Town of Ogden
2012 Agricultural & Farmland Protection Plan

Adopted on December 12, 2012

Town of Ogden
269 Ogden Center Road
Spencerport, New York 14559

The Town of Ogden was established in 1817.

Acknowledgements

This plan was initiated by and completed under the stewardship of the Town Board. The membership of the Town Board includes:

Gay Lenhard, Supervisor
Tom Cole, Deputy Supervisor
Dave Feeney, Councilman
Thomas Uschold, Councilman
Malcolm Perry, Councilman

The Town would like to thank the following individuals for devoting their time and effort to developing this plan:

- Dave Feeney, Committee Chairperson
- Tom Cole, Vice Chairperson
- Dave Widger, Highway Superintendent
- Jack Crooks, Code Enforcement Officer
- Dave Pulhamus, Conservation Board Chairperson
- James Goeke, Conservation Board Member
- Bob King, MCC Ag & Life Sciences Institute
- Robert Colby, Colby Farms
- Jim Maier, H.A. Maier Farms
- J. McKenzie
- Dave Richardson
- Mark Russell, Whittier Fruit Farms
- Ray Stein, Raymond Stein & Sons Farms
- Rod Stettner, Stettner Farm
- Kim Zuber, Zuber Farms
- John Steinmetz, Steinmetz Planning Group

The Committee would also like to thank all of the residents, property owners, and elected officials that participated in this process.

"Never doubt that a small group of thoughtful people could change the world. Indeed, it's the only thing that ever has."

~ M. Mead

Table of Contents

Section	Page
Executive Summary	6
Introduction	12
Agricultural Profile	16
Location	17
Population & Development Trends	18
Water & Sewer Service	20
Agricultural Activity	22
Farmland Tenure	26
Prime Soils	28
Agricultural Districts & Wetlands	30
Zoning	32
Future Land Use	34
Implications	36
Policy Framework	37
Community Vision	39
Agricultural Policy Statement & Objectives	41
Prime Soils	42
Infrastructure	52
Agricultural Economic Development	58
Community Awareness	62
Regulations & Permitting	66
Governmental Relations	72
Endnotes & Appendices	74

Executive Summary

Plan Purpose & Intent - According to Article 25-AAA of New York State Law, "Agricultural lands are irreplaceable state assets. In an effort to maintain the economic viability, and environmental and landscape preservation values associated with agriculture, the state must explore ways to sustain the state's valuable farm economy and the land base associated with it. External pressures on farm stability such as population growth in non-metropolitan areas and public infrastructure development pose a significant threat to farm operations, yet are the pressures over which farmers have the least control." In order to help to preserve the viability of New York's agricultural economy, the New York State Department of Agriculture and Markets is partnering with municipalities across the state to develop and implement local farmland protection plans. The purpose of these plans is to identify a diverse array of tools and techniques that farmers, property owners, local governments, and not-for-profits can utilize to foster agricultural activity at the local level.

Our Planning Process - The Town of Ogden's Agricultural and Farmland Plan is a product of a significant amount of time and energy provided by the farming community, the Steering Committee, Town Staff and the consultants hired by the Town. The Steering Committee was appointed by the Town Board to oversee the development of this plan. The planning process is outlined below:

November, 2008	Grant application submitted;
May, 2010	Grant awarded to Ogden;
June, 2010	Grant awardees workshop;
December, 2010	Plan Kick-Off Meeting;
Winter, 2011	Inventory and Analysis;
January, 2011	Regulatory Workshop;
March, 2011	Economic Workshop;
January, 2012	Land Preservation Workshop;
April, 2012	Preliminary Plan;
May, 2012	Draft Plan;
May, 2012	County Ag Board Review;
November, 2012	Town Public Hearing;
December, 2012	Final Plan; and
December, 2012	Plan adopted by Town Board.

Farmer Interview Summary - As part of the planning process , interviews were conducted with farmers from seven different agricultural operations within Ogden. A summary of the key issues is provided below.

Market Trends – According to the seven farmers interviewed, agricultural activity within the Ogden generally falls into three categories: fruits and vegetables, grains, and dairy farming. The most notable trends being experienced by local farmers include: 1) the shift from the primary market for corn being animal feed to being sold for ethanol production, 2) the expansion of Wegmans food stores into other geographic areas has increased the demand for locally produced fruits and vegetables and 3) the growing interest in specialty fruits such as peaches and apples. Two of the farmers interviewed are bringing value added products to market or leveraging other products or services to increase their profits. For example, the Whittier Fruit Farm is growing specialty fruit, sells ice cream in the store and has children's playground to help attract families to its u-pick operation.

Neighbor Complaints - Each farmer expressed that the number of complaints from nearby residences is very limited. The most common request from neighbors is to be notified when spreading of manure or spraying of crops is going to occur. The farmers have honored these requests. In order to reduce the odor associated with manure spreading, local farmers have utilized three different techniques. They include; 1) constructing a storage facility that enables them to spread manure less frequently, 2) disc manure in the soil immediately after spreading and 3) rotate which fields manure is spread on each year. Despite the mutual efforts of farmers and residents, some conflicts have no resolution. For example, one complaint was made when a pea harvester was running throughout the evening hours over the course of several days. The timing of the harvest was determined by the ripeness of the crop and the request of the processing plant. As a result, the farmer was unable to limit the harvesting of peas the daytime hours.

Government Programs & Regulation – Several farmers have expressed that the Federal government has over-regulated farming. However, the local farmers agree that the NYS Agricultural District Program and Agricultural Property exemption are necessary and beneficial to the profitability of farming. Those same farmers expressed that the Town government is supportive of agriculture and responsive to the needs of farmers. The farmers are divided in their opinions on the need for a more farm-friendly zoning district.

Other Issues & Concerns – The most common concern articulated by farmers that were interviewed is the lack of affordable farmland within the Town. Other concerns include: 1) the increasing difficulty in finding large animal veterinarians, 2) the need to ensure that any local regulation contains enough flexibility to allow farmers to respond to changing trends and opportunities and 3) the reduced presence of farming in the day-to-day lives of Town residents.

Transition Plans – Six out of the seven farmers interviewed have a succession plan in place that will ensure the continuation of their respective operations. The one farm owner that does not have a transition plan in place is confident that his land and infrastructure will be used by the remaining farming operations when he retires.

Executive Summary

Agricultural Profile - The information contained in this Agricultural Profile is intended to provide a snapshot of the Town's past, present, and future conditions. Although the exact changes that will occur in Ogden over the next decade are impossible to predict with a high degree of accuracy the following assumptions will guide this planning process:

- Population growth will continue but at a slower rate than previously experienced;
- Number of new residents expected in Ogden over the next decade will likely range from 750 to 1,000 persons;
- Residential development activity will also continue but at a much slower rate than the previous decade;
- The largest concentration of new residential development will occur in eastern Ogden;
- Loss of prime farmland will continue but at a slower rate that the previous decade;
- No major expansions of the existing public water or sewer systems are anticipated;
- Number of farms in Ogden will continue to decrease slightly;
- Major farm operators in the Town will continue to farm throughout the next decade;
- Existing Ag Districts and Ag and Markets Law provides the highest level of regulatory protection for farming activities in Ogden; and
- Interest in Agri-tourism, organics and niche farming will continue to grow.

These assumptions, combined with the key issues summarized on page 14, form the basis of the Town's Agricultural and Farmland Protection Plan.

Policy Statement - It is the policy of the Town to be a rural community that values its farmland and agricultural heritage. In addition to agriculture's contribution to the community's rural character, the Town acknowledges that farming and farmland contribute to the local economic base and provide a public service in the form of open space. The Town will support land use regulations that protect agricultural land from residential and commercial encroachment and will work to support the viability and success of existing agricultural businesses.

Objectives

A. Protect prime soils for current and future farm use.
B. Ensure that the infrastructure necessary for successful agricultural operations is in place and properly maintained.
C. Support the agricultural economic development needs and opportunities of the local farming community.
D. Increase the community's awareness of the significance that agriculture and farming have in their daily lives.
E. Ensure that local regulations and permit procedures are supportive and protective of agricultural activities.
F. Maintain positive relationships between the various levels of government and the farming community.

The following tables summarize the proposed action items for each section of this Plan. Each table contains the complete list of High, Medium and Low Priority Action Items.

High Priority Action Items

Reference Number	Potential Implementation Item	Community Priority	Potential Partners	Plan Section
1	Modify the existing conservation easement used by the Town to allow for a range of farming, farming related activities & maintenance of drainage facilities	High	Town Attorney, MCC, GLT	Prime Soils
2	Utilize the Farmland Preservation Map to identify parcels that should be preserved through:	High	Town Boards, GLT, MCC, private property owners/farmers	Prime Soils
	• The standard development review process, an application for clustering or incentive zoning			
	• A purchase or donation of development rights			
3	Establish the authority for the Town to clear & maintain public & private drainage facilities under a single general permit	High	DPW, MC, NYSDEC, MCC, Army Corps of Engineers	Infrastructure
	• Memo of Understanding currently with the County & DEC			
	• Work with local officials to develop a permit or permit procedure that is town wide			
4	Clear & maintain drainage facilities on a regular basis	High	DPW, private property owners	Infrastructure
5	Promote agriculture as an economic development sector	High	MCC, AFT, MC Planning, Town	Economic Development
6	Establish an FFA Program on the westside of Monroe County	High	Springdale Farm, School District(s)	Economic Development
7	Support & participate in the Grow Monroe Campaign	High	MCC, Town, Restaurants, Stores	Community Awareness
8	Ensure realtors are aware of potential for farm/residential conflicts	High	MCC, GRAR. Local Agents	Community Awareness
9	Adopt a right-to-farm law	High	Town Board, Town Attorney, MCC	Regulations & Permitting
10	Developing in a series of EPOD's	High	Town Board, Conservation Board	Regulations & Permitting
11	Continue to participate in the NYS Agricultural District Program	High	Property Owners, MC	Regulations & Permitting
12	Incorporate the policy statement, objectives, & key recommendations of this plan into the Town's Comprehensive Plan	High	Town, Professional Planner	Governmental Relations

NOTES:

* High Priority = 0 to 3 years Medium Priority = 0 to 6 years Low Priority = 0 to 10 years

Medium Priority Action Items

Reference Number	Potential Implementation Item	Community Priority	Potential Partners	Plan Section
13	Permit higher density development in eastern Ogden, in areas serviced by public water & sewer	Medium	Planning Board, CEO, DPW	Prime Soils
14	Pursue zoning strategies that preserve farmland	Medium	CEO, MCC, Professional Planner	Prime Soils
15	Repeat 2004 Survey to determine current attitudes towards committing public funds to preserve farmland	Medium	Open Space Committee, Professional Planner	Prime Soils
16	Ensure that infrastructure costs and charges do not discourage agricultural operations	Medium	Ag & Markets, DPW, various service providers	Infrastructure
17	Continue to review building permit applications to ensure proper drainage patterns	Medium	DPW, private property owners	Infrastructure
18	Develop or host training programs for local farmers, such as	Medium	MCC, Cornell, Springdale Farm	Economic Development
	• "Beginners' guide" for new farmers			
	• Business opportunities for local farmers			
	• Business management, direct marketing, etc			
	• Using social media & technology to market your products			
19	Identify agricultural products & operations with substantial market potential that are suitable for local production, based on location, local soils, climate etc.	Medium	MCC, Cornell, Various vendors	Economic Development
20	Place gateway signage that publicly supports agriculture	Medium	Town Board, MCC	Community Awareness
21	Engage the Spencerport School District in exposing young people to the benefits	Medium	MCC, Springdale Farms	Community Awareness
22	Create a more "farm friendly" zoning district than the R-1 District	Medium	Town Board, Professional Planner	Regulations & Permitting
23	Hosting a Farming Preservation Summit	Medium	Town Board, MCC, farmers	Governmental Relations
24	Support & participate in the Grow Monroe Campaign	Medium	Town Board, MCC	Governmental Relations
25	Provide training opportunities for new officials & staff	Medium	MCC, Springdale Farms	Governmental Relations
26	Update this plan in conjunction with an update to the Town's Comprehensive Plan	Medium	Town Board, Professional Planner	Governmental Relations

NOTES:

* High Priority = 0 to 3 years Medium Priority = 0 to 6 years Low Priority = 0 to 10 years

Low Priority Action Items

Reference Number	Potential Implementation Item	Community Priority	Potential Partners	Plan Section
27	Apply for funding to purchase development rights on parcels identified as High Priority on the Farmland Preservation Map	Low	NYS, Town Board, Grant Writer	Prime Soils
28	Partner with the Village, the County & possibly Chili to development a TDR Program	Low	MCC, MC, Spencerport	Prime Soils
29	Increase the accessibility of land north of the canal	Low	Town, County & State DPW's	Infrastructure
30	Work with farmers to reduce wear & tear on the local road system	Low	DPW	Infrastructure
31	Continue to upgrade access drives to farm fields as part of road maintenance projects	Low	DPW	Infrastructure
32	Ensure that future infrastructure planning efforts address the constraints imposed by the NYS Agricultural District Program	Low	Ag & Markets	Infrastructure
33	Explore opportunities for direct-to-market sales in Ogden (e.g. Consumer Supported Agriculture, etc)	Low	MCC, Cornell, various not-for-profits	Economic Development
34	Modify code requirements to allow limited amount of products to be sold at a farm stand that originate elsewhere.	Low	Town Board, Town Attorney	Economic Development
35	Support existing and future operations & programs at Springdale Farms that promote agriculture in the classroom & beyond	Low	MCC, Springdale Farms	Community Awareness
36	Utilize the Farmland Advisory Committee to try to prevent & resolve disputes	Low	Town Board, CEO, MCC	Community Awareness
37	Support efforts at the State level that would require home buyers to	Low	MCC, MC, NYS	Community Awareness
38	Provide a link to the Grow Monroe Web Site from the Town's Home Page	Low	Town Board	Community Awareness
39	Create an agricultural orientation program for new officials & staff	Low	MCC, Springdale Farms	Governmental Relations
40	If the opportunity arises, appoint farmers to local advisory boards & committees	Low	Town Board	Governmental Relations

NOTES:

* High Priority = 0 to 3 years Medium Priority = 0 to 6 years Low Priority = 0 to 10 years

Introduction

Plan Purpose & Intent

According to Article 25-AAA of New York State Law, "Agricultural lands are irreplaceable state assets. In an effort to maintain the economic viability, and environmental and landscape preservation values associated with agriculture, the state must explore ways to sustain the state's valuable farm economy and the land base associated with it. External pressures on farm stability such as population growth in non-metropolitan areas and public infrastructure development pose a significant threat to farm operations, yet are the pressures over which farmers have the least control."

This Agricultural & Farmland Protection Plan was partially funded through a grant from the New York State Department of Agriculture & Markets.

In order to help to preserve the viability of New York's agricultural economy, the New York State Department of Agriculture and Markets is partnering with municipalities across the state to develop and implement local farmland protection plans. The purpose of these plans is to identify a diverse array of tools and techniques that farmers, property owners, local governments, and not-for-profits can utilize to foster agricultural activity at the local level. These tools and techniques include but are not limited to addressing the following topics:

- Broadening the types of farming, agricultural industries and markets;
- Optimizing farming practices;
- Zoning and other regulatory approaches;
- Farmland preservation;
- Infrastructure constraints; and
- Environmental concerns.

Planning Horizon

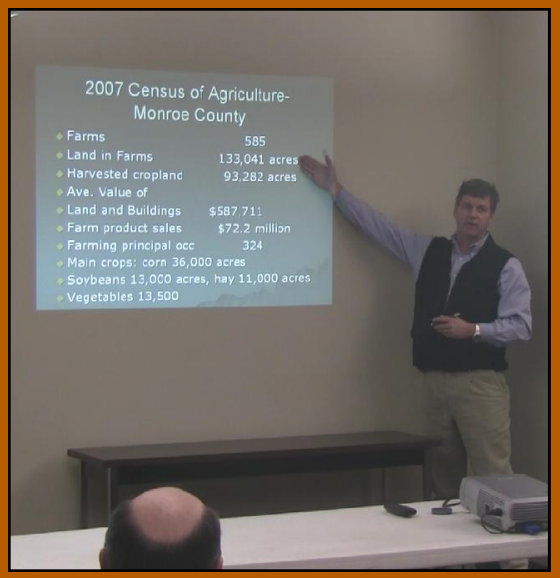
The planning horizon is defined by the length of time for which this plan is considered relevant and representative of the farming community in Ogden. It also quantifies the length of time necessary to implement a majority of the plan's recommendations. The planning horizon for this effort is 10 years or 2022. This allows for the inclusion of the information obtained in the 2020 Census to be included in the next update of this document. However, it is recommended that the information contained in this document be reviewed by the Town on a regular basis to ensure that it is relevant and beneficial prior to 2022.

Our Planning Process

The Town of Ogden's Agricultural and Farmland Plan is a product of a significant amount of time and energy provided by the farming community, the Steering Committee, Town Staff and the consultants hired by the Town. The Steering Committee was appointed by the Town Board to oversee the development of this plan. The members of the Steering Committee are listed at the end of this plan in the Acknowledgements section. The planning process is outlined below:

November, 2008	Grant application submitted
May, 2010	Grant awarded to Ogden
June, 2010	Grant awardees workshop
December, 2010	Plan Kick-Off Meeting;
Winter, 2011	Inventory and Analysis;
January, 2011	Regulatory Workshop;
March, 2011	Economic Workshop;
January, 2012	Land Preservation Workshop;
April, 2012	Preliminary Plan;
May, 2012	Draft Plan;
May, 2012	County Ag Board Review;
September, 2012	County Ag Board Approval;
November, 2012	Town Public Hearing;
December, 2012	Final Plan; and
December, 2012	Plan adopted by Town Board.

Agricultural Economic Workshop



On March 24, 20011 Dr. Tom Daniels spoke to the Steering Committee, various advisory board members, and elected officials for the Town of Ogden on Agricultural Economic Devolvement Opportunities.

Key Issues

In December, 2010 the Steering Committee participated in a brainstorming exercise to identify the strengths, weaknesses, opportunities, and threats that relate to the farming industry in Ogden. A partial list of the issues raised by the group are listed below and will become the basis for this Agricultural and Farmland Protection Plan. The Plan will build upon local strengths and opportunities, while it addresses its weaknesses and threats. (The complete list of issues raised by the Committee is contained in this Plan's Appendix.)

Strengths

- Ogden is located close to numerous markets for its ag products
- Large population base is a good market for fresh products
- Existing farming base, history, and legacy in the Town
- Acres of good soils and large continuous acres of good farmland
- Good cooperation between farmers
- Farming is well received and accepted by the community
- Springdale Farms facility creates agricultural foothold in the Town
- Monroe Community College Agriculture and Life Sciences Institute
- Town aggressively enforces stormwater management provisions
- Good highway & road system

Opportunities

- Increasing number of microfarms in Town
- Suburban development represents new consumers
- Broaden scope of farming on the west side
- "Buy local"- Grow Monroe initiative is growing
- Expand agritourism and education
- Home Rule Law that would allow Town to remove debris from roadside drainage swales without a permit
- Town ordinances that address mixing of agricultural uses could be expanded to allow a more diverse offering of goods
- Local Right to Farm Law

Weaknesses

- Small number of independent operators
- Lack of young people following in their fathers footsteps
- Farming does not provide a high quality of life, lack of freetime
- Initial infrastructure investment in farming is millions of dollars, typically too much for a young person to get started
- Young people can find easier jobs in Monroe County than farming
- Development pressure in Ogden
- Mailboxes are placed too close to the edge of the road
- Manual labor is very hard to find
- Poor drainage issues
- Narrow breadth of farming on west side of County vs. east side

Threats

- Spot development (construction, pool installation, etc) can create drainage issues on adjacent farmland
- Misinformation on impact of farmers and farming
- Loss of markets or change in ownership
- Neighbor nuisance issues (noise, odor, etc)
- Lack of local right to farm law
- Nature of mixing agricultural and residential uses
- Farmer wannabees (barns used for car storage)

Commonly Used Acronyms

There are numerous agencies, organizations, and planning references used throughout this document. The following list provides the acronyms for the most commonly used names and titles:

- AFPP Agricultural and Farmland Protection Plan
- ALSI Agriculture and Life Sciences Institute
- AFT American Farmland Trust
- CCE Cornell Cooperative Extension
- CEO Code Enforcement Officer
- DEC Department of Environmental Conservation
- DOT Department of Transportation
- DPW Department of Public Works
- GFLRPC Genesee Finger Lakes Regional Planning Council
- GLT Genesee Land Trust
- MC Monroe County
- MCWA Monroe County Water Authority
- MCC Monroe Community College
- NRCS Natural Resources Conservation Service
- NYPF New York Planning Federation
- NYS New York State
- SWCD Soil and Water Conservation District
- SEQRA State Environmental Quality Review Act
- US United States

(It should be noted that a list of agriculturally related words and terms used throughout this document are defined in the Appendix.)

Agricultural Profile

This Agricultural Profile is intended to provide a common starting point that will serve as the foundation for this planning process. It will also provide local decision makers with the background necessary to understand the consequences of future actions and the tools needed to make informed decisions. The information that was chosen to be included in this profile is based on the brainstorming results listed on the page 14 as well as sound agricultural planning practices. The data sources used to gather this information include but are not limited to:

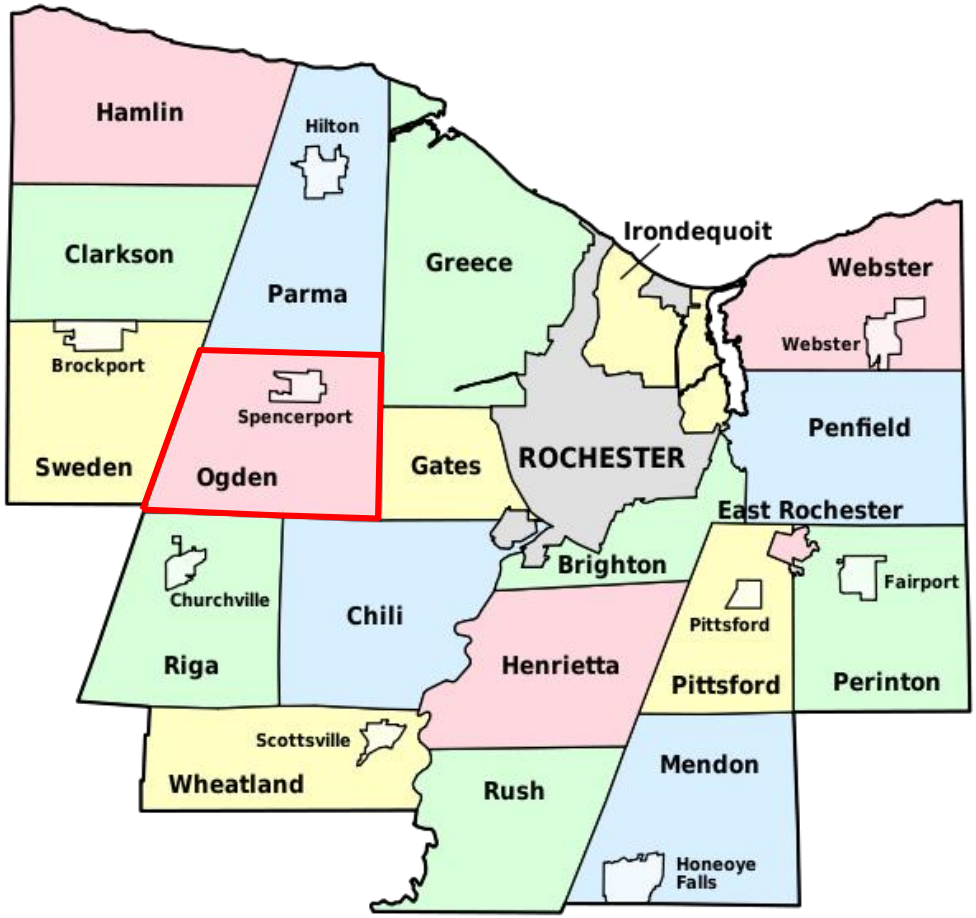
- Town of Ogden;
- Monroe County;
- Genesee Finger Lakes Regional Planning Council;
- New York State, and
- United States Census.

This Agricultural Profile is intended to serve as the foundation of this planning effort.

The Agricultural Profile is divided into five topics: 1) Population Characteristics, 2) Infrastructure, 3) Agricultural Base, 4) Zoning and 5) Future Land Use. Where applicable, these topics are analyzed using numeric data in order to quantify and assess the state of the Town in 2011-2012.

Location

The Town of Ogden (outlined in red) is located in western Monroe County, New York. As the map indicates, the Village of Spencerport is located entirely within the Town. The primary access to the Ogden from the east is provided by the NYS Route 531 Expressway. NYS Route 259 (Union Street) is the main north/south road that separates the eastern and western portions of the Town. The primary travel route from the west is NYS Route 31. The Erie Canal passes through the northern portion of Ogden and through the Village of Spencerport.



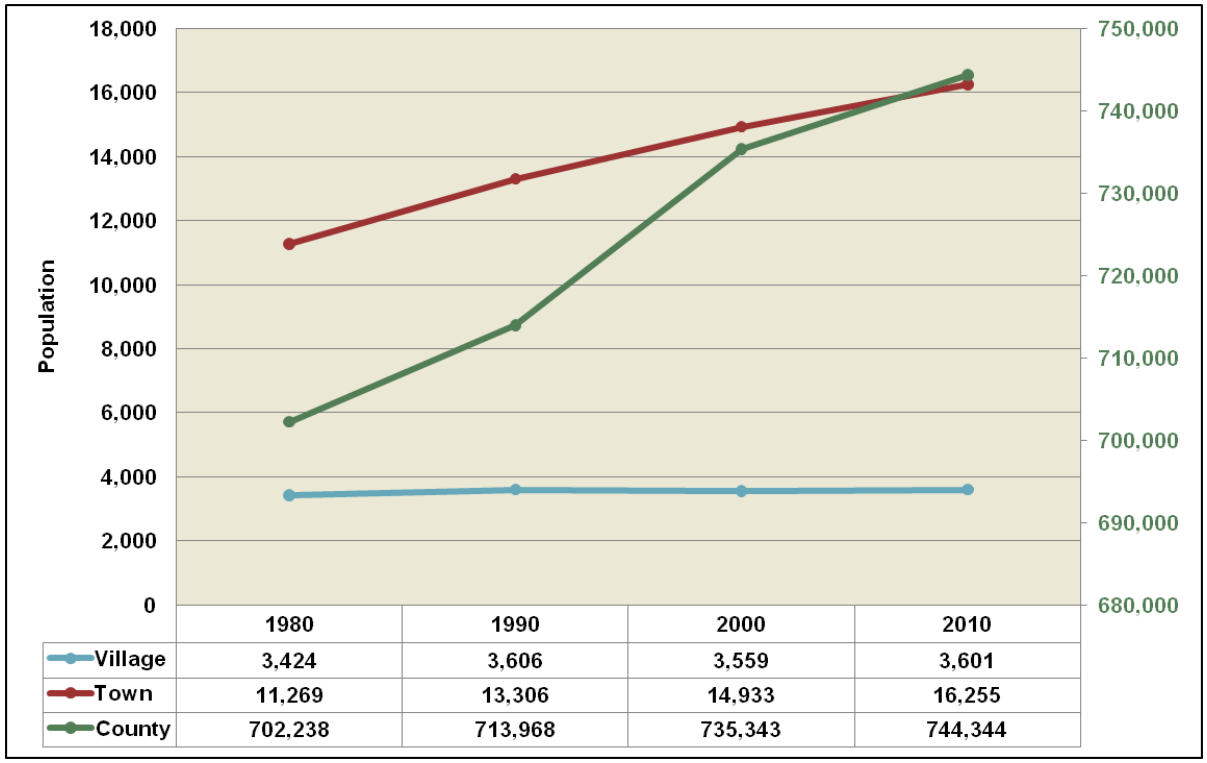
Map Source: www.http://en.wikipedia.org

Town Population History

Population history for the Town was obtained from the US Census Bureau. According to this information, the Town continued to experience population growth over the past decade. However, the rate of growth has declined (as shown in Figure 1). Over the prior three decades, Ogden grew by 2,037, 1,627 and 1,322 residents respectively. Looking ahead, the rate of population growth in Ogden is expected to continue to decline.

According to the most recent US Census, the population of Ogden increased by 4,986 residents between 1980 to 2010.

Figure 1: Town Population Change 1980 to 2010 (Source: US Census)

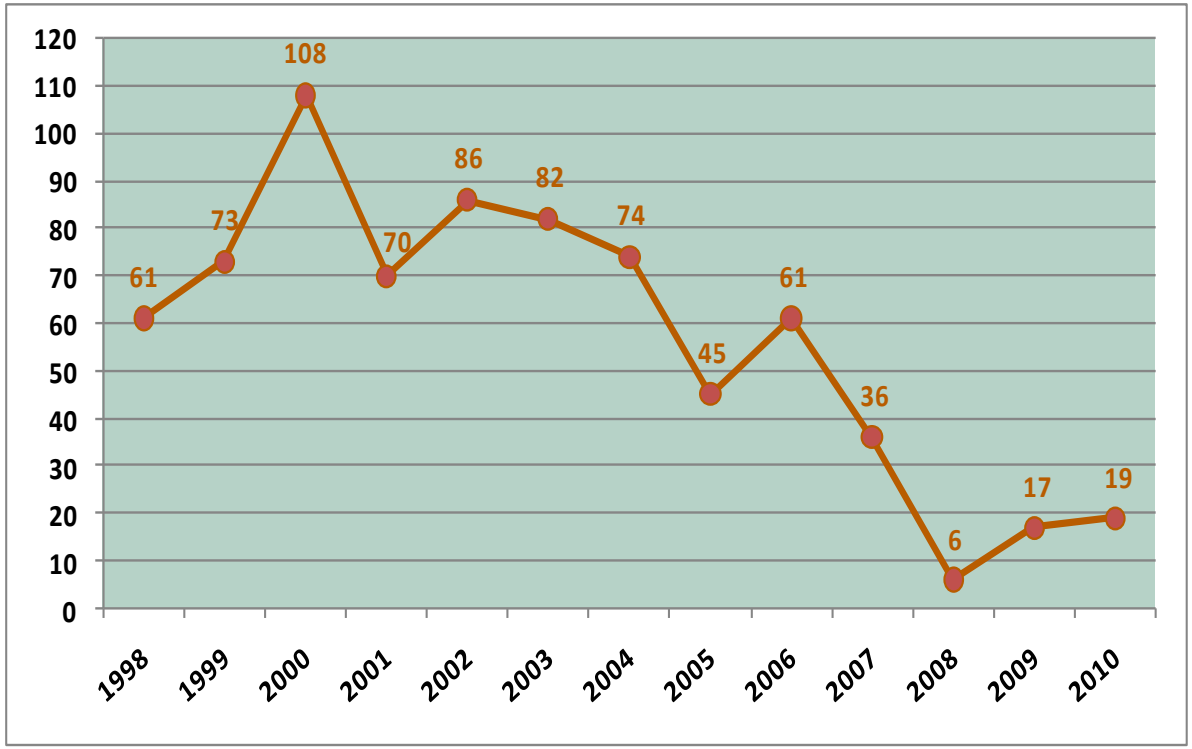


	1980	1990	2000	2010
Village	3,424	3,606	3,559	3,601
Town	11,269	13,306	14,933	16,255
County	702,238	713,968	735,343	744,344

Development Activity

The graph shown in Figure 2 illustrates the number of building permits issued each year for new homes in Ogden since 1998. A review of this information indicates that the largest number of permits were issued between 2000 and 2003. During this three year period, a total of 264 permits were issued for new homes by the Town's Building Department. By comparison, in the most recent three year period (from 2008 to 2010), only 42 residential building permits were issued. This reduction is consistent with the economic slowdown being experienced by the region, state, and nation.

Figure 2: Residential Building Permits Issued from 1998 to 2010 (Source: Building Department)



Ogden has issued a total of 738 building permits for new homes since 1998.

Water & Sewer Service

The current limits of the public water and sewer systems available in Ogden are shown in Figure 3 on the opposite page. The public water system is owned and operated by the MCWA. As shown in the Water and Sewer Service Map, a majority of the Town has access to public water. Many of the areas that currently do not have public water are characterized by the presence of high bedrock near the surface of the ground. As a result, it has been cost prohibitive to install the transmission mains necessary to provide these areas with public water service.

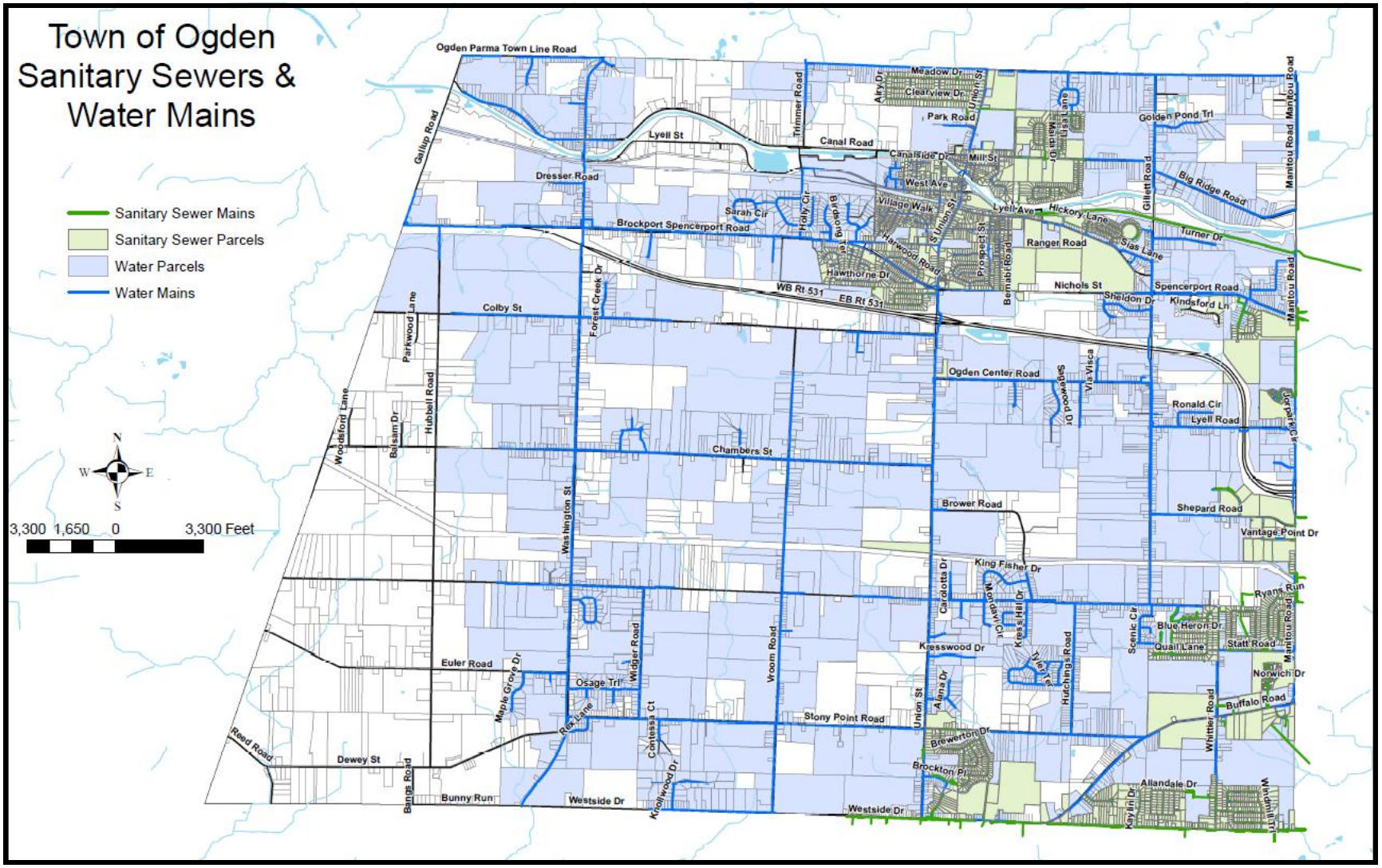
Access to public sewer systems in Ogden is much more limited than access to public water. The extent of the public sewer service in Ogden is shown in green on the Water and Sewer Service Map. As shown in Figure 3, sewer service is generally limited to the;

- Southeast and eastern portions of the Town and
- Area adjacent to the Village of Spencerport.

Sanitary sewer service in Ogden is provided by the Gates Chili Ogden (GCO) Pure Water District, the Town of Ogden Sewer District, and the Village of Spencerport Sewer District.

According to Penn State's College of Agricultural Resources, a dairy cow requires 30 gallons of water per day.

Figure 3: Water & Sewer Service Map (Source: Town of Ogden)



Agricultural Profile

Agricultural Activity

In 2007, the total farm related receipts for Monroe County as a whole were $3,484,000. This is up from $2,609,000 in 2002.

The US Department of Agriculture is responsible for collecting data on agricultural and farming related operations throughout the Country every five years. This data is reported for multiple geographic areas, including the State, County, Agricultural District and Zip Code Level. Unfortunately, there is no reporting at the Town level. As a result, we cannot get a clear picture of farming in Ogden. The best information available at the local level for zip code 14559. As Figure 4 illustrates, a majority of the Town of Ogden is located in the 14559 zip code along with southern Parma and small portions of Sweden, Gates, and Greece.

Figure 4: Zip Code 14559 (Shown in yellow)

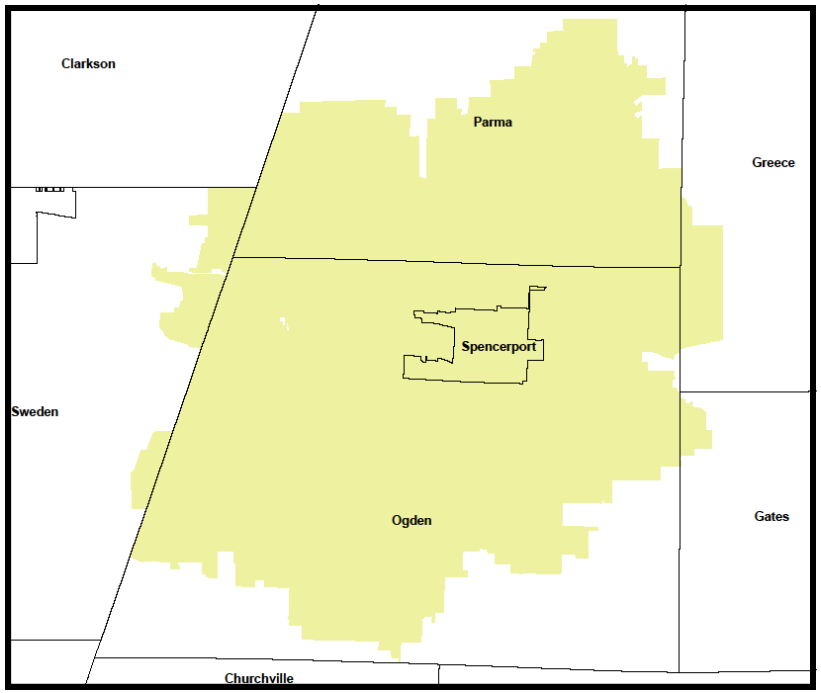


Table 1 on the opposite page highlights key agricultural census figures for the 14559 zip code. A review of the information contained in Table 1 indicates that the number of farms in dropped from over 44 in 2002 to 37 farms in 2007. Meanwhile, the percentage of farms selling products valued between $50,000 and $249,000 dropped from 13% to 11% and those farms selling products valued over $250,000 dropped from 14% to 8%.

Based on the information contained in Table 1, the ownership patterns of the farms in the 14559 zip code are changing. Ownership seems to be shifting away from farms operated by a single person that resides on the property to multiple operators that reside elsewhere. This is consistent with national trends in the agricultural industry.

Table 1: 2002 & 2007 US Census of Agriculture Figures for Zip Code 14559

	2002	2007
Farms By Size		
• Farms 1 to 49 acres	22	20
• Farms 50 to 999 acres	18	15
• Farms 1,000 acres or more	*	2
• All Farms	44	37
Value of All Ag Products Sold		
• Less than $50K	32	30
• $50K to $249K	6	4
• $250,000 or more	6	3
Value of All Animal Products Sold		
• Less than $50K	13	9
• $50K to $249K	*	1
• $250,000 or more	*	2
Value of All Crops Sold		
• Less than $50K	17	14
• $50K to $249K	*	4
• $250,000 or more	5	2

	2002	2007
Farms By Tenure		
• Full Owners	27	23
• Part Owners	14	12
• Tenants	*	2
• Farms with one operator	24	15
• Farms with multiple operators	20	22
• Farms with women operators	23	16
• Farms with principal operator living on farm	32	26
• Farms with principal operator reporting primary occupation as farming	24	28
Cropland Harvested		
• 1 to 49 acres	19	15
• 50 to 499 acres	6	2
• 500 acres or more	6	5
• TOTAL	31	22

NOTES:
** Indicates that data was withheld in 2002 for categories with less than four (4) farms.*

Agricultural Profile

Agricultural Activity

Agricultural activity in Ogden can be divided into three categories; fruit crops, livestock, and field crops. According to the information contained in Table 2, Ogden's primary agriculture activity is field crops. In 2011, over 70% of all active farmland in the Town is devoted to field crops. By comparison, livestock farming occupies approximately 26% of the Town's active farmland. The remaining 3% of the active farmland in Ogden is used for fruit crops. Over 17% of all farmland in Ogden is classified as vacant. Vacant farmland includes land used for pasture, cropland land that is temporarily fallow, or land that was once used for farming but is no longer is service.

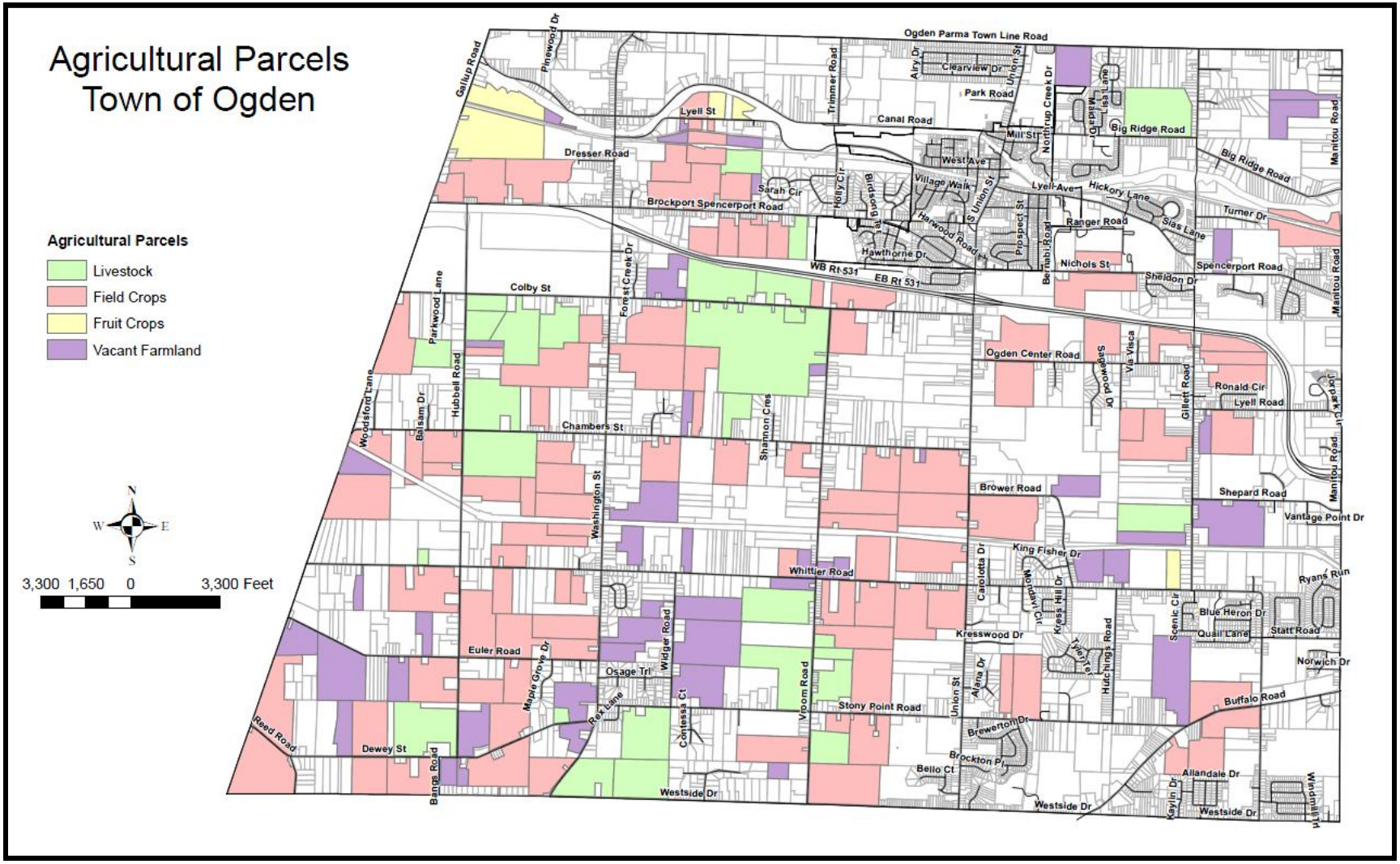
Over 70% of all farmland in Ogden is devoted to field crops.

Table 2: Existing Agricultural Activity in Ogden (Source: Real Property System & Farmer Input)

	Acres	Percent of Active Farmland	Percent of All Farmland
Fruit Crops	207	3.4%	2.8%
Livestock	1,623	26.4%	21.8%
Field Crop	4,322	70.2%	58.0%
Vacant Farmland	1,296	NA	17.4%
TOTAL	**7,448**	**100%**	**100%**

The location of all farming activities within the Town is shown in Figure 5. A review of Figure 5, indicates that the various types of farming activities are spread throughout Ogden, with a higher concentration of agricultural activity occurring in the western half of the Town. The larger farm operations are also located in the western half of the Town.

Figure 5: Farming Activities In Ogden



Farmland Tenure

Rented farmland is generally considered to be at greater risk of development than land that is owned by the farm. As a result, a large percentage of owner occupied farms are an indication of a stable and viable agricultural economy. According to the information contained in Table 3, more than half (52.8%) of all farmland is Ogden is rented by farmers. This is significantly higher than national figures that indicate approximately 40% of our nation's farmland is rented by farmers.

Less than half of all the farmland in Ogden is owned by the farmer working the land.

Table 3: Farmland Tenure (Source: Real Property System & Farmer Input)

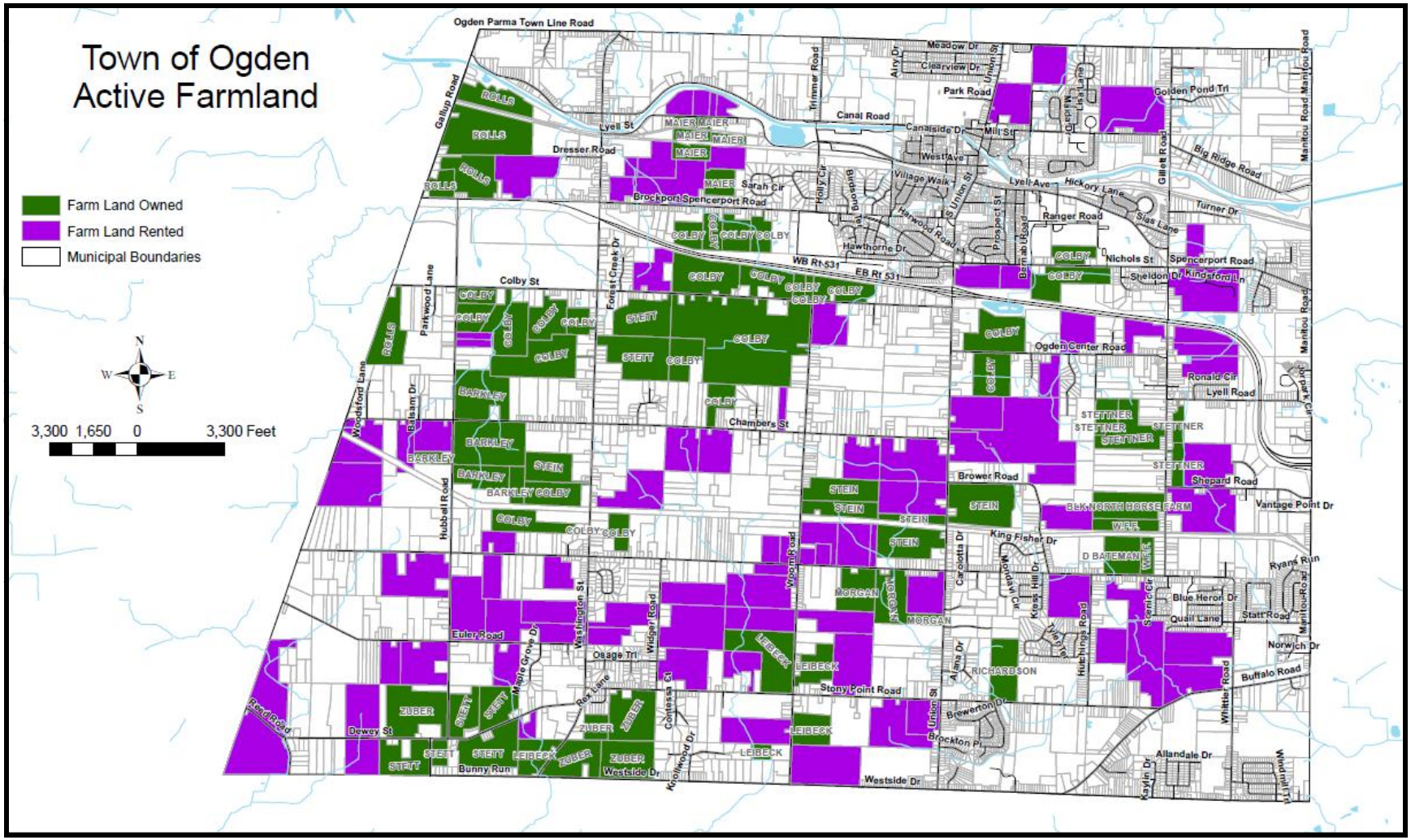
	Acres	Percent of All Farmland
Rented Farmland	4,322	52.8%
Owned Farmland	3,819	47.2%
TOTAL	**8,141**	**100%**

A review of Figure 6 indicates that the largest concentrations of owner occupied farmland is located in western Ogden. The largest owner occupied farming operations in the Town are operated by the following families:

- Barkley
- Colby
- Maier
- Morgan
- Robb
- Stein
- Stettner
- Zuber

Many of the leaders of these family farming operations are in their 50's or 60's. As a result, most or all of these families are expected to continue farming in Ogden throughout the next decade. However, as the next decade draws to a close, several of these operators may be looking to retire from farming.

Figure 6: Farmland Tenure Map



Prime Soils

"Prime farmland is land that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, and oilseed crops and that is available for these uses. It has the combination of soil properties, growing season, and moisture supply needed to produce sustained high yields of crops in an economic manner if it is treated and managed according to acceptable farming methods. In general, prime farmland has an adequate and dependable water supply from precipitation or irrigation, a favorable temperature and growing season, an acceptable level of acidity or alkalinity, an acceptable content of salt or sodium, and few or no rocks. Its soils are permeable to water and air. Prime farmland is not excessively eroded or saturated with water for long periods of time, and it either does not flood frequently during the growing season or is protected from flooding."

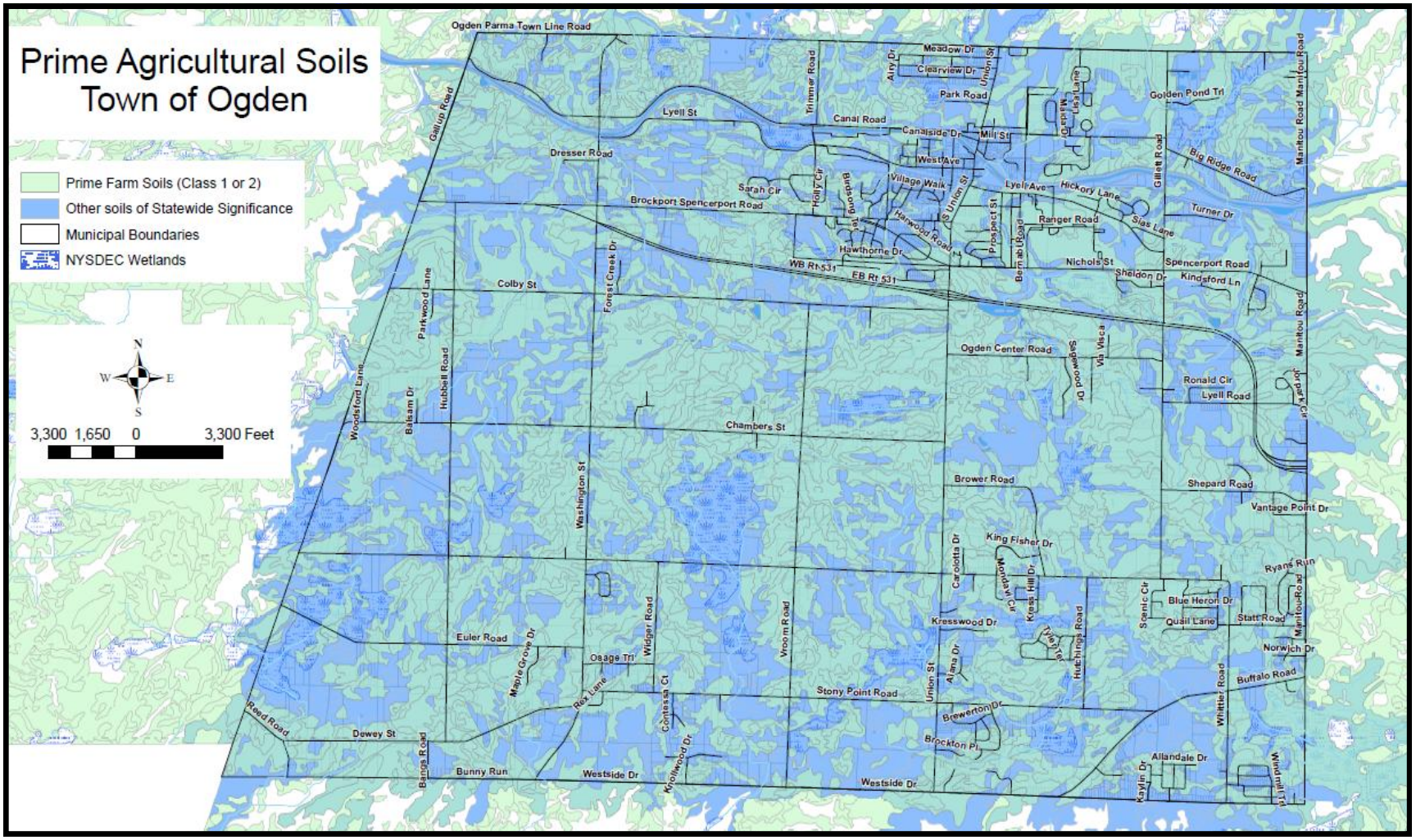
~ US Department of Agriculture

Every single minute of every day America loses two acres of farmland.

~ AFT

Ogden contains large tracts of prime soils (as shown in Figure 7 on the opposite page). The largest and most contiguous tracts are generally located in central Ogden, south of Route 531 and north of Stony Point Road.

Figure 7: Prime Soils Map



Agricultural Districts

According to the NYS Department of Agriculture and Markets, "The purpose of agricultural districting is to encourage the continued use of farmland for agricultural production. The Program is based on a combination of landowner incentives and protections, all of which are designed to forestall the conversion of farmland to non-agricultural uses. Included in these benefits are preferential real property tax treatment (agricultural assessment and special benefit assessment), and protections against overly restrictive local laws, government funded acquisition or construction projects, and private nuisance suits involving agricultural practices."

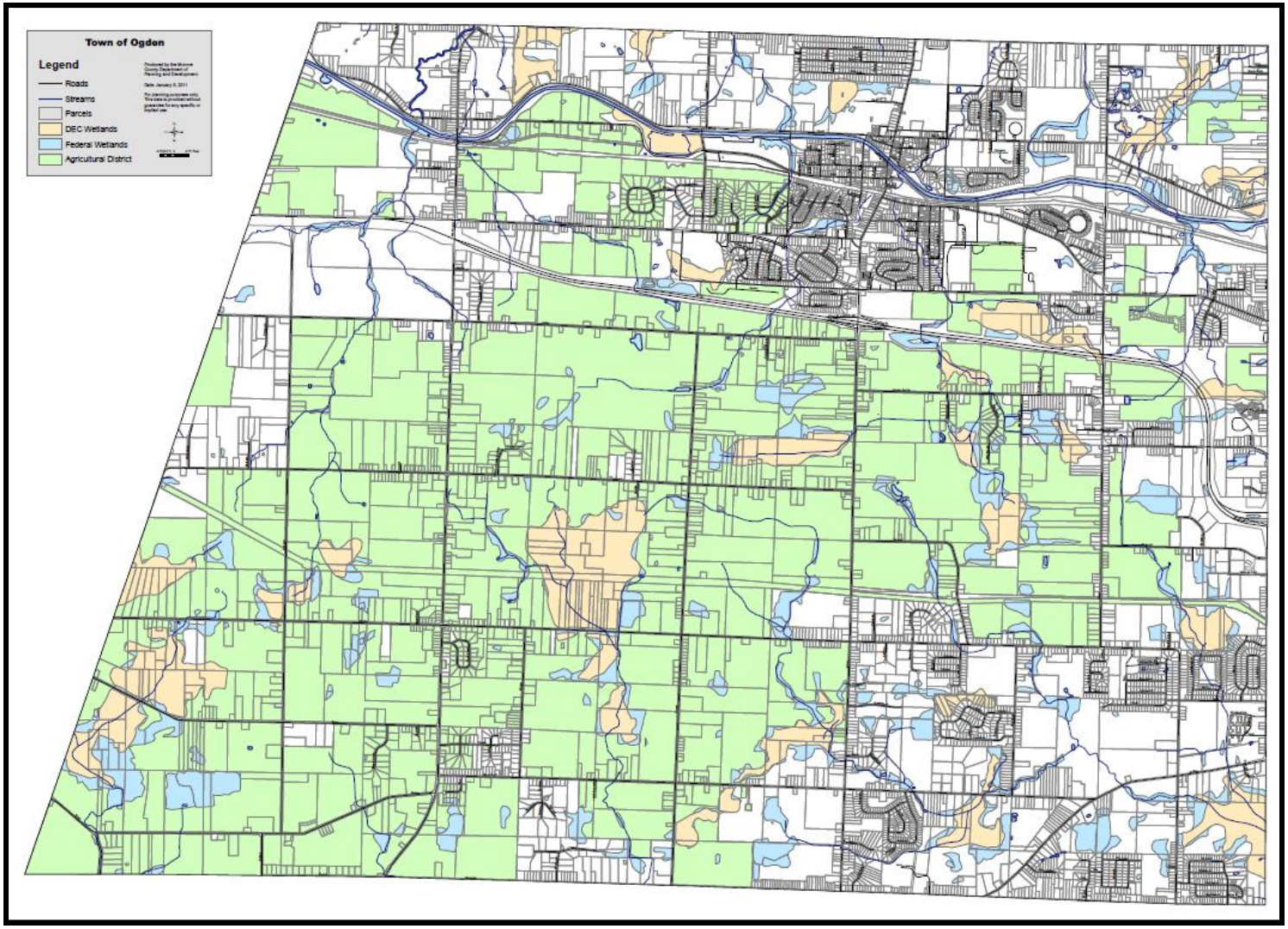
There are currently two Agricultural or "Ag Districts" which are operating in Ogden. These districts include portions of Midwestern District #1 and Northwestern District #5. Figure 8, shows the combined extent of these two Ag Districts in the Town. NYS Ag Districts have to be renewed every eight years. The renewal dates for Midwestern District #1 is 2013 and for Northwestern District #5 is 2016.

Monroe County currently has a total of 138,095 acres in its four (4) Ag Districts.

Wetlands

Figure 8 illustrates the locations of NYS (shown in tan) and Federal Wetlands (shown in blue) in Ogden. A review of Figure 8 indicates that there are a number of large wetlands that traverse the heart of the Ag District. These wetlands begin near the southwest corner of the Town and terminate near the Route 531 / Gillett Road overpass. The remaining wetlands within the Town are generally located outside of the Ag District. The largest wetland in Ogden is situated north and south of Whittier Road between Washington Street and Vroom Road.

Figure 8: Ag District & Wetland Map



Zoning

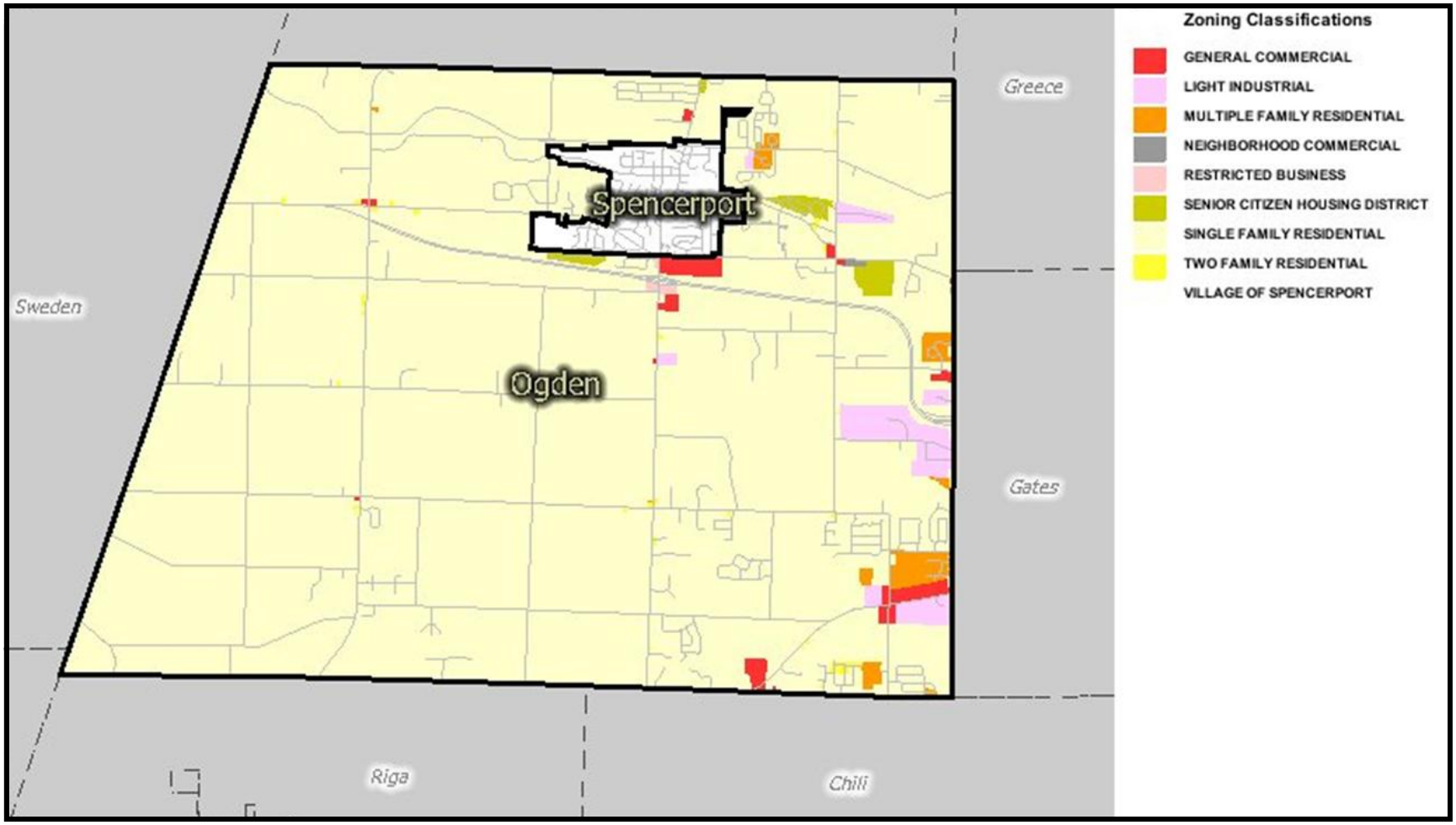
The Town currently has eight zoning classifications represented on its official Zoning Map (shown in Figure 9). However, the Town code has 12 zoning districts as part of the text of its zoning code (detailed in Table 4). In other words, there are four zoning districts that are not in use at the present time. A review of Figure 9 indicates that virtually all of the farmland in the Town is zoned Single Family Residential (R-1). In addition, the three zoning districts created to preserve and enhance agricultural activity are not being used at the current time. These include the Rural Agricultural, Rural Residential, and Rural Transitional Districts.

The last major update to the Town's Zoning Code was completed in 1995. Various amendments have been adopted by the Town as circumstances have required since that time.

Table 4: Existing Zoning Districts (Source: Town Code)

District Name	Abbreviation	Mapped District
Rural Agricultural	RA	No
Rural Residential	RR	No
Rural Transitional	RT	No
Single-Family Residential	R-1	Yes
Two-Family Residential	R-2	Yes
Multiple-Family Residential	MFR	Yes
Restricted Business	RB	Yes
Neighborhood Commercial	NC	Yes
General Commercial	GC	Yes
Light Industrial	LI	Yes
Special Industrial	SID	No
Senior Citizens Housing	SC	Yes

Figure 9: Existing Zoning Map



Future Land Use

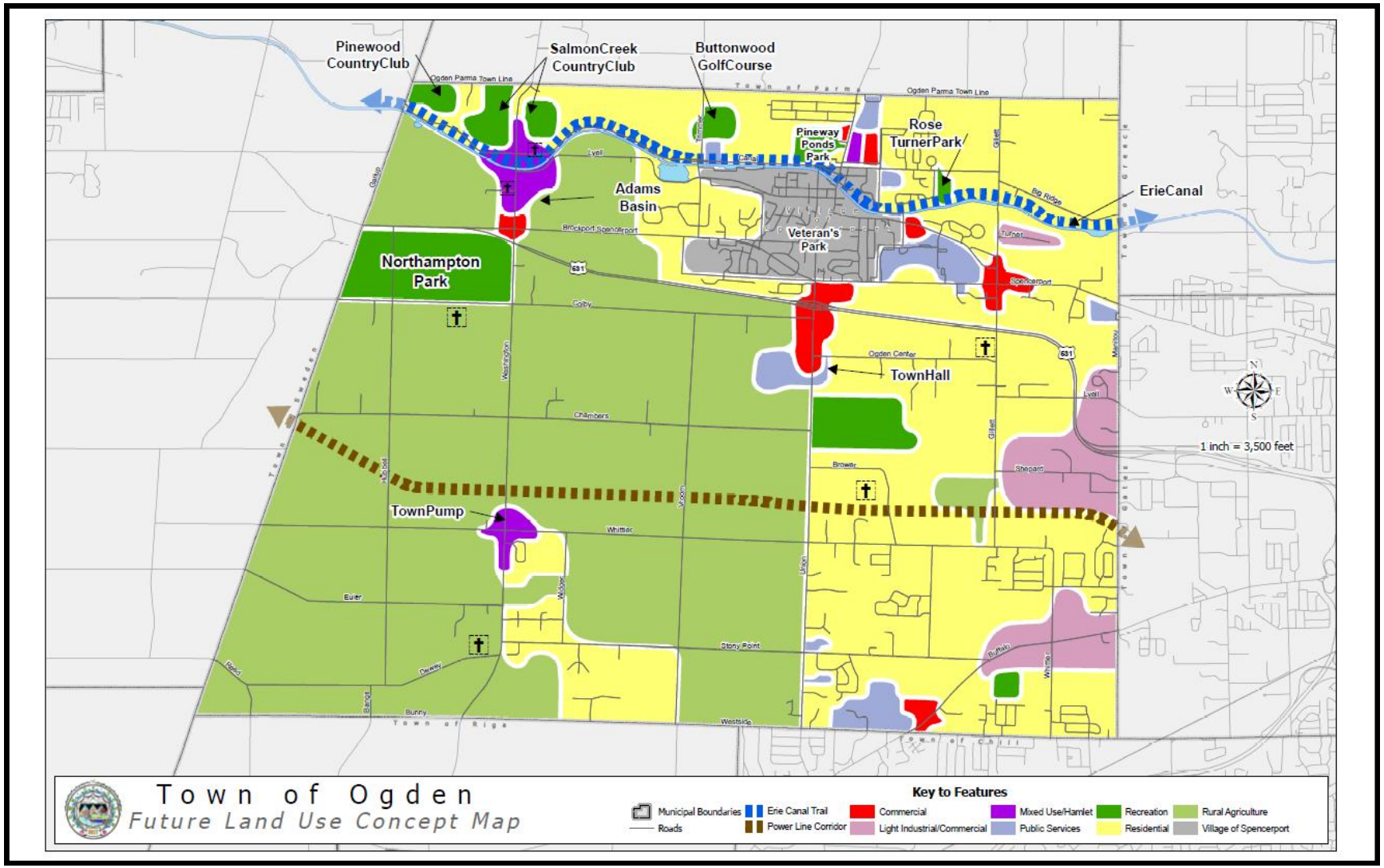
The Town's current Comprehensive Plan was adopted on February 13, 2003. In an effort to ensure that the Comprehensive Plan continues to reflect the conditions and desires of the community, the Town has completed a 2012 Comprehensive Plan update. The existing plan and the update contain a community-wide vision, policies, objectives, implementation items and a Future Land Use Plan. The Future Land Use Plan from the update is contained in Figure 10 on the opposite page. The areas of the Town that are intended to remain predominately Rural Agricultural in nature are shown in light green on the Future Land Use Plan. The following excerpt from the 2012 Comprehensive Plan summarizes the Town's approach to it's future land use pattern:

Ogden's current Comprehensive Plan was adopted in February, 2003. As of the writing of this plan, the Town is in the process of updating its Comprehensive Plan.

"Although there is no formal pattern in the Town's land use, which is common in most rural towns, there remains a significant amount of land categorized as vacant in the eastern portion of the Town. Many of the vacant parcels are large in size, which may pave the way to residential subdivision and development. In addition, the Town has expressed an interest in steering large scale industrial and residential developments to this area of the Town, which would allow for the preservation of agricultural and open space land west of Union Street (SR 259).

Land use decisions made over the next decade will need to take all of these factors into consideration. The Town will need to determine the land use measures that preserve its agricultural character while allowing for the growth and expansion required in the Town or Ogden. The Town should strive to balance residential, commercial, and industrial uses to achieve the best of both worlds."

Figure 10: Future Land Use Plan (Source: 2012 Town Comprehensive Plan)



Implications

The information contained in this Agricultural Profile is intended to provide a snapshot of the Town's past, present, and future conditions. Although the exact changes that will occur in Ogden over the next decade are impossible to predict with a high degree of accuracy the following assumptions will guide this planning process:

- Population growth will continue but at a slower rate than previously experienced;
- Number of new residents expected in Ogden over the next decade will likely range from 750 to 1,000 persons;
- Residential development activity will also continue but at a much slower rate than the previous decade;
- The largest concentration of new residential development will occur in eastern Ogden;
- Loss of prime farmland will continue but at a slower rate that the previous decade;
- No major expansions of the existing public water or sewer systems are anticipated;
- Number of farms in Ogden will continue to decrease slightly;
- Major farm operators in the Town will continue to farm throughout the next decade;
- Existing Ag Districts and Ag and Markets Law provides the highest level of regulatory protection for farming activities in Ogden; and
- Interest in Agri-tourism, organics and niche farming will continue to grow.

Prediction is very difficult, especially about the future.

~ Niels Bohr

These assumptions, combined with the key issues summarized on page 14, will form the basis of the Town's Agricultural and Farmland Protection Plan. The detailed information contained within the Agricultural Profile will help to formulate the plan's recommendations.

Policy Framework

In order to be successful, an Agricultural and Farmland Protection Plan must be developed and implemented on multiple levels. It also must inform and support the Town's Comprehensive Plan. In order to accomplish this, the Agricultural and Farmland Protection Plan must address the short and long term needs of the farming community as well as provide varying levels of detail. The following framework is intended to ensure this plan can be successfully implemented by the Town, the farmers, and private property owners. The proposed framework has five key elements:

Community Vision Statement: A general statement that describes the aspiration of the Town; it is an end towards which all actions are aimed. The Vision should not dramatically change over time but rather be consistent throughout the planning horizon. Ideally, the Vision contained in this plan should be useful for the 10-year planning horizon. The vision statement in this document is the Town's vision statement which has been prepared as part of its 2012 Comprehensive Plan.

Agricultural Policy Statement: Similar to a vision in that it is a general statement of a future condition towards which actions are aimed. However, the scope of a policy is much more narrow. The Agricultural Policy Statement supports the community's vision by focusing on the community's approach to agriculture and farming. The Agricultural Policy Statement should not dramatically change over time but rather be consistent throughout the planning horizon. Ideally, the policy contained in this plan should be useful for the 10-year planning horizon.

Objectives: A statement of a measurable activity to be accomplished in pursuit of the policy; it refers to some specific aspiration which is reasonably attainable. Think in terms of actions such as "increase", "develop", or "preserve". It should be noted that the Town or farming community may already be undertaking some of the objectives articulated in this plan and wish to ensure that they continue to do so over the next decade. The general lifespan of an objective is 6 to 10 years.

Implementation Items: A specific proposal to do something that relates directly to accomplishing an objective; it can take the form of a plan, project, or program. The lifespan of an implementation item can vary from one to 10 years depending on the item.

Measures: A specific measure that relates directly to accomplishing the objectives; it identifies how, when, and amount to be done. Think in terms of, "how do we tell if our objectives are working?" Measures should be reviewed every 1 to 2 years to determine if the objectives are effective.

"Begin with the end in mind."

~ S. Covey

"It is the vision of the Town to be an attractive place to grow up, live, raise a family, and enjoy retirement. It will be a place known for its...

- **Attractive & safe residential living areas**
- **Diverse economic opportunities**
- **Quality community resources**
- **Diverse leisure & cultural assets**
- **Scenic natural resources**
- **Regional collaborative efforts**
- **Vital farmland & agricultural heritage**
- **Appealing design & development practices**

...The Town will strive to achieve this vision while managing future growth in a way that maintains its rural character and small town charm. The Town also recognizes that the Village is the social and cultural center of the Town, which enhances its overall appeal and the quality of life of its residents."

~ 2012 Comprehensive Plan

Farming looks mighty easy when your plow is a pencil and you're a thousand miles from the corn field.

~ Dwight Eisenhower

Policy Statement

It is the policy of the Town to be a rural community that values its farmland and agricultural heritage. In addition to agriculture's contribution to the community's rural character, the Town acknowledges that farming and farmland contribute to the local economic base and provide a public service in the form of open space. The Town will support land use regulations that protect agricultural land from residential and commercial encroachment and will work to support the viability and success of existing agricultural businesses.

Objectives

A. Protect prime soils for current and future farm use.
B. Ensure that the infrastructure necessary for successful agricultural operations is in place and properly maintained.
C. Support the agricultural economic development needs and opportunities of the local farming community.
D. Increase the community's awareness of the significance that agriculture and farming have in their daily lives.
E. Ensure that local regulations and permit procedures are supportive and protective of agricultural activities.
F. Maintain positive relationships between the various levels of government and the farming community.

Measures

1. Number of farms.
2. Value of agricultural products sold.
3. Acres of active farmland.
4. Acres of prime farmland that are lost or preserved.
5. Number of nuisance complaints received by the Town.

Prime Soils

As shown in Figure 7 on page 29, the largest and most contiguous tracts of prime soils in the Town are generally located in central Ogden, south of Route 531 and north of Stony Point Road. The importance of preserving prime soils for future farming activities cannot be overstated. The Town acknowledges that the best approach to preserve farmland is to keep farming profitable for farmers. It can be said that this entire planning effort has been devoted to assisting farmers with the business of farming. However, there are a number of approaches that focus specifically on the preservation of prime farmland.

As part of this planning process, the following techniques were identified to ensure that the Town's farmland is protected for future generations. These approaches include:

- Conservation Easements and the Purchase of Development Rights;
- A Transfer of Development Rights Program;
- The use of cluster subdivision and the incentive zoning provisions in the Town Code;
- Utilize some of the protections included in the existing Rural Agricultural (RA) Zoning District; and
- The ongoing participation of property owners in the NYS Agricultural District Program.

A nation that destroys its soils destroys itself.

~ Franklin D. Roosevelt

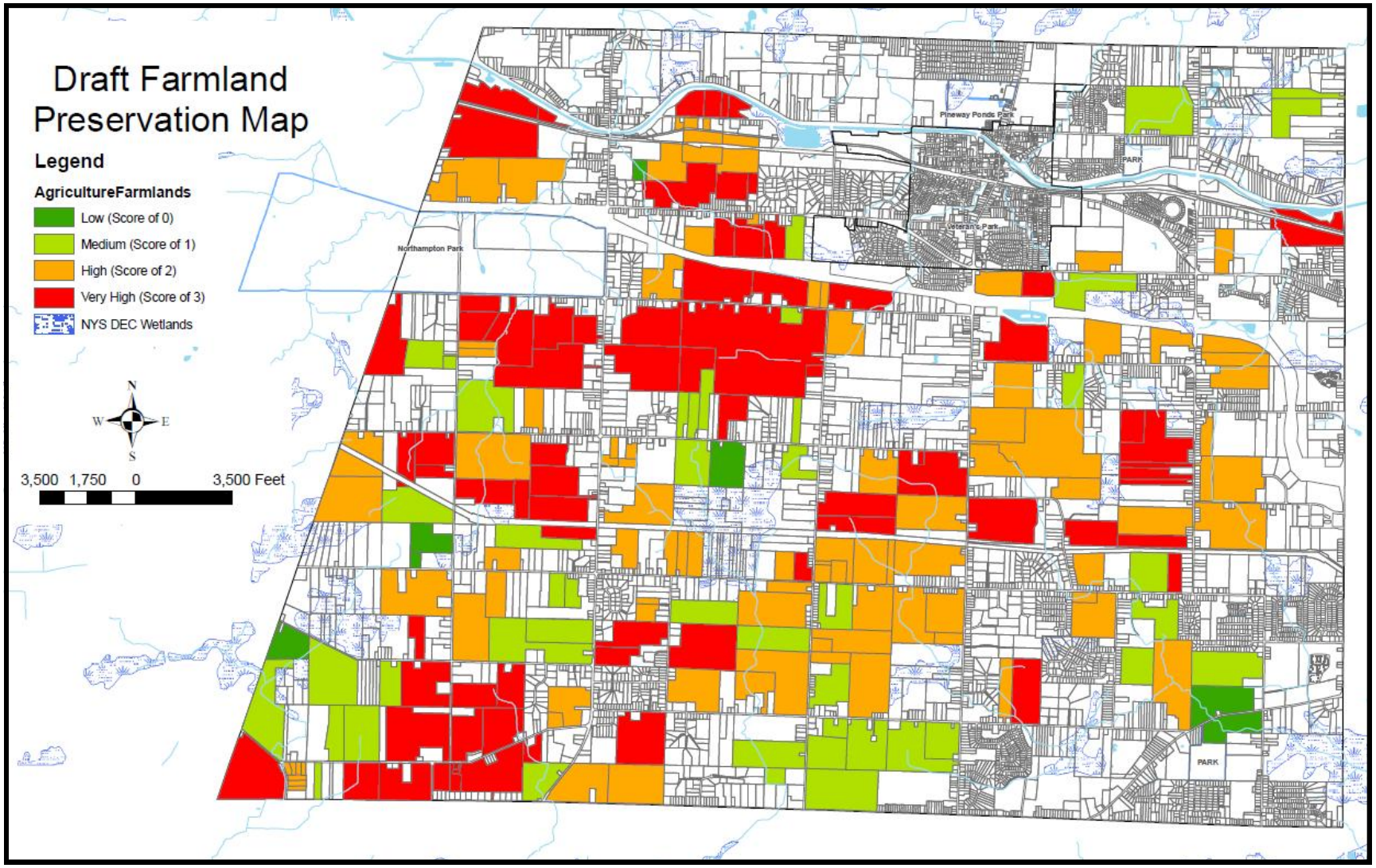
Identification of Key Parcels

The first step in any effort to preserve farmland and protect prime soils is to identify the farms and parcels that should be preserved. In the summer of 2008, the Open Space Committee completed an extensive ranking process that considered 13 different factors. The Agricultural Steering Committee utilized this effort as their starting point but focused on the quality of the soils and a parcel's continued viability as productive farmland. The results of this ranking effort is a four tier system shown in Figure 11 and summarized in Table 5.

Table 5: Breakdown of Key Agricultural Parcels In Ogden

Priority Ranking	# of Acres
Very High Priority	3,062
High Priority	3,253
Medium Priority	1,924
Low Priority	222
Total identified for preservation	8,461
Total acres of prime soils in the Town	14,345

Figure 11: Farmland Preservation Map (Source: Town of Ogden)



Conservation Easements & the Purchase of Development Rights (PDR)

Ownership of land includes a suite of legally recognized rights including the right to subdivide and develop, farm, and harvest timber. Landowners can choose to forego a portion of these rights to protect the land for future generations. These rights can be donated, sold, or obtained (through the development review process) to a municipality or land trust through the creation of a conservation easement and the landowner can continue to use the land for purposes that are not prohibited by the terms of the easement. The landowner continues to hold the deed to the property, including the right to sell, donate, or transfer the property. A conservation easement restricts development of a property only to the extent necessary to protect the land's conservation value. For agricultural lands, the conservation value is often achieved by restricting new subdivision and development to protect farming operations. This does not mean that new farm buildings are prohibited.

According to a community survey conducted by the Town in 2004, 66% of respondents indicated that they would support some level of tax increase to preserve farmland and open space in Ogden.

A conservation easement is a carefully-crafted document between the landowner and the easement holder (municipality or land trust, for example). The easement parameters are flexible and can be defined by the landowner to ensure that his/her goals are met. Under a conservation easement, the landowner:

- Still owns the property and can still sell the land with the easement in place;
- Does not have to put an easement on all of his/her property (for example, a portion can be reserved for the family and can retain development rights); and
- Does not require public access on the property.

The existing conservation easement that the Town has used in the past is considered too restrictive. For example, it does not allow pesticides, herbicides, timbering, or farm animals on the property. Crafting an easement that allows for a broader range of farming and farming related uses is a key priority of the Town.

A PDR Program is a type of conservation easement program that is typically focused on farmland protection. It is a way of compensating willing landowners for not developing their lands. Development rights are purchased from a landowner in order to ensure that the land is kept undeveloped. The benefit to the landowner includes the receipt of cash payment for keeping the land in farming production, possibly tax benefits for a reduced assessment of the land (based on farming rather than development potential), and in many cases, the comfort of knowing that the farm legacy will live on.

Financing Strategies

Designate a Specific Bond Amount - Some communities have successfully pursued voter approval for a designated amount of funding authorization—or bond. While funds expended under this authorization must meet the purposes under which it was bonded, the work remains to identify specific open space projects and to bring projects to closure. The advantage of this approach to funding an open space program is that the community has a commitment of funding to work on the fee-simple purchase of lands as well as for the purchase of conservation easements. However, the specific projects are not necessarily identified by the time the community votes to bond for these funds. This approach also postpones the costs of preparing the projects. The Town of Penfield, followed this approach, obtained successful voter authorization and has nearly exhausted the total $10 million bond.

Project-Driven Bond Proposal - Some communities choose to identify specific projects first and then propose a body of projects for authorization for funding. The benefit of this approach is that the Town Board and voters know exactly what projects are proposed for funding. This approach requires up-front costs to identify and refine the proposed projects ahead of an authorization. The Towns of Pittsford, Webster and Parma, identified specific parcels for investment through this process.

Table 6: Potential Cost/Benefits of a PDR Program

Approximate Cost Per Acre	Number of Acres	Total Cost	Cost to Town with 75% from NYS	One-Time Tax Increase on $100,000 Home
$1,000	1,000	$1,000,000	$250,000	$24.00
$2,000	1,000	$2,000,000	$500,000	$48.00
$1,000	2,000	$2,000,000	$500,000	$48.00
$2,000	2,000	$4,000,000	$1,000,000	$95.00

Over the past five years, the Town has continued to experience a more challenging fiscal climate. The drop in development related fees, the increase in employee health care costs, and fluctuating gas prices have presented the Town with a number of difficult budgetary choices. As a result, it is unlikely that the Town will pursue a large PDR purchase or program without outside assistance in the form of grants. From 1997 to 2010, New York State had an ongoing funding program that provided up to 75% of the funding necessary for a PDR Program or Project. Table 6 illustrates the impact that outside funding sources can have in leveraging the preservation of farmland in Ogden. It should be noted that the table assumes that all property owners will seek the maximum market value for their development rights. However, some property owners may accept a reduced purchase price in exchange for an income tax deduction or credit. This would enable the Town to purchase additional development rights. As NYS makes more funding available for the protection of farmland, Ogden should consider pursuing a grant to assist in their local PDR Program.

Transfer of Development Rights (TDR)

A TDR program is quite different from a PDR program in that it does not utilize public funds. A TDR program requires the private sector to pay for land conservation. Basically, TDR establishes areas where development can occur and where development cannot occur – otherwise known as "receiving" and "sending" areas respectively. Sending areas are designated conservation areas (such as large, contiguous areas of farmland) and receiving areas are where growth and development are concentrated. The development rights from the sending area are transferred to the receiving area. Parameters established by the municipality assist in defining the transfer of density.

Conceptual Approach to a TDR Program

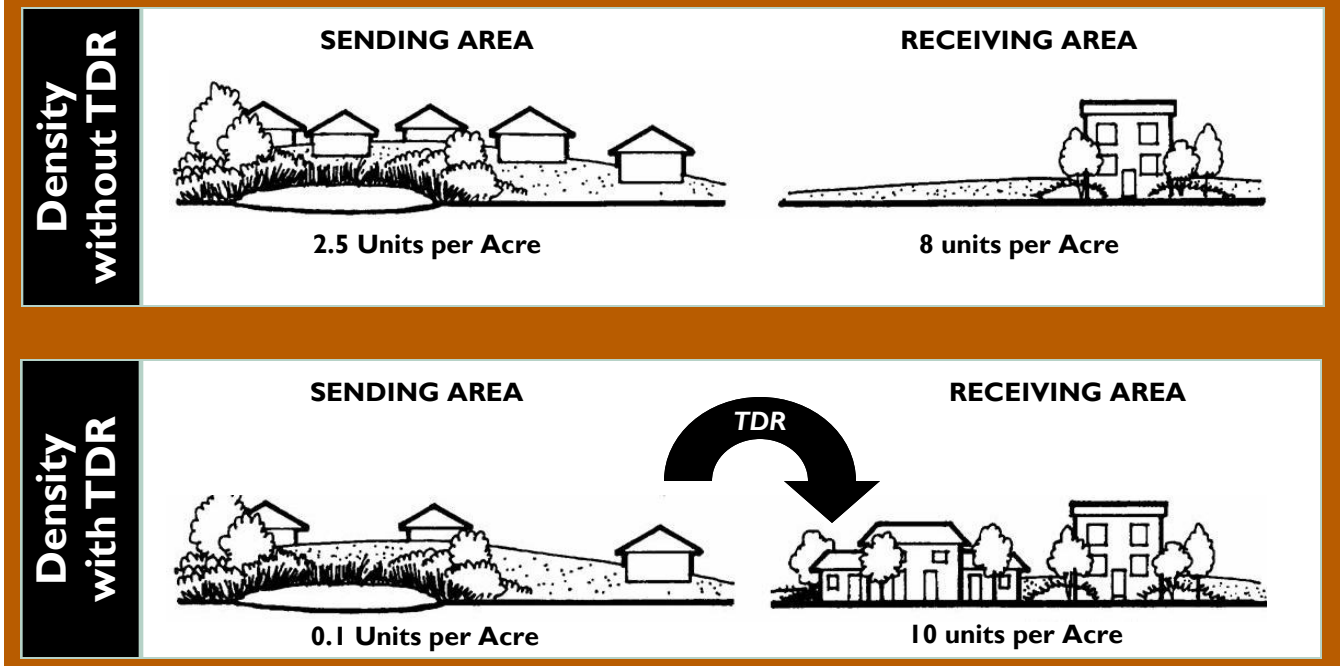
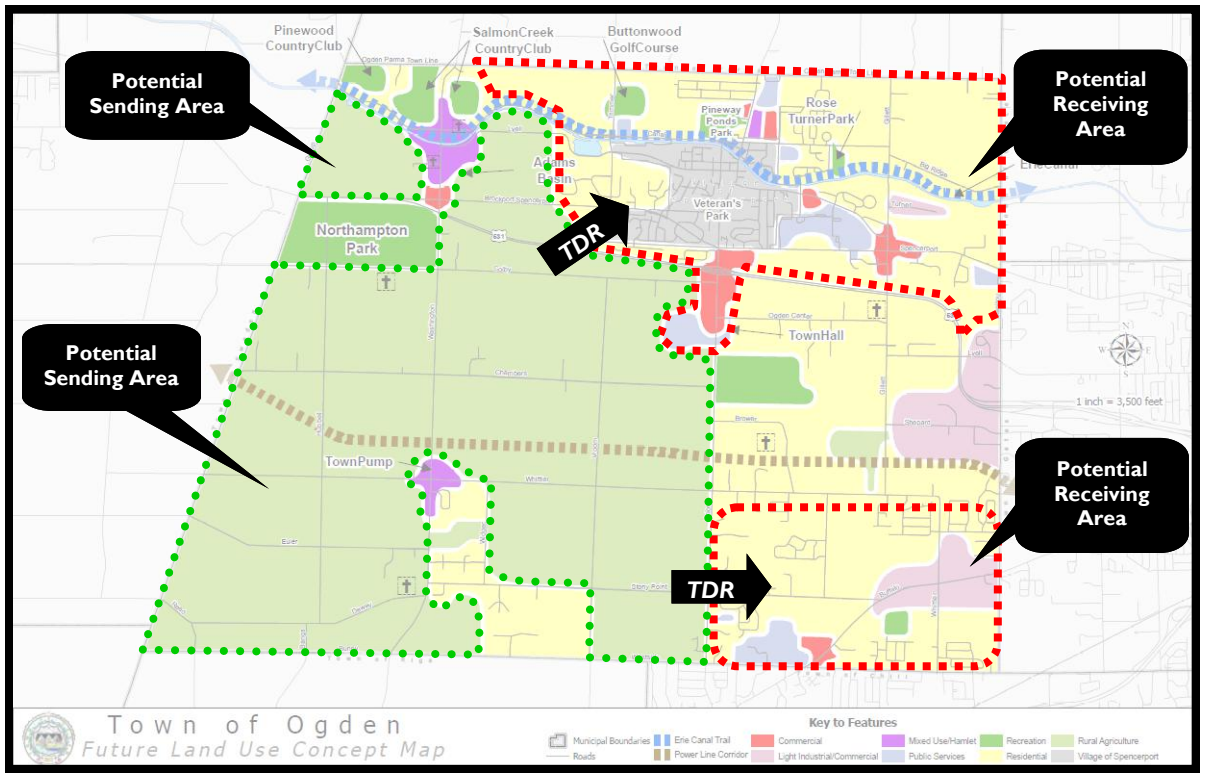


Image Source: Michigan Planning & Zoning Center

How Might A TDR Program Be Established In Ogden?

There are two potential applications of a TDR Program to preserve farmland in Ogden. The first capitalizes on the existing development in and around the Village of Spencerport. The second focuses on the existing development in the southeast part of the Town and in north Chili. These areas could form the basis for up to two receiving areas. Western Ogden, defined as the area west of Union Street and south of the Erie Canal could serve as the sending area. Figure 12 shows the location of the Receiving Areas (outlined in red) and the Sending Areas (outlined in green) on the Town's Future Land Use Map. The size and location of the sending and receiving areas shown in Figure 12 are for conceptual purposes only. Any effort to implement a TDR program in Ogden should begin with a detailed effort to more clearly define the sending and receiving areas in the Town.



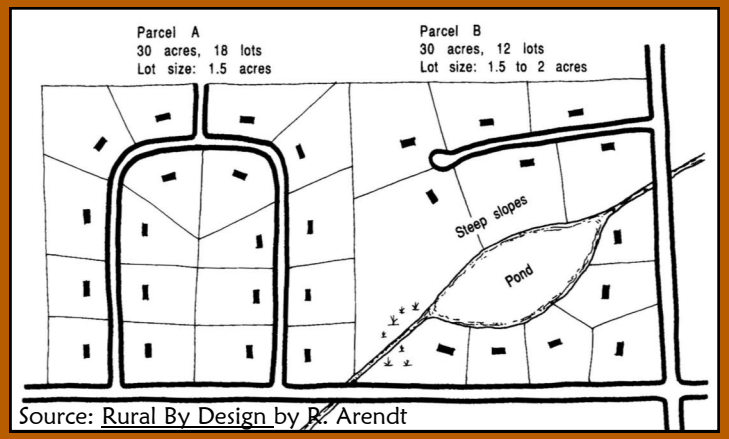
It should be noted that, The area located east of Union Street, south of NYS Route 531 and north of Whittier Road is not included in either area at this time. This area currently has a mix of land uses including industrial activity, farming operations and an operating quarry. A large portion of the farming contained in this area is under the direction of Rod Stettner of Stettner Farms. Stettner Farms is one of the major farm operations in Ogden. However, it is also the only major farming operation that does not have a succession plan in place. As a result, the future of farming in this area beyond the next decade is unknown. The Town should monitor the investment and activity in this area over the next decade before determining its role in future a TDR Program.

Land Use Controls that Protect Prime Soils & Farmland

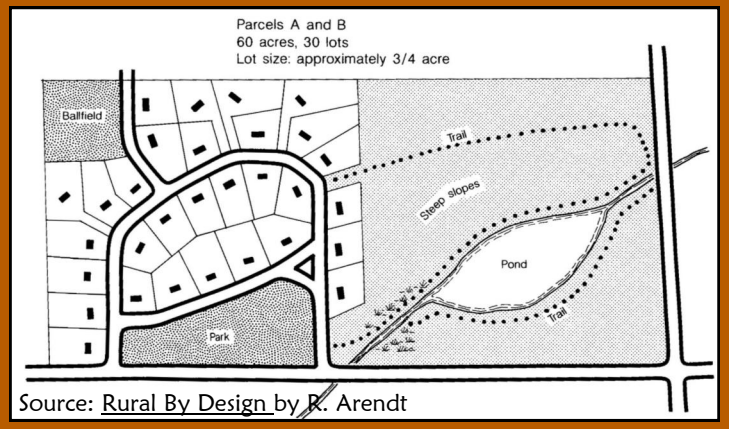
Clustering - Ogden has incorporated the ability to develop cluster subdivisions pursuant to the provisions contained in §278 of NYS Town Law. According to the current Town Code a Cluster Subdivision is defined as, "A form of development for single-family residential subdivisions that permits a reduction in lot area and bulk requirements, provided that there is no increase in the number of lots permitted under a conventional subdivision and the resultant land area is devoted to open space." The graphics to the right illustrate how the concept of clustering can be applied to a development proposal. It should be noted that clustering is typically used to preserve open space and can be used to provide needed buffers between new residential development and farming operations. However, it is generally not an effective tool to preserve prime or active farmland. In order to provide the Town with a more robust tool box to protect farmland, the Town Board developed an incentive zoning law.

There are currently two clustered subdivisions in the Town that have been built. There are another two that have been approved and are awaiting construction.

Typical residential subdivision vs. "clustered" approach



Source: Rural By Design by R. Arendt



Source: Rural By Design by R. Arendt

These sketches depict the same site developed in two different ways. The top image is a more typical approach that divides the site into large, single family lots. The lower image uses smaller lots that are clustered to avoid environmentally sensitive areas and create usable open space and other amenities.

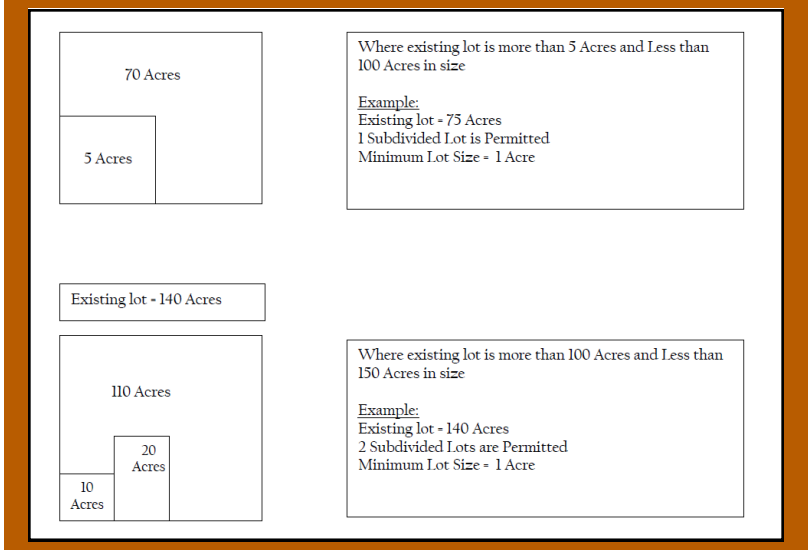
Land Use Controls that Protect Prime Soils & Farmland

Incentive Zoning - In 2010, the Town amended its code to allow for incentive zoning applications. According the current code Incentive Zoning is defined as; "The system by which specific incentives or bonuses are granted, pursuant to §261-b of New York State Town Law, on condition that specific social, economic, or cultural benefits or amenities are provided to the community." The purpose of this law is to allow, the Town Board to make appropriate adjustments to zoning provisions such as population density, use, and bulk requirements, "for the specific purpose of preserving farmland and open space at a minimum cost to the residents and taxpayers." It accomplishes this by authorizing the Town to accept the permanent preservation of farmland in exchange for greater development densities than those allowed in the current zoning district. At the time of the writing of this plan, the Town has not had any landowners or developers request an incentive zoning application.

Sliding Scale Zoning - "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, i.e., the larger the parcel the more splits that may occur, up to a maximum number established. 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." *Source: "Watershed Resource Papers" developed for the Dowagiac River Watershed Project.* This approach is discussed in greater detail on pages 68 and 69.

Density Requirements - A growing number of communities are using density requirements as a technique to preserve farmland. There are a wide range of density related tools that can be incorporated into a local zoning code. The most applicable to Ogden may be to require a maximum residential density requirement used by the Town of Seneca. For parcels under 200 acres in size, Seneca using a sliding scale zoning approach to limit residential intrusions into farmland (as shown in the code excerpt to the right). For parcels over 200 acres in size, Seneca permits one residential unit per 50 acres of land.

Town of Seneca AG Zoning District Requirements



The Town of Seneca, in Ontario County, limits the amount of residential development that can occur in the Agricultural Zoning District by restricting the number of residential subdivisions based on the size of the original parcel.

NYS Programs & Laws Impacting Farmland

Agricultural District Program - As previously stated, "The purpose of agricultural districting is to encourage the continued use of farmland for agricultural production. The Program is based on a combination of landowner incentives and protections, all of which are designed to forestall the conversion of farmland to non-agricultural uses. Included in these benefits are preferential real property tax treatment (agricultural assessment and special benefit assessment), and protections against overly restrictive local laws, government funded acquisition or construction projects, and private nuisance suits involving agricultural practices." There are currently two agricultural districts within Ogden (shown in Figure 8 on page 31). These districts offer the highest level of protection for farmland and farming activities within the Town. Over the next decade, every effort should be made to continue the participation of property owners in the NYS Agricultural District Program within Ogden.

According to studies conducted by the AFT, farmland & open space require an average of $0.36 in services for every $1.00 paid in taxes. As a result, farmland & open space provide a positive financial contribution to the local tax base & municipal budgets.

Real Property Tax Cap - In June of 2011, Chapter 97 became NYS law. Under this law, the property taxes levied by local governments and school districts cannot increase by more than 2 percent, or the rate of inflation, whichever is lower. As a result, this law may limit a municipality's ability to fund farmland preservation efforts such as a Purchase of Development Rights Program. The General Fund for the Town of Ogden is currently in a very strong financial position which is a reflection of no increase in the property tax rate for the previous three years; 5% in unassigned fund balance; and over a $1,000,000 in capital reserves. The combination of current tax rates, existing tax levy and fund balances, indicates that the Town could fund a PDR program in future without violating the NYS Tax Cap.

Farmland Tenure

Over half of all farmland in Ogden is currently being rented by farmers for various agricultural uses (as summarized in Table 3 on page 26). Typically, land that is rented for farming is considered to be at greater risk of conversion to non-agricultural uses as compared to land that is owned and operated by a farmer. As a result, the Town should utilize all of the available tools previously described in this chapter to ensure rented farmland continues to be farmed. The first step is to ensure as many property owners as possible are included in the NYS Agricultural District Program when they are renewed within the Town. The acquisition of the development rights on these properties by the Town or another third party should also completed when the opportunity arises.

Prime Soils Action Plan

Item #	Potential Implementation Item	Community Priority *	Point of Contact	Potential Partners
1	Continue to participate in the NYS Agricultural District Program	High	Town Supervisor	Property Owners, MC
2	Modify the existing conservation easement used by the Town to allow for a range of farming, farming related activities & maintenance of drainage facilities	High	Town Board Liaison to Farming Advisory Committee	Town Attorney, MCC, GLT
3	Utilize the Farmland Preservation Map to identify parcels that should be preserved through:	High	Planning Board Chairperson	Town Boards, GLT, MCC, property owners/farmers
	• The standard development review process, an application for clustering or incentive zoning			
	• A purchase or donation of development rights			
	• Update the Farmland Preservation Map on a regular basis to reflect changing ownership & farming activity			
4	Permit higher density development in eastern Ogden, in areas serviced by public water & sewer	Medium	Planning Board Chairperson	Planning Board, CEO, DPW
5	Pursue zoning strategies that preserve farmland	Medium	CEO	Town Board, MCC, Professional Planner
6	Repeat 2004 Survey to determine current attitudes towards committing public funds to preserve farmland	Medium	Town Board Liaison to Farming Advisory Committee	Open Space Committee, Professional Planner
7	Apply for funding to purchase development rights on parcels identified as High Priority on the Farmland Preservation Map	Low	Town Board Liaison to Farming Advisory Committee	NYS, Town Board, Grant Writer
8	Partner with the Village, the County & possibly Chili to develop a TDR Program	Low	Town Board Liaison to Farming Advisory Committee	MCC, MC, Spencerport

NOTES:

* High Priority = 0 to 3 years Medium Priority = 0 to 6 years Low Priority = 0 to 10 years

Infrastructure

A successful agricultural economy depends on a wide variety of factors, including the presence of man-made and natural infrastructure to support the day to day operational needs of a variety of farm types. These include but are not limited to the following:

- A sufficient supply of fresh water;
- A well-maintained drainage system;
- Adequate utilities such as power and telecommunications facilities; and
- A safe and convenient transportation network.

By maintaining & improving town wide drainage facilities, more land may become "prime" soils. These lands could then be included in areas that are targeted for future preservation.

The farming community must work closely with the Town, County, and State to ensure that the local infrastructure continues to meet the needs of agricultural operations in Ogden.

Water Supply - Farming activity requires large volumes of water. For example, based on the information contained in Table 7, Colby Farms requires approximately 8,400 gallons of water per day for its 200 dairy cows and 200 dry cows. In Ogden the primary source of water for agricultural operations is from wells. The protection of these wells is critical for the future of farming in the Town. The Town's existing development review procedures, the NYS Phase II requirements, and the creation of Environmental Protection Overlay Districts by the Town are all intended to ensure that existing water sources remain viable for future generations.

Table 7: Typical Water Usage (Source: Penn State University)

Type of Use	Water Usage	
Dairy Cow	30	gallons per day
Dry Cow or Beef Cattle	12	gallons per day
Chickens (per 100 head)	9	gallons per day
Horses or Ponies	12	gallons per day
Irrigation (sprinkler)	4,000	gallons per acre per day
Irrigation (drip)	1,000	gallons per acre per day
Clothes Washer (top loading)	40	gallons per load
Dishwasher (standard)	7	gallons per load
Kitchen Faucet	3	gallons per minute of use

It should be noted that a majority of the Town have access to public water (as shown in Figure 3 on page 21). The areas that are not served by public water generally fall into two categories. The first is due to landowners that do not want water in front of their property. The second is due to geologic constraints that make installing transmission lines cost prohibitive. As a result, the Town does not have any plans to install additional water mains for the foreseeable future. However, as demand for certain agricultural products that require a large volume of clean water increase, local farming operators may choose to fund the extension of water mains to serve their operations. The Town would be supportive of such an approach.

Stormwater Management - The Town of Ogden is recognized as a leader in Monroe County for its approach to stormwater management. It is the only town in the county with a town-wide drainage district, which was established in the early 1990s in recognition of the fact that floodwaters do not adhere to individual lot lines and that all town residents have an equal stake in the management of stormwater.

Ogden's town-wide drainage district has an annual operating budget of approximately $140,000. Activities include the maintenance of both natural streambeds and manmade stormwater basins to ensure that channels for the movement of stormwater runoff are kept free of debris and obstructions. To this end, drainage easements are now a common feature of new development projects, such as the Arbor Creek subdivision, where the careful siting of homes and a reduced number of lots allowed for the provision of ample area on the property for drainage facilities. Moreover, newly created stormwater management basins in the Town are designed to not only accommodate runoff resulting from new homes, but to also manage and mitigate an additional 35% generated from existing development. The "35% rule" exceeds the minimum "no net gain" runoff standards established by the State of New York. In fact, Ogden's regulations governing stormwater management have been used by Monroe County as model legislation for other communities seeking to address stormwater issues and meet more than the minimum requirements.

The Town also looks for opportunities to improve existing basins in already developed areas of the Town, or to create new basins where none previously existed, and has successfully leveraged town funds to procure grant money for this purpose. Improvements to existing stormwater management facilities, such as those at Pineway Ponds Park, include providing better flood storage, increasing water quality attributes, and "naturalizing" basins to provide valuable habitat resources.

Recognizing the importance of preserving floodplain capacity, the Town has made it a policy to coordinate with both developers and the Federal Emergency Management Authority (FEMA) to look for win-win solutions that improve the Town's flood management capabilities while allowing landowners to realize a reasonable return on their land. In such cases, the Town makes a point of bringing to the table its local knowledge of the land and where floodwaters actually go. Lastly, it should be noted that the Design Criteria, a document that guides both the planning board and applicants through the review, approval and post-approval construction phase of a project, specifically prohibits habitable structures within the floodplain.

The Town has actively worked to maintain its natural and man made drainage facilities. Although there is no written policy in place the Town prioritizes drainage issues according to the following criteria: 1) the highest priority is given to mitigating water that poses a threat to people and homes, 2) the second priority is to limit damage to the local road system and 3) the final priority is keep farmland viable and productive. The most common problem is the sedimentation of creeks and streams as they flow through existing wetlands. This is true of most of the high priority areas listed below:

The Monroe County Soil & Water Conservation District & the Natural Resources Conservation Service are resources that can assist the town in addressing drainage & water quality issues.

- Vroom Road - South of Stony Point Road there is a creek crossing that needs to be addressed to protect the road and adjacent farmland.
- Shepard Road - The existing culvert pipe is typically half full and the stormwater ponds cannot handle the current flows.
- Little Black Creek - South of Buffalo Road (and extending into the Town of Gates) is posing a threat to nearby residences and streets.
- Washington Street - South of Rex Lane to Westside Drive is experiencing water backing up along a creek that is impacting residences and land farmed by Kim Zuber and Ray Stein.

Ogden has made an effort to work with farmers and land owners to maintain the local drainage system. However, this approach has only been moderately successful. As a result, there are a number of areas (some described above) that are experiencing high water and poor drainage. The Town is in process of trying to obtain a single, townwide permit that will allow it to maintain public and private drainage facilities.

Drain Tiles

According to the USEPA, "drain tiles are an effective way to remove excess water from a field. The most common type of "tile" is corrugated plastic tubing with small perforations to allow water entry." The potential for widespread use of drain tiles to mitigate drainage issues in Ogden is limited for two reasons. First, the depth to bedrock is very shallow in many parts of the Town. As a result, installation of tiles may not feasible in all areas. Second, the farmer may be limited to where the water can be drained to because of Ogden's hydrology and drainage constraints. In areas that are suitable for drain tiles, they have been beneficial and should be considered as a technique to improve drainage of farm fields within the Town. (Image Source http://www.epa.gov/oecaagct/ag101/cropdrainage.html).

Telecommunications - Like most other industrial operations, farming is relying more and more on modern technology to be more efficient and profitable. The use of technology is far reaching including, computerized recording keeping to using global positioning systems (GPS) on tractors in the field. A partial list of telecommunication service providers in Ogden is contained in Table 8. It should be noted that there were no deficiencies identified in the telecommunication network for the Town.

Table 8: Local Utility & Telecommunication Providers

Community Resource	Local Provider
Gas & Electric Service	Rochester Gas & Electric, Village Electric, & National Grid
Telecommunications	Time Warner, Frontier, Verizon, AT&T, Sprint, etc

Utilities - The term utilities includes items such as gas and electric service. Table 8 contains a partial list of services providers in the Town. There seems to be adequate gas and electric capacity for farmers to maintain and expand their operations in Ogden.

There is a growing interest in "green" energy within the country. The construction and operation of the ethanol plant in Orleans County is a prime example of how farmers can contribute to and benefit from the green energy movement. In 2010, Zuber Farms installed a methane digester at its Byron location. Biogas from the digester is used by a reciprocating engine and generator to produce electric power. The power generated is used on the farm or exported back to the local utility via a net metering arrangement. Manure solids, once through the digester, are separated from the liquids and used for bedding and fertilizer. Ogden supports green initiatives that allow farmers to reduce operating costs and maximize their profitability.

Wind Power

A growing number of farming operations are investigating the benefits of small to large scale wind power facilities. These benefits include reduced energy costs or additional income from selling power back to the power grid. (Photo Source www.alternativeconsumer.com)

Transportation - There is no rail or water related shipping facilities located in Ogden. As a result, the farmers rely solely on the local, county and state road network to bring in supplies and get their products to market. In addition, most of the major operators own or rent farmland throughout the Town. In order to work these remote properties, heavy equipment commonly travels from field to field via the existing road network. Ogden farmers have identified several issues and constraints associated with the existing highway network. These include:

- The limited capacity (width and weight) of the bridges that cross the Erie Canal make it very difficult to transport heavy equipment over the canal and work farmland in the northern portion of Ogden and southern Parma;
- The placement of residential mailboxes too close to the edge of the roadway makes it difficult to travel the road without knocking down one or more mailboxes; and
- As more residential development occurs in the Town, motor vehicle traffic volumes continue to increase. Driver frustration with slow moving farm equipment seems to be increasing and can lead to dangerous behavior as motorists attempt to pass farm vehicles at unsafe times.

Meanwhile, the Town has expressed that two of the most common farming related issues that it continues to address include:

- Complaints that various farm vehicles have left large amounts of mud on local roads; and
- Handling heavy equipment in a manner that damages the road system such as forgetting to raise a plow attachment and the discs pulled up freshly laid asphalt.

The Town DPW has a long standing track record of successfully worked with farmers to maintain the local road system and ensure that it meets the needs of farmers and the travelling public. For example, when the Town undertakes a road improvement project, the DPW lays approximately 25 to 30 feet of crushed stone in the access driveway to farm fields and relocates the mailboxes farther off the road. This reduces the mud on local roads, protects the edge of pavement and reduces the likelihood of farm vehicles damaging mail boxes. In addition, the Town also installs wider drain pipes at field entrances to better accommodate the larger sized farm vehicles that are becoming more common.

Field Access Driveway Improvements

One of the more common access treatments that reduce or eliminate mud being left on local roads from farm vehicles consists of using gravel to surface driveways into farm fields (shown above).

Infrastructure Action Plan

Item #	Potential Implementation Item	Community Priority *	Point of Contact	Potential Partners
1	Establish the authority for the Town to clear & maintain public & private drainage facilities under a single general permit	High	DPW Superintendent	DPW, MC, NYSDEC, MCC, Army Corps of Engineers
	• Memorandum of Understanding currently with the County			
	• Work with local officials to develop a permit or permit procedure that is town wide			
2	Clear & maintain drainage facilities on a regular basis	High	DPW Superintendent	DPW, private property owners
3	Continue to review building permit applications to ensure proper drainage patterns	Medium	CEO	DPW, private property owners
4	Ensure that infrastructure costs & charges do not discourage agricultural operations	Medium	DPW Superintendent	Ag & Markets, DPW, various service providers
5	Increase the accessibility of farmland north of the canal	Low	DPW Superintendent	Town, County & State DPW's
6	Work with farmers to reduce wear & tear on the local road system	Low	DPW Superintendent	DPW
7	Continue to re-locate mail boxes & upgrade access drives to farm fields as part of road maintenance projects	Low	DPW Superintendent	DPW
8	Ensure that future infrastructure planning efforts address the constraints imposed by the NYS Agricultural District Program	Low	DPW Superintendent	Ag & Markets

NOTES:

* High Priority = 0 to 3 years Medium Priority = 0 to 6 years Low Priority = 0 to 10 years

Agricultural Economic Development

As part of this planning process, a series of workshops and interviews were conducted with local farmers. It is clear from this interaction that a number of the concerns expressed by farmers relate to the business of agriculture and their ability to capitalize on current and future economic development opportunities. The Town of Ogden fully supports the growth and success of the farming community within Ogden. However, the role of the Town government to influence this important aspect of the local economy is very limited. The primary purpose of including this section within the Plan is to acknowledge that the Town should continue to work closely with the local farmers to ensure the success of their operations as needed.

"Many farmers have benefitted from the trend in local foods, finding ways to sell direct-to-retail & capture a higher profit margin."

~ Farm Credit Council

Regulatory Flexibility - One of the most important roles that the Town can fulfill is to provide a regulatory framework that provides enough flexibility to enable agricultural operations to respond quickly to changing market trends. It can be stated that local farmers are generally satisfied with the type and scope of their existing operations. In other words, there is not a strong desire at the current time to aggressively pursue new market opportunities or develop new value added products at this time. However, this is not to say that the farmers in Ogden do not adjust their business from year to year to capitalize on more profitable business sectors. For example:

- The demand for ethanol increased the price of corn. As a result, local farmers grew more corn than in previous years, which resulted in increased farm revenues.
- The expansion of Wegmans Food Stores into other areas of the northeast and mid-Atlantic states has resulted in an increased need for all types of fresh produce from local suppliers.
- In recent years, the number of acres of peas planted in Ogden has continued to decline due to the fluctuating demand of the Allen Canning Company canning and freezing plant in Bergen.
- The Whittier Fruit Farm is expanding the number of species of apples that it grows to include specialty fruits such as the Sweet Tango Apple Trees.

These operational adjustments have been made within the Town's existing regulatory framework and without any need for governmental participation.

Several farmers are making a concerted effort to capitalize on the growing demand for locally produced fruits and vegetables. In order to meet this demand, farmers have recently established new roadside stands or expanded existing stands. In addition, some of the farmers participate in the local farm market at the United

Methodist Church on Westside Drive or regional farm markets around the west side of Monroe County. The Town has been very supportive of the establishment of roadside stands. Under the current code, no permit is necessary as long as, "all produce originates on the farm." The Town should consider modifying its code requirements to permit a limited amount of agricultural products to be sold at farm stands that originate elsewhere.

Partnerships - According to Shanna Ratner, the role of the local official is to develop partnerships to ensure the success of farming at the local level. "Think about agricultural development as a team sport. It's not something you can do alone; however, your unique perspective as public officials can be immensely helpful. That's because you are in a position to: bring people together around a shared agenda for the public good and create bridges between the agricultural economy and the mainstream economy; maintain close ties to regulators and policy-makers at the county, state, and even federal level so that when you need something they are there for you; bring your collective regional voice to the table and advocate for policies that will help grow the agricultural economy without undermining other forms of wealth in the community."

Workforce Development - In order to successfully pursue new markets, farms must have access to an adequate labor force. One of the key issues raised by farmers in Ogden is the difficulty in finding a workforce that is, at a minimum, comfortable with some of the skills needed to operate a farm or at best, someone with formal agricultural training. There is a strong desire to re-establish a Future Farmers of America (FFA) Program in a local school district to help meet this need. Kim Zuber and Robert Colby have volunteered help establish a FFA Program and to provide the support necessary to keep it running. Another option includes working with the MCC Agriculture and Life Sciences Institute to operate a countywide mentoring program.

Agricultural Economic Development Action Plan

Item #	Potential Implementation Item	Community Priority *	Point of Contact	Potential Partners
1	Promote agriculture as an economic development sector	High	Town Board Liaison to Farming Advisory Committee	MCC, AFT, MC Planning, Town
2	Establish an FFA Program or equivalent program on the westside of Monroe County	High	Member of Farming Advisory or Open Space Committee **	Springdale Farm, School District(s), MCC
3	Develop or host training programs for local farmers, such as	Medium	Town Board Liaison to Farming Advisory Committee	MCC, Cornell, Springdale Farm
	• "Beginners' guide" for new farmers			
	• Business opportunities for local farmers			
	• Business management, direct marketing, etc			
	• Using social media & technology to market your products			
4	Identify agricultural products & operations with substantial market potential that are suitable for local production, based on location, local soils, climate etc.	Medium	Member of Farming Advisory Committee **	MCC, Cornell, Various vendors
5	Explore opportunities for direct-to-market sales in Ogden (e.g. Consumer Supported Agriculture, etc)	Low	Member of Farming Advisory Committee **	MCC, Cornell, various not-for-profits
6	Modify code requirements to allow a limited amount of products to be sold at a farm stand that originate elsewhere	Low	CEO	Town Board, Town Attorney

NOTES:

* High Priority = 0 to 3 years Medium Priority = 0 to 6 years Low Priority = 0 to 10 years
** Member to be designated by the Town Board

This page intentionally left blank.

Community Awareness

Community awareness and support for farming is often cited as a challenge in suburban communities. However, Ogden has a successful track record of balancing the needs of the agricultural community with the ongoing residential growth that has occurred over the past three decades. According to the farmers that participated in this planning process the Town can boast the following strengths:

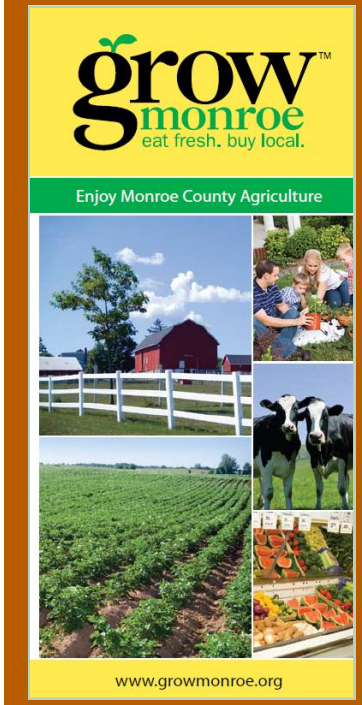
- Farming is well received and accepted by the community;
- Local government is friendly towards farming;
- Springdale Farms creates agricultural foothold in the Town;
- Growing interest in buying local;
- Highly functioning Town government;
- Presence of local farmer in County Legislature; and
- Farmers are willing to be part of various solutions.

A farmers market is currently being held on Saturday mornings at the United Methodist Church located at 2200 Westside Drive.

In addition, when interviewed, the individual farmers cited very few neighbor conflicts. The most common complaints include the smell of manure, mud on the roads, spraying of pesticides and harvesting after dark. The Town and the local farm operators continue to support each other and work together to minimize the neighbor conflicts and nuisance reports that are received.

Buy Local - "Grow Monroe" is a buy local marketing and promotion campaign led by the Agriculture and Life Science Institute at MCC. The purpose of this campaign, "is to promote the benefits of buying local and highlights the wide variety of fresh produce and other agricultural products that can be found right here in Monroe County." The Grow Monroe outreach effort consists of brochures, flyers, radio ads and television spots. The Town believes this program is extremely beneficial fully supports the continuation of the Grow Monroe Campaign.

Buy Local Campaign



"Grow Monroe" is a buy local campaign led by the Ag & Life Sciences Institute.

Springdale Farm

Springdale Farm was created by the Cornell Cooperative Extension with support provided by local farmers. In 1994, it was taken over by and is still operated by Heritage Christian Services. Springdale Farm's Mission consists of promoting agricultural education & awareness while serving to mainstream mentally challenged individuals by providing job training skills through its Day-Hab Program. Springdale has over 40,000 visitors per year, of which 7,000 are school aged kids. It has a number of programs and attractions throughout the year designed to attract a diverse cross section of individuals and interest groups. These include but are not limited to:

- Robotic milking machine;
- Pancake breakfasts in December for Christmas;
- Farm Camp;
- Respite camps;
- Bass Masters;
- Time Warner Day of Caring;
- Petting zoo (added four years ago);
- Wind power (windmill) is new exhibit;
- Recently started serving lunches;
- Conference facility for use by local groups & businesses;
- Senior tours (Alzheimer's groups, etc); and
- Various festivals & events throughout the year.

The top image shows a cow in the robotic milking machine at the Farm. The lower image show children enjoying the Sheep Shearing Festival.

Springdale Farms has an extensive outreach program to the local schools and colleges. This includes annual field trips by local elementary schools. According to Mr. Dan Peters, the CEO of Springdale Farms, the Farm does a very good job educating pre-K through 4th or 5th grade. As children reach high school, emphasis shifts to the use of technology in agriculture. In addition, local high school and college students regularly assist with various projects for credit or to satisfy a community service requirement. It should be noted that the Spencerport School District does not currently patronize Springdale Farm.

In order to ensure its future success, the Farm works closely with local farmers and the Ag & Life Sciences Institute to understand new opportunities and pass them along to the visitors. According to Mr. Peters, the Farm has no major plans on the horizon. The focus will be to maintain and refine the infrastructure and services that are already in place.

Public Notification - The Town of Ogden has several development review procedures in place designed to notify potential homeowners and developers that they are within an agricultural district or area. These include:

- Requiring Planning Board approval for all new home construction;
- Completing the NYS Agricultural Data Statement;
- As a condition of Planning Board approval, Town's CEO writes, "This property may experience noise, dust, etc. due to agricultural operations" on the plan.

In addition, a number of local farmers are involved in an effort to enact a state law that would require prospective home buyers to acknowledge that they are buying in or near farming operations when making a purchase offer. The Town fully supports this proposed legislation.

Gateway Sign - Another less formal option to effectively notify the public is to consider the placement of signs that promote agriculture at the key gateways throughout the Town. At present, there are two types of welcome signs into Ogden. The first is the common small metal sign with a green background and white text that proclaims "Welcome to Ogden. The second is a more attractive set of signs that compliment the Village of Spencerport's welcome signs (shown to the right). The Town could choose to modify these existing signs to include a public statement supporting agriculture. For example, Dell City, Texas has a collection of signs at its entrance. The largest of which is a billboard type sign that announces that Dell City is, "A Growing Community - Growing the Finest Agricultural Products." Ogden could add a statement such as "A Farm Friendly Community" or "Right-To -Farm Law in Effect" to its existing gateway signs. This idea is illustrated in the lower right photo. Another option would be to hold a contest to see who can come up with the most creative slogan to be added to the sign.

A Pro-Farming Gateway Sign

Spencerport and Ogden have attractive and coordinated gateway signage. Hanging from the bottom of Spencerport's sign is the phrase, "A Public Power Community." Ogden could do a similar sign that promotes agriculture, such as, "A Farm Friendly Community".

Community Awareness Action Plan

Item #	Potential Implementation Item	Community Priority *	Point of Contact	Potential Partners
1	Support & participate in the Grow Monroe Campaign	High	Town Board Liaison to Farming Advisory Committee	MCC, Town, Restaurants, Stores
2	Ensure realtors are aware of potential for farm/residential conflicts	High	CEO	MCC, GRAR. Local Agents
3	Place gateway signage that publicly supports agriculture	Medium	DPW Superintendent	Town Board, MCC
4	Engage the Spencerport School District in exposing young people to the benefits of & need for local farming	Medium	Member of Farming Advisory or Open Space Committee **	MCC, Springdale Farms
5	Support existing & future operations & programs at Springdale Farms that promote agriculture in the classroom & beyond	Low	Member of Farming Advisory Committee **	MCC, Springdale Farms
6	Utilize the Farmland Advisory Committee to try to prevent & resolve disputes	Low	Town Supervisor	Town Board, CEO, MCC
7	Support efforts at the State level that would require home buyers to acknowledge that they are buying in or near farming operations when making a purchase offer	Low	Town Board Liaison to Farming Advisory Committee	MCC, MC, NYS
8	Provide a link to the Grow Monroe Web Site from the Town's Home Page	Low	Web Administrator	Town Board

NOTES:

* High Priority = 0 to 3 years Medium Priority = 0 to 6 years Low Priority = 0 to 10 years
** Member to be designated by the Town Board

Regulations & Permitting

One of the primary roles that the Town has in achieving the vision articulated in this plan is to provide a regulatory environment that supports and protects farming and farmland. In order to accomplish this, the Town will pursue the following provisions:

- Adoption of a Right-To-Farm Law;
- Development of Environmental Overlay Protection Districts (EPOD); and
- Modification of the RA District or the creation of a new district that favors agriculture over other uses.

Ogden established a Farmland Advisory Committee to serve as a liaison and technical resource to address complaints related to local farming operations and practices.

Right-To-Farm Law - The Town should create and adopt a local right-to-farm law aimed at maintaining a supportive farming environment by limiting conflicts between farmers and their non-farm neighbors. Such a law would support the State's Agricultural Districts Law and the protections it provides to farmers located within agricultural districts. Creating a local right-to-farm law and increasing an awareness of this law is especially useful in growing communities, such as Ogden, to assist the community in dealing with farm and non -farm neighbor conflicts in a supportive and constructive manner. Initial discussions with elected officials and Steering Committee members indicates that there is a large amount of support for a Right-To-Farm Law and it will likely be initiated upon the adoption of this plan. Typical elements that are part of a right-to-farm law include:

- The legislative intent and purpose of the law;
- Definitions that are applicable to the law;
- A right-to-farm declaration that includes a description of acceptable agricultural practices; and
- Process and procedures to resolve conflicts.

The Town has previously established a Farmland Advisory Committee to serve as a resource for the Town when addressing agricultural issues. Under a local right-to-farm law, the Farmland Advisory Committee would become a legal entity within the Town government to help mediate conflicts and determine what is considered acceptable farming practices.

EPODS - The success of farming is directly related to the quality of the natural environment. The purpose of an EPOD is to prevent the irreversible loss of natural resources in order to ensure that agriculture remains viable in a community. EPOD's typically address the following areas of concern:

- Protecting the residents and property located within areas prone to flooding;
- Maintaining or improving surface water quality;
- Preserving wildlife habitats;
- Enhancing the quality and appearance of site development;
- Maintaining soil and slope stability; and
- Controlling the impacts of development activities on the environment.

The Town Board has charged the Open Space Committee with the development of EPOD's for Ogden. This effort will begin once this Agricultural and Farmland Protection Plan is completed and adopted b the Town.

Farm Friendly Zoning - As shown on the map on page 33, nearly all of the farmland in Ogden is currently zoned Single Family Residential (R-1). A review of the R-1 District indicates that it clearly favors residential development over farming and agricultural activity. For example, the purpose statement of the R-1 District states, "it is the intent of the R-1 Single-Family Residential District to provide areas within the Town for low-density single-family development. This district also provides for other specified uses which are compatible with the primary residential nature of the district." The permitted uses include single family homes, parks, places of worship, and municipal facilities. Customary agricultural operations, including a garden nursery, greenhouse and usual farm buildings are permitted, subject to the following restrictions:

- No building in which farm animals are kept shall be closer than 150 feet to any adjoining lot line.
- No storage of manure or odor- or dust-producing substance or use shall be permitted within 100 feet of any adjoining lot line.
- No greenhouse heating plant shall be operated within 50 feet of any adjoining lot line.

These conditions place the burden of buffering an agricultural operation on the farmer rather than on the new residential use. The R-1 District also requires a conditional use permit issued by the Zoning Board of Appeals in order to conduct, "commercial agriculture, silvaculture, aquaculture or similar forms of active, intensive agriculture requiring specialized facilities and equipment." The widespread use of the R-1 District by the Town

to control land use and development throughout the community indicates that the Town is relying on the protections provided at the state level through the existing Agricultural Districts rather than putting local protections in place. It is recommended that the Town utilize an existing farm friendly zoning district in appropriate areas or develop a new district to ensure a farmer's right to operate rather than the R-1 District.

"One of the greatest failures of typical zoning ordinances is that by prescribing large minimum lot sizes in rural areas of the community they are denying landowners the opportunity to subdivide in a manner that will best promote continued forest management and retention of a critical mass of agricultural land."

~ www.des.nh.gov

As previously stated, the Town of Ogden currently has 12 zoning districts in its code. However, it is only utilizing eight of these districts on the official zoning map. In other words, the Town has four districts that are not currently in use. One of these districts is the Rural Agricultural (RA) District. The RA District was developed around 1980. This district contains a number of mechanisms intended to protect farmland and farming that are still very relevant today. These include an intent statement that clearly articulates that the protection of existing agricultural activities and accommodating additional farming related uses is the primary purpose of the district. The intent statement reads, "The purpose of the Rural Agricultural District is to implement the agricultural designation of the Comprehensive Plan, to protect predominantly agricultural areas from nonfarm development pressures, to encourage the continuation of commercial agriculture and the associated operations necessary to support it, to prevent scattered nonfarm growth, to reduce land use conflicts, preserve open space and natural resources and to implement the state's Agricultural Districts and right-to-farm laws at the local level. Since agriculture is the intended primary use, residents and other nonagricultural occupants must accept the impacts associated with normal farming practices."

The list of permitted uses in the RA District include:

- Single-family dwelling per lot of record.
- Agriculture, including animal husbandry, horticulture, viticulture, floriculture, beekeeping and the cultivation of crops.
- Seasonal produce stands and U-pick operations.
- Fish farms and aquaculture projects.
- Livery stables or riding academies where animals are rented or leased.
- Small wood lot management, tree farming, commercial forestry and reforestation.
- Municipal uses.

The list of conditionally permitted uses in the RA District includes but is not limited to:

- Schools, churches, libraries, fire stations, and other public facilities.
- Animal hospitals, kennels and stables.
- Housing or camping facilities to accommodate seasonal agricultural employees.
- Commercial processing of forestry products on a permanent basis, utilizing permanently installed equipment.
- Commercial sale of produce, fertilizer, compost, firewood or similar material grown and/or produced on the farm, at a location other than a roadside stand.
- Commercial feed lots.
- Section 278 (Cluster) subdivisions.

The dimensional and lot requirements utilize an approach which is commonly referred to as, "Sliding Scale Zoning." As previously stated, "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, i.e., the larger the parcel the more splits that may occur, up to a maximum number established. 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."

According to Town Code, the maximum number of lots which may be created from a parcel of land in the RA District shall be based on the acres of contiguous land held in single and separate ownership on which date such land was first zoned Rural Agricultural District. The scale contained in Table 9 on the following page shall be used to determine the number of permissible subdivisions.

Table 9: Sliding Scale Zoning in Ogden's RA Zoning District

Lot Area (Acres)	Number of Lots Which May be Subdivided
At least 2 but less than 6	1
At least 6 but less than 30	2
At least 30 but less than 80	3
At least 80 but less than 130	4
At least 130 but less than 180	5
At least 180 but less than 230	6
At least 230 but less than 280	7

Other "farm friendly" zoning provisions included in the RA District include: 1) prescribing a minimum and maximum lot size for residential uses; and 2) requiring a larger rear setback (50 ft) for residential uses than for agricultural uses (30 ft).

A review of the RA District was conducted with the farming community as part of this planning process. It is safe to say that those in attendance supported the protections provided by the RA District's intent statement and in the list of permitted and specially permitted uses. However, opinions on the use of the sliding scale zoning was mixed. As a result, the use of sliding scale zoning is not recommended at this time but the RA District should remain in the Town Code for future use upon request by local farmers. It is recommended that the Town consider developing a new zoning district that incorporates the intent language and use list from the RA District and combines it with the dimensional requirements of the R-1 District. It is also recommended that special attention be paid to the setback requirements of the proposed district to ensure that adequate buffering is in place and that such buffering is the responsibility of the new residential uses rather than the pre-existing faming operation.

Regulations & Permitting Action Plan

Item #	Potential Implementation Item	Community Priority *	Point of Contact	Potential Partners
1	Adopt a right-to-farm law	High	Town Supervisor	Town Board, Town Attorney, MCC
2	Develop a series of EPOD's	High	Chairperson of the Conservation Board	Town Board, Conservation Board
3	Continue to participate in the NYS Agricultural District Program	High	Town Supervisor	Property Owners, MC
4	Create a more "farm friendly" zoning district than the R-1 District	Medium	CEO	Town Board, Professional Planner

NOTES:

* High Priority = 0 to 3 years Medium Priority = 0 to 6 years Low Priority = 0 to 10 years

Governmental Relations

As previously stated, one of the greatest assets that Ogden has is the ongoing support that it's leadership has given to the farming community. This support is shown by every level of government including the Town Board, Planning Board, Zoning Board, Conservation Board, code and law enforcement procedures, and public works activities. In addition, the Town Board has established a Farmland Advisory Committee and an Open Space Committee to help ensure the community's agricultural heritage and rural character is preserved for future generations. The Town has benefitted from the wisdom and continuity of key governmental officials that have been in place for many decades. Within the planning horizon for this document (10 years) there will be a significant change over in Town leadership. This change over represents one of the greatest threats to the future of farming in the Town. Over the next decade it is reasonable to assume that the following changes in elected officials and Town staff will occur:

The adoption of a Right-To-Farm Law has been identified as a key step that this administration can take to ensure that farming is a protected activity in the future.

- A majority of the existing Town Board members may choose not to run again; and
- The chief staff members of the Code Enforcement Office, DPW, police department, and Town Clerk's office will likely retire.

This change combined with the increasing number of new residents moving into the Town may significantly impact how farming is viewed at the local level. The Town should make every effort to ensure that the institutional attitudes and practices that support farming continue as new elected officials and staff members are put in place. As change occurs, the use and implementation of this plan will play a critical role in providing a consistent approach towards the agricultural industry and operators in the Town.

Farming Preservation Summit - Over the past decade, the Town has held several Developers Roundtable Discussions. The purpose of these roundtables are to hear from the development community on issues and trends in the Town and to hear how customer friendly the Town is being. Typical invitees include town staff and various board members, major property owners, developers, site design professionals (e.g. civil engineers, etc), and planners. The creation of a Farming Preservation Summit could provide a venue for farmers, officials, and residents to discuss concerns and potential solutions to existing and potential problems that are impacting the agricultural community in Ogden. One suggestion included using this plan as an agenda to guide the dialogue at the Summit.

Governmental Relations Action Plan

Item #	Potential Implementation Item	Community Priority *	Point of Contact	Potential Partners
1	Incorporate the policy statement, objectives, & key recommendations of this plan into the Town's Comprehensive Plan	High	Town Board Liaison to Comprehensive Committee	Town Board, Professional Planner
2	Host a Farming Preservation Summit	Medium	Town Supervisor	Town Board, MCC, farmers
3	Support & participate in the Grow Monroe Campaign	Medium	Member of Farming Advisory Committee **	Town Board, MCC
4	Provide training opportunities for new officials & staff	Medium	Town Board Liaison to Farming Advisory Committee	MCC, Springdale Farms
5	Update this plan in conjunction with an update to the Town's Comprehensive Plan	Medium	Town Board Liaison to Comprehensive Committee	Town Board, Professional Planner
6	Create an agricultural orientation program for new officials & staff	Low	Town Board Liaison to Farming Advisory Committee	MCC, Springdale Farms
7	If the opportunity arises, appoint farmers to local advisory boards & committees	Low	Town Supervisor	Town Board

NOTES:

* High Priority = 0 to 3 years Medium Priority = 0 to 6 years Low Priority = 0 to 10 years
** Member to be designated by the Town Board

Endnotes

1) All maps were prepared by Bergmann Associates unless otherwise noted. The maps contained in this document are intended for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information.

2) Unless otherwise noted, all photos are courtesy of the Town of Ogden, the Steinmetz Planning Group, Flickr, and Microsoft.

Appendix A

KEY ISSUE SUMMARY - The complete results of key issue brainstorming session conducted on 12/06/10 are listed below:

Strengths

- Ogden is located close to a number of markets for its agricultural products including, Star of the West, Birdseye, ethanol plant in Orleans County, and mill plant in Rochester
- Large population base is a good market for fresh products (produce, etc)
- Existing farming base, history, and legacy in the Town
- Acres of good soils and large continuous acres of good farmland
- Critical mass of farmers to support infrastructure
- Good cooperation between farmers
- Adequate water for wells and irrigation
- Farm equipment dealers are not too far away and can provide decent support
- Farming is well received and accepted by the community
- Local government is friendly towards farming
- Ogden is affluent community
- Agri-tourism (Springdale Farms) facility creates agricultural foothold in the Town
- Growing interest in buying local
- Highly functioning Town government
- Presence of County Legislator in the Town
- Monroe Community College Agriculture and Life Sciences Institute
- Small number if independent operators
- Town aggressively enforces stormwater management provisions
- Farmers willing to be part of various solutions
- Farmers are good stewards of the Town's natural resources

Weaknesses

- Small number of independent operators
- Declining heritage, lack of young people following in their fathers footsteps
- Farming does not provide a high quality of life, lack of freetime
- Initial infrastructure investment in farming is millions of dollars, typically too much for a young person to get started
- Young people can find easier jobs in Monroe County than farming (summer jobs, first jobs, etc)
- Development pressure in Ogden

- Problems transporting equipment on roads (inpatient drivers) and mailboxes are placed too close to the edge of the road. Town code states that mailboxes must be at least 16' from the center of the road. Mailboxes may be less of an issue as the Town widens local roads
- Manual labor is very hard to find (eg. hand laborers for picking cabbage). H-2A Programs hard to work with unless you are a large farm operation
- Mechanical equipment operators are a bit easier to come by (FYI - Need IQ, ability, and training to operate farm equipment today)
- Poor drainage issues
- Narrow breadth of farming on west side of Monroe County vs. east side. West side consists of row crops, animal, and vegetable processing

Opportunities

- Increasing number of microfarms in Town
- Suburban development represents new consumers
- Broaden scope of farming on the west side
- "Buy local"- Grow Monroe initiative is growing (what is local = general definition is within a 100 mile radius of where item was grown)
- Expand agritourism and education (concept of farming is outdated - scale, technology)
- Town working with County to pursue Home Rule Law that would allow Town to remove debris from roadside drainage swales without a permit
- Town ordinances that address mixing of uses as it relates to agriculture could be expanded to allow a more diverse offering of goods (eg. Potatoes + potato peelers, pancake breakfasts, haunted hayrides, etc)
- Excessive liability requirements required by farm markets are hurting smaller operators
- Good Agricultural Practice (GAP) legislation in the works at the Federal level
- Local Right to Farm Law

Threats

- Spot development (construction, pool installation, etc) can create drainage issues on adjacent farmland
- Misinformation on impact of farmers and farming
- Pollution from poorly run farms (not applicable to Ogden)
- Excessive and poorly written legislation that results in unintended consequences (GAP)
- Conflict with wild animals in conservation areas may lead to fencing, restricting access
- Loss of markets or change in ownership
- Neighbor nuisance issues (noise, odor, etc)
- Lack of local right to farm law
- Legacy issues (water contamination of adjacent/local wells)
- Nature of mixing agricultural and residential uses
- Farmer wannabees (barns used for car storage)

Appendix B

TERMS & DEFINITIONS - The following definitions are provided in order to clarify the intent of various words and terms used in this plan. The following definitions are reprinted from NYS Agricultural and Markets Law, NYS Town Law and NYS Environmental Conservation Law. Words and terms are listed in alphabetical order.

1. "Agricultural assessment value" means the value per acre assigned to land for assessment purposes determined pursuant to the capitalized value of production procedure prescribed by NYS Ag and Market Law.
2. "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 by NYS Ag and Market Law.
3. "Agricultural and farmland protection" means the preservation, conservation, management or improvement of lands which are part of viable farming operations, for the purpose of encouraging such lands to remain in agricultural production.
4. "Agricultural and farmland protection plan" means the county and municipal agricultural and farmland protection plan as provided for by NYS Ag and Market Law.
5. "Agricultural and farmland protection program" means the state agricultural and farmland protection program created pursuant to the provisions of NYS Ag and Market Law.
6. "Agricultural product" shall mean any agricultural or aquacultural product of the soil or water, including but not limited to fruits, vegetables, eggs, dairy products, meat and meat products, poultry and poultry products, fish and fish products, grain and grain products, honey, nuts, preserves, maple sap products, apple cider, and fruit juice.
7. "Agricultural 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.
8. "Conservation easement" means an easement, covenant, restriction or other interest in real property, created under and subject to the provisions of this title which limits or restricts development, management or use of such real property for the purpose of preserving or maintaining the scenic, open, historic, archaeological, architectural, or natural condition, character, significance or amenities of the real property in a manner consistent with the public policy and purpose set forth in NYS Environmental Conservation Law.
9. "Crops, livestock and livestock products" shall include but not be limited to the following:

a. Field crops, including corn, wheat, oats, rye, barley, hay, potatoes and dry beans.
b. Fruits, including apples, peaches, grapes, cherries and berries.
c. Vegetables, including tomatoes, snap beans, cabbage, carrots, beets and onions.
d. Horticultural specialties, including nursery stock, ornamental shrubs, ornamental trees and flowers.
e. Livestock and livestock products, including cattle, sheep, hogs, goats, horses, poultry, ratites, such as ostriches, emus, rheas and kiwis,

farmed deer, farmed buffalo, fur bearing animals, wool bearing animals, such as alpacas and llamas, milk, eggs and furs.

f. Maple sap.
g. Christmas trees derived from a managed Christmas tree operation whether dug for transplanting or cut from the stump.
h. Aquaculture products, including fish, fish products, water plants and shellfish.
i. Woody biomass, which means short rotation woody crops raised for bioenergy, and shall not include farm woodland.
j. Apiary products, including honey, beeswax, royal jelly, bee pollen, propolis, package bees, nucs and queens. For the purposes of this paragraph, "nucs" shall mean small honey bee colonies created from larger colonies including the nuc box, which is a smaller version of a beehive, designed to hold up to five frames from an existing colony.

10. "Development rights" shall mean the rights permitted to a lot, parcel, or area of land under a zoning ordinance or local law respecting permissible use, area, density, bulk or height of improvements executed thereon. Development rights may be calculated and allocated in accordance with such factors as area, floor area, floor area ratios, density, height limitations, or any other criteria that will effectively quantify a value for the development right in a reasonable and uniform manner that will carry out the objectives of this section.

11. "Direct marketing" means the sale of farm and food products directly from producers to consumers and food buyers.

12. "Farm animal" means any ungulate, poultry, species of cattle, sheep, swine, goats, llamas, horses or fur-bearing animals, as defined in NYS Environmental Conservation Law, which are raised for commercial or subsistence purposes. Fur-bearing animal shall not include dogs or cats.

13. "Farm and food product" shall mean any agricultural, horticultural, forest, or other product of the soil or water, including but not limited to, fruits, vegetables, eggs, dairy products, meat and meat products, poultry and poultry products, fish and fish products, grain and grain products, honey, nuts, preserves, maple sap products, apple cider, fruit juice, wine, ornamental or vegetable plants, nursery products, flowers, firewood and Christmas trees.

14. "Farmers' market" shall mean any building, structure or place, the property of a municipal corporation or under lease to or in possession of a public or private agency, individual or business used or intended to be used by two or more producers for the direct sale of a diversity of farm and food products, as defined by NYS Ag and Markets Law, from producers to consumers and food buyers. Such market may also include facilities for the packing, shipping, first-instance processing or storage of farm and food products, and shall include all equipment used or intended to be used in connection with such facilities. Such market may also include other businesses which reasonably serve the public or make the market more convenient, efficient, profitable or successful, including, but not limited to, food service, baking, and non-food retailing.

15. "Farm operation" means the land and on-farm buildings, equipment, manure processing and handling facilities, and practices which contribute to the production, preparation and marketing of crops, livestock and livestock products as a commercial enterprise, including a "commercial horse boarding operation", "timber processing" and "compost, mulch or other biomass crops" as defined by NYS Ag and Market Law. For purposes of this section, such farm operation shall also include the production, management and harvesting of "farm woodland", as defined as defined by NYS Ag and Market Law. Such farm operation may consist of one or more parcels of owned or rented land, which parcels may be contiguous or noncontiguous to each other.

16. "Farm woodland" means 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.

17. "Producer" shall mean any person or persons who grow, produce, or cause to be grown or produced any farm or food products in New York State.

18. "Receiving district or area" shall mean one or more designated districts or areas of land to which development rights generated from one or more sending districts may be transferred and in which increased development is permitted to occur by reason of such transfer.

19. "Sending district or area" shall mean one or more designated districts or areas of land in which development rights are designated for use in one or more receiving districts.

20. "Transfer of development rights" shall mean the process by which development rights are transferred from one lot, parcel, or area of land in any sending district to another lot, parcel, or area of land in one or more receiving districts.

21. "Value added" shall mean the increase in the fair market value of an agricultural product resulting from the processing of such product.

This page is intentionally left blank.

Prepared By:

Steinmetz Planning Group
81 West Avenue • Hilton, New York 14468