should be within the Town and County.
- There are high expenses in starting a new farm.
- IDA and county agencies do not pay enough attention to agriculture and don't promote these businesses like they do other kinds of businesses.
- Farmers lack control of dairy milk prices.
- There is a lack of education and understanding about agriculture on the part of non-farmers.
- There is a lack of skilled farm labor.
- People are not often aware that they can purchase certain products directly from farmers.
- Realtors are not using the Ag Disclosure Notice.
- Restaurants and ag specialty businesses have issues obtaining local products due to time and travel constraints.
- There is a lack of visibility of farmers with the general public.
- There is lack of high speed internet.
- There is no local processing (milk, community kitchen, slaughterhouse).
- There is poor communication, in all directions, between farmers, consumers, and support organizations.
- There is traffic and difficulty parking at the farmers markets.
- Zoning can impede farm business expansion and retail sales or direct sale of products.

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Agricultural Opportunities: External or outside factors that can affect agriculture in a positive way. (Not in any priority order)

- Build successful infrastructure to support the agricultural industry, including the creation of a slaughterhouse in the Town of Liberty. Develop local processing facilities, especially a community kitchen and dairy processing.
- Consider starting a delivery co-op among local businesses to share the responsibilities of traveling to pick up products.
- Create more opportunities for underutilized dairy farms.
- Create uniform signs throughout the County advertising that the Town is a farm community.
- Develop a central depository of land rentals to help farmers and landowners connect easier.
- Develop a comprehensive guide that lists who is producing what, where, and when (possibly in the form of a monthly newsletter). Let local consumers know where they can go to buy products other than traditional produce.
- Develop a kosher market.
- Develop a workshop to inform farmers about all of the programs available to them.
- Develop large-scale community farms where new farmers can try out farming on an acre of land.
- Develop programs for alternative energy (ex. converting cow waste to energy, which would also create another potential source of income for farmers).
- Educate farmers about Town zoning and regulations.
- Promote use of formal rental agreements.
- Help provide liability insurance for those doing agri-tourism businesses.
- Implement and provide for educational seminar on TDR and PDR.
- Offer a subsidy for niche farmers and develop programs to help them market more effectively and cost efficiently.
- Reach out to landowners with large lots to encourage them to allow their land to be used for agriculture and promote farm/non-farm relations.
- Promote agriculture as the County's best economic opportunity.
- Promote public awareness of and interest in local food.
- Promote the multiplier effect of agriculture and how it contributes to the viability of the area's economy.
- Start aquaculture for fresh fish.
- Start more FFA programs and BOCES Animal Science programs in the County high schools in order to get kids interested in production agriculture.

Draft Town of Bethel Agriculture and Farmland Protection Plan

- Take advantage of more direct marketing of products.
- Tax incentives could be developed for young farmers who are entering the agricultural business.
- Use existing programs like FFA and the Workforce Development Program to find interns and workers to deal with the labor issue.

Agricultural Threats: External or outside factors that can affect agriculture in a negative way. (Not in any priority order)

- Farmers are holding back to wait and see what happens with gas drilling before they pursue conservation easements for their properties.
- There is much financial instability for dairy farming.
- Gas leasing can cause conversion of land to non-farm owners. Speculators are buying up a lot of land to lease to gas companies.
- Some feel gas drilling is a threat.
- There is a lack of next generation of farmers.
- There is a lack of zoning compatibility for mixed use and non-traditional farms.
- Rental land is supporting agricultural operations but is controlled mostly by non-farmers.
- Second home creep and the enticement of high land sale prices for non-farm uses can lead to sale of farmland.
- The combination of land price, the price of equipment, and access to a market are often too much for young farmers or transition farmers to deal with when starting up.

Draft Town of Bethel Agriculture and Farmland Protection Plan

Appendix 2: Farms and Farm Resources

1. Farm Operations and Farmland

Feature	Acres
Productive Vacant Land (105) ²	554
Livestock (110)	123
Poultry (111)	432
Dairy (112)	1,170
Horse (117)	159
Field Crops (120)	881
Truck Crops (140)	101
Non-Farm class properties, but identified as farmland through planning process	6,721
Total Farmland Acres	10,141
Number of parcels rented for farmland (estimate)	~171 parcels
Average Size of Farm	48

Farmland Soils

Prime Farmland in the Town	2,991
Soils of Statewide Importance in the Town	28,196
Prime Farmland Soils on farms	480
Soils of statewide importance on farms	6,824

Farm Employment for Residents over 16 Years of Age

	1990				2000			
	Bethel	Callicoon	Delaware	Liberty	Bethel	Callicoon	Delaware	Liberty
# with Farming, Fishing and Forestry as Occupations	91	42	56	48	18	4	5	66
# in Farming, Fishing and Forestry Industry	92	56	52	31	44	56	28	95

² Numbers in parenthesis refer to the code given to the land use by the Town Assessor.

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2. Snapshot of Bethel Farms and Farmland Owners from Survey

Results of Survey

During the fall of 2008, all farmers and farmland owners in Town were included in a farm and agri-business survey. Thirty-one farm/farm landowners responded. The results of this effort reflect a snapshot, or sample, of farm and farm operations in Town. A summary of the results are as follows:

a. There are a wide variety of farms represented in the sample including:

Type of Farm	Number of Farms
Dairy	12
Livestock (including horses and alpaca)	8
Horticulture	0
Christmas Trees	1
Cash Crops	2
Vegetables	1
Forestry	1
Other (eggs, evergreens, beef, dairy replacements, horse boarding, nursery, hay)	6

b. Some farms had secondary operations including eggs, racehorses, custom fieldwork, compost, logging, riding lessons, kosher slaughter, lodging, farm stand, solar panels, cell tower

c. Five farms sold goods or services at the Jeffersonville, Barryville, Catskill Harvest, Kauneonga and Bethel farmers markets.

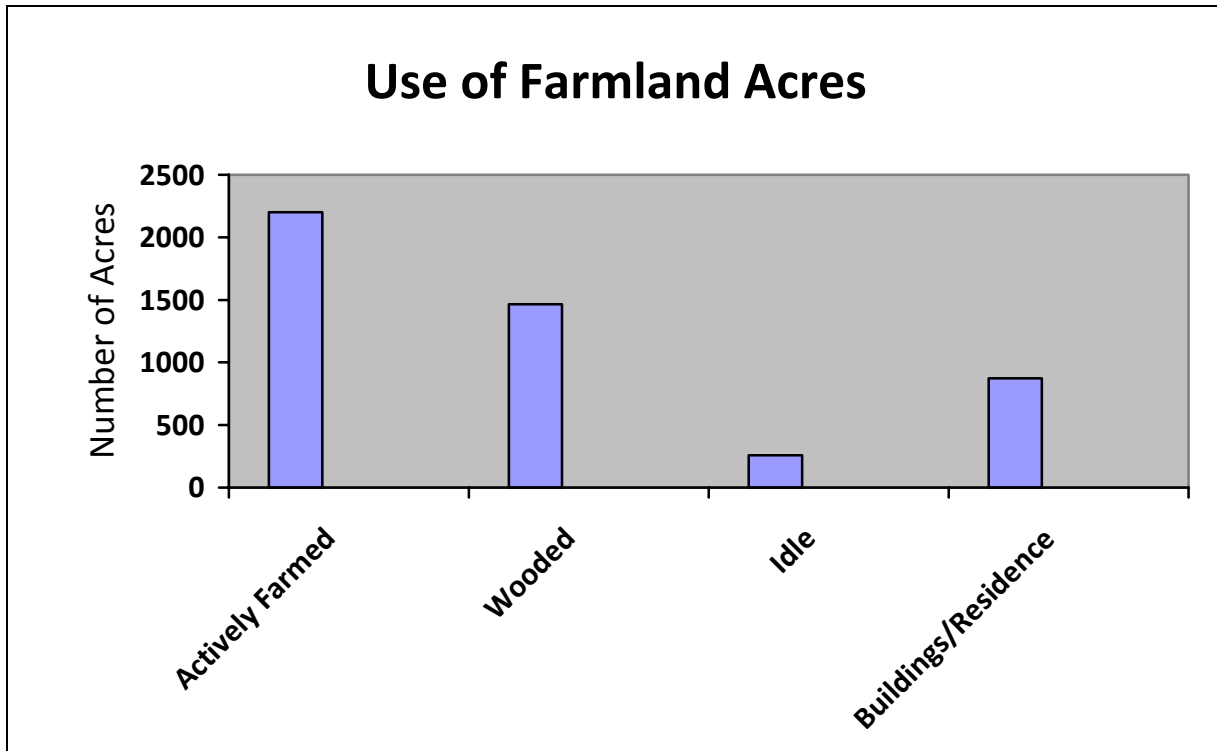
d. The 31 participants farm 3,185 acres of land in Bethel – about 78% of it is rented. 1,732 acres of land outside the Town of Bethel were owned by Bethel-based participants and an additional 1096 parcels outside of Town were rented. These numbers show the critical importance rented lands play in agricultural operations based in Bethel. The average size of owned land in Bethel was 107 acres and the average size of a rented parcel was 125 acres. Most of the land is considered actively farmed or in woodland. About 300

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acres were classified as being idle.

Farmland Owned and Rented by Bethel-based Survey Participants

Town	Total Owned Acres	Total Acres Rented
Bethel	3184.99	2501.25
Callicoon	210	46
Delaware	572	600
Liberty	950	450
Total	4916.99	3597.25



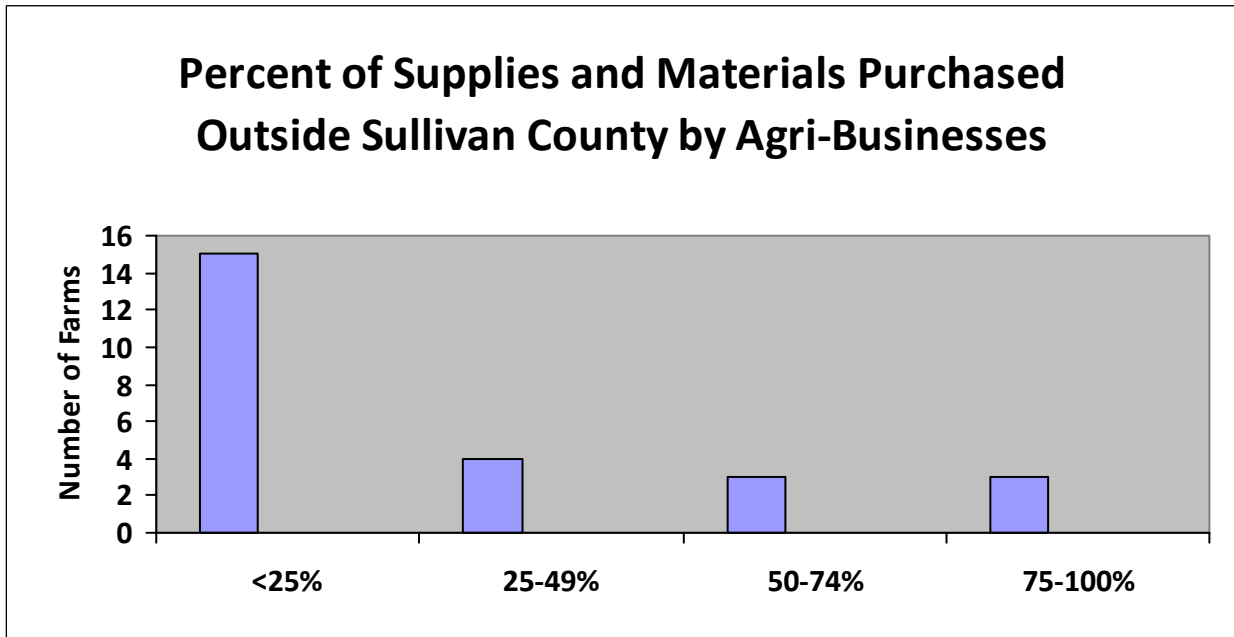
e. One hundred seventy-seven people were employed by the farms that participated in the survey. This included 132 full time workers, 29 part time workers, 4 seasonal full time and 12 part time seasonal workers.

f. Farms typically support one household. Almost all farms have been in existence for a long time with farms with an average of 42 years in the same family.

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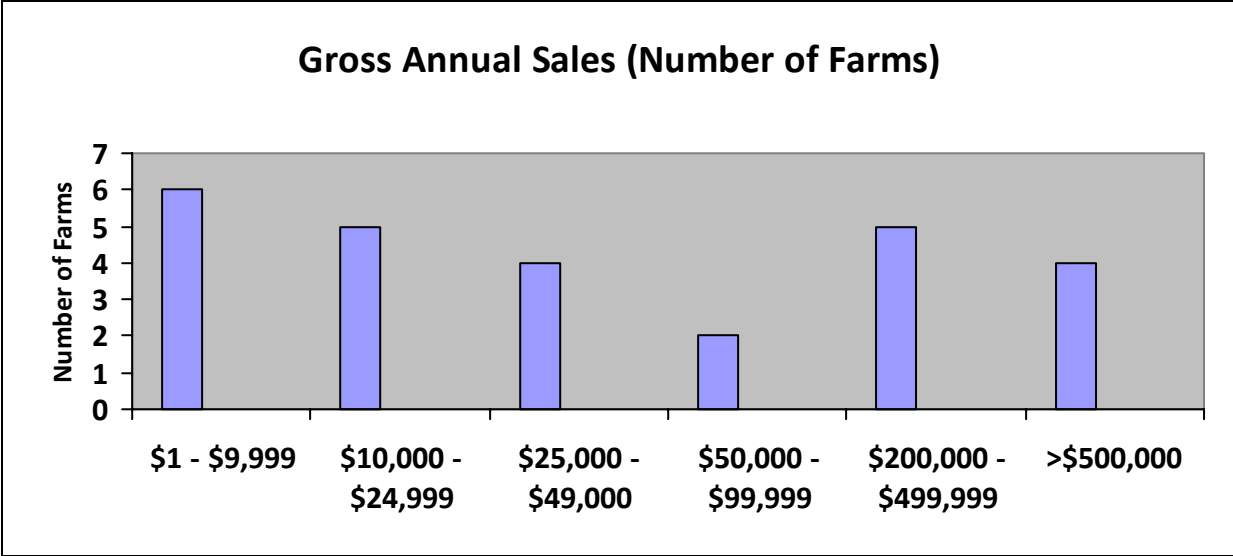
g. A majority of farmers received ag value assessments on their property and structures, participate in the STAR tax program, and were enrolled in a State certified Agricultural District. However, there was very little participation in the Sustainable Agriculture Research and Education program (0 farms), IDA tax abatement (2 farms), NYSERDA (5 farms), or Watershed Ag Council programs (3 farms).

h. Three participants buy the majority of their supplies from outside Sullivan County as shown below, while about half buy most of their supplies from within the County.

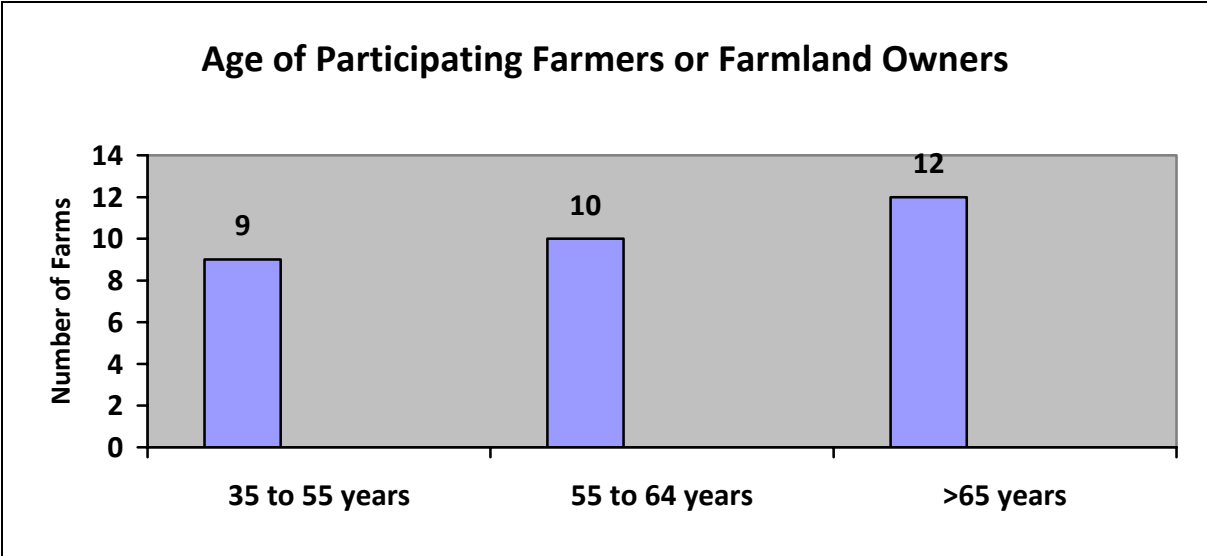


i. There was a wide variation in farm gross annual sales. Of the 26 farms that answered this question, 15 or 58% earned less than \$50,000 from their farm operation, and six earned less than \$10,000. There were nine farms who earn over \$200,000 (4 of which earned over \$500,000). Although many farms had relatively small gross annual sales, taken together, these participating farms contributed about over 3 million dollars of gross sales in Bethel. Agriculture has a very large multiplier effect and thus positively impacts the area's economy. For example, gross sales of 1.5 million dollars would have a total economic impact of about \$570,000 from earnings and about \$2 million in output (using conservative multipliers). Eight participants indicated that their farm operation contributed over 75% of their net family income. Ten farms said that less than 25% of their net family income came from the agricultural operation.

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j. The farm population is an aging one. No participants were younger than 34 years of age. Sixty-one percent of the participants were middle aged (35 to 64 years, and 39% were over 65 years.

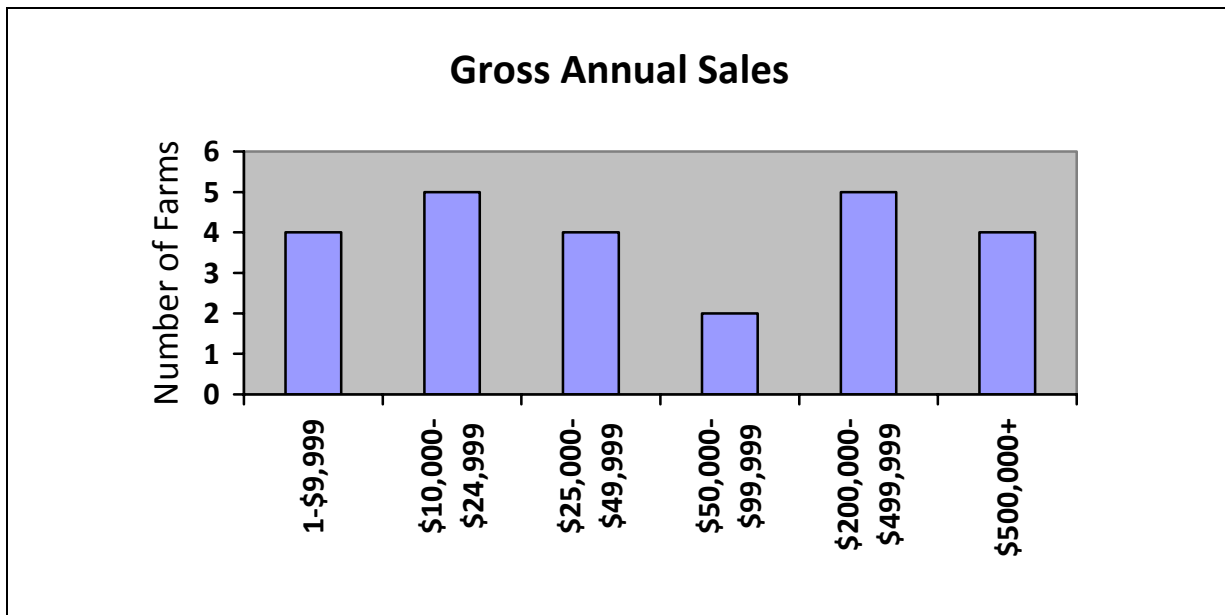


k. About 65% of the surveyed farmers have lived in Sullivan County for more than 20 years. All participants had at least a high school degree. About 22% have high school degrees, 35% have some college, and 42% have a college degree. Among the participants were three with a master's degree.

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2. Agri-business Survey

The agri-business survey went to businesses that support agriculture in the Sullivan County region. These included feed and seed dealers, machinery sales, equipment, insurance, legal, financial, and veterinary businesses. Most of these businesses were long-lived being in business an average of 67 years. 71 seasonal workers (26 full time and 45 part time), and 374 year round (332 full time and 42 part time) are employed by these businesses. Even removing insurance, legal and financial businesses, all other agri-businesses employed 193 year round and 63 seasonal employees. The majority of businesses had gross sales over \$100,000 as shown below. Forty-three percent had gross sales over \$500,000. Taken together, these businesses contribute 1.3 million to over 10 million to the Sullivan County economy. These businesses are not totally supported from farms within the County however: only three businesses indicated that more than 75% of their client base is from within the county and most (58%) said that less than 25% of their clients are within the county.

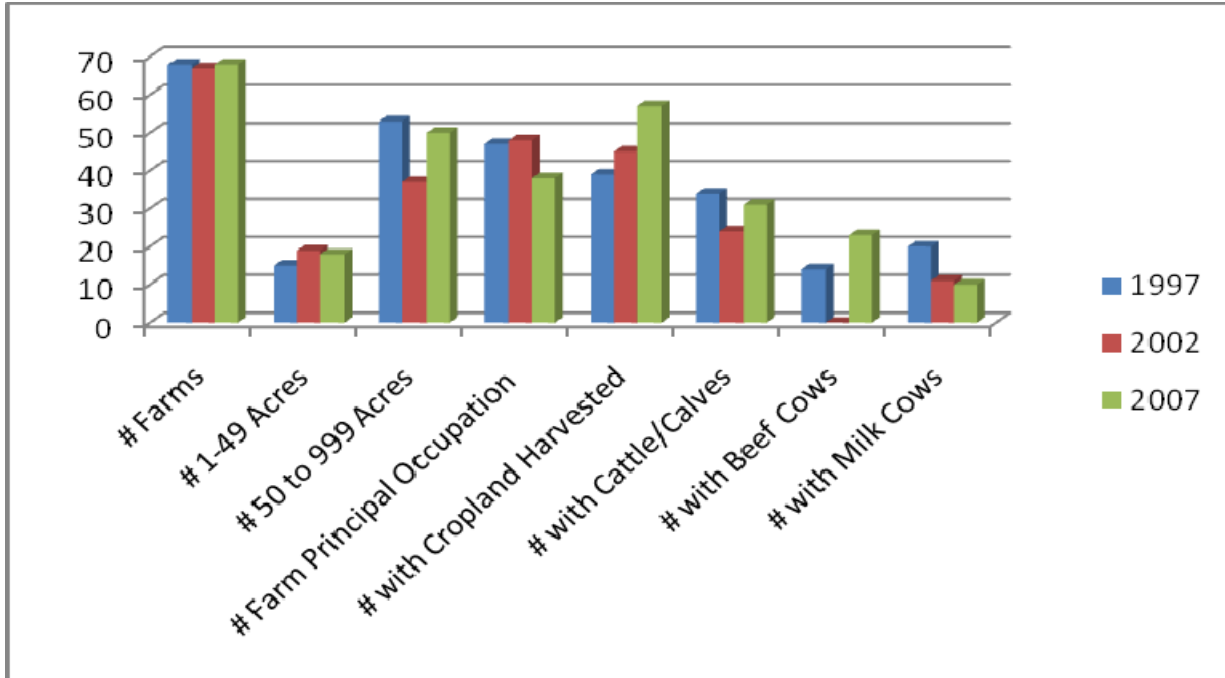


3. Highlights of US Census of Agriculture by Zip Code

Appendix 1 details data from the US Census of Agriculture by zip code (See Zip Code Map). This census is completed every five years.

The following chart compares highlights of the 1997 to 2002 data:

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Between 1997 and 2007, the number of farms in the Town of Bethel was stable. There were not many changes in the size of farms. The number of farmers who indicated that farming was their principal occupation decreased slightly over the past decade. There was a slight increase in the number of farms with cropland harvested. There were about the same number of farms with cattle/calves and more with beef animals. The number of farms with milk cows showed the largest decline and over the past decade about ½ the dairy farms are no longer in operation. While the number and type of farms are relatively stable in Bethel, more farms are earning less than \$50,000 income in 2007 than in 2002 (40 in 2002 and 51 in 2007).

A look at changes in Bethel, Liberty, Callicoon, and Delaware towns offers additional insight. Using US Census data and US AG Census Data (zip code level) the following table summarizes trends and changes:

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	1990-2008 Change in Population (number of people)	1990-2000 Change in Population (percent)	2000- 2008 Change in Population (percent)	# Residential Building Permits Issued 1990- 2008	# Lots Created 1990- 2008	Change in # of Farms 2002- 2007
Callicoon	+92	+.99%	+2%	326	458	-17%
Delaware	+166	+3.3%	+2.9%	288	202	-19%
Bethel	+850	+18%	+4.1%	869	732	No Change
Liberty (outside Village)	-163	-0.7%	-2.2%	622	727	-11%

In Bethel, the population increased by 850 people with a lower rate of change between 2000 and 2008 than 1990 to 2000. At the same time, 869 new residences were built and 732 lots were created. The Town of Bethel had the highest growth rate of the four towns, but no real change in the number of farms.

4. County Trends

Understanding the agricultural trends facing Sullivan County assists in identifying changes or issues that may be influencing farms in the Town of Bethel. The following 1997 to 2007 highlights summarize the major trends agriculture is experiences in the County (See full data set in Appendix 2).

Between 1997 and 2007 there were:

- A decrease in acres farmed.
- An increase in the number of farms.
- An increase in the market value of farm land and buildings.
- A decrease in the number of very small farms, an increase in the medium sized farms (10 to 179 acres) and a decrease in larger farms.
- A decrease in cropland and harvested cropland.
- An increase in the market value of farm products.
- An increase in the number of farms earning small amounts from the farm and a decrease in the number of farms earning larger amounts.
- A decrease in the per farm net cash return.
- A decrease in the number of farmers who farm as a principal occupation.
- A decrease in the number of farms raising, and in the number of cattle, calves, and cow animals.
- A decrease in the acreage planted to corn and hay, and in orchards.

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- o An increase in the number of farms and acreage planted to potatoes, sweet potatoes and vegetables.

5. Ag Districts

Land in a NY Certified Ag District	22,544 acres
Farmland in a NY Certified Ag District	9,111 acres
Number of farmland parcels in a NY Certified Ag District	193 parcels

6. Economic and Fiscal Conditions

PARCELS INCLUDED IN 2007 BETHEL ASSESSMENT ROLL					
<u>Property Use Code from Assessor</u>	<u>Category</u>	<u>Number of Parcels</u>	<u>Number of Parcels With Ag. Exemption</u>	<u>Average Value (\$)</u>	<u>Total Market Value (\$)</u>
Agriculture Class Properties					
105	Productive Vacant Land	6	5	107,577	645,460
110	Livestock	1	0	271,700	271,700
111	Poultry	5	4	557,756	2,788,780
112	Dairy	11	10	211,745	2,329,193
117	Horse	4	2	175,725	702,900
120	Field Crops	11	7	100,082	1,100,900
140	Truck Crops	2	1	44,550	89,100
	Non-farm class	172	105	NA	
Subtotal		212	134	198,201	7,928,033

7. Prioritizing Farmland for Protection

Land Evaluation and Site Assessment, also referred to as LESA, is a tool to help citizens and local officials to prioritize those lands that should be protected from conversion to nonagricultural uses. LESA was developed by the United States Natural Resources Conservation Service, and is based on a technique developed in Orange County, NY in 1971 (the first place it was used in the United States.) LESA has a long history of use in New York, and throughout the United States. It is basically a rating system designed with

Draft Town of Bethel Agriculture and Farmland Protection Plan

local conditions and needs in mind. It is a tool that can help local officials identify farmlands needing protection by taking into account soil quality and other factors that affect agricultural practices.

LESA is an analytical tool. It is not a regulatory program. LESA's role in Bethel is to provide a systematic and objective procedure to rate and rank sites in order to help people make decisions on where to target farmland protection programs. A LESA system can be useful to answer questions such as what lands are most appropriate to designate for long-term continuation in agricultural uses, and which farms should be given the highest priority for purchase of development rights monies.

Sullivan Farms for the Future Program

LESA is a rating system. The LESA system combines soil quality factors with other factors that affect the importance of the site for continued agriculture. In order to provide an unbiased method of selecting properties for the Sullivan Farms for the Future Program, the Sullivan County Agricultural and Farmland Protection Board has developed a ranking system modeled after the LESA ratings. The ranking system, based on a series of points per category, will enable the Agricultural and Farmland Protection Board to prioritize potential Sullivan Farms for the Future program properties based on their agricultural characteristics.

The Town of Bethel adapted the Sullivan Farms for the Future rating system to develop a town-level model that identifies priority farmlands. The following table shows this ranking system and details how the Town adopted the Farms for the Future program in order to incorporate it into the GIS system assembled for this plan. See Farmland Prioritization Map that illustrates results.

Category	Criteria	Points	Town Modifications to the County LESA
NYS Agricultural District			
	Is the property within a NYS certified agricultural district	Must be in a NYS certified Agriculture District	Same Criteria
Whole farm or conservation plan			
	Does the property owner have a whole farm plan or a conservation plan in place?	Must have one of these plans in place	Same Criteria
Prime Soils			
	>80% of the farm	20	Eliminate >80%
	60 - 79% of the farm	15	20

Draft Town of Bethel Agriculture and Farmland Protection Plan

Category	Criteria	Points	Town Modifications to the County LESA
	40 - 59% of the farm	10	15
	20 – 39% of the farm	5	10
Soils of statewide importance			
	>80% of the farm	10	Eliminate >80%
	60 - 79% of the farm	7.5	10
	40 - 59% of the farm	5	7.5
	20 – 39% of the farm	2.5	5
Crop Yields			
	20 – 50% above average	20	Same Criteria
	20% above average	10	
	10% above average	5	
Soils highly suitable for development			
	>=50%	10	Same Criteria
	25 – 50%	5	
State Road Frontage			
	>5,000 feet	20	Same Criteria
	4,000 – 4,999 feet	15	
	3,000 – 3,999 feet	10	
	2,000 – 2,999 feet	5	
County Road Frontage			
	>5,000 feet	10	Same Criteria
	4,000 – 4,999 feet	7.5	
	3,000 – 3,999 feet	5	
	2,000 – 2,999 feet	2.5	
Town Road Frontage			
	>5,000 feet	5	Same Criteria
	4,000 – 4,999 feet	3.25	
	3,000 – 3,999 feet	2.5	
	2,000 – 2,999 feet	1.25	
Distance from hamlet or village (road)			
	< 1 mile	10	Same Criteria
	1 – 3 miles	5	
Proximity to water and sewer			
	On site	20	Same Criteria
	> ¼ mile	15	
	> ½ mile	10	
	> 1 mile	5	
Significant natural resources			
	Within a major watershed	20	Same Criteria
	Within or bordering Catskill Park or Bashakill Preserve	20	Add Lake Superior Park
	Multiple Ag enterprises	15	Same Criteria
	Historically significant	5	Use farms 100 years old, and 50 years old as

Draft Town of Bethel Agriculture and Farmland Protection Plan

Category	Criteria	Points	Town Modifications to the County LESA criteria
Formal estate or business plan			
	Yes	25	Same Criteria
Proximity to protected land			
	Adjacent to permanently protected land	20	Same Criteria
	Within 2 miles of protected land	10	
	Within 2 to 5 miles of protected land	5	
Proximity to viable agricultural lands			Measured contiguous farms instead of distance from other farms
	> 10 farms within 3 miles	10	Shrink the radius to 1 mile
	5 – 10 farms within 3 miles	5	
Simultaneous applications			
	1 contiguous neighbor	10	Not used
	2 or more contiguous neighbors	20	
Percent of property to be protected			
	100%	10	Not used
	75 – 100%	5	
Acreage to be protected			
	>500 acres	25	Eliminate the 500 acre criteria
	100 – 500 acres	20	Same Criteria
	50 – 99 acres	10	
	< 50 acres	5	
Additional criteria identified by the Town as important criteria			
Try to identify farms that contribute the most to the local economy, or sell products to local restaurants.			

**Draft Town of Bethel Agriculture and Farmland Protection
Plan**

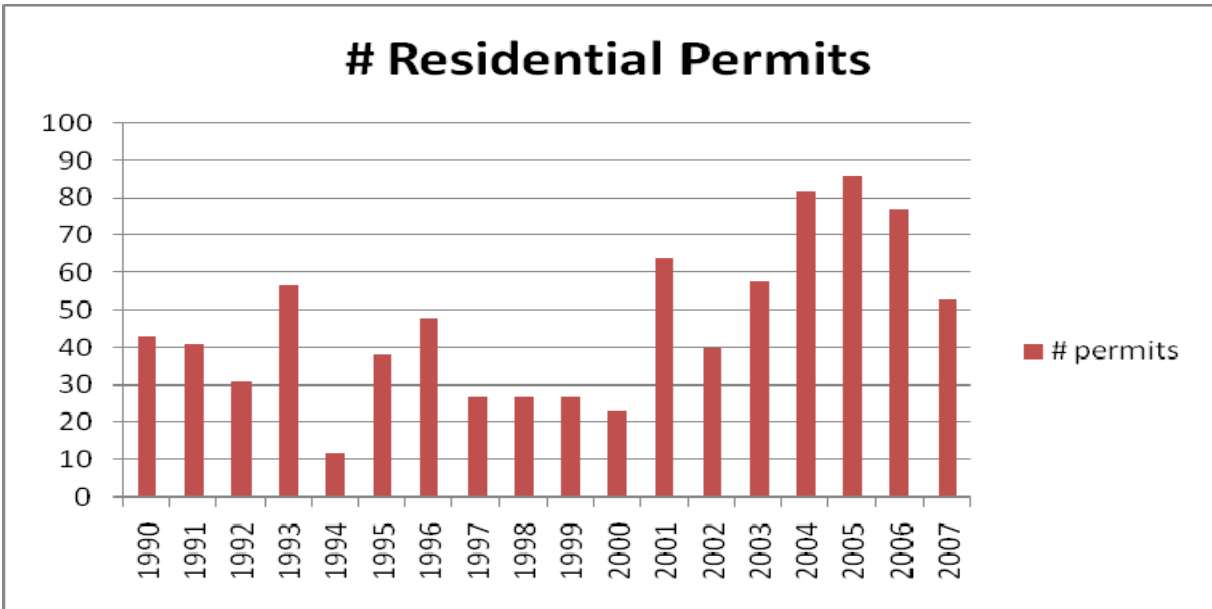
Appendix 3: Housing, Development and Demographic Trends

1. Housing and Development Trends

Year	Residential Permits	Miscellaneous Permits	Commercial Permits	Industrial Permits	Total
1990	43	135	0	0	178
1991	41	204	2	1	248
1992	31	153	4	1	189
1993	57	136	6	0	199
1994	12	186	1	0	199
1995	38	129	2	0	169
1996	48	97	2	0	147
1997	27	49	7	0	83
1998	27	64	21	1	113
1999	27	78	5	3	113
2000	23	76	12	0	111
2001	64	49	5	0	118
2002	40	83	17	0	140
2003	58	2	1	1	62
2004	82	93	8	0	183
2005	86	100	19	0	205
2006	77	101	0	0	178
2007	53	100	6	0	159
2008	35	14	0	0	49
Total	869	1849	112	7	2843

In the past 16 years, 869 permits have been issued for new homes and 112 for commercial operations in Bethel. Over the years there has been much variation in the number of new housing permits issued. On average, there have been 48 new residences built per year. The building permit information indicates that the number of houses increased by 351 units between 1990 and 1999. Between 2000 and 2006, an additional 518 residential units were built in Bethel. This is a high rate of housing development compared to other areas in Sullivan County.

Draft Town of Bethel Agriculture and Farmland Protection Plan



Subdivision Plats and Lots, 1990 to 2009

Year	Number of Subdivision Plats Filed	Number of Lots Created
1990	6	48
1991	8	56
1992	4	15
1993	4	26
1994	4	17
1995	4	21
1996	10	39
1997	9	29
1998	7	14
1999	3	6
2000	4	10
2001	11	NA

Draft Town of Bethel Agriculture and Farmland Protection Plan

Year	Number of Subdivisions Filed	Number of Lots Created
2002	8	65
2003	17	174
2004	16	66
2005	16	57
2006	24	89
Total	155	732

Seven hundred thirty two (732) new lots were created between 1990 and 2006 through 155 different subdivisions. As shown on the table below, most of the subdivisions were minor subdivisions and four lots or less. Over this time frame, 28 subdivisions were major, and 16 of those were more than 11 lots.

Number of Lots Created Per Plat, 1990-2009

Year	Total Plats	1 - 4 Lots	5 - 10 Lots	11-49	50+
1990	6	4	1	1	0
1991	8	5	1	2	0
1992	4	2	2	0	0
1993	4	3	0	1	0
1994	4	3	1	0	0
1995	4	3	0	1	0
1996	10	8	1	1	0
1997	9	8	0	1	0
1998	7	7	0	0	0
1999	3	3	0	0	0
2000	4	4	0	0	0
2001	11				

Draft Town of Bethel Agriculture and Farmland Protection Plan

Year	Total Plats	1 - 4 Lots	5 - 10 Lots	11-49	50+
2002	8	5	1	2	0
2003	17	11	2	3	1
2004	16	14	1	1	0
2005	16	15	0	1	0
2006	24	21	2	1	0
2007	NA	NA	NA	NA	NA
2008	NA	NA	NA	NA	NA
Total	155	116	12	15	1

2. Demographic Trends

Town of Bethel

Demographic	1990	2000
Persons	3693	4362
Households	1385	1649
Non Farm Persons	3693	3620
Housing Units	3693	3641
Occupied housing units	1330	1649
Vacant housing units	2363 (2074 listed as seasonal)	1992 (1795 listed as seasonal)
Structures Built in Previous Decade	073 (1980's)	281 (1990's)

A comparison of the 1990 to 2000 census shows several significant trends that could affect agriculture in the Town of Bethel. A high rate of growth can in large part be attributed to the Woodstock Festival and the influence of second home buyers from New York City. Much of this growth was centered in the Smallwood area. In the future, legalized gambling may also be an influence. The Town's Comprehensive Plan indicates that while some second-home development is expected to continue, it is the second-home conversions that will likely drive much of the permanent residential growth of the Town of Bethel. Additional commercial development, particularly of a tourism support nature, can be expected to take place along Route 17B. Many of the Town's land use challenges are expected to come from dealing

Draft Town of Bethel Agriculture and Farmland Protection Plan

with the impacts of specific uses along Routes 17B and 55 and protecting the character of the gateways into Bethel.

Note that this Census data does not reflect the actual building going on in Town. The Building Permit data (above) offers more accurate and up-to-date information and shows 176 new homes built since 2000, and 359 units added in the 1990's.

Housing Characteristics

	1990 Total Housing Units	2000 Total Housing Units	Percent Change 1990-2000
Bethel	3,616	3,649	0.9%
Liberty	4,966	5,350	7.5%
Callicoon	1,648	1,797	9.0%
Delaware	1,321	1,335	1.1%

*data from Sullivan County

Draft Town of Bethel Agriculture and Farmland Protection Plan

Appendix 4: Planning, Land Use Regulations and Agriculture

1. Town Comprehensive Plan and Agriculture

In 2006, the Town of Bethel adopted a new Comprehensive Plan. The Plan includes a variety of goals and objectives based on the analysis of current conditions and public input. The Bethel Plan addresses agriculture (referred to as working landscapes) along with public health and safety, highway character, natural environment, regulations and incentives, open space design, and economic development. The plan recognizes agriculture's importance to the area especially related to open space and the rural character of the area and also outlines several agricultural economic development opportunities. Overall, the Town has significant economic development goals, especially along the Route 17 corridor. The working landscape goal and major objectives are:

Goal: Provide for the orderly development of the Town of Bethel, maintaining its existing mixed-use character with a blend of working farm, recreational, residential and hamlet commercial landscapes.

- Reinforce the New York State Agricultural District program by using the Town Zoning Law to apply additional local protections within AG Agricultural Districts that match those boundaries.
- Use the Town's planned new zoning districts along Route 17B to encourage new development that strengthens White Lake and Kauneonga Lake as centers, increasing density in these areas and developing supportive infrastructure to accommodate this development.
- Maintain the existing low-density single family residential nature of the Town by zoning the large undeveloped areas of the Town for no more than one dwelling per 1-2 acres using the Town's RS Residential Settlement and RD Rural Development. Accommodate recreational and large-scale low density activities (e.g. golf courses, resort hotels) by allowing them in the RD Rural Development and PAC Performing Arts Center Districts on a Special Use or Planned Unit Development (PUD) basis.
- Create an additional zoning district or overlay zone to protect high quality conservation areas within the Town by requiring very large lots (e.g. 5 acres) in selective areas or mandating the use of the

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conservation subdivision technique to cluster housing and preserve valuable open spaces.

Goal: Preserve natural character and working landscapes along existing highways while promoting safe, efficient and uncongested circulation of traffic.

- Establish increased setbacks, detailed site plan review, landscaping, parking and sign regulations along Routes 17-B and 55 that address their role as gateways to Bethel and Sullivan County and ensure that new development is accomplished in a manner that highlights, rather than overwhelms, existing natural and working landscapes.

Goal: Use positive incentive based programs to guide development.

- Incorporate flexibility into land use standards to fit individual development circumstances and offer bonuses for developers who provide additional open spaces, dedicate conservation easements, protect important environmental features or otherwise contribute to quality forms of development using innovative measures.
- Work with the Sullivan County Partnership and IDA to create incentives for agricultural, light metal fabrication, wood processing and similar businesses taking advantage of the Town's extensive natural resources with operations of smaller scale that complement existing mixed use character.

2. County Plans

Sullivan County adopted a county-wide agricultural development and farmland protection plan in 1999. This plan presents data and maps related to agriculture at that time, and offers long-range goals, objectives and strategies to support farming. Eight goals are established along with strategies aimed at seven different topic areas. These major topics are right-to-farm, farmland preservation, land use planning, education and public relations, taxation, economic development of agriculture, and business, retirement and estate planning. The Plan also offers an implementation schedule for the protection of agriculture in Sullivan County.

In 2008, Sullivan County adopted a strategic plan, "Conserving Open Space and Managing Growth". This plan identifies the County's existing natural resources so that open space conservation can be focused in areas where it will have the greatest impact. It will serve as a "road map" for Sullivan County to protect and restore these resources. The document provides an

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overview of related plans, and establishes goals and strategies. Agricultural resources are a major category of open space established by the County in that plan. It establishes a goal of maintaining the County's valuable farmland in active agricultural use while creating and promoting land use planning and zoning incentives that counter the conversion of farmland. To accomplish this, the strategic plan establishes several strategies and specific actions as follows:

- Secure priority areas by annually seeking Federal and State program Purchase of Development Rights (PDR) funding for selected parcels.
- Leverage funding from private organizations to assist in County farmland protection goals.
- Develop a local fund for purposes of acquiring agricultural conservation easements on a purchase or lease basis.
- Structure a simple transfer of development rights (TDR) program and broker it to prospective farmers and developers.
- Develop planning and zoning programs that offer incentives for agriculture conservation. Steps to accomplish this include developing a farm-friendly checklist for use by towns in evaluating land use regulations for impacts on agriculture, crafting model language for use in local land use regulations, and assisting land owners with use of conservation subdivision techniques.
- Provide educational assistance and technical assistance to farmers in estate and retirement planning to facilitate farm transfers to younger generations.

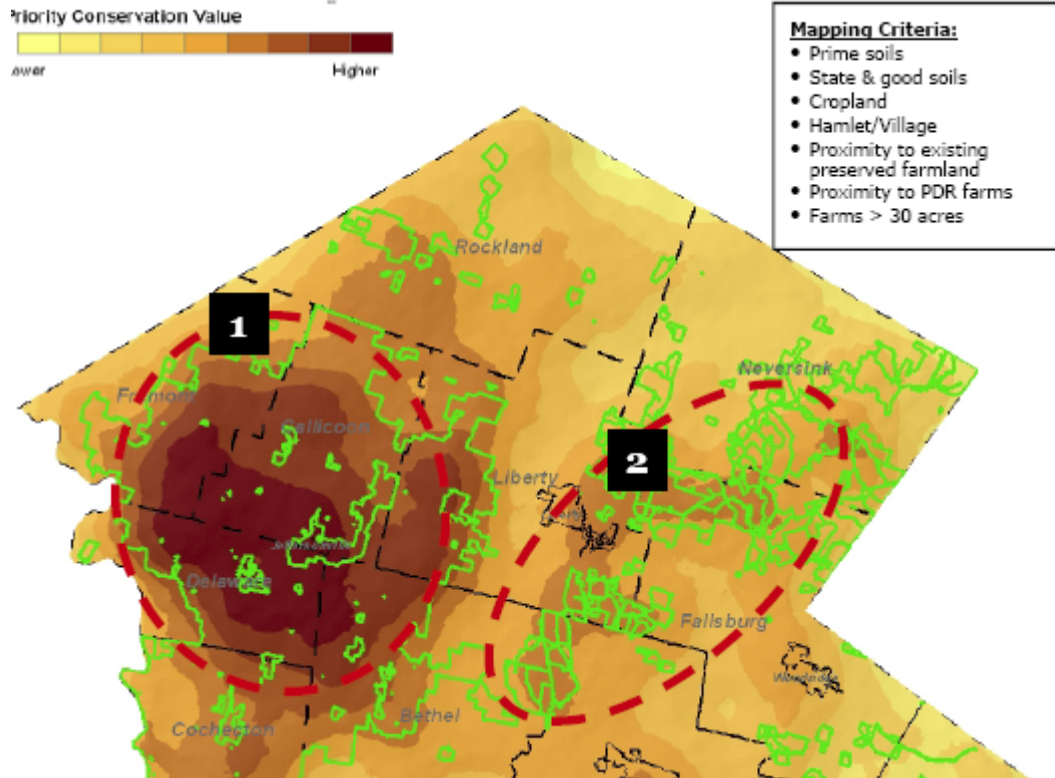
For agriculture, the County Strategic Plan prioritized lands based on prime soils, statewide important soils, cropland, locations of hamlets and villages, proximity to existing preserved farmland, proximity to farms already having PDR easements, and farms greater than 30 acres.

The figure below shows two county agricultural priority areas: Priority Area #1 is concentrated in the Towns of Callicoon, Delaware, Bethel, and Liberty which includes areas called "the Beechwoods".

A second priority area encompasses portions of the towns of Bethel, Liberty, Fallsburg and Neversink that have also historically been important farming areas. While there are fewer active farms than in the past, the area supports numerous working farms and inactive farms are often the targets for

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development.



The Beechwoods is also significant in that it is an area named in the 2009 Draft NYS Open Space Plan as a statewide area for agricultural conservation. The following excerpt describes this:

New York State Open Space Conservation Plan (2009 Draft)

In its 2009 Draft update to the *New York State Open Space Conservation Plan*, the DEC identifies the Upper Delaware Highlands, which includes the project site, as a Regional Priority Conservation Project Area. As such, this area is eligible for funding from the State's Environmental Protection Fund, and other State, federal and local funding sources. For these project areas, the Plan advises that "a combination of State and local acquisition, land use regulation, smart development decisions, land owner incentives and other conservation tools used in various combinations, will be needed to succeed in conserving these open space resources for the long term" (47). The Plan specifically addresses farmlands:

- Agriculture is one of the leading economic sectors in Sullivan

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County's Upper Delaware Highlands Region, remaining equal to recreational tourism. Including poultry, dairy, livestock, horticulture and aquaculture, this agricultural industry produces more than \$72 million on 385 active farms covering more than 63,000 acres. To preserve important agricultural lands not only furthers this economic base for this Catskill region but retains a rural community character and protects critical water and wildlife resources. The best soils in Sullivan County are predominantly located in the Beechwoods, an area that encompasses the Towns of Bethel, Callicoon, Cochection and Delaware, and along the Delaware River.

This has yielded the densest concentration of active farming operations in the County and has been designated as Agricultural District One by the New York State Department of Agriculture and Markets. The concentration of operations here is an asset to make local farms economically strong and culturally important. As such, particular focus should be placed on encouraging the continued use of farmland for agricultural production in this area by purchasing development rights on farmland, as well as in the neighboring towns of Fremont and Rockland.

The Plan recommends several actions to support working farms and forests:

- Help to build the capacity of municipal and nonprofit partners working on farmland protection projects.
- Support the work of municipalities to develop or update local Agricultural and Farmland Protection Plans.
- Support tax incentives or regulatory relief for forest-based industries.
- Support technical assistance and financial support for new forest product development, industry modernization and new environmentally friendly technologies.
- Improve skill-building initiatives within forest-based industries to improve competitiveness, safety and economic viability. Continue to support state, local government and non-profit acquisition of or easements on priority forest lands

Finally, the Sullivan 2020 Plan addresses farmland protection under the open space section and agricultural diversification under the economic development section. Sullivan 202 is a strategic plan that establishes a vision for the County. The Conserving Open Space and Managing Growth Plan (above) is a recommended action directly from the Sullivan 2020 Plan. Intermunicipal collaboration, regional coordination of zoning laws, strategies to promote environmental consciousness, and identification of effective solutions and actions plans are keystone features of the Sullivan 2020 and agriculture plays a key role in helping meet Sullivan's vision.

Draft Town of Bethel Agriculture and Farmland Protection Plan

3. Local Land Use Regulations

Zoning: The Rural Farm and the Agricultural districts encompass most of the areas in Bethel where farming operations exist. A general description of these districts is³:

RF Rural Farm District

This district is intended to be an area allowing for both rural development and farm uses that are compatible with each other. Farm uses are desired and encouraged but subjected, in more intensive situations, to the same reviews as other Special Uses. Farm uses are, within this district, treated equally with development uses and without the preferences accorded to them in the AG district by State law. The RF District provides for many larger land uses (e.g. campgrounds, other recreation uses, hotels) as well as neighborhood stores and industrial uses. The minimum lot size is 40,000 square feet. The RF District forms the bulk of the area south of Route 17B and separates two large areas of AG District north of Route 17B.

AG Agricultural District

This is a floating district with borders that is intended to always be congruent with the boundaries of New York State Agricultural Districts within the Town of Bethel. This district is also intended to protect these areas from various development intrusions that would be incompatible, while allowing farm and other large landowners the flexibility to earn a reasonable return. The range of uses, though more limited, is very similar to the RF District. The same 40,000 square feet minimum lot size also applies. However, the preference in this instance, by virtue of the State law, is given to farm uses. Nearly the entire northwest quadrant of the Town is classified as AG District. There are also three large areas of AG District surrounding the Sullivan County Airport and forming the northeast corner of the Town. There is also an Agricultural-Residential Overlay District near Briscoe Lake where none of the larger nonagricultural Special Uses are permitted.

The Town also has a right to farm law.

The 2006 Comprehensive Plan calls for a variety of amendments to the zoning to meet established goals and objectives.

³ From the 2006 Town of Bethel Comprehensive Plan

Draft Town of Bethel Agriculture and Farmland Protection Plan

A. Review of Bethel Comprehensive Plan

1. The plan analyzes where farms and NYS certified Ag Districts are evaluates existing ag uses in Town. Data from the ag plan will supplement this.
2. It includes a goal on working landscapes and maintaining them as part of the Bethel landscape.
3. It is smart growth oriented in many ways, especially by calling for growth to be directed to population centers instead of sprawling in undeveloped areas.
4. It calls for reinforcing the NYS Ag District by using zoning to apply additional local protections within a zoning boundary that coincides with the NYS ag district boundary.
5. It includes recommendations to protect rural character and environmentally sensitive areas, which would include farm areas.
6. The plan calls for use of bonuses and Transfer of Development Rights programs to accomplish some of the goals established.
7. It includes agricultural promotion and enhancement as a component of economic development and calls for incentives to attract non-gaming tourism compatible with the Towns working landscape and incentives for agricultural operations.
8. Overall, the plan is quite supportive and inclusive of agriculture in Bethel. However, some of the economic development and growth oriented goals and strategies may induce growth long-term that may ultimately not be compatible with agriculture. There may be some goals that are mutually exclusive and the Town may find it harder to attain both desired growth and agricultural activities.

B. Review of Zoning Law (Section 345)

The new zoning is very farm-friendly in many ways. The purpose statement is strong and includes agriculture as an important aspect of the Town. Definitions are generally good. There are a few areas which could be strengthened as follows:

1. Definitions: Generally good, but suggest the following:

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- a. Add the terms Agriculture, Agri-tourism, Farm Market or Farm Stand
 - b. Revise definition for open space to also include agriculture and active agricultural fields as valid open space uses.
 - c. Consider revising the definition for High Density Swine and Poultry to be consistent with the NYS CAFO regulations.
2. Section 24 (Conservation Subdivisions).
- a. Include identification and protection of prime farmland soils and soils of statewide importance in the preserved open space. Also, on application materials require identification as to whether the parcel is within the NYS certified Agricultural District.
 - b. It is excellent in that active farm fields are included in the list of features to be preserved. However, that definition of open space here is slightly different from the one given in the definition section, and Bethel should review this for consistency. The open space features included in this section should be the basis for the definition.
 - c. The section does not outline a specific percentage of land that must be preserved within a conservation subdivision. It simply refers says that "substantial open space areas" should be preserved. What does that mean and how does one measure "substantial"? It is recommended that this section include a set percentage for open space. Most conservation subdivision laws use 50% of the parent parcel required to be preserved.
3. Section 29 (Timber Harvesting Permits). This section requires that an applicant for a timber harvesting permit show proof of liability insurance. Since timber harvesting is included in the definition for agriculture as per both the State and local definitions, this means that timbering is a recognized form of farming. Thus farmers would have to provide this insurance and this could be a large expense and burden. Consider clarifying here that farms are exempt from this liability insurance requirement in light of the fact that subsection H allows for an exemption from a timber harvesting permit for farm operations. This is an excellent farm-friendly approach.

Draft Town of Bethel Agriculture and Farmland Protection Plan

4. Section 30 (Special Uses).

- a. Consider adding identification of agricultural activities and active ag fields to the list of features to be included on the proposed site plan. In this way, Bethel can adequately review the impact of the proposed use on adjacent farm operations.
- b. As per Agriculture and Markets Law (AML) 25-aa, the Planning Board is required to fill out or cause to be filled out - an agricultural data statement for projects undergoing site plan and special use permit reviews. The zoning should be amended to include this requirement. Further, zoning should also outline how the Planning Board uses this data statement – primarily to identify and notify nearby farms of the proposed activity.
- c. In sub-section I, add as a Planning Board consideration that they review the affect the proposal will have on agriculture.
- d. In sub-section J, add as a Planning Board requirement that they determine the impacts on agriculture.

5. Section 31 (Site Plan Review).

- a. Although the Schedule I (Use Table) does not indicate that farm operations need site plan review, section (C)(1)(c) and (e) may be interpreted to require farm buildings over 1500 square feet go through site plan. This should be clarified. These sections state that structures over 1500 square feet would need site plan review. It is confusing since the use table does not require site plan review for farm operations. This potential conflict should be clarified to exempt farm structures from the site plan requirements.
- b. Sub-section (C)(2) requires site plan review for all sludge lagoons, landfills, and waste-holding facilities. However, these terms are not defined so it appears as if any farm use of a manure storage facility would fall under this category and require site plan review. These terms should be defined and this section clarified as to whether farm uses of waste holding facilities need site plan review or not.
- c. Sub-section (C)(5)(d) and f) (Stormwater management and aquifer and wellhead protection). This section requires use of best management practices and water quality protection devices to prevent

Draft Town of Bethel Agriculture and Farmland Protection Plan

water pollution from pesticides, herbicides, and other chemicals used in “association with light industrial, automotive-related or other uses.” Would this apply to farms that use pesticides or herbicides? The “other uses” could be interpreted to include farms. This should be clarified. If farms are intended to meet this requirement, then this should be reflected in the Use Table (Schedule I). Finally, if it is intended to have farms meet these requirements, how will the Town ensure that there are no unreasonable restrictions placed especially given Bethel’s right-to-farm law (Chapter 160)?

- d. Sub-section (E). Consider adding the location of the NYS certified Agricultural District boundary and active agricultural operations to the list of features to be identified on the site plan. Also, add to the list of requirements the AML required Ag Data Statement.
 - e. Sub-section (F). Consider adding that the Planning Board will consider the impact of the proposed project on agriculture.
 - f. Sub-section (G). Consider adding a requirement that when a project occurs in the NYS certified Ag District, the ag data statement is to be used to identify and notify farmers in the district about the public hearing.
6. Section 34 (Keeping non-domesticated animals). This section regulates the number of animals that can be kept. Farms that receive an agricultural exemption are exempt from the requirements of this section. However, there might be farms, or new farm operations that do not meet the income requirements of the ag exemption, but that are bona fide agricultural operations. These farms would therefore, not be exempt. This might be very restrictive to smaller operations. Since small, niche farms will become more important in Bethel over time, it is recommended that farm operations located within any NYS certified Agricultural District and those farms receiving ag exemptions be exempt from this section.
7. Schedule I (Use Table). Farm uses are allowed in most districts and most are also allowed as a permitted use. These are very farm-friendly regulations. There are some issues that could be addressed however, as follows:
- a. The table sets up minimum lot width and depth requirements for farm operations. Why are lot size, width and depth requirements for farms needed at all? Couldn’t there be situations where an oddly shaped lot might not meet these width and depth standards? If that were the case, a farmer would have to go to the ZBA for an area variance and

Draft Town of Bethel Agriculture and Farmland Protection Plan

that could be overly restrictive for a permitted use especially in the AG district. Why are any of these dimensions important for farm operations? It is also possible that a small lot may be very appropriate for a farm stand or some niche farming operation that does not need three acres of land. For example, some nurseries or greenhouse operations are on quite small lots and a three acre requirement (or five acre in the FC District) may be very restrictive for new farm start-ups. It is recommended that the dimension requirements for farm operations and some of the other agricultural uses be removed or amended to be less restrictive.

- b. Consider adding a note in the table to correspond to the text that farm structures are exempt from the height requirements.
- c. A large barn on a lot may exceed the 20% lot coverage requirement. Consider removing this standard for farm operations.
- d. Currently, hotels and motels are allowed in the AG district. Is this a compatible use with Ag, especially in light of the purpose for this district? Light industrial uses are also allowed in the AG district. Is that a compatible use? Consider removing these uses from the AG district.
- e. There are similar concerns related to the dimension requirements for agricultural uses in the FC district. This district requires 5 acres, 300' lot width, a 75' front setback and a maximum building coverage of 10% for farm operations. These seem quite restrictive from a farming perspective. Consider removing these dimension requirements for farm operations and some of the other agricultural uses or amend to be less restrictive.
- f. The RD district's purpose is to allow and encourage farm uses, but also states that it is the intent of the zoning to subject ag uses in more intensive situations to the same reviews as other special uses and that farms are treated equally without protections accorded to them as in the AG district. It is unclear why this purpose is of importance. Is the real intent of this district to allow for a mix of residential and farm uses? If so, that might be a better approach to the district purpose statement. Contrary to the stated purpose statement, all the agricultural uses except on-site processing listed on Schedule I are allowed as a permitted by right use (the exception being a site plan review necessary for greenhouse and nurseries) and this is much the same as in the AG district. I do not understand therefore, where agriculture is treated more stringently in this district as in the AG

Draft Town of Bethel Agriculture and Farmland Protection Plan

district. The table does not seem to match up with the purpose statement. It may be that the purpose statement for the RD district should be amended and keep the use type as is.

Other Zoning Recommendations for Bethel to Consider:

1. Both siting on a parcel and the density of new structures play roles in compatibility of new development with farming. The zoning establishes a 3-acre minimum acre lot size in the AG District which is where the vast majority of agriculture is taking place. Based on the buildout analysis, this density would allow for about 4,800 new homes in the AG district. Although vastly improved over former zoning requirements that allowed an even higher density, this level of growth, if fully realized, could still have negative impacts on agriculture. Not only would it use valuable ag lands for housing, it would result in other impacts that make continuing farming in the district very difficult long-term. If the Town wants to consider alternative methods to attaining a density that may be even more supportive of agriculture, Bethel could consider one or more of the following planning tools oriented to siting of new homes and density:
 - a. Use Average Lot Density: Do not require a minimum lot size, but instead rely on an average density to be attained over the entire parcel being developed. In this way, smaller lots can be created leaving more opportunity for preservation of open space and farming. While the cluster provisions of zoning will work best on major developments, use of average lot density will assist with preservation of farmland on small subdivisions as well. Minimum lot sizes can be as small as allowed by the Department of Health for septic systems/wells. This technique would not change the overall density of 3 acres as now, but would help facilitate preservation of larger lots for agriculture.
 - b. Reduce density but give it back with bonus incentives for farm-friendly siting of new structures. If someone wants to develop a conventional subdivision with no protections for open space or ag lands, then the density is reduced. If however, they use the conservation subdivision technique, participate in a Transfer of Development Rights program (below), or otherwise protect agricultural lands in Bethel, then they would be eligible for a density bonus that would bring the capacity of development back to 3 per acre in the AG district or 5 in the FC. Use of this technique would not necessarily reduce overall density in the

Draft Town of Bethel Agriculture and Farmland Protection Plan

Town, but would help meet other protection goals. Incentives were also a technique called for in the Comprehensive Plan so this recommendation is consistent with the adopted Comprehensive Plan.

- c. Initiate a Transfer of Development Rights Program. This was also recommended in the Town Comprehensive Plan. This is a program that allows the development capacity allowed on one parcel to be transferred and built on another parcel. Sending areas (parcels of land where you want to preserve open space and farmland) should be primarily in the AG district and secondarily in the RD and FC districts. Receiving areas (parcels of land where you want to have higher density) should be in or near new or already existing higher density areas in Town. TDR works best when
 - o The TDR program creates a demand for density bonuses that could be obtained through a TDR program. If developers are satisfied with the density they get through zoning without buying TDR's there is less chance for the program to be used.
 - o Receiving areas have adequate infrastructure, be politically acceptable, compatible with existing development, be clearly designated and in a location where developers perceive a market for higher density.
 - o Sending areas have strict regulations and densities. Too high a density in the sending area will make the TDR option not favorable.
 - o Voluntary TDR programs have not been found to be successful. Successful programs do not allow developments to circumvent TDR requirements.
 - o Develop a TDR program that is as simple as possible and give developers certainty in the planning and review process.
 - o Consider a TDR bank. This is an entity officially authorized by the community to buy, hold and resell TDR's. The bank can acquire TDRs from sending area landowners who cannot find private buyers. It can establish and stabilize TDR prices, facilitate transactions, and market the program. Further, a TDR bank can create a revolving fund by buying TDRs, selling them, and using the proceeds to buy more TDRs.

Draft Town of Bethel Agriculture and Farmland Protection Plan

1. Sending areas should be priority farmlands in the AG district. (See LESA map).
 2. Receiving areas could be in the RS, RD-R, SR, or perhaps higher density locations already within the RD districts.
 3. Density bonuses could be given for participation in the TDR program.
2. Require Agricultural Buffers be placed when a non-agricultural use is proposed immediately adjacent to an existing farm operation or agri-business. This buffer is usually vegetated but could be a landscaped berm or fence and would be the responsibility of the new, non-farm use. This is similar to the requirement for buffers that is already in the zoning law between residential and commercial uses.
 3. Consider adding in a density bonus as an incentive to promote use of conservation subdivisions – especially when farmlands are preserved. This would give the Town the ability to offer an incentive to make it more attractive for a developer to use the conservation subdivision technique. (See also above).
 4. Consider including the definitions of Chapter 160 (Right to Farm Law) as new, agriculturally-oriented definitions in the zoning.
 5. For the AG district, consider adding some rural siting standards to help direct new structures to the most appropriate locations within a parcel. These could apply whether it was a subdivision or single parcel development. The Planning Board could be authorized in subdivision review to plan for building envelopes to help site the area of disturbance in a way that maximizes potential ag uses in and around the subdivision. For instance, a former farm field that is being subdivided could still have several acres of useable cropland if the houses were placed in a way that would allow that. Placement of new structures in the middle of a former farm field will convert that parcel totally from ag use. Other rural siting standards include maintenance of access to back lots that may be used for farming.

Draft Town of Bethel Agriculture and Farmland Protection Plan

C. Review of Subdivision Regulations

Overall, the subdivision law is an excellent and well designed set of regulations. However, it does not emphasize the importance of agriculture in the Town very much nor does it address the need to ensure that new subdivisions do not negatively impact farm operations. To strengthen the subdivision law, consider the following:

1. Add purpose statement(s) that reflect the important role agriculture plays in Bethel and the community desire to protect farms and farmlands.
2. Add in agriculturally-related definitions relevant to terms needed in the subdivision law.
3. Expand or change the definition of open space to extend beyond recreation and commonly owned land to include conservation and agricultural protection.
4. Add agriculture to the definition of what would be considered a secondary conservation area.
5. Add in the requirement to collect and use the Ag Data Statement as per AML 25-aa.
6. Include in the plat requirements the mapping and identification of active farm lands in or adjacent to the proposed subdivision.
7. Include in the plat requirements the identification as to whether the parcel is in a NYS certified Ag District or not.
8. Add agricultural lands to section 20 (preservation of natural features).
9. Consider allowing agricultural uses such as pasture or croplands as valid uses of the preserved open space lands in Section 23 (A).
10. The subdivision law has no reference to the conservation subdivision process allowed for in Zoning. While the language in the zoning is fine, there should be some reference to the process and allowance of a conservation subdivision. At the very least there should be a statement that the approval process and time frames for a conservation subdivision would be the same as a conventional subdivision.

Draft Town of Bethel Agriculture and Farmland Protection Plan

Appendix 5: US Agriculture Census Zip Code Level Data

1. Description and Comparison of Farm Operations in Town of Bethel Zip Codes (includes Swan Lake, Jeffersonville, Ferndale, and Cohecton as these are the locations where the majority of farms exist in Bethel).

Farm Owner and Operator Characteristics in Bethel by Zip Code

ZIP	Town	Full owners	Part owners	Tenants	Operators living on the farm operated	Operators by Principal Occupation farming
1997						
12726	Cohecton	6	7	0	13	10
12748	Jeffersonville	21	10	1	27	23
12783	Swan Lake	6	8	0	12	9
12734	Ferndale	4	4	1	7	5
Totals		37	29	2	59	47
2002						
12726	Cohecton	10	6		16	13
12748	Jeffersonville	14	19		31	23
12783	Swan Lake	7	*	*	11	7
12734	Ferndale	*	*		6	5
Totals		31	25	*	54	48
2007						
12726	Cohecton	9	8		16	10
12748	Jeffersonville	17	15	2	24	18
12783	Swan Lake	4	3		7	4
12734	Ferndale	3	6	1	7	6
Totals		33	26	3	54	38

Draft Town of Bethel Agriculture and Farmland Protection Plan

2. Type of Farms in Bethel Zip Codes

Livestock Inventory on Farms in Bethel by Zip Code

1997													
ZIP	Town	Cattle and calves inventory farms	Beef inventory farms	Milk inventory farms	Cattle and calves sold total farms	Hogs and pigs inventory farms	Hogs and pigs sold total farms	Sheep and lambs inventory farms	Hens & pullets laying age inventory total	Horses and ponies of all ages inventory total	Horses and ponies of all ages sold	Broilers & other meat type	Turkeys sold total farms
1997													
12726	Cochecton	8	3	4	9	1	1	1	0	1	0	1	1
12748	Jeffersonville	16	6	12	16	1	1	1	6	8	3	2	2
12783	Swan Lake	8	3	4	8	0	0	1	1	3	1	1	0
12734	Ferndale	2	2				0		0	2	1		0
Totals		34	14	20	33	2	2	3	7	14	5	4	3
2002													
12748	Jeffersonville	16	*	11	12	*	*	*	7	8	*		
12726	Cochecton	8	*	*	5	*	*	*	*	*		*	
12783	Swan Lake	*	*	*	*		*	6					6
12734	Ferndale								*	*			*
Totals		24	*	11	17	*	*	6	7	8	*	*	6
2007													
12748	Jeffersonville	14	10	5	12	8	0	0	1	5	5	0	NA

Draft Town of Bethel Agriculture and Farmland Protection Plan

12726	Cochecton	8	6	2	8	3	3	1	1	2	2	1	NA
12783	Swan Lake	5	3	3	0	0	0	0	0	3	2	0	NA
12734	Ferndale	4	4	0	2	2	0	2	4	5	2	6	NA
Totals		31	23	10	22	13	3	3	6	15	11	7	NA

Source: US Agricultural Census. Note: 1997 Agricultural Census no data was available for zip codes in Hortonville (12746 or Kenoza Lake (12750).

Cropland Harvested in Bethel by Zip Codes

1997												
ZIP	Town	Cropland harvested total farms	Cropland harvested 1 to 49	Cropland harvested 50 to 499	Cropland used for pasture or cropland	Cropland idle total farms	Total woodland total farms	Pasture and rangeland other than cropland	All other land total farms	All other land 100 acres or more		
1997												
12726	Cochecton	11	4	7	10	0	9	1	9	0		
12748	Jeffersonville	27	12	14	17	0	20	7	20	1		
12783	Swan Lake	1	3	7	9	1	7	5		0		
12734	Ferndale		7	4	3	3	1	5	2	2		
Totals		39	26	32	39	4	37	18	31	3		
2002												
12748	Jeffersonville	27	11	14	19	*	21	10	20			
12726	Cochecton	13	6	7	12	*	7	*	8			
12783	Swan Lake	5	*	*	8		7	*		*		
12734	Ferndale	*	*	*	*	8	*	*				
Totals		45	17	21	39	8	35	10	28	*		
2007												
12748	Jeffersonville	31	15	16	7	NA	22	NA	NA	NA		
12726	Cochecton	12	7	4	8	NA	13	NA	NA	NA		
12783	Swan Lake	6	3	4	4	NA	5	NA	NA	NA		

Draft Town of Bethel Agriculture and Farmland Protection Plan

12734	Ferndale	8	3	5	5	NA	3	NA	NA	NA
Totals		57	28	29	24	NA	43	NA	NA	NA

3. Farmland Acreage and Size of Farms in Town of Bethel Zip Codes

ZIP	Town	Farms by size all farms	Farms by size 1 to 49 acres	Farms by size 50 to 999 acres
1997				
12726	Cochecton	13	4	9
12748	Jeffersonville	32	6	26
12783	Swan Lake	14	2	12
12734	Ferndale	9	3	6
Totals		68	15	53
2002				
12726	Cochecton	16	7	9
12748	Jeffersonville	33	12	21
12783	Swan Lake	11	*	7
12734	Ferndale	7	*	*
Total		67	19	37
2007				
12726	Cochecton	17	7	10
12748	Jeffersonville	34	5	29
12783	Swan Lake	7	2	5
12734	Ferndale	10	4	6
Total		68	18	50

Draft Town of Bethel Agriculture and Farmland Protection Plan

4. Market Value of Farms, Economic Trends in Town of Bethel Zip Codes

1997 Market Value of All Agricultural Products in Bethel Zip Codes

1997						
ZIP	Town	Total Farms	Less than \$10000	\$10000 or more	\$10000 to \$99999	\$100000 or more
12726	Cochecton	13	4	9	4	5
12748	Jeffersonville	32	15	17	7	10
12783	Swan Lake	14	6	8	4	4
12734	Ferndale	9	6	3	0	3
Totals		68	31	37	15	22

2002 and 2007 Market Value of All Agricultural Products in Bethel Zip Codes

Zip	Town	Total farms	Less than \$50,000 (farms)	\$50,000 to \$249,999 (farms)	\$250,000 or more (farms)
2002					
12748	Jeffersonville	33	20	11	*
12726	Cochecton	16	12	*	*
12783	Swan Lake	11	8		*
12734	Ferndale	7	*		*
Totals		67	40	11	*
2007					
Zip	Town	Total farms	Less than \$50,000 (farms)	\$50,000 to \$249,999 (farms)	\$250,000 or more (farms)
12748	Jeffersonville	34	26	5	3
12726	Cochecton	17	14	0	3
12783	Swan Lake	7	4	0	3

Draft Town of Bethel Agriculture and Farmland Protection Plan

12734	Ferndale	10	7	0	3
Totals		68	51	5	12

Draft Town of Bethel Agriculture and Farmland Protection Plan

Appendix 6. US Agricultural Census County Data

Census of Agriculture: Sullivan County	1997	2002	2,007	% Change
Farms (number)	311	381	323	3.9
Land in farms (acres)	58,067	63,614	50,443	-13.1
Land in farms - average size of farm (acres)	187	167	156	-16.6
Land in farms - median size of farm (acres)	116	106	100	-13.8
Estimated market value of land and buildings average per farm (dollars)	379,677	522,088	546,478	43.9
Estimated market value of land and buildings average per acre (dollars)	1,861	2,798	3,493	87.7
Estimated market value of all machinery/equipment: aver per farm (dollars)	62,091	72,534	81,001	30.5
Farms by size: 1 to 9 acres	27	27	19	-29.6
Farms by size: 10 to 49 acres	50	107	81	62.0
Farms by size: 50 to 179 acres	125	128	134	7.2
Farms by size: 180 to 499 acres	83	92	66	-20.5
Farms by size: 500 to 999 acres	23	19	19	-17.4
Farms by size: 1,000 acres or more	3	8	4	33.3
Total cropland (farms)	279	322	274	-1.8
Total cropland (acres)	34,813	34,476	24,614	-29.3
Total cropland, harvested cropland (farms)	261	274	236	-9.6
Total cropland, harvested cropland (acres)	25,045	26,541	21,198	-15.4
Irrigated land (farms)	19	35	24	26.3
Irrigated land (acres)	109	293	75	-31.2
Market value of agricultural products sold (\$1,000)	23,364	37,753	42,117	80.3

Draft Town of Bethel Agriculture and Farmland Protection Plan

Census of Agriculture: Sullivan County	1997	2002	2,007	% Change
Market value of agricultural products sold, average per farm (dollars)	75,126	99,090	130,393	73.6
Market value of ag prod sold-crops, incl nursery and greenhouse crops (\$1,000)	2,117	2,690	2,088	-1.4
Market value of ag products sold - livestock, poultry, and their products (\$1,000)	21,247	35,064	40,029	88.4
Farms by value of sales: Less than \$2,500	79	155	123	55.7
Farms by value of sales: \$2,500 to \$4,999	38	40	30	-21.1
Farms by value of sales: \$5,000 to \$9,999	39	34	26	-33.3
Farms by value of sales: \$10,000 to \$24,999	54	43	62	14.8
Farms by value of sales: \$25,000 to \$49,999	21	27	28	33.3
Farms by value of sales: \$50,000 to \$99,999	28	32	16	-42.9
Farms by value of sales: \$100,000 or more	52	50	38	-26.9
Total farm production expenses (\$1,000)	19,833	26,504	40,529	104.4
Total farm production expenses, average per farm (dollars)	63,162	69,383	125,477	98.7
Net cash return from agricultural sales for the farm unit (farms)	314	382	323	2.9
Net cash return from agricultural sales for the farm unit (\$1,000)	2,775	12,280	2,747	-1.0
Net cash return from ag sales for fm unit, average per farm (dollars)	8,838	32,146	8,504	-3.8
Operators by principal occupation: Farming	194	243	164	-15.5
Operators by principal occupation: Other	117	138	159	35.9
Operators by days worked off farm: Any	154	181	179	16.2
Operators by days worked off farm: 200 days or more	90	123	123	36.7
Livestock and poultry: Cattle and calves inventory (farms)	160	155	119	-25.6
Livestock and poultry: Cattle and calves inventory (number)	11,012	8,900	6,300	-42.8
Beef cows (farms)	69	75	79	14.5
Beef cows (number)	1,082	875	1,215	12.3

Draft Town of Bethel Agriculture and Farmland Protection Plan

Census of Agriculture: Sullivan County	1997	2002	2,007	% Change
Milk cows (farms)	72	53	32	-55.6
Milk cows (number)	4,505	3,948	2,272	-49.6
Cattle and calves sold (farms)	158	109	89	-43.7
Cattle and calves sold (number)	5,508	3,123	2,220	-59.7
Hogs and pigs inventory (farms)	11	19	23	109.1
Hogs and pigs inventory (number)	126	206	425	237.3
Hogs and pigs sold (farms)	11	19	21	90.9
Hogs and pigs sold (number)	182	227	525	188.5
Sheep and lambs inventory (farms)	23	48	31	34.8
Sheep and lambs inventory (number)	334	1,010	729	118.3
Layers and pullets 13 weeks old and older inventory (farms)	31	65	64	106.5
Layers and pullets 13 weeks old and older inventory (number)	(D)	(D)	(D)	
Broilers and other meat-type chickens sold (farms)	11	15	13	18.2
Broilers and other meat-type chickens sold (number)	1,208,336	2,542,338	1,528,519	26.5
Corn for grain or seed (farms)	8	6	3	-62.5
Corn for grain or seed (acres)	693	670	(D)	
Corn for grain or seed (bushels)	69,580	26,627	(D)	
Corn for silage or green chop (farms)	52	30	21	-59.6
Corn for silage or green chop (acres)	2,523	1,324	882	-65.0
Corn for silage or green chop (tons, green)	27,579	11,970	14,451	-47.6
Wheat for grain (farms)	(N)		1	
Wheat for grain (acres)	(N)		(D)	
Wheat for grain (bushels)	(N)		(D)	
Barley for grain (farms)	(N)		1	
Barley for grain (acres)	(N)		(D)	
Barley for grain (bushels)	(N)		(D)	
Oats for grain (farms)	2		1	-50.0

Draft Town of Bethel Agriculture and Farmland Protection Plan

Census of Agriculture: Sullivan County	1997	2002	2,007	% Change
Oats for grain (acres)	(D)		(D)	
Oats for grain (bushels)	(D)		(D)	
Soybeans for beans (farms)	(N)		2	
Soybeans for beans (acres)	(N)		(D)	
Soybeans for beans (bushels)	(N)		(D)	
Dry edible beans, excluding dry limas (farms)	(N)			
Potatoes, excluding sweet potatoes (farms)	6		12	100.0
Potatoes, excluding sweet potatoes (acres)	17		22	29.4
Potatoes, excluding sweet potatoes (hundredweight)	1,262		(N)	
Hay-alfalfa, other tame, small grain, wild grass silage, green chop, etc (farms)	210		186	-11.4
Hay-alfalfa, other tame, small grain, wild, grass silage, green chop, etc(acres)	23,488		19,636	-16.4
Hay-alfalfa, other tame, small grain, wild, grass silage, green chop, etc(tons, dry)	38,529		35,056	-9.0
Vegetables harvested for sale (farms)	25		31	24.0
Vegetables harvested for sale (acres)	157		151	-3.8
Land in orchards (farms)	13		9	-30.8
Land in orchards (acres)	101		25	-75.2
(D) Withheld to avoid disclosing data for individual farms.				
(N) Not available.				

Draft Town of Bethel Agriculture and Farmland Protection Plan

Appendix 7: Additional Details Related to Zoning and Subdivision Recommendations

Definitions to Add:

Agriculture: Any processing facilities, on-farm buildings, manure processing and handling, and practices that contribute to the production, preparation, or selling of crops, livestock, and wood products, including commercial horse boarding operations and compost, mulch or other biomass operations. Agriculture is an activity that produces food, fiber, animal products, wood products, and other goods and services from the land including but not limited to maple syrup, bee products, and Christmas trees.

Ag Business: agricultural operations included, but not limited to u-picks, CSAs, expanded road stands, corn mazes, hay rides, pumpkin patches, seasonal events, school programs, weddings and parties, farm markets, dairy barns, bakeries, farm stores and restaurants, bed and breakfasts, farm stays, and community kitchen.

Agri-business: services and businesses that support agricultural operations including but not limited to veterinarians, seed and fertilizer dealers, machinery dealers, and slaughterhouse.

Agri-tourism: means activities conducted by a farmer on-farm for the enjoyment or education of the public, which primarily promote the sale, marketing, production, harvesting or use of the products of the farm and enhance the public's understanding and awareness of farming and farm life. Agri-tourism activities include, but are not limited to on-farm bed and breakfasts, farm stay programs, u-pick operations, and pumpkin patches.

Farmer: Any person, organization, entity, association, partnership, limited liability company, or corporation engaged in agriculture, whether for profit or otherwise, including the cultivation of land, the raising of crops, or the raising of livestock.

Small farm: A commercial farm operation that earned less than \$10,000 in gross income from agriculture.

Hobby Farm: An agricultural operation that is maintained without expectation of being a primary source of income. Some are provide recreational land and others are managed as small farms for

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sideline income, or are run at an ongoing loss as a lifestyle choice by people with the means to do so

Open Space: -- Land left in a natural state for conservation and agricultural purposes or for scenic purposes, devoted to the preservation of distinctive ecological, physical, visual, architectural, historic, geologic or botanic sites. It shall also mean land left in a natural state and devoted to active or passive recreation. The term shall not include land that is paved, used for the storage, parking or circulation of automobiles, or occupied by any structure except agricultural buildings.

Farm woodland: land used for the production for sale of woodland products, including but not limited to logs, lumber, posts and firewood. Farm woodland shall not include land used to produce Christmas trees or land used for the processing or retail merchandising of woodland products.

Sludge lagoon: An earthen basin that receives only sludge that has been removed from a wastewater treatment facility. It does not include a wastewater treatment lagoon or sludge treatment units that are a part of a mechanical treatment.

Landfill: A disposal facility or part of a facility where non-hazardous waste is placed in/on the land, carefully lined and monitored, for containment.

Waste-holding facilities: Any structure designed to temporarily hold sludge, septage, animal waste, or biosolids.

Distillery: A premises where distillation takes place to produce alcohol. Distillation is a method of separating components or a physical process and not a chemical reaction.

Questions for Planning Board to Evaluate Impacts on Agriculture

In order to assist in identifying potential impacts a development proposal may have on agriculture, in the AG district, the Planning Board could consider the following when reviewing any subdivision, site plan or special use permit application:

1. How compatible is the use with meeting the purposes of the AG District and the Comprehensive Plan?

Draft Town of Bethel Agriculture and Farmland Protection Plan

2. Are there any potential for conflicts with adjacent or other agricultural uses within the district?
3. Is the proposed use compatible with existing or permitted uses on adjacent lands.
4. What is the agricultural productivity of the lands or soils involved?
5. What can be done to minimize the amount of agricultural soils converted to non-agricultural use?
6. What is the effect of the proposed use on water, air, or soil resources, and on rare or irreplaceable natural resources?
8. What is the location of the structures on the parcel in relation to scenic agricultural resources (views of animals, farm fields, barns, and other farm activities) and the ability of the project design to minimize interruption of these views from public roads?

Agricultural Data Statement to Use:

According to the New York State Agricultural Districts Law (Article 25-aa, Section 305-a), "Agricultural data statement" means an identification of farm operations within an agricultural district located within five hundred feet of the boundary of property upon which an action requiring municipal review and approval by the planning board, zoning board of appeals, town board, or village board of trustees pursuant to article sixteen of the town law or article seven of the village law is proposed, as provided in section three hundred five-a of this article.

As per Section 305-a and NYS Town Law 283-a, 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, or town board that would occur on property within an agricultural district containing a farm operation or on property with boundaries within five hundred feet of a farm operation located in an agricultural district, shall include an agricultural data statement. The planning board, zoning board of appeals, or town board shall 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 information required by an agricultural data statement may be included as part of any other application form required by local law, ordinance or regulation.

When the planning board, zoning board of appeals, or town board receives an application with an agricultural data statement, they must mail a written notice of such application to the owners of land as

Draft Town of Bethel Agriculture and Farmland Protection Plan

identified by the applicant in the agricultural data statement. Such notice shall include a description of the proposed project and its location, and may be sent in conjunction with any other notice required by state or local law, ordinance, rule or regulation for the said project. The cost of mailing said notice shall be borne by the applicant. The agricultural data statement shall include the following information: the name and address of the applicant; a description of the proposed project and its location; the name and address of any owner of land within the agricultural district, which land contains farm operations and is located within five hundred feet of the boundary of the property upon which the project is proposed; and a tax map or other map showing the site of the proposed project relative to the location of farm operations identified in the agricultural data statement.

The board reviewing the request must mail a description of the proposed project and its location to all owners of land as identified in the Agricultural Data Statement. The cost of that mailing can be borne by the applicant. Further, the Town must refer all applications that require an agricultural data statement to the County Planning Board as required by Sections 239-m and 239-n of the NYS General Municipal Law.

Draft Town of Bethel Agriculture and Farmland Protection Plan

Agricultural Data Statement

Instructions: This form must be completed for any application for a special use permit, site plan approval, use variance or a subdivision approval requiring municipal review that would occur on property within 500 feet of a farm operation located in a NYS Ag and Markets certified Agricultural District. County Planning Board review is also required. A copy of this Agricultural Data Statement must be submitted along with the referral to the Columbia County Planning Department.

1. Name _____ and Address _____ of Applicant: _____

2. Type of application (Check one or more):
Special Use Permit Site Plan Approval Use Variance
Subdivision approval

3. Description of proposed project to include (1) size of parcel or acreage to be acquired and tax map identification number of tax parcel(s) involved; (2) the type of action (single-family dwelling or subdivision, multi-family development, apartment, commercial or industrial, school, non-residential use, etc., and (3) project density (Please provide this information on the reverse side of this application and attach additional description as necessary).

4. Is this parcel within an Agricultural District? Yes No

5. If Yes, what is the Agricultural District Number? _____

6. Is this parcel actively farmed? Yes No

7. List all farm operations within 500 feet of your parcel. Attach additional sheets if necessary.

A. Name: _____
Address and Telephone #: _____
Type of Farm: _____

Is this parcel actively farmed? Yes No

B. Name: _____
Address and Telephone #: _____
Type of Farm: _____

Is this parcel actively farmed? Yes No

C. Name: _____
Address and Telephone #: _____

**Draft Town of Bethel Agriculture and Farmland Protection
Plan**

Type of Farm: _____

Is this parcel actively farmed? Yes No

D. Name: _____

Address and Telephone #: _____

Type of Farm: _____

Is this parcel actively farmed? Yes No

8. Signature of Applicant: _____

9. Reviewed by: _____

Date: _____

Draft Town of Bethel Agriculture and Farmland Protection Plan

Site Plan Review for Farms

The following is excerpted from the NYS Department of Agriculture and Markets: Guideline on Reviewing Local Zoning and Planning Laws. Although written for a Planning Board review, the Department's guidelines as follows should remain as a review process with the Town of Bethel Building Department:

Model Site Plan Process

The applicant for site plan review and approval shall submit the following:

- 1) Sketch of the parcel on a location map (e.g., tax map) showing boundaries and dimensions of the parcel of land involved and identifying contiguous properties and any known easements or rights-of-way and roadways.

Show the existing features of the site including land and water areas, water or sewer systems and the approximate location of all existing structures on or immediately adjacent to the site.

- 2) Show the proposed location and arrangement of buildings and uses on the site, including means of ingress and egress, parking and circulation of traffic.
- 3) Sketch of any proposed building, structure or sign, including exterior dimensions and elevations of front, side and rear views. Include copies of any available blueprints, plans or drawings.
- 4) Provide a description of the project and a narrative of the intended use of such proposed buildings, structures or signs, including any anticipated changes in the existing topography and natural features of the parcel to accommodate the changes. Include the name and address of the applicant and any professional advisors. If the applicant is not the owner of the property, provide authorization of the owner.
- 5) If any new structures are going to be located adjacent to a stream or wetland provide a copy of the floodplain map and wetland map that corresponds with the boundaries of the property.
- 6) Application form and fee (if required).

If the municipality issues a permit for the structure, the Code Enforcement Officer (CEO) determines if the structures are subject to and comply with the

Draft Town of Bethel Agriculture and Farmland Protection Plan

local building code or New York State Uniform Fire Prevention and Building Code prior to issuing the permit. Similarly, the Zoning Enforcement Officer (or the CEO in certain municipalities) would ensure compliance with applicable zoning provisions.

The Department urges local governments to take into account the size and nature of the particular farm buildings and structures when setting and administering any site plan requirements for farm operations. The review process, as outlined above, should generally not require professional assistance (e.g., architects, engineers or surveyors) to complete or review and could be completed relatively quickly. The Department understands, however, that in some cases, a public hearing and/or a more detailed review of the project which may include submission of a survey, architectural or engineering drawings or plans, etc., may be necessary. The degree of regulation that may be considered unreasonably restrictive depends on the nature of the proposed activities, the size and complexity of the proposed buildings or structures and whether a State agricultural exemption applies.

Time Frame for Review and Decision

Town Law §274-a and Village Law §7-725-a require that a decision on a site plan application be made within a maximum of 62 days after receipt of the application or date of a public hearing, if one is required. Town and Village Law authorize town boards and village boards of trustees to adopt public hearing requirements and local laws often provide planning boards with the discretion whether to hold a public hearing. The Department recommends that if the municipality requires construction of farm buildings and structures within a state certified agricultural district to undergo site plan review, that the review and decision be expedited within 45 days, with no public hearing. The Department recognizes that the Town Law allows municipalities to determine which uses must undergo site plan review, the time frame for review (within the 62 day maximum), and whether to conduct a public hearing. A protracted review of most agricultural projects could, however, result in significant economic impacts to farmers.

The process outlined above affords the community an opportunity to examine a proposed agricultural project and to evaluate and mitigate potential impacts in light of public health, safety and welfare without unduly burdening farm operations. Of course, the "process" must also be administered in a manner that does not unreasonably restrict or regulate farm operations. For example, conditions placed upon an approval or the cost and time involved to complete the review process could be unreasonably restrictive.

Draft Town of Bethel Agriculture and Farmland Protection Plan

Appendix 8: Maps

Base Map

Property Class

Government Owned/Protected Properties

Farm Locations

New York State Agricultural Districts

Farmland Soils

Farmland Prioritization

Buildout Analysis (various maps)

Zoning

Water and Sewer Districts

Aerial Photo