

## Agriculture and Farmland Protection Plan



**TOWN OF ULYSSES, NEW YORK**  
**FINAL**  
February 2013

**IN ASSOCIATION WITH:**  
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## EXECUTIVE SUMMARY

Agriculture has been and remains the dominant land use in the Town of Ulysses. The Town has significant acreage of prime soils suited to a variety of agriculture. In spite of changes that have taken place in how agriculture is conducted as it responds to market forces and changes in the industry itself, the majority of the Town's 21,000+ acres remain committed to agriculture.

Residents of the Town of Ulysses highly value agriculture as the dominant land use in the Town. Their reasons vary and include understanding and supporting the direct connection to the food on their tables, the nostalgic attachment for those who grew up on a farm and the continuity of family farming, and aesthetic value for the open and scenic views. Whatever the reason, agriculture is a land use that Ulysses residents want to preserve and protect.

Planning and zoning in the Town of Ulysses has long recognized the importance of agriculture for the Town, going back some 50 years. Most recently, the 1999 and 2009 *Comprehensive Plans* both acknowledged the value by recommending that the Town government establish agricultural priority areas to protect the land resources and ensure that farming is recognized as a land use of primary importance. The Ulysses Zoning Law and amendments that followed adoption of the 1999 *Comprehensive Plan* reinforced the importance of agriculture by designating an Agricultural District that cover just over 40% of the Town. Yet more needs to be done to ensure that the thousands of acres still dedicated to agriculture remain so, and to strengthen and ensure the viability of agriculture and farmland for the future. A slow encroachment of new residential and other development has resulted in the net loss of 850 acres of farmland between 1995 and 2008, suggesting that current zoning and protections may not be sufficient.

During the process to update the *Comprehensive Plan*, the Town became aware of the opportunity to secure funds from the New York State Department of Agriculture and Markets to develop an Agriculture and Farmland Protection Plan. The preparation of this plan was identified as an action strategy in direct support of the *Comprehensive Plan* update and the project was initiated in 2008.

Agriculture is a challenging enterprise to protect. It is a business that can be severely impacted by natural forces (too much precipitation or not enough and an entire crop is lost), in addition to market interactions that are now global in scope. These multiple factors make it even more challenging to put actions into play locally to help preserve, protect and encourage new development of agricultural enterprises. This plan outlines action strategies Town officials and residents can implement to protect and support agriculture and farmland in the Town of Ulysses.

Land in agricultural use is located in many areas around the Town and the blocks vary in size. This plan recognizes the importance of protecting all of the areas as they are finite resources that can support new innovative and/or non-traditional farming enterprises suited for the Town's natural resources, in addition to traditional enterprises, along with appropriately-scaled support industries – production, processing, and equipment. A variety of recommendations to preserve, protect, and encourage agriculture include a range of immediate, short- and long-term actions and a suite of policy, regulatory, programmatic, and educational tools. No individual action or combination of actions may be suitable for all of the areas in the town. Boards and committees charged with implementing this plan must keep this in mind and carefully examine recommendations following adoption of the plan.

Town staff, boards and committees, including a newly established Ulysses Agricultural Committee, along with local residents and organizations engaged in agriculture and farmland preservation will all play a vital role in the implementation and success of the plan. The priority actions for the Town immediately following adoption of the plan include:



(1) establish an Agricultural Committee to advise and assist the Town Board and other agencies on implementing the recommendations of the plan and generally on matters impacting agriculture, (2) develop a page on the Town's Web site dedicated to agriculture, for farmers and residents to connect with local products and for information on farmland and agricultural opportunities, (3) begin work to update the Zoning Law and other regulatory policies to provide further long-term protection to farmland.

While the practice of agriculture has changed dramatically over time and will continue to adapt to the complex array of changing markets, societal expectations, and climate, land will still be the core resource needed to provide food, fiber, and other resources to sustain us. Ulysses is committed to protecting and preserving agricultural land and the vitality of farming enterprises in the Town.

## CONNECTION TO NEW YORK STATE GOALS

The targeted assessment of past and current Town policies and the recommendations set forth in this *Agriculture and Farmland Protection Plan* highlight the Town's intent to continue to support and encourage agriculture as a priority land use in the town well into the future.

The Town's success with this plan will be bolstered by New York State's efforts to promote and strengthen the agricultural economy statewide as outlined in Governor Cuomo's *Farm NY*, an offshoot of his *New NY Agenda*. *Farm NY* outlines a number of agricultural goals the State has identified to address the diverse agricultural industries, marketing options, and support policies. The Town's *Agriculture and Farmland Protection Plan* is consistent with many of the *Farm NY* goals:

<b>Farm NY Goal</b>	<b>Town of Ulysses Goal</b>
Expand food processing	Value-Added Enterprises and Infrastructure Development (1D)
Expand agriculture markets	Market Development (1E)
Expand Agriculture Energy Efficiency program and biomass production	New Enterprise Opportunities (1F)
Support apprenticeship programs	Future Farmers (1A)
Increase cooperation with local governments to preserve farmland	Enhance Land Use Policies to Better Protect Farmland (4)
Preserve farmland with farmland protection program	Purchase of or Transfer of Development Rights (4N)
Strengthen the Agricultural Districts Program	Agriculture Land Mitigation Ordinance (4H)

By taking steps now, in partnership with New York State, future generations of Ulysses residents will have the opportunity to share in the bounty of an agricultural economy that brings healthy and fresh food products to their tables.



## 1.0 Introduction

The Town of Ulysses is a rural community in northwestern Tompkins County. It is bordered by Cayuga Lake to the east, Seneca County to the north, Schuyler County to the west, and the Towns of Ithaca and Enfield in Tompkins County to the south. The Village of Trumansburg is located in the northwest corner of the town. Ulysses is home to approximately 4,900 residents.



Ulysses' history and heritage is closely tied to agriculture, and farming remains the dominant part of the landscape. Over time however, the Town has seen slow but steady development chip away at that farmland. A similar trend has been observed in upstate New York State as a whole. The Town has recognized the need to be proactive in protecting its farmland as a valuable resource and economic asset. There are a number of threats to the viability of agricultural enterprises within the Town, including rising taxes, increasing land costs, and difficulties in transferring estates to the next generation of farmers. These threats are discussed in more depth in Section 2.5. Additionally, local agricultural operations are impacted by increasingly global market forces, which can shift the landscape from a predominance of the small family farms to larger scale farming enterprises.

### 1.1 PROJECT OVERVIEW AND PURPOSE

The preparation of an Agriculture and Farmland Protection Plan (Plan) was specifically recommended in the Town's 2009 *Comprehensive Plan*. Within the Sustainable Land Use and Development Policy Area in the *Comprehensive Plan*, Objective #2.6 states that the Town should "Preserve and protect the Town's rural characteristics and agricultural lands." Action Item A recommends that Ulysses "Prepare an Agriculture and Farmland Protection Plan to identify important agricultural lands in the Town." Additionally, the Town should "Develop specific strategies for protecting and maintaining high quality agricultural land for agricultural uses, and for preserving the rural landscape."

In 2008, Ulysses was awarded a grant from the New York State Department of Agriculture and Markets as part of their Agriculture and Farmland Protection Program. Through this program, the State encourages community-driven planning projects that examine the value of farmland and the agricultural economy and

that lead to strategic actions aimed at preserving and enhancing those resources. This Plan explores the protection of farmlands in the Town from a land use planning perspective. It also examines opportunities for supporting and strengthening agricultural enterprise, including marketing, succession planning, increasing diversity of operations, and community education.

The Town of Ulysses takes a proactive stance on community planning, land use planning, environmental protection, and farmland protection. This is critical given the wealth of natural resources throughout the town. Farming is an important part of the local economy and has provided for the livelihood of families for generations. As development pressure continues to expand demand for new housing in parts of Ulysses, landowners and Town officials will be faced with difficult choices. The farming industry, both locally and nationally, faces a myriad of challenges, and the Town must be focused in its efforts to preserve its vitality.

All agriculture and farmland protection initiatives require an adjustment of expectations. The Town must find an appropriate balance between those expectations and the protection of a resource that cannot be recovered once replaced by development. The Ulysses Agriculture and Farmland Protection Plan outlines the various strategies available at this point in time to address this challenge. The Plan provides information to help weigh the benefits and drawbacks of each strategy. The recent period of economic downturn has provided Ulysses with a critical opportunity to proactively put protection strategies in place now, rather than during times when development pressures are higher.

## **1.2 PROJECT PROCESS**

From the onset of the project, the Town of Ulysses expressed a goal that this Plan be a community-driven process. In particular, it was important to have regular engagement with local farmers and farmland owners. Consequently, a variety of outreach opportunities were employed throughout the project. The Town established an Agriculture and Farmland Protection Plan Committee to partner with Bergmann Associates (a planning and design firm based in Rochester, NY) and Cornell Cooperative Extension Tompkins County to develop the Plan.

In January 2009, during the early stages of the project, a Kick-off Meeting was held to introduce the community to the project and explore some initial ideas. Invitations were sent to area farmers, resulting in an excellent turnout from the agricultural community. Attendees were given a brief presentation of the project background, purpose, objectives, and timeline. They also participated in reviewing maps showing a variety of data for existing conditions in the Town.

Following the meeting, a cross-section of participants at the meeting, representing farm interests and farmland owners, were asked by the Town Board to serve on the Agriculture and Farmland Protection Plan Committee to oversee the development of the plan. The final make-up of the committee included farmers, Town officials, industry experts, and farmland owners. The group met regularly throughout the process, playing an active role in reviewing maps and documents, identifying goals, developing strategies, and participating in outreach efforts.

Numerous Committee meetings followed over the course of 2009 and 2010, as the project team developed drafts of each section of the Plan. Cornell Cooperative Extension Tompkins County conducted a survey of local farmers during this time. This provided valuable insight into the types of farming operations taking place in Ulysses, potential development pressure that may exist, and the likelihood that land will remain in farming in the future. Complete results of the survey can be found in Appendix A.

A Public Workshop was held in October 2010 to present a draft of the Plan's Vision, Goals, and Recommendations. Roundtable discussions were held, and attendees were given the opportunity to provide feedback on the substance of the Plan. In November 2012, after the complete Draft Agriculture and Farmland Protection Plan was assembled, a Public Hearing was held on January 16, 2013 to provide additional opportunities for feedback. The Plan was further refined and adopted in February 2013.

## 2.0 Agricultural Profile and Characteristics

The Town of Ulysses appreciates the multiple roles that farms play in the community, both as businesses that support the local economy and as a defining feature of the landscape and of the community's history and sense of place (American Farmland Trust, *Planning for Agriculture*, 2011). The Town recognizes that successful local planning efforts to achieve broad-based support need to focus on ways to create a supportive, diverse environment for the business of farming, as well as on strategies to protect farmland.

In order to provide suitable recommendations on how to proceed in the future to promote and protect agriculture in the Town of Ulysses, it is important to understand where agricultural enterprises stand at the point in time that the Agriculture and Farmland Protection Plan is being prepared. This section provides information on the types of agriculture enterprises that currently exist in the town, the economic value they provide, the contribution to the quality of life for all residents, and the challenges that farmers and farmland owners face in the near future.

### 2.1 TYPES OF FARMING ENTERPRISES

The most prominent agricultural activity in the Town of Ulysses is agronomic field crop production, including corn, soybeans, and hay. Small grains such as wheat, oats, barley, and rye are planted as feed, food, and cover crops. There are 16 farmers who own and/or rent land in the Town for field crop production. Several farmers also work land in the Town of Enfield or in neighboring counties, either Schuyler or Seneca County. These farmers own tax parcels in Ulysses ranging in size from 20 acres to over 200 acres, for a combined acreage total of 5,076 acres owned plus 3,634 acres rented.

Given the number of tax parcels that comprise these farming operations, it appears that farmers purchased additional land nearby as it became available. Some farmers may own from four to nine separate parcels. They also rent as many as 12 or more parcels from both small and large acreage landowners, in order to secure the amount of land required for a viable crop farming enterprise. Combined, the field crop farmers utilize the most farmland in the Town of Ulysses, with nearly 9,000 acres in production as part of their farming operations that use land inside and outside the Town. Most raise crops conventionally. There are several small organic farms, and one large organic crop producer who rents 150 acres in the Town but predominantly farms in Seneca County.

Corn, soybeans, and small grains are marketed through conventional commodity channels and specialty niche markets direct to buyers or via contract to a variety of outlets in New York, regionally, nationally and internationally. Grain is destined to go to food processors, feed and grain mills, dog food manufacturers, ethanol plants, and international markets. Organic soybeans are sold as food crops to regional, national, and international food processors.

Hay tends to be marketed closer to home; some stays in the area and is sold to horse farmers, some is sold to Cornell University, and some is sold regionally in New York and Pennsylvania. The collective production and marketing experience of the town's crop farmers gives this area a competitive advantage. The future of these cropping operations should be considered when planning for agriculture. Transitioning these farms to new owners presents an economic challenge as most new farmers cannot afford buy into these well-established operations. Creative solutions to farm ownership transfer are needed.

Dairy farming has not been a prominent agricultural enterprise in the town for more than 40 years. There is one remaining dairy farm in the western part of the town. This is the largest farming enterprise in

Ulysses with about 1,500 acres of cropland worked (660 owned, 790 rented). The dairy operation includes a milking herd of 300 cows, with a total herd of 600.

Poultry and egg farming was once a major farming activity in the town but the industry has now disappeared. The last firm to operate, Cayuga Breeders LLC, a poultry hatchery specializing in raising poultry for the Asian market in New York City, closed its doors in 2010 in order to consolidate operations downstate. The infrastructure remains and could be utilized by a new business. Eggs are still delivered by Houghton Farm, but these are no longer produced by the farm.

Egg production has re-emerged on smaller- scale farms where eggs from laying flocks comprised of 10 to 500 layers are sold directly to neighbors or to Community Supported Agriculture (CSA) members.

Other livestock species raised by 11 town farmers include beef (numbers vary from 12 to 20 head per farm), bison (50 head), sheep for fiber and lamb for meat (approximately 100 head), meat goats (about 120 head), and a few rabbits and alpaca. There are at least three horse farms in the Town, two with board and/or training facilities. There is demand for raising pigs with the Piggery's proximity in Schuyler County and their growing business with a butcher shop and eatery in Ithaca.

Given that most of the high-quality soils in the Town are used for agronomic crop production, there is limited pastureland by comparison. However, there is idle land that may be suitable pasture for bringing back small-scale livestock production destined for the local market.

Horticultural crops are being produced by 11 farms in the town including:

- approximately 80 acres of organic vegetables (three farms);
- 40 acres of conventional vegetables (mostly sweet corn) (one farm);
- about an acre of berry crops (strawberry and raspberry) (two farms);
- approximately 10 acres of apples (one farm);
- 40 acres of Christmas trees (two farms); and
- one tree nursery; one bedding plant retail stand.

These crops are marketed through a variety of wholesale and direct sales channels. There are several tree fruit and berry farms just over the county line with distribution via "pick-your-own" (PYO) sales, roadside stands, the Ithaca and Trumansburg Farmers Markets, and a CSA. These farms, while not in the Town, provide a venue for local food access for Town residents.

Given the recent "retirement" of a popular strawberry PYO farm, there is potential demand for a new PYO berry farm. Table grapes may also provide another production opportunity. One new venture had planned to produce wine grapes but appears to be diversifying into other fruits and vegetables. Commercial nursery/greenhouse businesses have come and gone due to the slowdown of economy; several have closed their doors in recent years. Bedding plants are now being offered by a retail market near Jacksonville, though these are not grown by the owner. There is one tree nursery selling deciduous trees on a casual basis.

Another significant land-based enterprise is Cayuga Compost operated by P&S Excavating. Cayuga Compost collects food and yard waste and turns it into a valuable organic resource for landscape and farming uses. The composting operation currently occupies about 20 acres of land.

## 2.2 MARKET RESOURCES AND INFRASTRUCTURE

### Trumansburg Farmers' Market

In 2003, Cornell Cooperative Extension Tompkins County mobilized community volunteers and farmers to establish a farmers' market in the Village of Trumansburg. The market has grown to a membership of about 40 vendors in 2012. The market is sponsored by the Village, governed by a board, and has a seasonal manager to oversee operations. It has become a viable outlet for small farm, craft, and food businesses in the area. Unfortunately, the current membership does not include any farmers from the Town of Ulysses. This is largely due to the fact that many of the Town's farmers utilize other marketing outlets. Farmers at the market come from the Town of Ithaca and the surrounding counties (Seneca & Schuyler). The market draws customers from the community and surrounding area and is a popular destination for summer visitors including lake residents, campers, and wine trail visitors. Area restaurants and caterers have also discovered the market and can be found purchasing products to feature in their menus. Combined Market Vendor sales are estimated to be at least \$50,000 - \$80,000 for the season (no formal survey has been conducted).

### Marketing and Distribution

Distribution infrastructure is often considered to be a factor limiting farm expansion. Town of Ulysses farmers are fortunate to have access to distribution companies in their back yard. Hoffmire Farms is a small produce distribution company servicing area restaurants and other food establishments with produce primarily obtained from the Syracuse Regional Market. A second larger enterprise located in the Town is Regional Access, a specialty food company offering sales and distribution services throughout New York State. Regional Access buys and sells New York specialty processed foods, fresh produce and meats, trucks wine upstate from Downstate importers, and stores wine for Finger Lakes winemakers. The business has 35 employees with annual sales of \$5.5 million. Regional Access moved from their original location on Cayuga Street in Trumansburg to a larger warehouse on Route 96 in 2008. The original facility is being made available to local farmers for crop storage and local grain processing.

Regional Access is a major marketing resource for area producers serving both as a buyer and distributor of fresh produce, meats, and specialty processed foods. Regional Access has combined with Finger Lakes Organic Growers Cooperative (approximately 20 Central NY farmers), now called FLORA, to market fresh produce. FLORA distributes produce for two Ulysses farmers. In addition, Regional Access is now sourcing meat and poultry from area farms. Most of their customers are food cooperatives, specialty food stores, and restaurants throughout the state and in New York City.

### Farm Direct Marketing

As mentioned previously, there are PYO farms just outside the Town in Schuyler County that offer berries and tree fruit. Another orchard located just north of the Village of Trumansburg in Seneca County offers fruit shares to community residents. A few other producers sell meats and eggs from their homes.

Two certified organic vegetable farms are working together to sell most of their products via a joint business venture called Full Plate Collective, a 500 member Community Supported Agriculture (CSA). CSA is a marketing strategy by which "members" buy a weekly share of produce and pay for it at the beginning of the season. Weekly pick-up for the Full Plate Collective takes place at one of the farms, at off-farm locations, and via home delivery. These farms also raise laying hens and provide members with eggs as part of their share. CSA members can also buy additional local products via the CSA including meats, dry beans, and fruit via the Finger Lakes Fruit Bowl. CSA members include residents from the City of Ithaca and throughout Tompkins County and the surrounding counties. A second vegetable CSA operates just north of the Village of Trumansburg in Seneca County and serves 400 members. Two meat



CSA farms (beef, chicken, and pork) also serve town residents and are located just outside of the town to the north and west.

The Town's organic vegetable farmers sell in other market channels including the Ithaca Farmers' Market and wholesale to area restaurants and Cornell University Greek houses (via Regional Access), and direct to Wegmans and Greenstar Cooperative Market. These farms are among the largest and most successful organic vegetable farms in the county. Their expertise is sought by other smaller farmers, and they each provide at least 2 full season jobs beyond owners as well as 5-8 seasonal jobs.

Town residents are truly fortunate to have such incredible access to fresh local fruits, vegetables, and meats available via these direct marketing operations and at the Trumansburg Farmers' Market. Strong demand for local foods suggests that there is potential to grow this marketing channel.

### **Added Value Enterprises**

An exciting new venture that incubated at the old Regional Access warehouse in Trumansburg is Farmer Ground Flour. While they outgrew their original space, Farmer Ground Flour continues to operate in a nearby town in Tompkins County and continues to sell their products in Ulysses. This is the first flourmill to operate in the County in over 60 years. Farmer Ground Flour is farmer-owned (three area farmers - not from Ulysses) and employs a miller to grind their locally produced grains including wheat, spelt, rye, buckwheat, and corn. Most of the flour is sold in New York City at farmers markets and other retail outlets. A portion of the flour is sold locally, with some of it going to a local bakery CSA (Wide Awake Bakery), which has weekly distributions of bread and homemade pasta throughout Tompkins County. Because of the mill, grain growing continues to be a growing part of crop farming, over a wide area of Tompkins and Seneca Counties. Additional processing ventures are envisioned for the old Regional Access warehouse in Trumansburg and at the new Regional Access facility in the Town of Ulysses.

Another recent addition to the Town, which supports the marketing of locally produced products, is Good to Go, a year-round market and deli on Main Street in Trumansburg that sells locally produced foods and uses local goods in salads, soups, and sandwiches made at the store. The store also serves as a distribution point for local CSA's.

When combined, the diversity of farming enterprises, the significant experience of farmers, the market and distribution resources, and added value activities provide the foundation for expanding agri-economic development opportunities for the Town of Ulysses. The Great Local Foods Network, a grassroots group embracing the vision of Regional Access Founder, Gary Redmond, is eager to support farm entrepreneurship in the Town through past and future fundraising efforts. A key challenge for farmers with great ideas is the financial backing to initiate them.

## **2.3 FARM INCOME/ECONOMIC IMPACT**

### **Farm Sales and Employment**

Farm product sales range from less than \$10,000 to several million dollars as reported in the Tompkins County Agricultural District Survey (2008). Combined sales from farms and agri-businesses located in Ulysses are approximately \$18 million (this includes income from land farmed outside the Town by Ulysses farmers).

Farming is a full-time enterprise for 20 producers in the Town, and a part-time enterprise for another 18 producers. Farms provide direct part-time or full-time employment for about 22 people in addition to the owners.



## **2.4 LANDOWNER SURVEY RESULTS**

Given the amount of land rented to farmers, the Agriculture and Farmland Protection Plan Committee felt it was important to conduct a landowner survey to determine if currently rented land will be available to farmers in the future. Surveys were sent to a total of 55 landowners identified as renting land to farmers. The return rate was 62%. Those responding reported owning 3,133 acres of the 4,100 identified as land rented for farming. Sixty-eight percent of the respondents have been renting land to farmers for more than 20 years and about one third of these have been renting to the same farmer for more than 10 years. Landowners were motivated to keep their farmland for reasons including open space, recreation, and preservation of agricultural heritage. Eighty-two percent of the respondents indicated they intended to continue renting land to area farmers over the next 5 to 10 years, and 76% indicated they have never sold parcels for housing development.

Landowners indicated overall a strong preference for keeping land actively farmed (88%) and undeveloped (79%). This sentiment was tempered by concerns over high costs of land ownership (primarily property taxes) and the need for retirement income. Seventy-nine percent reported that agricultural assessment of farmland rented to a qualifying farmer was hugely important and that farm rental income was less significant. The overall sentiment of Town of Ulysses landowners who rent to farmers appears to be positive for the future of farming for at least a majority of the land for the next 10 years. [See Appendix A for complete survey results.]

## **2.5 THREATS TO FARMING AND FARMLAND**

### **Land Values**

As farmers and landowners consider the long-term viability of agriculture in the Town, several similar concerns surface that can threaten the future of farming. A key concern for both groups is high property taxes, even with the benefit of agricultural assessment. As more development expands into farmland, rising land values are driving up assessment values and reducing the incentive for farmers to buy more land. Landowners feel pressured to sell and while they would prefer to sell to a farmer that may not be realized as farmers often cannot afford to buy high-priced land. Several of the landowners renting to farmers are elderly and it is uncertain what will happen to their land.

It is uncertain what impact natural gas leases may have on destabilizing land prices with some going up due to gas development and others going down due to perceived and real destruction of the rural character as has been demonstrated in neighboring Pennsylvania. Adding to land value impact, gas well development following current industry practices has the potential to damage the soil and water resources that are key components of the agriculture business further degrading the land values, as demonstrated in Pennsylvania.

There is active demand for land to rent for farming but there is no mechanism in place to inform farmers when land becomes available. Additionally, there is no policy, such as purchase or lease of development rights, in place to reduce the cost of land to make it affordable for farmers to buy land.

### **Farm Succession Planning**

The Town is fortunate to have many viable full-time farm businesses in large part due to the extent of highly productive soils, marketing opportunities, and in part because Ulysses farmers have good management and marketing skills. Several town farmers have built significant profitable farming

enterprises during their lifetime. Transferring these enterprises to the next generation or new owners could be a challenge. New farmers may not have the resources to buy a functioning farming operation. Planning is needed to help develop partnerships that allow farmers to benefit from the value of their businesses while transitioning to new owners. The Cornell Cooperative Extension FarmNet program can provide some preliminary assistance with farm transfer questions before working with an attorney.

### **Development Pressure**

Development pressure varies throughout the town, but is having an impact near the Village of Trumansburg, along the Route 96 corridor, and in the southeast section of the town. Random development is creeping into other areas of the town at a slow but noticeable pace. Farmers currently feel the threat of development in terms of more traffic, less so in terms of having to farm adjacent to and around housing developments, but there is concern about future development impacts. The development also raises the value of land, making it more difficult for farmers or those who want to become farmers to buy agricultural land in Ulysses.

### **Community Education**

Farmers are concerned about the public perception of farming practices. The growth of non-farm development will necessitate the need to pro-actively educate the community about farms and farming in the Town. Farmers are eager to move the town towards greater food and energy self-sufficiency, which will require an engaged citizenry that supports the farm community through local purchasing.

### **Town Land Use Policies and Regulations**

Current Town zoning policies are generally viewed as being farm friendly, but there is concern that future policies avoid unnecessary and costly restrictions on the ability to farm. A key concern of farmers is that this plan and future town policies preserve the right to farm. This plan will help focus policy makers on how to promote farming and protect farmland.

### **Environmental**

Based on the Rural Landowner Survey (Appendix A), potential threats to the environment from industrial-scale activities were of some concern to rural landowners. Currently there is one CAFO (Confined Animal Feeding Operation) in the Town. Threats to air quality, surface water quality, and groundwater quality can arise from poor siting, design, maintenance, and nutrient management. The intent of NY State CAFO regulations is to minimize environmental risks, but a town can provide further oversight in the interest of protecting public health. New York's Agricultural Districts Law requires that local governments be reasonable in their approach to dealing with farm regulations, and allows the Department of Agriculture and Markets to intervene if local laws are felt to unreasonably restrict farm operations in agricultural districts. To best address community interests and farmers' needs, the Town will work with both the farming community and the Department of Agriculture and Markets to ensure that any local laws proposed for enactment do not violate the state law.

Farms that have leased land for natural gas extraction are at higher risk for potential contamination of water, air, and soil. Natural gas and petroleum exploration and extraction processes and associated wastes have been documented to pose risks to both human and livestock health, and as such are prohibited under the current Town of Ulysses Zoning Law.

The Town has high quality soil resources much of which is being actively farmed. Given that soil is a limited resource, it is important to preserve the best soils to meet current and future farming and food production needs.

### 3.0 Existing Land Use Conditions

In addition to understanding how agriculture is being practiced today in the Town of Ulysses and the many challenges to maintaining a viable agricultural economy, an analysis of the primary asset, land, requires particular attention. Land use and land cover trends will help inform future decisions related to policies on planning and zoning that affect agriculture. While the Town has been actively trying to preserve and protect the agricultural land resources, the effectiveness of current policies and laws towards achieving the goal needs to be evaluated.

The following sections present an analysis of trends in land use in Ulysses using a variety of available data sets on land use and land cover. The sources include Tompkins County Planning Department land use/land cover mapping, Tompkins County Agriculture District surveys, New York State Office of Real Property Services land assessment classifications, and Town of Ulysses zoning and planning files. Methods for gathering and presenting the data vary from each entity; therefore, comparisons of acreage between tables cannot be performed. Nonetheless, the data provide valuable insight into how land use in the town is changing over time.

#### 3.1 AGRICULTURAL CHARACTERISTICS

##### Land Ownership and Farm Size

Agriculture is an important component of State and local economies, and the Town of Ulysses is fortunate to have a large amount of high quality agricultural land that has positively impacted the character of the community and quality of life for its residents. According to 2008 Agriculture District surveys conducted by Cornell Cooperative Extension Tompkins County, the Town of Ulysses covers 21,120 acres and 41 percent (8,710 acres) is used for farming.

The 2008 Agriculture District survey found that 161 parcels covering 8,710 acres are being used for agricultural purposes, either as owned (5,076 acres) or leased land (3,634 acres), much of which are concentrated in the southwestern portion of the Town. An additional 4,021 acres are identified as agricultural lands by the Land Use/Land Cover analysis completed by Tompkins County, but land ownership of these parcels were not reported as acreage in use for agricultural purposes in the Agriculture District survey.

Where the ownership connection was made through the district survey, it concluded that slightly more than one-half the 161 parcels (86) are owned by the farm operator, while the remaining parcels (75) are under lease. This land ownership pattern is similar to the national pattern, in which 60 percent of farmland is owned by farmers and 40 percent is leased. A comparison of acreage statistics of agricultural parcels by land ownership is provided in Table 3.1, and the geographic distribution is depicted in Map 1. Records from the Tompkins County Department of Assessment for 2012 can account for 29% of the 4,021 acres listed as “Not Reported.” These records should be consulted for future updates of this Plan.

It is significant to note that non-farm landowners control 40 percent of the land that is farmed. Farmers in Ulysses rent more land than farmers in any other Tompkins County town. To continue farming within Ulysses, these farms depend on the availability of land to rent for the continued viability of their farming operations.

Based on the information presented in Table 3.1, owner-operated agricultural parcels are, on average, slightly larger than non-owner-operated agricultural parcels. Further analysis indicates that almost 75 percent of the agricultural parcels over 100 acres in size are owner-operated, while those parcels smaller

than 25 acres tend be non-owner-operated (these statistics do not include the 181 parcels for which land ownership data are not available).

**TABLE 3.1 Agricultural Land Statistics by Land Ownership, Town of Ulysses**

	Owned	Leased	TOTALS	*Not Reported	TOTALS with Not Report Parcels
Acres	5,076	3,634	8,710	4,021	12,731
Number of Parcels	86	75	161	181	342
Average Parcel Size (acres)	59	48	107	22	37
Parcels by Size Class:					
Less than 25 acres	22	27	49	124	173
25 to 50 acres	27	18	45	40	85
50 to 100 acres	18	23	41	14	55
Greater than 100 acres	19	7	26	3	29

Source: 2008 Agriculture District surveys conducted by Cornell Cooperative Extension Tompkins County. \*"Not Reported" acreages are derived from the 2008 Tompkins County Land Use/Land Cover GIS Data Layer and indicate that agriculture appears to occur on these parcels; however, no connection to who was/is farming the parcels was drawn from the Agriculture District survey. The properties are potentially not receiving the agriculture assessment for which they are eligible or are lands that if not now in farming could be available to farm.

In terms of spatial distribution, there is a large block of contiguous owner-operated agricultural lands in the southwest corner of the Town. There is also a somewhat smaller contiguous block of non-owner-operated agricultural lands near Trumansburg, north of Taughannock Creek near Falls Road.

Additionally, a comparison of parcel location with parcel size indicates that smaller agricultural parcels are generally located closer to transportation corridors and population centers, which is a typical development pattern for rural communities experiencing growth pressures. Map 2 illustrates the size of the parcels illustrated on Map 1 where land ownership was identified in the district survey.

### Agricultural Land Use/Land Cover

Information on the spatial distribution of agricultural land uses in the Town of Ulysses is provided by the Tompkins County *Land Use and Land Cover Mapping Project* (LULCMP), completed in 2008. As stated in the LULCMP report, "land use and land cover maps have been developed by interpreting aerial photographs, delineating land use and land cover polygons onto a geo-referenced base map, and then digitizing the line-work."

The LULCMP data classified agricultural lands into the following nine categories:

- *Cropland* – tillable land used for growing cultivated field crops, forage crops, grain, beans, hay, etc.
- *Cattle* – farmland used for the feeding and milking of dairy cattle as well as for beef cattle. Barn with silos and feedlots are included.
- *Horse Farm* – horse barns, feed lot, and animal recreation areas.
- *High Intensity Cropland/Horticulture* – nurseries, including greenhouses, vegetable production areas, and other gardens more than a half-acre in size.
- *Inactive* – farmland and fields that appear to be no longer used for farming practices. Fields may appear to be growing over with tall grasses and small shrubs.
- *Orchards* – farmland dedicated to growing tree products including associated buildings.
- *Pasture* – areas used for grazing. Is enclosed by fence and may have small trees and shrubs. Located adjacent to livestock farm.

- *Tree Farm* – areas used for cultivating trees, primarily Christmas trees.
- *Other Farms* – poultry, sheep, swine, game, mixed animal farms, animal shelters, and farms that produce livestock feeds (granaries).

Based on the LULCMP data for the Town of Ulysses, approximately 9,200 acres, or more than 40 percent of the Town's land area, comprise agricultural lands (see Table 3.2). As noted above, this includes only those areas directly under agricultural production. Associated lands, such as farmsteads or small woodlots, are not included in these totals. A summary of the different LULCMP agricultural uses present in the Town of Ulysses is provided in Table 3.2 and depicted on Map 3.

**TABLE 3.2** Agricultural Land Use/Land Cover, Town of Ulysses

	Acres	Percent of Total
Cropland	7,237	78.5%
Cattle	23	0.3%
Horse farm	22	0.2%
High intensity cropland/horticulture	21	0.2%
Inactive	1,165	12.6%
Orchards	34	0.4%
Pasture	511	5.5%
Tree farm	124	1.3%
Other farms	82	0.9%
<b>TOTALS</b>	<b>9,217</b>	<b>100%</b>

Source: Tompkins County Land Use and Land Cover Mapping Project, 2008. Based on aerial photos.

By far the largest agricultural land use is cropland, covering more than 7,200 acres, or almost 80 percent of all agricultural lands in the Town of Ulysses. According to data provided by the Town and Cornell Cooperative Extension Tompkins County, the most prominent types of crop farming include corn, soybeans, small grains, and hay for animal feed. The second largest class of agricultural land uses in the Town is *Inactive*, comprising almost 13 percent of all agricultural lands (see Map 3). While not noted in Table 3.2, an additional 13.4 acres is classified as *Agricultural Industry*, which includes buildings and facilities associated with agri-business. The LULCMP also identified 34 acres of orchard in the town. The area contributing to this category has been abandoned for over 30 years. There are no active commercial orchards currently in the town.

Members of the Agriculture and Farmland Protection Plan Committee suggest that there may be an even greater diversity of agriculture in the town. In particular, the recent rise of small-scale, organic farming is likely not reflected in these numbers as it is harder to discern when analyzing aerial photography, and the data were compiled prior to 2008. Farmer data available through Cornell Cooperative Extension indicate that the number of acres in High Intensity Cropland and Horticulture (vegetables, berries, and nursery/greenhouse crops) should be at least 90 acres compared to 21 acres identified in the LULCMP data. Also, an additional 60 acres of sweet corn were likely counted in the cropland category as aerial analysis cannot distinguish between sweet corn and field corn.

### Land Use Trends

Using the Tompkins County LULCMP as well as the New York State Office of Real Property Services (ORPS) data sets, an analysis of land use changes over a decade was performed to identify patterns of change involving agricultural land. A detailed analysis provided in Appendix B.

Between 1995 and 2008 approximately 850 acres of land that had been dedicated to or available for agriculture were taken out of production. The largest categories of agricultural land cover experiencing a change were cropland and inactive agricultural lands, each losing more than 500 acres. Some of that acreage may have gone to other agricultural ventures as pasturelands grew by 125 acres and tree farms grew by 61 acres, but nonetheless the loss is measurable (Map 4).

## **3.2 DEVELOPMENT**

The Town of Ulysses has experienced a pattern of development similar to other towns that are located on the periphery of a medium-sized city. The extent of this development may be somewhat greater than other towns in Upstate New York because the economic engines of the City of Ithaca, Cornell University, Ithaca College, and the Cayuga Medical Center have historically combined to maintain high local levels of employment and economic stability.

The rate of the development (housing permits per 1,000 residents) also varies from town to town in Tompkins County but on average is greater than that of New York State. The geographic location of Ulysses to the west of Cayuga Lake puts the Town's commuters to Cornell and the other institutions at a disadvantage, as the primary employment centers are on the east and south side of Ithaca. Ulysses traffic, as well as other towns north and west of Ithaca, must funnel into the City through a narrow corridor that crosses the Cayuga Lake Inlet. Nevertheless, the northwest part of Tompkins County is experiencing some level of development pressure as this area remains a fairly short commuting distance from Ithaca and the county has a good transit system.

### **Population and Housing**

According to the U.S. Census Bureau, the Town of Ulysses population has varied little over the past 20 years with census counts of 4,906 in 1990, 4,775 in 2000, and 4,900 in 2010. From a regional perspective, population projections for Tompkins County (prepared by the Cornell Institute for Social and Economic Research) indicate that the County's population is expected to increase by 5,620 residents by 2030, which would be a 5% increase. While much of this growth can be expected to occur within the City of Ithaca, surrounding communities such as the Town of Ulysses can expect increased development pressure from this anticipated growth.

While population growth is one indicator of future development pressure, housing development patterns can also provide valuable information. Even though populations are remaining stable, rural areas are experiencing new residential development. A visual assessment of existing residential and commercial development as of 2008, as illustrated on Map 5, shows that these land uses are generally concentrated along major transportation corridors and near hamlet and village centers.

To determine the level of development pressure and more closely examine the locations of the newer residential development occurring in the Town, examining the number of building permits issued each year for new single family homes is important. As shown in Table 3.3, new construction activity over the last decade has been steady with an apparent slowdown from 2008-2010 associated with the collapse of the mortgage market.



**TABLE 3.3 Single-Family New Housing Construction Permits, Town of Ulysses**

Year	Number of Permits Issued
1996	14
1997	12
1998	15
1999	15
2000	15
2001	17
2002	13
2003	15
2004	16
2005	16
2006	13
2007	11
2008	3
2009	7
2010	5
2011	14

Source: Town of Ulysses Code Enforcement

As previously discussed, the early development pattern was concentrated along the major roadways, as illustrated in the pre-1970 data on Map 6. In the decades from 1971-2000, the spatial distribution of the development was generally in clusters of multiple, small lot subdivisions. Since 2001, new development has been more randomly scattered across the town, with infill of lots adjacent to development and new lots subdivided from larger parcels.

In addition to a mapping analysis of recent development patterns within the Town, a Committee member compiled data on the visibility of single-family homes built between 2007 and 2009 ((Table 3.4). These data suggest that farmers more often selected wooded lands rather than farmable property to sell off for development. However, not all farmland is owned by farmers, so the siting of subdivided land remains a concern for future development.

**TABLE 3.4 Single-Family Home Site Selection and Current Visibility, (2007-2009)**

Sited in Woods			Sited in Open Field	
Not Visible (due to conifer buffer, topography, distance from road)	Seasonal Visibility (due to deciduous buffer)	Visible (no front buffer)	Active Agricultural Field (front or rear)	Non-Active Agricultural Field
3	7	5	5	2

Source: Town of Ulysses records and field observation by an Agriculture and Farmland Protection Plan Committee Member.

### Infrastructure

The infrastructure that supports development in the Town of Ulysses, including the transportation network and the existing municipal water system is summarized below.

#### *Transportation Network*

The Town's transportation network affects the ability of people to move into, out of, and around the town and includes roads, bus service, water access, and bicycle and pedestrian circulation. As the amount, type,



and distribution of roads can heavily influence the pattern of development in a given community, this section focuses on the existing road/street network.

**TABLE 3.5 Road Network Jurisdictions, Town of Ulysses**

	Road Miles	Percent of Total
<b>Town</b>	36.0	38.3%
<b>County</b>	41.9	44.5%
<b>State</b>	16.2	17.2%
<b>TOTALS</b>	94.1	100%

Source: Tompkins County

The street network in the Town of Ulysses includes more than 90 miles of public roadways, most of which are under County and State jurisdiction (see Table 3.5 and Map 7). In addition to the road miles provided in Table 3.5, there are 12.3 miles of public roads located within the Village of Trumansburg.

In terms of road function, the New York State Department of Transportation (NYS DOT) has designated roadways into functional classifications based on travel patterns and typical use, six of which apply to rural areas:

- Principal Arterial – Interstate;
- Principal Arterial – Other;
- Minor Arterial;
- Major Collector;
- Minor Collector; and
- Local Roads.

Specific to the Town of Ulysses, NYS Route 96 is classified as a *Minor Arterial*, which is the highest classified roadway within the town. The remaining roadways in the Town are classified as either *Major* or *Minor Collectors*, or *Local Roads*. *Major* and *Minor Collectors* connect local, primarily residential traffic to arterials streets. Examples of *Major Collector* roads in Ulysses include Route 89, Halseyville Road, Taughannock Park Road, Perry City Road west of Route 96, and Route 227. Some examples of *Minor Collector* roads are Krums Corners Road, Perry City Road east of Route 96, and Searsburg Road.

### ***Sewer and Water Service***

Like many rural communities across New York, all residents of the Town of Ulysses outside of the Village of Trumansburg treat their wastewater with on-site treatment systems. Municipal sewer is currently only available in the Village of Trumansburg and is not available in any other areas of the Town. Municipal water service, however, is provided to a small portion of Town residents. As is depicted in Map 7, water service enters Ulysses from the Town of Ithaca, extending along NYS Route 96 north to Cold Springs Road. Laterals extending from this mainline follow Cold Springs Road, Jacksonville Road, Swamp College Road, Colegrove Road, Perry City Road, and Van Dorn Corners Road. Two additional small water districts are served from the Village of Trumansburg water supply extending south on South Street, west on Curry Road to Waterburg Road, and then south on Waterburg Road to Indian Fort Road. The Cayuga Addiction Recovery Center on Route 227 is also served by this water supply but not any residences beyond the Waterburg/Indian Creek intersection. A small water district drawing water from the Village of Trumansburg also provides water to the Shur Save grocery store south of the Village on NYS Route 96.

The residents outside of the water districts use private wells. Based on a 2008 survey of Ulysses residents on private wells, a quarter of the respondents have insufficient water supplies, and three-quarters treat water for one or more water-quality issue (e.g. hardness, iron, sulfur, odor, or taste). Many of the respondents would like to change their water supply and favor purchasing from a municipal source. However, in order to preserve farmland, the Town needs to carefully plan for water and sewer infrastructure development and in doing so, help direct non-farm development to areas designated for more dense development. Department of Agriculture and Markets policy specifically discourages water main laterals in agricultural districts, as this reduces the likelihood of conversion of farmland to residential development and minimizes conflicts for farm operations.

### 3.3 EXISTING LAND USE POLICIES

#### Tompkins County Policies

New York State Agriculture and Markets Law allows for the creation of Agricultural Districts, where the purpose is to encourage the use of farmland for agricultural production and to discourage the conversion of farmland to non-agriculture uses through the creation of landowner incentives and protection benefits. The County Agricultural and Farmland Protection Board advises the County Legislature on the creation and review of lands included or removed from Ag Districts. One of the most common incentives is the preferential real property tax treatment in the form of agricultural assessments. This provides farmland owners the opportunity to receive use-value property tax assessments based on the value of the land for agricultural production rather than on its “highest and best” use for non-farm development. Protection benefits often include protections against overly restrictive local laws, government funded construction projects, and private nuisance suits involving agricultural practices. Specific to the Town of Ulysses, the Tompkins County Agricultural District #2 encompasses approximately 15,623 acres (69 percent) of the Town (see Map 8).

Tompkins County also has a policy of actively seeking agricultural lands to protect under New York State’s Farmland Protection Program, which provides funding to purchase development rights (PDR) (See Appendix C for more detail on existing programs). While there are currently no properties in the town that have been awarded a grant and placed under easement, there is farmer interest in the program. Farmers who want to keep their land in farming see PDR as a means of transferring property to family members or new farm owners.

In addition to agricultural districts, Tompkins County has prepared a Conservation Plan that identifies 14 Natural Features Focus Areas and six Agricultural Resource Focus Areas (ARFAs). This plan serves as a guide for the County to develop its Conservation Strategy, and includes maps and descriptions of the following ARFAs: Northwest, Northeast, North Lansing, Benjamin Hill, Pony Hollow, and Six Mile Valley. Specific to the Town of Ulysses is the Northwest ARFA, covering approximately 8,500 acres in the western portion of the Town (see Map 8).

#### Current Town Zoning

Zoning in Ulysses dates back to 1960, with updates in 1972 and 1978. In 2005, the Zoning Law was updated and adopted to implement recommendations from the 1999 *Comprehensive Plan*. An additional update occurred in 2007. The 2005 law divides the Town into 12 zoning districts (see Map 9):

- *A1- Agricultural District* – The intent of this district is to protect the Town’s agricultural resources, including viable agricultural operations and agricultural fields. The minimum lot size for this district is 2.0 acres.

- *A2- Special Agricultural District* – The intent is to encourage the tradition of agricultural fairs, as well as other civic and cultural events, displays, exhibitions, and entertainment venues that occur within the fairgrounds complex. The minimum lot size for this district is 25.0 acres.
- *R1- Rural Residence District* – The intent is to provide for opportunities for low-density residential development. The goal is to provide rural housing and preserve open space resources by using development approaches such as cluster residential subdivisions in a manner that provides organized and logical growth. The minimum lot size for this district is 2.0 acres.
- *R2- Moderate Density Residence District* – The intent is to provide moderate-density residential development in areas that are already served by public water and/or sewage. The goal is to provide attractive, quality neighborhoods while preserving open space. The minimum lot size for this district is 32,000 square feet to 1.0 acre.
- *RM- Multiple Residence District* – The intent is to expand opportunities for quality and affordable rental housing in the town and to protect existing and future single- and two-family residential neighborhoods. The minimum lot size for this district is 1.0 acre.
- *MHP- Manufactured Home Park* – The intent is to expand opportunities for affordable housing in the town and to protect the quality of existing and future residential neighborhoods. Manufactured homes and structures allowed in the R2 district are permitted. The minimum lot size for this district is 1.0 acre.
- *H1- Hamlet District* – The intent of this district is to provide opportunities for village- and hamlet-scale residential and small-scale, pedestrian-oriented, commercial development to serve the varied needs of local residents. The goal is to encourage redevelopment of the Town's hamlets and to provide the Town with the ability to have reasonable control over new development. The minimum lot size for this district is 6,000 square feet.
- *H2- Hamlet Residential District* – The intent is to provide opportunities for village- and hamlet-scale residential to serve the varied housing needs of Town residents while preserving the historic character of the Town. The goal is to encourage appropriate redevelopment of the Town's hamlets. The minimum lot size for this district is 0.5 acre.
- *B1- Business District* – The intent is to provide opportunities for neighborhood-scale retail commercial development to serve the needs of local residents. No minimum lot sizes are provided for this district.
- *IL- Light Industrial District* – The intent of this district is to provide for employment, support local business persons, and stimulate local economic development by providing specific areas within the Town where light industrial, service, and research and development enterprises can be located. No minimum lot sizes are provided for this district.
- *PR- Park/Recreation District* – The intent of this district is to protect natural areas, scenic resources, and recreational resources within the Town that contribute to the overall quality of life and economic vitality. The minimum lot size for this district is 2.0 acres.
- *DD- Development District* – The intent of this district is to provide flexibility to accommodate new developments that would be beneficial to the community but are not now permitted in any established zoning district. No minimum lot sizes are provided for this district.

The amount of land within each district is provided in Table 3.6. The Agricultural District and the Rural Residence District comprise 85 percent of all lands within the Town of Ulysses, again pointing to the strong rural and agricultural character of the Town. The next largest district is the Moderate Density Residence District, covering 2,302 acres, or almost 11 percent of the Town.

**TABLE 3.6** Current Zoning Districts, Town of Ulysses

	Acres	Percent of Town	Agricultural Acres	Percent of District in Ag
A1- Agricultural District	9,445	48.1%	6,143	65.0%
A2- Special Agricultural District	26	0.1%	0	0.0%
R1- Rural Residence District	6,717	34.2%	2,078	30.9%
R2- Moderate Density Residence District	1,753	8.9%	617	35.2%
RM- Multiple Residence District	6	0.0%	0	0.0%
MHP- Manufactured Home Park	9	0.0%	0	0.0%
H1- Hamlet District	236	1.2%	25	10.6%
H2- Hamlet Residential District	45	0.2%	6	13.3%
B1- Business District	129	0.7%	26	20.2%
IL- Light Industrial District	121	0.6%	53	43.8%
PR- Park/Recreation District	938	4.8%	41	4.4%
DD- Development District	205	1.0%	46	22.4%
<b>TOTALS</b>	<b>22,683</b>	<b>100%</b>	<b>9,035</b>	<b>46%</b>

Source: Tompkins County Planning Department. Zoning Districts do not include land area of roadways and the acreage of Cayuga Lake.

Also Table 3.6 provides the amount of agricultural land, as identified by the LULCMP, located in each of the Town's zoning districts. While almost 70 percent of all agricultural lands are located in the Agricultural District (A1), both the Rural Residence District (R1) and the Moderate Density Residence District (R2) also comprise large amounts of agricultural lands. This has important implications for agriculture in the Town of Ulysses as zoning regulations are an important factor in shaping the current and future character of the community. Agricultural land uses are at risk of being lost to development in zoning districts whose regulations favor other uses. As such, each of the three zoning districts noted above were reviewed with respect to how the regulations in each address agriculture.

#### ***Agricultural District (A1)***

According to Section 5.1 of the Town of Ulysses Zoning Law, the purpose of the Agricultural District (A1) is:

*...to protect the agricultural production resources of the Town of Ulysses as seen today in viable agricultural operations, and the agricultural heritage of the Town as seen today in the variety of land uses and the openness of agricultural fields.*

In addition to the *Purpose*, the Zoning Law also contains a *Right to Farm* provision for this district (Section 5.2). This provision states:

*In the A1–Agricultural District, agriculture shall be the primary land use. Within the District any agricultural practice determined to be a sound agricultural practice by the New York State Commissioner of Agriculture and Markets pursuant to Article 25-AA, Section 308, including but not limited to practices necessary for on-farm production, preparation and marketing of agricultural commodities, such as the operation of farm equipment; proper use of agricultural chemicals and other crop protection methods; direct sale to consumers of agricultural commodities or foods containing agricultural commodities produced on-farm; and construction and use of farm structures, shall not constitute a private nuisance.*

While both of these sections indicate a preference towards agricultural land uses, further consideration of the permitted uses and the lot area and yard requirements may be warranted to assess whether the provisions might run counter to the purpose of protecting agricultural production resources.

In terms of permitted uses, Section 5.3 of the Town of Ulysses Zoning Law allows flag lots in the Agricultural Zoning District. A flag lot is a lot that meets the minimum acreage requirement, but not the minimum road frontage requirements for development in a particular zone. The buildable portion of the flag lot is located some distance off the public highway. A relatively narrow strip of a parcel of land (sometimes referred to as the “pole”) provides room for a driveway that connects the home site to the highway. The purpose of this type of development is to allow development of back-land areas, thus increasing the amount of developable land within a given zone. If such lots are not properly sited in an agricultural area, they might affect the farmer’s ability to work the land by creating uneven parcel boundaries. On the other hand, flag lots might enable a landowner to develop lower value farm property (woodland, rocky areas, poorly drained areas, etc.) that happen to have an interior location without having to give up a large amount of good farmland in order to gain access.

The Town has subdivision regulations in place whereby there are three levels of subdivision that can be pursued by a landowner. A Simple Subdivision is where a single lot is subdivided into two lots. A Minor Subdivision consists of a lot subdivided into three parcels. Finally, when four or more parcels are created, it is considered a Major Subdivision. The fee, cost of application preparation, cost of surveys and maps required, and the complexity of data gathering increase at each level of subdivision. Thus, each level presents a greater cost to the landowner, which needs to be weighed against the benefits of selling and developing the land.

The A1-Agricultural District requires a minimum of two acres for new lots. In areas with moderate to high development pressure, a two acre minimum lot size may not on its own limit the loss of farmland without careful consideration during subdivision review. However, the relatively low development pressure in Ulysses, coupled with the layers of subdivision regulations, may contribute to the limited number of Minor Subdivisions and lack of Major Subdivision applications in recent years.

### ***Rural Residence District (R1)***

According to Section 7.1 of the Town of Ulysses Zoning Law, the purpose of the Rural Residence District is:

*...to provide for opportunities for low-density residential development. Development densities when combined with cluster residential subdivision development options have the potential for providing for attractive rural homes while preserving important open space resources consistent with the Ulysses Comprehensive Plan, and the goals of organized and logical growth, increased employment opportunities and an increased tax base.*

While agriculture is a permitted use within this district, the purpose of the Rural Residence District is not to promote and preserve agricultural land uses. Additionally, unlike the A1-Agricultural District, there is no *Right to Farm* provision for this district. The Rural Residence District also allows flag lots and requires a minimum lot size of two acres. The same pros and cons relative to flag lots that are cited above are also applicable here. This district, however, contains more than 2,000 acres of agricultural lands, or almost 25 percent of all agricultural lands in the Town. Consideration should be given to stronger agriculture protection measures and alternative approaches, such as conservation design, for residential development. These alternatives are discussed further in Section 4.0. The 2009 *Comprehensive Plan* specifically recommends that this zoning district be re-examined.



***Moderate Density Residence District (R2)***

According to Section 8.1 of the Town of Ulysses Zoning Law, the purpose of the Moderate Density Residence District is:

*... to provide for moderate-density residential development in areas served by public water and/or public sewerage. Development densities when combined with cluster residential subdivision development options have the potential for providing for attractive, quality neighborhoods while preserving important open space resources consistent with the Ulysses Comprehensive Plan and the goals of organized and logical growth, increased employment opportunities and an increased tax base.*

This district is very similar to the Rural Residence District as it allows agriculture as a permitted use while not seeking its protection, although this district allows slightly higher densities and more urban land uses. In areas where public water or sewer is available, the minimum lot size is 32,000 square feet (about 0.7 acres); where no public water or sewer is available, the minimum lot size is one acre. The availability of these provisions can actually increase the amount of developed land within the district. Given the location of the R2 districts, it is likely that the 617 acres of agricultural lands will be under strong development pressure, either from the Village of Trumansburg or the Town of Ithaca.

**Future Land Use Plan**

In 2009, the Town of Ulysses completed its update of the 1999 *Comprehensive Plan*, which included a Future Land Use Plan (FLUP) (Map 10). The purpose of a FLUP is to identify specific areas, as well as specific resources, that should be preserved and protected as they currently exist, and to provide a visual representation of the community's desired land use pattern. It is intended to identify where specific development types and patterns are most appropriate and to support the policies and objectives in the *Comprehensive Plan*. Ultimately the Future Land Use Plan should serve as the basis for the Town to update its Zoning. While zoning regulations are tied to specific parcels, boundaries within the FLUP are intentionally kept undefined, with refinement of these boundaries occurring during future zoning updates.

The FLUP for the Town of Ulysses establishes nine future land use categories, including:

- Agricultural Priority Area;
- Village Residential;
- Lakeshore;
- Natural Areas / Parkland;
- Conservation Area;
- Environmental Protection Area;
- Office and Technology Mixed-Use;
- Transitional Commercial; and
- Mixed Use Hamlet Center.

The location and amount of land covered by each FLUP category can be found in Map 10 and Table 3.7. As the FLUP is a general expression of the vision for the community, it is no surprise that the largest future land use category is *Agricultural Priority Area*, covering 70 percent of the Town. The purpose of this area is to protect agricultural resources and ensure the continued viability of agricultural land uses within the Town of Ulysses. While future residential growth can still occur in these areas, it must occur in a manner that is sensitive and considerate of the rural character, natural features, and agricultural lands that currently exist.

**TABLE 3.7** Future Land Use Categories, Town of Ulysses

	Acres*	Percent of Total
Agricultural Priority Area	14,669	70.6%
Village Residential	646	3.1%
Lakeshore	499	2.4%
Natural Areas / Parkland	903	4.3%
Conservation Area	1,263	6.1%
Environmental Protection Area	2,225	10.7%
Office and Technology Mixed-Use	163	0.8%
Transitional Commercial	64	0.3%
Mixed Use Hamlet Center	333	1.6%

\* Note that the area boundaries are generalized, therefore acreage totals are approximate.

Source: Town of Ulysses *Comprehensive Plan Future Land Use Plan*.



## 4.0 Vision, Goals, and Recommendations

The following sections provide a more in-depth discussion of how the *Agriculture and Farmland Protection Plan* vision for the Town of Ulysses applies to farming enterprises, community support for agriculture, and supportive Town policies. Agriculture faces a complex array of challenges into the future as the broader economy and landscape in which it exists change. No single tool is adequate to balance all of the needs and concerns to achieve the vision and goals of this plan. This plan is not intended to be static, and as such programs and policies put in place must be regularly evaluated and updated to achieve long-term success. While the vision statement outlines a promising future for agriculture, the Town recognizes that this work cannot be accomplished by the Town alone and requires input and involvement from other interested and knowledgeable partners.

### 4.1 VISION STATEMENT

*Ulysses will be home to a healthy and diverse collection of farms that employ a variety of marketing strategies, are supported by community members and local policies, and contribute to economically viable and environmentally sound agricultural enterprises.*

### FARMING ENTERPRISES

Agriculture in the Town of Ulysses will include a diverse mix of farming enterprises in terms of type and size. Some operations will be full-time and many will be part-time. Some will be conventional producers and some organic. Some will require larger acreage and some relatively small plots. Regardless of size or production method, farmers will strive to protect soils, water, habitat and species and follow sustainable and environmentally-friendly farming practices. They will strive to adopt renewable energy innovations where feasible. Producers will use a variety of marketing methods including direct-to-consumer sales as well as sales to regional, state, national and international outlets.

#### *Types of Enterprises, Existing and Envisioned*

- Agronomic Crops  
Cash-cropping (corn, beans, small grains, etc.) on land owned or rented by farmers; hay and straw producers.
- Biomass and Agroforestry Crops  
Herbaceous and woody crops used for energy production; forest produced and harvested products (mushrooms, forest botanical and medicinal crops, etc.).
- Livestock Farms  
Dairy farms and replacement heifer raising; cow/calf and stocker beef operations (including bison, swine, sheep, and goat farms for dairy, meat or fiber); other fiber animals including alpaca and llama; rabbits; poultry meat and egg producers; fish farming; horse breeding, boarding, training and riding operations.
- Horticultural Crops  
Berry farms, orchards and vineyards; vegetable producers; tree/plant nurseries; Christmas trees; honey, maple, wineries, and other specialty enterprises involved in producing, processing and marketing farm and food products.

This list is not intended to be exclusive. New enterprises and products and innovative farm-based enterprises will be encouraged in the Town.

*Marketing Options, Existing and Envisioned*

- Commodity Outlets  
Some farmers will continue to be successful in selling on a larger scale through conventional and niche channels including domestic and international markets for feed, food, and processing crops.
- Direct-to-Consumers  
A viable Trumansburg Farmers' Market; direct sales at farms; pick-your-own (PYO) farms; Community Supported Agriculture (CSA) farms; mail order; agri-tourism activities including wineries.
- Direct-to-Retail Outlets  
Sales to local food and retail stores, restaurants and caterers, farm stands, etc.
- Direct-to-Local Distributors  
Sales to Regional Access, Finger Lakes Family Farms, etc.
- Direct to School Sales  
Encourage the Trumansburg School District to buy food from local farms.
- Value-Added Product Development and Marketing  
Food and fiber processing and distribution.
- Organic Production  
Demand for organically raised products remains strong. Niche markets exist across the spectrum from local to international buyers.
- Alternative Energy  
Some corn from the region is already making its way to bio-fuel production. Farm-based energy production could offset fuel costs and provide additional farm income. Development of local energy markets, including grass pelleting.

This list is not intended to be exclusive. An expressed goal of this Plan is to encourage local production and local consumption that provides a viable return to farmers and strengthens the local economy. The community has expressed a strong desire to become more self-sufficient related to food and energy production.

## **COMMUNITY SUPPORT FOR AGRICULTURE**

Farmers want to be viewed as valuable contributors to community quality of life, open space, the environment, energy resources, local foods, jobs, and the local economy. Community members should be respectful of farmland, farmers and farming activities. Landowners renting land to farmers value this relationship and the benefits derived from it including agricultural assessment if applicable. Local consumers can support farmers by purchasing locally produced farm products.

## **ENVIRONMENTAL PROTECTION**

Farmers' livelihood depends on land and good soils and thereby need to protect their capacity. Farmers want to be viewed as good stewards of the land and therefore choose to adopt and follow sound agricultural practices that protect the environment, reduce pollution from excess nutrients or pesticides, and minimize energy consumption. A key goal is to ensure high quality water by preventing runoff that might degrade the local watershed, including tributaries leading to Cayuga Lake. Livestock operations are of particular concern for potential contamination of runoff, and siting of these operations requires special attention to environmental quality issues. Farmers should participate in agricultural environmental management programs to minimize environmental impacts. The Town will work with the farm

community and the Department of Agriculture and Markets to ensure protection of the environment and the health and safety of the public without unreasonable restriction to agricultural operations.

Preserving and protecting valuable farmland is important to the Town. As such, overdevelopment for residential purposes and heavy industrial land uses are strongly discouraged in productive farmland areas, as outlined in the Town's *Comprehensive Plan*.

### SUPPORTIVE TOWN POLICIES

Local government policies will assist to preserve the best soils and the best sites suitable for farming. Farming will be considered a priority use for sites with good soils and other characteristics that make farming profitable\*. Policies will place value on a diversity of scale of farm operations that are best suited to the layout of the farmland topography and protection of the Town's substantial natural resources. Policies will direct development to areas that are already being developed or that are more suitable for development and least suitable for farming. The desire for local food production and self-sufficiency will drive policies with the goal of increasing the viability of local farms.

*\*Land characteristics considered to be favorable for agriculture and that contribute to farm profitability include: prime soils and soils of statewide importance; land that is suitable for hay crops or pastures; land that is well drained or artificially drained; micro-climate favorable to specific crops such as grapes or orchards; parcel size; proximity to other farmed land; land suited for smaller scale enterprises; sites with limited surrounding residential development.*

## 4.2 FARMLAND PROTECTION GOALS

To achieve this Vision, the Town of Ulysses will focus on the following goals:

1. Strengthen the agricultural economy.
2. Improve public understanding of farming.
3. Establish appropriate tax policies that support farming.
4. Enhance land use policies to better protect farmland.

The following strategies to encourage and enhance agriculture within each of the four goals were identified and recommended by the Agriculture and Farmland Protection Plan Committee as high (H), medium (M) or low (L) priority. In adopting and implementing this Plan, the Town Board fully recognizes that prioritization of these strategies may change and evolve over time, as actions are taken, resources become available, and conditions within the Town change. Some recommendations are most appropriate for the Town to investigate and address on its own, while others require linking to resources available through farm organizations, Cornell Cooperative Extension, State and Federal agencies, and non-governmental organizations.

### 4.2.1 GOAL #1: STRENGTHEN THE AGRICULTURAL ECONOMY

Farming is an important component of the rural economy of the Town of Ulysses, providing income, jobs, and a working landscape. A goal of this Plan is to maintain and strengthen the economic viability of agriculture to secure its future success.

#### 1 A. Future Farmers (H)

Town farmers are concerned about a shortage of willing farmers in the next generation that will continue to work the land. In the case of crop farming, significant land resources will be taken out of production once the current farm operators retire. The high cost of buying a farming operation is a challenge for beginning farmers. There is a need to train younger people interested in farming (interns, apprenticeships, Future Farmers of America, school curricula, etc.) and to link them with established farm operators. Farm transfer arrangements are needed that preserve income for current owners while making it feasible for new owners to acquire assets.

#### 1 B. Local Food Production and Self-Sufficiency (H)

Local food production is a goal of the Ulysses farming community with the intention of moving towards a more locally self-sufficient economy where residents are able to acquire a significant amount of their food needs from within their own town or region. The Town and its immediate surrounding area have a diversity of food producers and infrastructure that makes this goal feasible. Farms currently produce vegetables, fruits, grains, poultry, and livestock. Opportunities exist to expand production and develop new enterprises to meet additional unmet food needs. Consumers need information about what is raised in Ulysses, how to access it, and why it is important to consume locally. Farms with local products could be listed with links on the Town's website and in a local Ulysses area farm products brochure. An annual Local Foods Fair is another activity that the Town could support for highlighting what town farmers have to offer.

#### 1 C. Agritourism Enterprise Support (H/M)

Agritourism is a growth opportunity for the Town's economy. The Town is uniquely situated between Cayuga and Seneca Lakes in close proximity to the wine trails and is home to Taughannock Falls State Park. Winery tourists are seeking additional farm and food experiences. As an example, the Finger Lakes Cheese Trail, organized in 2010, held two open houses with an average of 100 visitors per farm (range of 30-300 people). Participating cheese makers indicated that on-farm sales tripled as a result. Similar farm-based tourism experiences could be offered to visitors including nature hikes, pick your own, wagon rides, pumpkin picking, tasting events, culinary classes, farm stays, camping, farm markets, etc. A key concern is ensuring that future Town zoning laws remain favorable to the development of these types of farming enterprises, which may involve new construction, additional parking, and impacts to traffic flow. The Town could be positioned as an agritourism destination if the farmers engage in a collaborative approach to plan complementary enterprises and activities and to promote one another. Town support can be provided by promoting agritourism destinations via the website and brochures. A strategic plan for agritourism development should be developed for the Town.

#### 1 D. Value-Added Enterprises and Infrastructure Development (M)

Farming in Ulysses could be diversified and strengthened through the development of value-added enterprises. However, time and infrastructure costs are barriers that limit farmers from moving beyond production to processing. Farmers need assistance with feasibility assessments and with overhead development costs. This could be achieved by identifying common facility or equipment needs and opportunities and by accessing grants available for value-added enterprise development. As an example,

Regional Access, a Town-based specialty food distributor operating throughout New York State with headquarters in the town, has warehouse facilities with cold storage and freezers. Regional Access has space being used by town vegetable farmers to store onions and carrots making it feasible to market local produce for a longer season. A local flour mill, Farmer Ground Flour, began operations out of the old Regional Access space. More space is available for other added value functions such as processing and/or cold storage. Commodity producers similarly need storage and shipping facilities. Some infrastructure is available to town farmers for produce and meat storage.

With the goal of food self-sufficiency in mind, the Town could identify additional farm products to be raised or that could easily be expanded to offer processing opportunities. Based on farmer interest and demand, and by drawing upon the resources and expertise of local and state agencies, the feasibility of added value enterprises could be explored. Infrastructure to support year-round production and value-added product development might include a shared use processing kitchen, a small slaughter facility, or additional storage capacity.

### 1 E. Market Development (M)

Farmers in the Town use a variety of direct marketing and commodity marketing approaches. Direct marketing in the Town has grown with the successful establishment and growth of the Trumansburg Farmers Market in 2002. The market is currently at capacity with 46 vendors. The market site and customer base is too small for further expansion at the present location. A winter indoor market may be an option to explore as a way to provide local foods access year round and involve more local farmers. There are CSA (Community Supported Agriculture) farms in the Town and nearby in Seneca and Schuyler counties that have some impact on sales at the market. There may be some room to expand roadside stand or pick-your-own sales in the future. Several farms also sell to local restaurants and caterers. Given the emphasis on sustainability at the Trumansburg Central School, opportunities for selling local farm products to the school district should be explored. Additional wholesale opportunities include sales to local food retailers and restaurants. Commodity producers raising grain crops, soybeans, and milk, are more reliant on distant buyers. Opportunities exist for organic production and local processing.

### 1 F. New Enterprise Opportunities (M)

Recent trends in local energy production provide an emerging opportunity for farmers in the Town of Ulysses. One such opportunity is the generation of energy for personal (i.e., farm) use and for sale to others. Farmers might use biodiesel for operating a variety of equipment, while solar and wind power could also contribute to farm energy savings. Opportunities exist for development of grass pelleting markets and biomass-based community cogeneration of heat and electricity. The production of biomass crops could provide additional income to local farmers and help contribute to their long-term viability. The first step is to conduct farm energy audits to assess the potential for savings. Information about funding for energy improvements could be made available through Cornell Cooperative Extension on the Town's website.

## 4.2.2 GOAL #2: IMPROVE PUBLIC UNDERSTANDING OF FARMING

To ensure community and government support for farming in the Town of Ulysses, it will be necessary to document the benefits that agriculture provides and communicate those benefits to the community at large. Whether in a rural or urban setting, recent trends suggest that people are interacting less with their neighbors. In the Town of Ulysses, there is a turnover from long-term residents with a connection to farming to residents new to rural areas and with limited knowledge of farming activities. In today's society, very few people know where their food comes from and how it is produced. There is a need to educate and inform citizens about farming in the Town and the benefits it provides to ensure a supportive climate and policies that are favorable to farming activities. As an example, classes in the Trumansburg School District could organize educational field trips to local farms.

### 2 A. Economic Contributions of Agriculture (H/M)

Farms in Ulysses contribute to the local economy by providing sales, jobs, supporting other businesses, and by paying significant property taxes on land they own. They also contribute substantially to the small town character that draws many people to live, recreate, and purchase goods in the Town. The economic contribution of farming must be documented and shared with the public. As a starting point, this document provides some baseline data that should be updated every five years, or as often as new data are released. Because there are no published data about farming trends at the Town level, a survey of farming operations would be required. Information should be shared with the Town Board, the Planning Board, and the community at large through public meetings and various media outlets. Information could also be provided on the Town's website.

### 2 B. Impact of Farms on the Rural Landscape and the Environment (H/M)

Farmlands are important for wildlife and enjoyed by rural residents and visitors to our area who appreciate the open space and bucolic setting. Farmers own and operate a considerable amount of the Town's land area and thereby have an impact on maintaining the rural landscape. It is important that residents understand and value contributions from agriculture and know that the landscape they enjoy is maintained by their farming neighbors and by the many non-farmers who also own farmland. Farm signage, countryside bike routes, maps, and educational brochures are ways to promote agriculture's contribution to soil conservation, open space, and the rural landscape.

### 2 C. Respect for Farming Activities and Properties (H/M)

Farmers are concerned that a lack of public understanding about farming practices could lead to accidents on roadways or damage to crops. With more non-farm traffic on rural roads, there is a need to inform rural residents who are not familiar with agricultural operations about farm vehicles using the road and how to safely accommodate them. Speed on rural roads is a major concern where farm vehicles may be moving from field to field during planting or harvesting. Signage may be one solution along with media releases to watch for farm vehicles during planting and harvesting time. Another issue for farmers is that people unaware of farm crops assume that fields are open spaces for everyone to enjoy. Farm fields contain crops that could be damaged by four-wheelers, snowmobiles, or hikers. Safety is of concern to farmers if people accidentally trespass onto fields or farmsteads. Work with Cooperative Extension or farm groups on strategic education efforts.

Beyond safety concerns, the farm community is seeking to increase public understanding of agriculture so that farmers are seen in a positive light and are respected for the work they do to protect our soil and produce the food we eat. The Town can support educational efforts in cooperation with other agencies



that specialize in promoting community agricultural awareness. Farm tours, farm festivals, and other such events that bring farmers and residents in closer communication will help increase public understanding and appreciation of agriculture in the Town.

## **2 D. Education about Farming Practices (H/M)**

Working farms rely on land they own and rent for their livelihood. Farmers take pride in being good stewards of the land as their income depends on maintaining soil quality and fertility for good production. Conscientious farmers follow conservation practices such as strip cropping, crop rotation, cover crops, nutrient management plans, soil testing, and other enterprise-relevant practices to reduce runoff and preserve soil quality. Many maintain fallow fields for wildlife, while pastures provide habitat for many ground-nesting birds. Active farming protects prime soils and soils of significant importance from development; these soils are a resource that is not replaceable if developed.

Farmers often believe their image as stewards of the land has been damaged by mishaps on some farms and media stories that paint a broad picture of farmers as polluters. Education is needed about the care that farmers can and do take to protect land and water. A more educated public is a more appreciative public that understands the contributions of agriculture.



### 4.2.3 GOAL #3: ESTABLISH APPROPRIATE TAX POLICIES THAT SUPPORT AGRICULTURE

Property taxes are a major concern to farmers who own significant acreage required for their farming operations. A *Cost of Community Services Study*, conducted by Cornell Cooperative Extension on behalf of the Tompkins County Agriculture and Farmland Protection Board in 1995, revealed that Town of Ulysses farmers receive 15 cents in services from combined school, county and town taxes for every dollar they pay. School taxes have the largest impact. According to the Study, Town taxes paid by farmers were equal to the services received – for every dollar that farmers paid in Town taxes, they received a dollar in services. For County taxes, farmers received 67 cents in services for every dollar they paid. The study, based on a template provided by American Farmland Trust (AFT), has been repeated throughout New York State towns with similar results.

One issue of concern being expressed by farmers is that while they may receive agricultural assessments on farmland, taxes are increasing and being shifted to homes and other buildings. As property values in the Town increase, as reflected in selling prices, so does the overall tax burden.

#### 3 A. Equitable Assessment (M)

Given that the Tompkins County Department of Assessment is responsible for property assessments and that their practices are dictated by state policies, changes at the Town level are not easily made. Influencing changes at the County and State level will require input beyond the Town of Ulysses. The County Agriculture & Farmland Protection Board could ask County Assessment to undertake a study to identify the magnitude of the shift from land to buildings that farmers are experiencing. The study should seek to understand whether it is truly a shift or merely reflective of overall increases in the assessed values of properties as a result of higher selling prices for rural properties.

The Town might investigate options for Town tax abatement in exchange for a short-term easement to keep land in agriculture as a means of reducing the property tax burden for farmers. While most farmers and eligible rural landowners are aware of the agricultural assessment, it would be good to identify those farms that are not taking advantage of this benefit of the New York State Agricultural District Law. Additionally, the Farmers Tax Credit is a benefit for full time farmers who can take a credit on their income tax that offsets school taxes. Farmers may not be fully aware of this credit.

#### 3 B. Fire Protection Tax on Agricultural Land (M)

Fire protection tax exemption on agricultural land is a provision of the New York State Agricultural District Law that would have to be adopted at the local level by the municipality. To date, member municipalities of the Trumansburg Fire Protection District (Ulysses, part of the towns of Hector and Covert) have not adopted this provision. Other Tompkins County municipalities and Fire Districts that have adopted the provision include: Dryden (except the McLean Fire District), Enfield, Ithaca, Lansing, and Newfield. The Tompkins County Department of Assessment and Cornell Cooperative Extension are available to present information about this provision to the Town. The Town should consider adoption of the fire protection tax exemption provision for active agricultural land in Ulysses.

Farm fields rarely require the level of fire protection that residential properties do therefore a reduction in fire protection tax might be justified. But in order to balance potential concerns over shifting more of the fire protection tax burden to residences, an up-to-date analysis of the cost to taxpayers of implementing a partial exemption from the fire protection tax for land with an agricultural assessment needs to be done prior to adopting such a local law. The agricultural district law provision does not provide a full

exemption, only a reduction in taxes based on the agricultural assessment of the land and not the full value of the property. For example, the estimated increase in the total tax rate based on 2012 costs would be one to two cents per \$1,000 of assessed value for non-agricultural properties.

#### 4.2.4 GOAL #4: ENHANCE LAND USE POLICIES TO BETTER PROTECT FARMLAND

Land use policies are a significant part of a community's farmland protection efforts. Most of these policies are based on a Comprehensive Plan and zoning code or land use regulations. Ulysses updated and adopted the *Comprehensive Plan* in 2009 and updated its zoning code in 2005, with the latest amendment in 2007. The Ulysses *Comprehensive Plan* represents the vision for the community, including recommendations for land use and development, while the zoning code is the Town's most significant step in implementing that vision. The guidance provided by the *Comprehensive Plan* and the consistent enforcement of the Zoning Code are two of the most important farmland protection strategies utilized by the Town of Ulysses.

Using the 2011 American Farmland Trust guidance document, "*Planning for Agriculture in New York: A Toolkit for Towns and Counties*" as a guide, the committee reviewed the Town's existing zoning law and explored numerous strategies for protecting and enhancing agriculture in Ulysses. Each strategy was examined in depth and ranked according to its relevance and appropriateness for the Town. This section summarizes the strategies that the Town should consider for implementation, with each strategy assigned a High, Medium, or Low priority. More specific implementation steps are outlined in Section 5. In addition to these strategies, five Character Areas are identified in the Town, three of which are agricultural in nature. Each of these areas may warrant a different approach to applying the various land use strategies, depending on the context (see Section 4.3). Additional information on each strategy and the review of the zoning law can be found in Appendix C and D, respectively.

Each one of the techniques identified below inherently entails some form of trade-off or compromise of individual or community desires. In order to actively and effectively preserve farmland, sacrifices must be made. In some cases the sacrifice is financial, in others it is a reduction in development potential, while others require an adjustment of expectations. The Town must assess the importance of farmland preservation relative to competing objectives and then identify the appropriate strategies to employ.

##### 4 A. Local 'Right-to-Farm' Law (H)

The Town should have a Right-to-Farm clause for any zoning district where agricultural is a permitted use. Appropriate rules should be considered for residential areas. Additionally, the Town could consider posting signs at all key community gateways that indicate this is a Right-to-Farm community. Finally, the term "sound agricultural practice" is defined by the standards of the New York State Department of Agriculture and Markets, and the Town could consider requiring greater scrutiny of design and site planning where environmental impact is a concern. One approach may be to require site plan review, and develop appropriate design and management criteria, for confined animal feedlot operations as defined by the US EPA or New York State DEC, as these may potentially have adverse effects on air and/or water quality.

#### 4 B. Subdivision Review (H)

The Town should explore changes and improvements to its Major Subdivision regulations such as the following:

- Encourage developers to identify important farmlands and other key environmental features including those that would affect water quality and viewsheds at the beginning of the design process, and then design a residential subdivision in harmony with those resources to the extent practical.
- Employ best practices in subdivision/site design including the following: vegetated buffers adjacent to streams and wetlands; vegetated buffers between farms and residences to minimize potential conflicts between residential communities and farming activities; avoiding the creation of landlocked farm parcels; placement of building lots on the least viable farmland; identifying important viewsheds; and preserving optimal shapes and sizes of remaining farmland (i.e. limiting number of corners and narrow strips that need to be navigated by large farm equipment). The Town Board should be enabled to require professional site designers to achieve these objectives, with the developer responsible for the fee.
- Use the term “shall”, rather than “may”, whenever possible in expanded sections of the Subdivision regulations.
- Reduce the amount of road frontage lost to multi-lot subdivisions through the use of shared driveways or public roads (see figure 4B). Some communities limit the number of access points, or driveways, per a given length of road frontage or set a minimum percentage of road frontage that must be preserved.
- Develop language stating that subdivisions are cumulative over time, which helps prevent the practice of multiple minor subdivisions over time for the purpose of avoiding the major subdivision review process.

**Figure 4B – Effects of Shared Driveways**



Shared driveways can result in less land consumed by residential development

*Source: Rural By Design, by Randall Arendt*

#### 4 C. Density-Based Zoning or Fixed-Area Ratio Zoning (H)

As an alternative to traditional minimum lot size zoning, the Town should explore either density-based or fixed-area ratio zoning. These methods limit the number of times a parent parcel can be subdivided while providing flexibility to site residential units on smaller parcels of less productive farmland and preserving larger tracks of agricultural land for farming. Example scenarios are provided in Table 4.1, based on

regulations in the Town of Seneca (density-based) and the Town of Ithaca (fixed-area ratio). A more moderate alternative approach is provided for both methods. Other examples, such as a sliding scale of allowable lots, can be found in the “*Planning for Agriculture in New York- A Toolkit for Towns and Counties*”, by the American Farmland Trust (2011). Ulysses should carefully examine which methodologies and ranges of numbers will achieve the desired balance of farmland protection and development opportunities.

**TABLE 4.1      Number of Subdivisions Allowed per Lot**

Lot Size of Parent Parcel (Acres)	# of Subdivided Lots Allowed			
	Density-Based (Town of Seneca)	Density-Based Alternative	Fixed Area Ratio (Town of Ithaca) <i>total acres divided by 7 no max acres each</i>	Fixed Area Ratio Alternative <i>total acres divided by 20, max 2 acres each</i>
5 - 100	1	4	1 to 14	1 to 5
101 - 150	2	6	14 to 21	5 to 7
151 - 200	3	8	21 to 28	7 to 10
200+	1 per 50 acres	3 per 50 acres	28+	10+

It should be noted that whatever method is selected, it should be accompanied by a maximum lot size and a limitation on road frontage development. For example, a minimum lot width, maximum number of access points per length of road frontage, or minimum percentage of preserved road frontage will force most multi-unit subdivisions to have a shared driveway or public roadway. This design will push the lots deeper into the parent parcel rather than spread along the road frontage. As discussed under subdivision regulations, the arrangement of new lots should be located on the least viable farmland and should minimize impacts to farm operations. A Cluster Development option could be made available as another alternative to encourage design flexibility and greater preservation of farmland, open space, and natural features. See more on density-based or fixed-base zoning in Appendix C.3.11

#### 4 D.      Infrastructure Planning and Development (H)

Ulysses should continue to use the Future Land Use Plan, as part of the 2009 *Comprehensive Plan*, as a guide for public investments in infrastructure such as new water lines, roadways, and potential sewer lines. Specifically, the Town should avoid extending these services into areas where agriculture has been identified as a priority.

Farming operations depend on maintenance of roads and bridges for movement of equipment and trucks. Maintaining Town highways offers a direct benefit to farm operations. Another important form of infrastructure support is high speed internet service. Farmers utilize the internet to obtain a variety of information from production information to price and weather data. The internet is also a valuable resource for marketing, given the growth of agritourism and the demand for locally-grown food. The Town should investigate and pursue options for extending high speed internet to rural areas to ensure accessibility for farmers.

#### 4 E.      Special Permits for Single-Family Homes (H)

Consider requiring new single-family homes to obtain a Special Permit in zoning districts where continuation of agriculture is a priority. This would trigger site plan review and ensure the site design is optimal for preserving farmland and providing necessary buffers.

#### 4 F. Lease of Development Rights (H)

The Town of Ulysses should continue to coordinate with the County if an opportunity arises to participate in a Purchase of Development Rights (PDR) program (see Appendix C 2.2 for more information). In the meantime, the Town may want to consider establishing a Lease of Development Rights (LDR) (see Appendix C 3.3) program that results in a conservation easement with a limited timeframe, as opposed to a permanent easement under the PDR program. This provides the Town with more time to establish stronger farmland protection policies and may attract more landowners who otherwise would have been concerned with the permanent nature of a PDR program. It also amounts to a “trial period” for a given property that will allow the community to make a more informed decision about permanent protection. In the short-term, an LDR would typically require less investment from the Town than a PDR. Both LDR and other conservation easement programs will require town funds to support their creation and maintenance.

#### 4 G. Agricultural Land Mitigation Ordinance (H)

Ulysses can develop an incentive program whereby developers are required to protect a certain amount of farmland for every acre of new development. For example, if a new subdivision results in five acres of lost farmland or open space, the developer must establish a conservation easement on five acres of farmland. This easement could be on the original development parcel or could be somewhere else in Ulysses. In this case, the Town should consider identifying “receiving areas”, much like in a Transfer of Development Rights program (Appendix C 3.2), that consist of farmlands that are the most valuable and/or potentially threatened by development. Additionally, the developer may be allowed to provide a development fee to help mitigate loss of farmland by contributing to a local fund for future land preservation activities.

#### 4 H. Agricultural District #2 Update (H)

The Town’s agricultural lands located in County Agricultural District # 2 are currently protected by the provisions of the NYS Agriculture District Law. The County reviews the Agricultural District every eight years and lands that have been converted from their agricultural use are removed from the district. Farmers place a high priority on the benefits provided by the NYS Agricultural District Law, and it is the recommendation of this Plan that as much of the eligible agricultural land in the Town remain in the County Agricultural District as a means of preserving farmland and protecting farming activities.

#### 4 I. Site Plan Review (H)

The Town should consider making the following changes and improvements to its Site Plan Review regulations:

- Require developers to work with the Town to clearly identify and locate critical farmlands, farmland soils, and other environmental features on the site at the early stages of the process. An agricultural data statement is required in accordance to NYS law for any proposed development in a County Agricultural District. Through this process, they should be able to demonstrate how their design preserves these features to the extent practical. The Town should consider all possible scales of development in critical farmland areas when revising zoning regulations.
- Add farmland preservation to the specific review criteria. The zoning code currently only lists consideration of environmental features and open space or recreation opportunities.
- Develop site plan review procedures for confined animal feedlot operations (CAFO’s) as defined by the US EPA or the New York State DEC.



#### 4 J. Land Available for Farming (H/M)

A key challenge for farmers is to know when land is available for sale or lease. Farming efficiency depends on having optimal parcels of land located within close proximity to each other rather than operating many widely dispersed properties. Working with the local Cooperative Extension office, the Town could maintain a database of land for sale and lease and farmers could access the information or be notified of farmland available for lease or sale. If a farmer gives up land he or she is leasing, they could notify the appropriately designated Town staff person. Then farmers would be notified of land available to lease provided the landowner is still seeking a farmer. Many rural landowners in the Town expressed a high level of interest in keeping land in farming by leasing land to farmers. Landowners seeking farmers to rent land could also notify the Town staff person that land is available. Sample leases are available from Cornell Cooperative Extension (CCE) along with information on how landowners renting to farmers can receive agricultural assessment. Landowner education about agricultural assessment as a benefit of renting to farmers could be added to the Town website with links to CCE documents.

#### 4 K. Conservation or Cluster Development Design (H/M)

The Town should expand the Cluster Subdivision section of the Town Zoning Code to provide more guidance to developers and Town officials. This might include incentives for encouraging cluster design beyond the increased density of allowable units. In addition, the Town may consider making residences as part of a Cluster Development a use permitted by right in certain zoning districts, while a residence as part of a conventional subdivision would require a Special Use Permit. The developer would then have the burden of demonstrating why a conventional design would be better than a cluster design. Finally, the Cluster Subdivision section of the Zoning law could be expanded to include Conservation Subdivision and accompanied by an explicit requirement that lands set aside for open space be covered by a permanent easement. At least 50 percent of the lands might be appropriate to be set aside for this purpose. An extensive discussion of Conservation or Cluster Development design options is given in Appendix C, section 3.10.

#### 4 L. Inter-municipal Cooperation (M)

A key challenge for the Town is managing development pressure originating in communities located to the south. The Town of Ithaca adopted an agriculture plan in 2011 and has identified areas contiguous to the Town of Ulysses for nodal development near the hospital. They also desire to protect nearby farmland. Hence, provisions to protect farmland in Ithaca may drive development into the Town of Ulysses. Compatible solutions for farmland protection should be sought between the Towns. The Town of Enfield currently has no zoning regulations, therefore, development is dispersed and may impact the southwest border where the Town's agriculture is most active and farming operations may cross town lines. The Town of Hector on the western border is located in Schuyler County and is characterized by having open grazing land and forests with fruit production along the lakeshore. To the north, the Town of Covert in Seneca County is more actively farmed. Several Ulysses farmers have significant farming operations in the Town of Covert.

Agriculture in the Town of Ulysses is buffered to some extent by the surrounding farmlands on the western side of the Town. Given that many of the contiguous towns have no zoning or limited requirements, there is a need to remain informed about any emerging developments or plans in nearby communities that might impact agriculture in the Town of Ulysses. This should be the responsibility of the Town Planning Board and the Town Board in order to achieve the vision of the Town's *Comprehensive Plan*.

#### 4 M. Incentive Zoning (M)

Incentive zoning involves establishing a list of benefits or rewards, such as increases in allowable density on some portions of a parcel of land or reduced parking area requirements. A developer can receive these rewards if they provide certain amenities such as protection of farmland, construction of trails or other public uses, or cash in lieu of these amenities. Ulysses should explore the development of this type of zoning and other incentive-based policies as additional tools to protect farmland while balancing community and private landowner interests.

#### 4 N. Purchase of Development Rights and Transfer of Development Rights (L)

The Tompkins County Planning Department, in conjunction with the Tompkins County Agriculture and Farmland Protection Board, has established a process for assisting farmers and municipalities with applications for funding from the NYS Agriculture and Markets Farmland Protection Program. The County also participates with Towns that are interested in co-holding easements and monitoring land under easement on behalf of the Town. It should be noted that the limited development pressure, and the nature of that pressure, does not currently suggest that a PDR or TDR program would be utilized frequently enough to justify the investment in a Town-wide only program. These programs are typically used in areas that experience high levels of development on an annual basis. This may exist at the County level, and the Town should remain open to working with other municipalities and the County on a PDR or TDR (Appendix C 2.2 and C 3.2) program. Farmers in the Town of Ulysses interested in the sale of development rights via the State's PDR program should be encouraged and supported in their application process by the Town and with County support.

## 5.0 Areas Recommended for Farmland Protection

The culmination of the data collection and analysis and development of goals and strategies lead the Town of Ulysses Agriculture and Farmland Protection Plan Committee to recommend that all lands located in the current New York State Agricultural District #2 be protected (see Map 8). Priority for protection of lands whether through town policies or permanent easements is further delineated through assignment of character areas that reflect differences in development pressure and the amount of active agriculture in those areas.

Section 4.2, Goal #4, in the previous chapter, outlines a variety of farmland protection tools that can be utilized in land use planning and regulations in Ulysses. It is understood that not all of these tools will necessarily be employed by the Town, but rather they are all valid considerations as local officials take the next step of reworking their zoning code or other land use policies. Additionally, while one particular method may be appropriate for one part of the Town, it may not be the best solution for another area. A series of Character Areas were identified (see Map 11). These areas loosely correspond with the Future Land Use Plan, as part of the 2009 *Comprehensive Plan*, with the primary difference being that the Agriculture Priority Area in the Future Land Use Plan was further divided to reflect the greater likelihood of future development pressure in the southeast part of Ulysses. The five Character Areas delineated on Map 11 are:

- Agricultural Core;
- Route 96 Corridor South;
- Lakefront;
- Village Edge; and
- Hamlet.

In general terms, the Village Edge and Hamlet areas have been identified as places where future growth and development should be encouraged. Conversely, the Agricultural Core, Route 96 Corridor South, and Lakefront areas have such a concentration of farmland, open space, and environmental qualities that future development should be limited. Given that these areas are somewhat different in character from each other, appropriate land use policies and strategies may not be the same for each one. Those three limited growth areas are addressed in more detail below.

### 5.1 Agricultural Core

This Character Area covers the southern and western portions of Ulysses, with smaller sections crossing over Route 96 into the central part of the Town and an area east of Trumansburg. It is characterized as having a significant concentration of large, contiguous farms, excellent soils, relatively less residential development in the past, and a relatively lower likelihood of development pressure compared to other areas of Ulysses.

As noted in previous sections of this Plan, the pattern of low-density residential development over the past ten years has been randomly scattered and generally concentrated along road corridors. The 2009 Comprehensive Plan discourages over-development of road frontage in the Agriculture Priority Area of the Future Land Use Plan.

Creative land use policies described in Section 4.2.4 can provide flexibility in designating building lots on the least productive land, while preserving larger tracts of agricultural land and minimizing potential conflicts between residential and farming activities. The mechanisms used to regulate development in the Agricultural Core Area must balance the landowner needs and wishes with the consideration of what it

means to add residential properties, which may lead to increased demand on infrastructure and other tax-supported services.

## 5.2 Route 96 Corridor South

This area is centered around the Route 96 corridor between the hamlet of Jacksonville and Ulysses' southern border with the Towns of Enfield and Ithaca. In addition to the Route 96 corridor, the area encompasses properties on the southern end of Jacksonville Road, the eastern end of Perry City Road, Van Dorn Corners Road, Krums Corners Road, Wilkins Road, and the west side of Dubois Road.

It contains similar characteristics to the Agricultural Core Character Area, including some large farms and excellent soils. However, it has seen higher levels of residential development in the past, including one of the Town's only multi-lot subdivisions (Hinging Post Road). Although several large farm lots remain, many have been carved up, especially along road frontages, to a greater degree than the Agricultural Core area. Finally, this area is recognized as having a relatively larger likelihood to face development pressure from the Ithaca area in the future. It is close to Cayuga Medical Center and features a short commuting distance to the City, Cornell University, and other major area employers and destinations.

## 5.3 Lakefront

The Lakefront Character Area is located along the Cayuga Lake waterfront, stretching inland to Dubois Road, Willow Creek Road, and Taughannock Falls State Park. Its area is roughly consistent with a combination of four Future Land Use categories from the *Comprehensive Plan*: Lakeshore, Environmental Protection Area, Natural Areas / Parkland, and Conservation Area.

The area is characterized by a fair amount of lakefront residential development, large open spaces with sensitive environmental features such as steep slopes and ravines, and a limited number of farms, mainly along the east side of Dubois Road. It is also the location of Taughannock Falls State Park, the Town's largest area of protected land. Although the Route 89 corridor is a similar distance to Ithaca as the Route 96 corridor, it is likely to face less growth pressure in the future due to the limited amount of developable land and the presence of steep slopes and numerous ravines as long as municipal water and / or sewer remains unavailable.

## *6.0 Plan Implementation and Maintenance*

This Plan presents numerous and diverse recommendations for protecting farmland in the Town of Ulysses. The tools proposed include variety of policy decisions, programs, regulatory changes, and educational resources. Town staff, existing Boards and Committees, a newly established Ulysses Agricultural Committee, and local residents and groups interested in agriculture and farmland preservation will all play a vital role in prioritizing and implementing the plan. In order to effectively implement these strategies, it is important to establish clear responsibilities and time frames for each initiative. This section summarizes the various recommendations outlined in Section 4, organizing each according to Goal Area and time frame. Given that the Town has few staff, projects to be undertaken in the next 1-2 years are shown as “Short-term.” “Medium-term” items should be started in two to five years, and “Long-term” items are those that would take considerable time to research and implement, five years and beyond. In assigning these time frames, consideration was given to the recommendation’s priority level (as established in Section 4), the complexity of its execution, the capacity of the Town or other organizations to carry it out, and the impact it has on other recommendations.

### **Primary Implementation Strategies**

To begin to move the ideas in this plan towards becoming a reality, the Town should commit to the following key steps soon after adoption of the Plan:

- 1) Establish by resolution an Agricultural Committee to assist the Town Board in implementation of the Plan and to generally advise the Town Board on matters impacting agriculture in the Town of Ulysses. The Agricultural Committee should work with the Town staff whose expertise and familiarity with the Town policies will help fit new farmland protection actions seamlessly into the land use planning, as well as with County and State agencies and organizations that support agriculture and land conservation.
- 2) Support actions to broadly improve public understanding of farming and increase awareness of local farms, farming and farmland opportunities, and the availability of local farm products. The Agricultural Committee, working with Town Staff, and Cornell Cooperative Extension of Tompkins County and other knowledgeable organizations can develop a page on the Town’s website that is dedicated to agriculture as a first step.
- 3) Develop a Strategic Plan for Farmland Ownership, and begin work to update the Zoning Law and implement other policies to provide further, long-term protection to farmland. The Town should explore programs to reduce the property tax burden on agricultural lands and provide incentives and funding mechanisms to support farmland protection and open space (see Section 4.2.4).

### **Implementation of Goals**

This Plan outlines a variety of policies, programs, and regulatory changes that the Town can consider as actions to protect and promote agriculture and farmland preservation in Ulysses. The recommendations summarized in following the Implementation Table are organized by each Goal and then by implementation timeframe. The table lists the individual recommendations, the proposed timeframe for implementation, and the responsible organization or agency. The initials of the primary responsible organizations or agencies involved in the recommendations are listed below.

#### **Responsible Organization / Agency:**

AC: Town of Ulysses Agricultural Committee

CCETC: Cornell Cooperative Extension of Tompkins County

NYS: New York State

SWCD: Soil and Water Conservation District

TC: Tompkins County / Tompkins County Agriculture and Farmland Protection Board

TOU: Town of Ulysses

**GOAL #1: STRENGTHEN THE AGRICULTURAL ECONOMY**

Goal ID	Action	Time Frame	Responsibility:
1 A	Develop a strategic plan for future farmland ownership.	Short-term	CCETC, AC
1 B	Develop strategies that will make Ulysses more self-sufficient through local food production.	Medium-term	CCETC, AC
1 C	Develop a strategic plan for enhancing/expanding agritourism opportunities.	Medium-term	CCETC, SWCD, AC
1 D	Develop the programmatic and physical infrastructure to enhance/expand value-added agricultural operations in the Town.	Medium-term	CCETC, AC
1 E	Expand direct marketing and commodity marketing opportunities for local farmers.	Medium-term	CCETC, AC
1 F	Explore opportunities for energy-related enterprises for existing or future agricultural operations.	Long-term	CCETC, TOU, AC

**GOAL #2: IMPROVE PUBLIC UNDERSTANDING OF FARMING**

Goal ID	Action	Time Frame	Responsibility
2 A	Develop and distribute a variety of materials that demonstrate the economic contribution of agriculture. This information could largely be based on a farmer's survey and should be updated and distributed at most every 5 years.	Short-term / Ongoing	CCETC, AC
2 B	Develop signage, promotional materials, and other media that will highlight agriculture's contribution to preserving the rural landscape and the environment.	Short-term / Ongoing	TC, CCETC, AC
2 C	Develop outreach materials that reinforce the presence of agricultural businesses and ways to respect, preserve, and celebrate their operations.	Medium-term	CCETC, TC, SWCD, NYS, TOU, AC
2 D	Enhance outreach efforts that put forth a positive image of farmers, their care for the land, and the best management practices they employ.	Medium-term	CCETC, TC, SWCD, AC



**GOAL #3: ESTABLISH APPROPRIATE TAX POLICIES THAT SUPPORT AGRICULTURE**

Goal ID	Action	Time Frame	Responsibility
3 A	Explore options for reducing farmland taxes, such as a study to identify the impacts of non-farm development on farmland prices and taxes.	Medium-term	TC, TOU
3 B	Establish a fire tax exemption for agricultural land.	Short-term	TOU

**GOAL #4: ENHANCE LAND USE POLICIES TO BETTER PROTECT FARMLAND**

Goal ID	Action	Time Frame	Responsibility
4 A	Adopt a Local Right-to-Farm Law.	Short-term	TOU
4 B	Revise/enhance the Town's subdivision regulations.	Short-term	TOU
4 C	Explore an alternative approach to traditional minimum lot size zoning in districts where agriculture is a priority.	Short-term	TOU
4 D	Ensure future infrastructure investments are consistent with the Future Land Use Plan (as part of the 2009 <i>Comprehensive Plan</i> ).	Ongoing	TOU
4 E	Special Permits for Single-Family Homes	Short-term	TOU
4 F	Establish a Lease of Development Rights (LDR) program.	Medium-term	TOU, TC
4 G	Establish an Agricultural Land Mitigation Ordinance.	Medium-term	TOU, AC
4 H	Participate in the Agriculture District #2 update, maximizing the amount of farmland included in the program.	Medium-term/ Ongoing	TOU, AC
4 I	Revise the Town's site plan review regulations.	Medium-term	TOU
4 J	Develop a database and notification program for available farmland.	Medium-term	TOU, CCETC
4 K	Expand/enhance the Town's cluster development regulations.	Medium-term	TOU
4 L	Coordinate with adjacent municipalities on land use planning initiatives.	Ongoing	TOU, neighboring towns
4 M	Establish an incentive zoning program.	Long-term	TOU
4 N	Explore a Purchase of Development Rights (PDR) and/or Transfer of Development Rights (TDR) program. Continue to coordinate with Tompkins County on its PDR program.	Long-term/ Ongoing	TOU, TC, NYS

## Maintenance of the Plan

The Town of Ulysses Town Board is responsible for adopting and maintaining the Town's Agriculture and Farmland Protection Plan. As agriculture in the Town continues to change, new concerns or opportunities might arise that will need to be addressed through revisions of this Plan. This Plan is intended to be a working document for guiding continued development and implementation of protection strategies. As such, the Agriculture and Farmland Protection Plan should be reconsidered annually by the Town of Ulysses Agricultural Committee and the Town Board both to develop a work plan for the Agricultural Committee and to ensure its relevancy and update recommendations and strategies accordingly. As part of this annual appraisal, the Town Board, working with the Agricultural Committee, will determine when revisions to the Plan are necessary and appropriate, with a target of a formal review of the document at least every 5 years. The Town Board will determine and authorize all changes to be made to the Plan, including changes to text, maps, and figures.

## *Appendix A: Agricultural Landowner's Survey Summary and Results*

### **A-1 LANDOWNER SURVEY SUMMARY**

To gather information about rented agricultural land in the Town of Ulysses, 55 landowners were identified as renting land to farmers and sent a survey to complete and return; 34 (62%) did so. Those responding own 3,133 acres of the 4,100 acres identified as rented agricultural land in the Town of Ulysses. Of these 3,133 acres, 1,877 are rented to a farmer, 172 are owner-farmed, 190 are pasture, and 620 are wooded.

Landowners were asked a variety of questions about their land and what they thought might happen to it in the future. The following is a summary of landowner responses.

Like much of the owner-farmed land in Ulysses, agricultural land that is rented to farmers has typically been in the family for decades. Twenty three (68%) landowners have owned their land for 20 or more years, and seven reported the land has been in their family for over 90 years. The most commonly cited reasons for holding on to or purchasing agricultural land were for Privacy (24 responses/71%) and to maintain Open Space (25 responses/74%). Recreation was important to some (15 responses/44%), and Income was the least often selected (8 responses/24%). Fourteen respondents (41%) provided additional reasons, and 12 of these related to the importance of agriculture and rural heritage.

All respondents were reasonably satisfied with their current rental arrangement, with 29 (85%) leaning towards highly satisfied. Nearly all, 31, found it reasonably easy to find a farmer to rent their land, although two reported some difficulty. Eighteen landowners reported renting their land to the same farmer for more than ten years, and ten of these having agreements for 20 years or more. Eight landowners reported their current arrangements were less than five years old. Most of the landowners (28/82%) expect to rent their land to a farmer for at least the next five to ten years, and 15 (44%) of those expect to rent beyond ten years – although 18 (53%) did not know what would happen beyond the next ten years.

Grains, including soybeans, wheat, barley, oats, and corn, are the typical crop reported growing, with corn as the most common grain mentioned. Alfalfa and hay were also reported. Only one of the landowners reported renting land for livestock, although five say they use some of their land for their own livestock. Of those owning woodlands, seven have a forest management plan, six regularly harvest wood for timber, and 12 regularly harvest wood for firewood.

Most landowners (23/68%) do not expect to ever farm the land themselves, although five are currently farming some part of their land and two expect to start farming when they retire.

Twenty three landowners (68%) place no restrictions on farming practices on their land. Of the ten (29%) reporting some form of restriction, five involved low or no synthetic pesticide use and two required Best Management Practices.

Twenty six landowners (76%) have never sold land for house lots. Of the five that said they had, they each sold one lot and two involved tillable land. Most landowners (27/79%) do not intend to sell housing lots in the next five to ten years; only one landowner said they would, and three said maybe – these possible sales might include some tillable land. One landowner indicated they might be influenced by what others in the neighborhood do. Profit, the need for supplemental or retirement income, or unaffordable taxes were some of the reasons landowners had sold or might sell housing lots. Also mentioned were concerns with nearby development and natural gas development. Landowner hopes for

the future were typically that the land stays agricultural or at least open, although there are worries about development encroachment and the cost of land ownership.

Thirteen respondents were familiar with the Purchase of Development Rights (PDR), 17 were not. Seven landowners were interested in PDR, but 21 indicated little or no interest.

Landowners clearly indicated the importance of keeping their land actively farmed (30/88%) and undeveloped (27/79%). They also report receiving agricultural assessment is important (27/79%), although the importance of the rental payments they receive was seen as less-to-not-at-all important (only 12 said it was important, 13 chose the middle point in the survey, and 8 said not important). For those placing restrictions on farming practices, those restrictions were very important. Nearly all respondents indicated income from the sale of housing lots was not important (17 did not respond and 11 said not at all important).

Nineteen respondents (56%) thought there was a great amount of housing development pressure on the Town of Ulysses, six thought there was some, and eight thought the pressure was very low. There was a shift in these figures when landowners were asked about development near their land: 18 thought there was a great amount of housing development pressure, four thought there was some, and 11 thought the pressure was very low. Most respondents, 25 (74%), indicated nearby development would not influence them to subdivide their land, while five said it would and three others indicated it might.

Landowners offered the following as services/assistance they would like that might help them manage their land:

- Tax advantages for forested or permanently fallow land, maybe carbon credits, liability protection for public use of land without the restrictions of Land Trust
- Assurances from government to provide peace of mind that agricultural assessment will not be removed and development encroachment will not occur.
- Maintain Agricultural Assessments
- For CCE-Tompkins to have accessible a summary of dollar/acre representative rents for each township in Tompkins County. This information has been requested since 1992.
- Integrated Pest Management program and Ag viability program information on forested land
- Keep/reduce real estate taxes lower
- In future a list of potential renters; info on “standard” rental rates.
- Tax help, keep down tax on land, fencing program (tell me no money)
- If the agricultural exemption more closely resembled the assessed value of farm acreage, it would be easier financially to protect farmland from development.
- Is there assistance available for field drainage, pond maintenance, tree planting, etc?
- More info on woodland management

Additional Comments offered were:

- Even with agricultural exemption taxes on farm land is excessively high, and for some families unsustainable, thereby necessitating their selling the farmland to developers.
- Where is oil and gas leasing in this survey? How does an oil & gas lease impact a 5-year agriculture lease? See the NY Times!
- Farm land does not begin to pay taxes
- Stop fracking in Ulysses and the County!

**A-2 LANDOWNER SURVEY RESULTS** *(see following pages)***Town of Ulysses Agricultural Landowners Survey: Rented Land – Summary**

6/15/10

**1. How many years have you or your family:**

	<u>0-5 yrs</u>	<u>6-10 yrs</u>	<u>11-15 yrs</u>	<u>20-30 yrs</u>	<u>31-40 yrs</u>	<u>41-60 yrs</u>	<u>90+ yrs</u>	<u>NA</u>
Owned your land	3	4	3	7	4	5	7	1
Rented your land to a farmer	2	7	5	11	5	3	-	1

**2. What motivates you to own land? (select all that apply)**

Recreation: 15      Open space: 25      Privacy: 24      Income: 8      Other: 14

- like to farm
- force of habit
- support sustainable ag & food production
- preserve ag
- perpetuating a legacy
- belief in sustainable rural economy
- like to see things grow
- family owned for years
- inherited
- family heritage/memories
- beauty and hunting
- beef
- Interest in farming
- to farm-lifestyle

**3. Total acres:**

Owned	Farmed by you	Rented out	Pasture	Woodland
3133	171	1877	190	620

*[4100 total rented acres in Ulysses]***4. How many years have you:**      Rented to the current farmer

0-5 yrs	6-10 yrs	11-19 yrs	20-30 yrs	31-40 yrs	41+ yrs	Many	NA
8	7	8	7	3	-	1	1

**5. What crops were grown on your farmland in 2009, if any?**

- Corn: 23
- Soybeans: 7
- Alfalfa: 3
- Hay: 5
- Wheat: 8
- Barley: 1
- Oats: 1
- Grain: 1
- Strawberries: 1
- Raspberries: 1

**6. If you own pasture and it's used for livestock, is it:**

Your livestock: 5      Rented to another for their livestock: 1

**7. If you own woodland, do you:**Have a forest management plan: 7  
Regularly harvest wood for timber: 6  
Regularly harvest wood for firewood: 12**8. Do you expect to rent your land to a farmer:**

	<u>Yes</u>	<u>No</u>	<u>Don't know</u>
5 to 10 years from now?	28	1	5
Beyond 10 years?	15	1	18

**9. Do you plan to actively farm some or all of your land yourself in the future?**Yes: 8      No: 23      Maybe: 2  
When?      5 already are, 2 at retirement**10. Do you place any restrictions on farming practices on your land?**

No: 23      Yes: 10      na: 1      If so, what?

- no timber cutting
- field crops only, less pesticides
- don't fall plow where most subject to erosion
- encourage/require BMP's, specific environmental requirements in lease
- organic crops
- no use of pesticides & we actively participate in all decisions
- Pledge currently to organic (leased), NOFA Farmers Pledge for our own
- Chemical free

Additional comments from "No" answers:

- Need to leave access road at edges of fields, use standard generally accepted proper/good agricultural practices. We rent to an excellent farmer so don't worry about this much
- We should perhaps move to organic

**11. Have you ever sold land for house lots?**

No: 26      Yes: 5

If so, when?	How many?	Was any of it tillable land?
10 yrs ago	1	no
2 yrs ago	1	no
2007	1	no
30 yrs ago	1	yes, poor soil
1983	1	yes

**12. Do you expect to sell land for house lots in the next 5 to 10 years?**

No: 27      Yes: 1      Maybe: 3      na: 2

Response	If so, how many acres?	Might it include tillable land?
Maybe	55	-
Yes	?	?
Maybe	30	Yes

Comments:

- Depends on what others in neighborhood do



**13. If you've sold or expect to sell house lots, what was/is your motivation?**

- Profit
- We would very much like to never do so, but if large ag or development we would sell
- Supplemental income
- Need retirement income
- If drilling from Marcellus Shale begins we will sell and move elsewhere. At that point, we will try to profit from our land be selling for development.
- Do not expect to sell but would sell if about to be "taxed out"
- To family for house

**14. Are you familiar with lease or sale of development rights programs as a tool for protecting agricultural and other open land?**

Yes: 13      No: 17      na: 3

**15. What do you expect will happen to your land in the future?**

- I hope to sell it all in one piece to one buyer
- Hope it will remain as farmland; there is enough other building and development going on up here!
- Would sell because of rising taxes, if necessary
- Remain as farmland
- Would like to reforest if it were feasible
- Continue farm production agriculture
- Have long term plan on record
- Continue current use, rent 75 acres, use woods for recreation, firewood
- ...ask my wife when I'm gone!
- We intend to preserve the land for future generations
- Kept for recreation
- Hopefully remain farming or open space
- Worried about Ton taken over by house lots or gas drilling
- If the development rights are purchased, will probably be developed
- If development rights are not purchased, the land will have to be developed for income
- I expect it to be sold eventually
- Remain in family, open space, recreation
- Not sure but I plan to protect it somehow
- Most will be sold
- Ag land
- Conservation easement and continue in ag

**Please respond to the next questions using a scale of 1 to 5:**

	1	2	3	4	5	NA
	<u>dissatisfied</u>			<u>highly satisfied</u>		
16. How satisfied are you with your current rental arrangement?	0	0	4	12	17	
	<u>not difficult</u>			<u>very difficult</u>		
17. How difficult has it been to find a farmer to rent your land?	23	3	5	2	0	
<b>How important is/are:</b>	<u>not important</u>			<u>very important</u>		
18. The rental payments you receive?	6	2	13	6	6	
19. That your land remains actively farmed?	0	1	2	13	17	
20. That your land remains undeveloped?	1	2	3	5	22	
21. The restrictions you place on farming	0	1	5	2	7	18

practices, if applicable?						
22. Receiving agricultural assessment, if applicable?	0	0	1	9	18	5
23. The income from selling housing lots, if applicable?	11	0	4	0	1	17
	<u>uninterested</u>			<u>very interested</u>		
24. Are you interested in leasing or selling your development rights?	16	5	2	1	4	5
<b>How would you rank:</b>	<u>very low</u>			<u>very great</u>		
25. Housing development pressure as a threat to farming in Ulysses?	1	7	6	8	11	
26. Housing development pressure as a threat to farming near your land?	1	10	4	9	9	
	<u>not at all</u>			<u>highly likely</u>		
27. Would nearby development influence you to subdivide your land?	18	7	3	3	2	

**28. Finally, what kinds of services/assistance would you like that might help you manage your land?**

- Lower taxes
- Tax advantages for forested or permanently fallow land, maybe carbon credits, liability protection for public use of land without the restrictions of Land Trust
- Assurances from government to provide peace of mind that agricultural assessment will not be removed and development encroachment will not occur.
- Maintain Ag assessments
- For CCE-Tompkins to have accessible a summary of \$/acre representative rents for each township in TC. I have asked for this since 1992.
- IPM program and Ag viability program information on forested land
- Keep/reduce real estate taxes lower
- In future a list of potential renters; info on "standard" rented rates.
- Lower taxes!
- Tax help, keep down tax on land, fencing program (tell me no money)
- If the agricultural exemption more closely resembled the assessed value of farm acreage, it would be easier financially to protect farmland from development.
- Is there assistance available for field drainage, pond maintenance, tree planting, etc.?
- More info on woodland management

**Additional Comments:**

- Even with agricultural exemption taxes on farm land is excessively high, and for some families unsustainable, thereby necessitating their selling the farmland to developers.
- Where is oil and gas leasing in this survey? How does an o&g lease impact a 5-year ag lease? See the NY Times!
- Taxes are killing us!
- Farm land does not begin to pay taxes
- Stop fracking in Ulysses and the County!

## Appendix B Existing Conditions

The following sections provide additional detail for the existing land use conditions with respect to agriculture within the Town of Ulysses as summarized in Section 3.

### B-1 LAND USE TRENDS

In addition to providing land use/land cover data for 2008, the Tompkins County Land Use and Land Cover Map Project (LULCMP) also has data for 1995, allowing for a more in-depth look into land use trends in the Town of Ulysses over time. As illustrated in Table App-B.1, agricultural land uses lost more than 850 acres between 1995 and 2008. The largest change was realized by croplands and inactive agricultural lands, each losing more than 500 acres. Other notable changes include the addition of almost 125 acres of pasture and 61 acres of tree farm.

**TABLE App-B.1 Agricultural Land Use/Land Cover Change, 1995 to 2008, Town of Ulysses**

	1995 Acres	2008 Acres	Acres Change	Percent Change
Cropland	7,755	7,237	-518	-6.7%
Cattle	28	23	-5	-16.8%
Horse farm	22	22	0	-1.9%
High intensity cropland/horticulture	17	21	3	20.0%
Inactive	1,679	1,165	-514	-30.6%
Orchards	37	34	-3	-8.9%
Pasture	389	511	122	31.3%
Tree farm	63	124	61	97.2%
Other farms	86	82	-5	-5.2%
<b>TOTALS</b>	<b>10,076</b>	<b>9,217</b>	<b>-859</b>	<b>-8.5%</b>

Source: Tompkins County Land Use and Land Cover Mapping Project. Based on aerial photos.

While understanding the total acreage of agricultural land lost is valuable, it is also important to identify how it was lost. In other words, was the 859 acres of lost agricultural land converted into residential uses, did it go fallow, or is there another explanation for its disappearance. To provide a more comprehensive examination of the land development pressures facing agriculture in the Town of Ulysses, three additional analyses were conducted:

1. Identify the current New York State Office of Real Property Service (NYSORPS) property classification for all 859 acres of lost agricultural lands;
2. Consider how the lost agricultural lands were developed by determining the zoning districts in which the losses occurred; and
3. Determine the current LULCMP classification of lost agricultural lands.

Based on the results of the first analysis, approximately 61 percent (526 acres) of agricultural land lost between 1995 and 2008 is located on parcels currently classified as *Residential*, with *Vacant* lands comprising the next largest class (167 acres, or 19 percent). It is likely that much of the lost farmland located on *Vacant* lands has not been developed and, instead, has gone fallow. The results of this analysis are presented in Table App-B.2 and shown on Map 4.

**TABLE App-B.2 Current NYSORPS Property Classifications of Lost Agricultural Lands, 1995 to 2008**

	Total Acres of Lost Agricultural in Each Class	Percent of Lost Agriculture in Each Class
<b>Agricultural</b>	63	7.3%
<b>Residential</b>	526	61.3%
<b>Vacant</b>	167	19.4%
<b>Commercial</b>	40	4.7%
<b>Recreation</b>	52	6.1%
<b>Community Services</b>	3	0.3%
<b>Industrial</b>	1	0.1%
<b>Conservation and Parks</b>	6	0.7%
<b>TOTALS</b>	<b>859</b>	<b>100%</b>

Source: Town of Ulysses Tax Parcel Data, New York State Office of Real Property Services

While the current property classification provides clues as to the land use factors driving the loss of farmland, another important consideration is the zoning district in which these losses occurred. Understanding how zoning has impacted farmland in the Town of Ulysses is critical if the community is to be successful in its farmland protection efforts. As illustrated in Table App-B.3, almost two-thirds of the agricultural lands lost in the Town of Ulysses occurred in the Rural Residence District (R1). Further, approximately 86 percent of lost agricultural lands occurred in districts with minimum lot sizes of 2 acres (see Agricultural District A1 and R1 in Table App-B.3 and Map 9).

**TABLE App-B.3 Current Zoning District of Lost Agricultural Lands, 1995 to 2008**

Zoning District	Minimum Lot Size (acres)	Total Acreage of Lost Farmland in each Class	Percent of Lost Farmland in each Class
<b>A1: Agricultural District</b>	2	203	24%
<b>B1: Business District</b>	--	9	1.0%
<b>DD: Development District</b>	--	18	2.1%
<b>H1: Hamlet</b>	0.14	8	1.0%
<b>IL: Light Industrial District</b>	--	7	0.9%
<b>PR: Park/Recreation District</b>	2	5	0.6%
<b>R1: Rural Residential District</b>	2	523	61.8%
<b>R2: Moderate Density Residence District</b>	0.73	73	8.6%
<b>TOTAL FARMLAND LOST</b>		<b>859</b>	

Source: Town of Ulysses Tax Parcel Data

This does not provide the complete picture, however, as to the fate of the total 859 acres of agriculture lost in the Town of Ulysses from 1995 to 2008. Determining the current LULCMP classification of lost agricultural lands provides information as to the current vegetation that exists in these areas, which can have important planning implications (e.g., farmland converted to grasslands and old fields is much

different than farmland converted to maintained lawns). As it relates to the LULCMP classifications, only 19 percent (163 acres) of lost agricultural land is now classified as residential, whereas almost 74 percent of the farmland lost since 1995 is currently classified as grasslands or brushlands (35.3 percent and 38.4 percent, respectively, see Table App-B.4).

**TABLE App-B.4 Current LULCMP Land Use/Land Cover Classifications of Lost Agricultural Lands, 1995 to 2008**

	Total Acres of Lost Agriculture in each Class	Percent of Lost Agriculture in each Class
Brushlands	329	38.4%
Commercial	11	1.2%
Disturbed Land	4	0.4%
Forest	32	3.8%
Grassland	304	35.3%
Industrial	8	1.0%
Reservoir, Lakes, Ponds	6	0.7%
Residential	163	18.9%
Wetlands	2	0.2%
<b>TOTALS</b>	<b>859</b>	<b>100%</b>

Source: Tompkins County Land Use and Land Cover Mapping Project

These analyses point to an interesting trend – while more than 60 percent of the lost farmland is now located on residential parcels, less than 20 percent has been converted to maintained vegetation types (i.e., *Residential* LULCMP classification in Table App-B.4). Combining this with the knowledge that more than 86 percent of lost agricultural lands occurred in zoning districts with minimum lots sizes of two acres, it is likely that approximately 40 percent of the farmland lost to residential development remains in a vegetative state that *could* be converted back to productive agricultural uses. Additionally, the loss of agricultural lands to residential lots exceeding two acres suggests that some farmland was lost due to the inappropriate juxtaposition of residential parcels that limits the farmability of viable agricultural lands. Finally, while agricultural lands are facing development pressures from residential land uses, the conversion of agricultural lands to other natural vegetation types (i.e., grasslands, brushlands) could also indicate that outside market forces are reducing the profitability of farming, causing these lands to go fallow. Any recommendations developed to preserve farmland in the Town of Ulysses should consider these trends.

## B-2 ENVIRONMENTAL CHARACTERISTICS

### Land Use/Land Cover

In addition to identifying nine types of agricultural land uses in the Town of Ulysses, the LULCMP also categorized an additional 51 subcategories of land use/land cover types. For the purpose of this analysis the data was aggregated into eleven primary categories, as identified in Table App-B.5 and Map 5.

TABLE App-B.5 Land Use/Land Cover, Town of Ulysses

	Acres	Percent of Total
Residential	1,790	7.9%
Commercial	91	0.4%
Industrial	28	0.1%
Outdoor Recreation	295	1.3%
Institutional	56	0.2%
Agriculture	9,217	40.6%
Grassland and Brush	2,183	9.6%
Forest	6,014	26.5%
Wetland	411	1.8%
Open Water	2,519	11.1%
Disturbed Land/Exposed Rock	79	0.3%
<b>TOTALS</b>	<b>22,683</b>	<b>100%</b>

Source: Tompkins County Land Use and Land Cover Mapping Project

As previously noted, agricultural land uses comprise more than 40 percent of the Town's total land area and are the single biggest use. Generally speaking, agricultural uses are spread throughout the Town, with a few notable exceptions:

- The areas near Taughannock Falls State Park and along the Cayuga Lake shoreline are dominated by forest lands and residential uses; and
- The areas around the Hamlet of Waterburg and the Village of Trumansburg consist primarily of residential uses and grasslands.

The second largest land use/land cover type is forest, covering more than 6,000 acres, or 27 percent of the Town's total land area. In addition to being located along the lakeshore and within the Taughannock Falls State Park, forest lands can also be found along major creeks and streams throughout the Town. This has important water quality implications as these forest areas act as filters, removing pollutant- and sediment-laden runoff before it can reach area water bodies, including Cayuga Lake. Any policies developed to ensure the continued viability of farming in the Town of Ulysses should consider the benefits that forests provide.

In terms of the built environment, approximately 1,790 acres of land in the Town are residential, accounting for 7.9 percent of the total land area. The largest category of residential use is low density (85.6 percent), followed by medium density (13.4 percent); less than 1 percent the Town of Ulysses is classified as high density residential. The concentrated residential development is located along the major transportation corridors, the lakeshore, and near the hamlet centers.

As noted above, land use/land cover data from 1995 and 2008 allow for time-based comparisons to determine how the Town has changed. While the previous section focused only on changes to agricultural lands, Table App-B.6 illustrates the changes that occurred in the eleven primary land use/land cover categories between 1995 and 2008.



**TABLE App-B.6 Land Use/Land Cover Change, 1995 to 2008, Town of Ulysses**

	1995 Acres	2008 Acres	Acres Change	Percent Change
Residential	1,547	1,790	243	15.7%
Commercial	54	91	37	70.0%
Industrial	32	28	-4	-13.0%
Outdoor Recreation	296	295	-1	-0.4%
Institutional	62	56	-6	-10.3%
Agriculture	10,076	9,217	-859	-8.5%
Grassland and Brush	1,612	2,183	571	35.5%
Forest	6,022	6,014	-8	-0.1%
Wetland	407	411	4	1.0%
Open Water	2,523	2,519	-4	-0.1%
Disturbed Land/Exposed Rock	87	79	-8	-9.7%

Source: Tompkins County Land Use and Land Cover Mapping Project

The largest change in terms of total acreage occurred among agricultural lands, with this category losing more than 850 acres (see above). Also worth noting are the increases in both residential and commercial land uses in the Town, combining for more than 281 acres in newly developed land. Most of this increase was realized by the addition of 240 acres of new residential uses, with 164 of these acres resulting from the conversion of agricultural lands to low-density residences. The large increase in the amount of grassland and brush is the result of previously active agricultural lands that have gone fallow and are now characterized by more natural vegetation types.

## Soils

One key component of the Town's natural environment is soil – the varying characteristics of different soil types often dictate the types of vegetation that can grow in a particular location, including human-produced crops. Soil characteristics can dictate the distribution of prime farmlands, for example, and thus have great influence on the location of farms. As defined by the United States Department of Agriculture, prime farmlands have a favorable temperature, favorable moisture supply, a desirable growing season for high-yield crops, and are generally characterized by slopes of 0 to eight percent. An additional category of soils identified within the Town are farmlands of statewide importance, defined as possessing the soil quality, growing season, a slope usually of 8 to 15 percent, and moisture supply needed to produce economically sustained high-yield crops when treated and managed according to acceptable farming practices.

Prime farmlands comprise more than 43 percent of the 21,120 acres in the Town, or 9158 acres (an additional 4,875 acres are considered to be prime soils if drained) (see Table App-B.7). Additionally, approximately 2,522 acres of farmlands of statewide importance are located within the Town of Ulysses. In total, more than 11,793 acres (56 percent) of the Town's soils are classified as prime farmland or farmland of statewide importance although 2,635 acres are currently in non-agricultural uses.

While almost 12,000 acres of prime farmland or farmland of statewide importance are located in the Town of Ulysses, not all are currently being used for farming. Table App-B.7 indicates the distribution of prime soils and soils of statewide importance among the 11 primary land use/land cover types.

As seen in Table App-B.7, almost 50 percent of prime farmland and farmland of statewide importance in the Town of Ulysses is located on active agricultural lands (see Map 12). Additionally, almost 70 percent

of the Town's 8,710 acres of active agricultural lands, as reported in the Tompkins County Agriculture District Survey, (Table 3.1) consist of prime farmland and farmland of statewide importance. While a large amount of forested areas are located on these prime farmlands, it is also worth noting that more than 1,100 acres of prime farmland and farmland of statewide importance have been, over time, converted to residential development.

**TABLE App-B.7 Land Uses on Prime Farmland and Farmland of Statewide Importance by LULC, Town of Ulysses (see Map 5)**

	Acres	Percent of Total
Residential	1,109	9.4%
Commercial	67	0.6%
Industrial	25	0.2%
Outdoor Recreation	207	1.8%
Institutional	37	0.3%
Agricultural	(5,583)	(47.3%)
<i>Active</i>	(618)	(5.2%)
<i>Inactive</i>		
<b>TOTAL</b>	<b>6,201</b>	<b>52.6%</b>
Grassland and Brush	1,144	9.7%
Forest	2,813	23.9%
Wetland	90	0.8%
Open Water	33	0.3%
Disturbed Land/Exposed Rock	67	0.6%
<b>TOTALS</b>	<b>11,793</b>	<b>100%</b>

Source: USDA Natural Resources Conservation Service,

In addition to the characteristics associated with prime agricultural lands, soils possess many other physical properties that should influence land use policies, including decisions regarding agriculture. Highly erodible soils, for example, located primarily on steep slopes (i.e., slopes greater than four percent) are at higher risk of erosion but are also influenced by rainfall and other soil properties. Croplands located in areas with highly erodible soils may have to implement best management practices (BMPs) designed to reduce the potential for erosion, as well as to provide filtering should erosion occur. Some of the more common BMPs include the use of no-till crop production, vegetated filter strips and riparian buffers, and cover crops during the off-season, as well as contour farming and terracing. Table App-B.8 presents the amount of highly erodible soil in each of the eight agricultural land use/land cover types identified by the LULCMP.

**TABLE App-B.8 Highly Erodible Soils by Agricultural Land Use/Land Cover, Town of Ulysses**

	Total Land Use Acres	Highly Erodible Soils Acres	Percent of Land Use/Land Cover Category
Cropland	7,237	558	7.7%
Cattle	23	8	32.9%
Horse farm	22	1	3.2%
High Intensity cropland/horticulture	21	1	5.9%
Inactive	1,165	202	17.3%
Orchards	34	23	66.5%
Pasture	511	45	8.7%
Tree farm	124	15	12.4%
Other farms	82	27	32.9%
<b>TOTAL highly erodible soils within town</b>	<b>9,217</b>	<b>879</b>	<b>10%</b>

Source: USDA Natural Resources Conservation Service,

As depicted in Map 13, highly erodible soils are primarily found along the lakefront and around the perimeter of the Village of Trumansburg, with smaller concentrations on the western side of the Town. Of the 3,599 acres of highly erodible soils in the Town of Ulysses, only 879 acres are used for agriculture, representing only 10 percent of all agricultural lands in the Town.

### Topography

While most of the Town of Ulysses is characterized by gently rolling lands, the grade changes dramatically approaching the Cayuga Lake shoreline from the west. Beginning approximately at Dubois Road, the elevation drops more than 400 feet over a distance of less than one mile. As is illustrated on Map 14, elevations range from 400 feet above mean sea level (msl) along the lakeshore, to 1,340 feet msl in the southwest corner of the Town. Additionally, much of the land in the Town of Ulysses is located on slopes of less than 8 percent, with areas of steeper slopes located in the south-east and northwestern portions of the Town, as well as along major creeks and streams.

### Hydrology

With more than seven miles of shoreline, Cayuga Lake is one of the major natural features in the Town of Ulysses. Not to be outdone by its hydrologic counterpart, Taughannock Creek features a 200-foot waterfall (Taughannock Falls) as it makes its way to the lake. While Taughannock Creek is the most significant stream in the Town, there are eight additional named streams and more than 440 stream miles flowing through the Town. Other named streams include:

- Boardman Creek;
- Bolter Creek;
- Cold Spring Branch;
- Glenwood Creek;
- Jenny Creek;
- Reynoldsville Creek;
- Trumansburg Creek; and
- Willow Creek.

Various other small, unnamed streams exist throughout the Town. Additionally, not including Cayuga Lake, the Town of Ulysses encompasses 11 ponds covering 22 acres.

The waterbodies are located in one of the three primary watersheds draining the Town, all of which eventually drain into Cayuga Lake – West Cayuga Lakeshore North watershed, Taughannock Creek watershed, and West Cayuga Lakeshore South watershed (see Map 15). A watershed is a particular extent of land where water from rain or snowmelt drains downhill into a body of water, such as a river or lake. The United States Geological Survey (USGS) delineates several scales of watersheds using a nationwide system based on surface hydrologic features. Based on these delineations, most of the Town's land drains into the Taughannock Creek watershed (50 percent), including much of its agricultural lands. Table App-B.9 provides the acreage in the Town of Ulysses draining into each watershed, as well as the amount of Town agricultural lands in each drainage area.

**TABLE App-B.9 Watershed Drainage Characteristics, Town of Ulysses**

	Acres in Town	Percent of Town in Watershed	Town Agricultural Acres in Watershed	Percent of Town Agriculture in Watershed
Taughannock Creek Watershed	10,137	50%	5,060	55%
West Cayuga Lakeshore North Watershed	1,989	10%	892	10%
West Cayuga Lakeshore South Watershed	8,122	40%	3,266	35%
<b>TOTALS</b>	<b>20,248</b>	<b>100%</b>	<b>9,217</b>	<b>100%</b>

Source: NYS Department of Environmental Conservation.

## *Appendix C Potential Strategies for Farmland Protection*

### **C-1 OVERVIEW**

This section is included as a resource for interested parties that will play a role in implementing the Agriculture and Farmland Protection Plan. It presents an overview of the existing programs and policies for farmland protection in the Town of Ulysses, as well as a more detailed discussion regarding additional tools and techniques that the Town could implement to protect farmland and support the economic viability of agriculture. Sections 4, 5, and 6 outline specific actions that the Town should undertake, while this Appendix provides greater detail to specific programs, tools, and initiatives.

Generally, there exists a continuum of farmland protection programs that communities have adopted, ranging from simple zoning changes to more complex purchase or transfer of development rights programs. Most often, communities begin their farmland protection efforts by enacting agricultural/rural residential zoning ordinances designed to isolate incompatible land uses and to limit the density of non-farm residential development in areas of agricultural production. While these programs may slow the loss of viable agricultural lands, in isolation they are not enough.

Where zoning alone is not sufficient to address the issue of farmland loss, the next logical step is to develop policies that increase the economic viability of farming. The most predominant form of this type of policy is the agricultural property tax assessment. Agricultural “use-value” assessments allow farmlands to be taxed at their agricultural value, as opposed to being taxed at their development value.

The next step along the continuum of agricultural protection programs combines zoning and tax relief with the creation of areas where agriculture is the preferred and protected use. This can include the formation of agricultural districts, the adoption of Right-to-Farm laws, or the designation of urban or village growth boundaries. Finally, where development pressures are strong and the aforementioned techniques do not slow the loss of farmland, some communities develop purchase or transfer of development rights programs to offset the revenue available to the landowner from development in return for retaining the farmland in agricultural production or as open space.

Determining and implementing the farmland preservation techniques most appropriate for the Town of Ulysses will be a challenging endeavor for all involved. Market forces are not and have not been adequately meeting the preservation objectives of the community. Each one of the techniques noted above and discussed further below inherently entails some form of trade-off or compromise of individual or community desires. In order to actively and effectively preserve farmland, something must be sacrificed. In some cases the sacrifice is financial, in others it is a reduction in development potential, while others require an adjustment of expectations. The Town must assess the importance of farmland preservation relative to competing objectives and then identify the appropriate strategies to employ.

### **C-2 EXISTING PROGRAMS FOR FARMLAND PROTECTION**

Tompkins County employs two county-wide tools designed to support agricultural activities – the use of agricultural districts (which includes reduced assessments for agricultural lands) and the purchase of development rights.

### C-2.1 Tompkins County Agricultural Districts

The purpose of an agricultural district is to encourage the continued use of farmland for agricultural production. Authorized under Article 25-AA of the New York State Agriculture and Markets Law, this program combines landowner incentives and protections to forestall the conversion of farmland to non-agricultural uses, including:

- Preferential real property tax treatment;
- Protections against overly restrictive local laws;
- Protections against government funded acquisition or construction projects; and
- Protections against private nuisance suits involving normal agricultural practices.

There are two agricultural districts in Tompkins County – Agricultural District #1 and Agricultural District #2. Agricultural District #1 covers the eastern half of Tompkins County and includes lands in the Towns of Lansing, Groton, Dryden, Caroline and parts of Danby and Ithaca, while Agricultural District #2 encompasses lands in the Towns of Ulysses, Enfield, Newfield, and parts of Danby and Ithaca. Specific to the Town of Ulysses, Agricultural District #2 covers more than 15,000 acres (69 percent) of the Town’s land area.

The County’s agricultural districts are reviewed every eight years to determine whether they should be continued, modified, or terminated. Agricultural District #1 was last updated in 2004, while Agricultural District #2 was last updated in 2008. Additionally, every November landowners are provided the opportunity to submit requests to the Tompkins County legislature to include additional viable agricultural lands into one of these two districts.

### C-2.2 Purchase of Development Rights

Under a Purchase of Development Rights (PDR) program, a landowner voluntarily sells the development rights of a parcel of land to a public agency or charitable organization, such as a local land trust, local unit of government, or the state government. The receiving agency or organization typically pays the difference between the value of the land for agriculture and the value of the land for its “highest and best use” (typically residential or commercial development) and places a conservation easement on the property (see C-3.4).

Development rights are comparable to other rights that come with a parcel of land such as mineral rights, water rights, or logging rights. When a landowner sells his or her development rights, the right to develop or subdivide that parcel of land is permanently relinquished. However, the landowner still retains all other rights and responsibilities associated with that land. In regard to agriculture, farmers retain the right to use their land for farming and other purposes that do not interfere with or reduce agricultural viability. Additionally, participating farmers also remain eligible for any state or federal farm program for which they qualified before entering into the conservation agreement. By providing farmers the opportunity to cash in a fair percentage of their land equity, PDR programs create a financially competitive alternative to selling land for non-agricultural uses. Finally, PDR programs give communities a way to plan for and share the costs of protecting agricultural land with their local farmers.

New York State operates a PDR program entitled the Farmland Protection Implementation Grants Program. This competitive statewide program is administered by the NYS Department of Agriculture and Markets and provides up to 75 percent of the total costs for implementation activities to protect viable farmlands. Tompkins County is an active partner in this program and helps local landowners apply for and receive State payment assistance.



### C-3 POTENTIAL PROGRAMS FOR FARMLAND PROTECTION

In addition to the existing programs for farmland protection in Tompkins County, there are a variety of other land-use based tools available to the Town of Ulysses that could be implemented to retain farmland and encourage the continued viability of agriculture. The community must evaluate each to determine the appropriateness and viability for use in the Town of Ulysses. These tools include the following:

- Infrastructure Management;
- Transfer of Development Rights;
- Lease of Development Rights;
- Conservation Easements;
- Local 'Right-to-Farm' Laws;
- Farm Transfer and Mentorship Programs;
- Agricultural Land Mitigation Ordinances;
- Subdivision Review;
- Site Plan Review;
- Conservation or Cluster Development Design; and
- Zoning Techniques.

Each tool has associated strengths and weaknesses and may not be applicable to all situations. The Town will need to weigh the costs and benefits of each when deciding on the proper course of action for preserving farmland within its borders. A more detailed discussion of each tool can be found below.

#### C-3.1 Infrastructure Management

One tool that communities can use to prevent the loss of farmland is infrastructure management, particularly the location of sewer and water lines. The operation of public water and sewer lines is based on average cost pricing. As the number of sites served by a given line increases, the average cost per site decreases. Thus, when a water or sewer line is extended into previously unserved areas, there is a strong incentive to encourage additional hook-ups along the line. This increases the development pressures in the newly served area that can result in sprawling development patterns and the loss of farmland. As such, properly managing the expansion of sewer and water lines in rural areas can limit sprawling development patterns and preserve valuable agricultural lands.

To properly manage the expansion of sewer and water lines, communities should consider creating Capital Improvement Plans for their publicly-owned utility infrastructure based on 5 to 15 year cycles. These Plans should dictate the extent of service coverage and the reasonable conditions required for the extension of infrastructure. These plans should also ensure that infrastructure investments are consistent with any relevant county or local land use plans. In Ulysses, the Future Land Use Plan found in the 2009 *Comprehensive Plan* should guide future infrastructure investments, in addition to recommendations found in this Plan.

Additionally, Section 305 of the Agricultural Districts law in New York State requires local governments to file a preliminary and final Notice of Intent (NOI) with the NYS Department of Agriculture & Markets and the County Agricultural and Farmland Protection Board before extending sewer or water lines to non-farm structures in an Agricultural District. Often, the NOI process results in the adoption of a local resolution that would prevent lateral extensions from serving non-farm structures.

### C-3.2 Transfer of Development Rights

Similar to the PDR program described in section C-2.2, Transfer of Development Rights (TDR) programs allow landowners to sell the development rights of a parcel of land without relinquishing ownership of said parcel. Whereas a public agency or a charitable organization is often the purchaser of rights under a PDR program, purchasers of development rights under a TDR program are often landowners or developers who are seeking to increase the allowable development density on properties in a different location. Through the land use planning and zoning process, municipalities designate low-density areas, called sending areas, where TDRs are sold to developers. They then designate high-density areas, known as receiving areas, for TDRs where developers are allowed to build at a higher density within the jurisdiction. For landowners in high-density areas to achieve the higher allowable density, however, they must first purchase development rights from landowners in low-density areas. The purpose of a TDR program is to make strong land use regulations more feasible and easier to implement by allowing the private market to compensate farmland owners for restrictions on the development potential of their properties.

TDR programs can be easier to implement than typical zoning programs by making development more predictable and by using the market to compensate landowners for lost property value. TDR programs are also more permanent than traditional zoning regulations.<sup>1</sup> However, TDR programs are most effective in those communities facing strong development pressure. In short, TDR programs are driven by demand for TDRs from developers. In areas where development pressures are light, farmers in the sending areas who hold TDRs can find there is little demand for them.

### C-3.3 Lease of Development Rights

Lease of Development Rights programs are very similar to both PDR and TDR programs, with the exception that the time frame for preservation is not in perpetuity. These programs are typically used as an interim measure to prevent development from occurring until a more permanent solution can be identified, or until sufficient funds are available to purchase a permanent conservation easement. A lease of development rights program typically involves a period of time, ranging from 10 years up to 25 years.

### C-3.4 Conservation Easements

The term “purchase of development rights” generally refers to the NYS Farmland Protection Implementation Grants Program, while “donation of a conservation easement” means preservation by a non-profit land trust, municipality, or other agency. The sale of development rights or donation of a conservation easement is voluntary. A legally-binding agreement called a “deed of easement” is placed on the property and recorded at the county courthouse. The restrictions in the deed of easement run with the land and apply to heirs and buyers of the property. The deed of easement typically restricts the use of the property to farming, forestry, and open space uses. The land is still private property. The easement is signed by the landowner, who is the easement donor, and a second party, who is receiving the easement. The second party, such as a land trust or municipality, accepts the easement with the understanding that it must enforce the terms of the easement in perpetuity. By selling or donating a conservation easement (development rights), a landowner can assure that the property will be protected forever, regardless of who owns the land in the future.<sup>2</sup>

<sup>1</sup> <http://government.cce.cornell.edu/doc/html/Transfer%20of%20Development%20Rights%20Programs.htm>

<sup>2</sup> <http://www.landtrust.org/ProtectingLand/EasementInfo.htm>

Land owners who donate a conservation easement (or development rights) may be eligible for tax benefits. New York State offers a tax credit for conservation easements, reimbursing 25 percent of school and local taxes paid on the land up to a maximum of \$5,000. A federal income tax deduction also exists, allowing easement donors to deduct the easement's appraised value as a charitable gift provided that certain criteria are met. Conservation easements are also used in TDR programs to preserve land from which all of the TDRs have been sold. Finally, local tax assessors have the option of reducing the assessed value of farmland under a conservation easement for property tax purposes. There are some conservation easements currently in place in Ulysses, but greater education and promotion will be necessary to maximize the potential of this tool.

### C-3.5 Local 'Right-to-Farm' Law

Right-to-farm laws are designed to accomplish one or more of the following objectives:

1. To strengthen the legal position of farmers when neighbors sue them for private nuisance;
2. To protect farmers from anti-nuisance ordinances and unreasonable controls on normal farming operations; and
3. To put in place a mechanism for resolving disputes between farmers and their neighbors.

Right-to-farm laws are intended to discourage neighbors from suing farmers. They help established farmers who use good management practices to prevail in private nuisance lawsuits. They document the importance of farming to the state or locality and put non-farm rural residents on notice that generally accepted agricultural practices are reasonable activities to expect in farming areas. Right-to-farm laws can also establish a mediation board that allows issues related to best farming practices to be handled at the local level by their neighbors and thus preventing these disputes from reaching local courts. Local right-to-farm laws often serve an additional purpose: they provide farm families with a sense of security that farming is a valued and accepted activity in their communities.<sup>3</sup>

The Town of Ulysses has incorporated a Right-to-Farm clause for the A-1 Agricultural District in Section 5.2 of its current Zoning:

*In the A1–Agricultural [Zoning] District, agriculture shall be the primary land use. Within the District any agricultural practice determined to be a sound agricultural practice by the New York State Commissioner of Agriculture and Markets pursuant to Article 25-AA, Section 308, including but not limited to practices necessary for on-farm production, preparation and marketing of agricultural commodities, such as the operation of farm equipment; proper use of agricultural chemicals and other crop protection methods; direct sale to consumers of agricultural commodities or foods containing agricultural commodities produced on-farm; and construction and use of farm structures, shall not constitute a private nuisance.*

While this clause does offer protection against all nuisance complaints, it does not provide a mechanism for resolving disputes related to farming activities. Additionally, the term “sound agricultural practice” is defined by the standards of New York State Department of Agriculture and Markets and the Town could consider requiring greater scrutiny of design and site planning where environmental impact is a concern.

<sup>3</sup> [http://www.farmlandinfo.org/documents/27747/FS\\_RTF\\_9-98.pdf](http://www.farmlandinfo.org/documents/27747/FS_RTF_9-98.pdf)

### C-3.6 Farm Transfer and Mentorship Programs

One of the primary issues facing the long-term sustainability of farming in the region is the limited number of younger people willing or financially able to take on the burdens of farm ownership. When the succeeding generation does want to carry on the tradition of farming, transferring management responsibility and farm assets to those individuals who want to farm can be a difficult and complex process. One method for passing on agricultural uses in communities into successive generations is to create a program that brings together existing farmers and potential farmers. In addition to identifying potential future farm owners, a farm transfer and mentorship program can provide opportunities for new farmers to work with current farmers to ensure they possess the skill-set necessary to successfully farm the land.

In New York State, the Cornell Cooperative Extension administers the New York Farmlink program, which assists farmers in all aspects of business transfer and partnership success including:

- Succession planning for family and non-family transfers;
- Retirement and estate planning;
- Joint ventures/partnerships;
- Help for beginning farmers; and
- Farm opportunities website.

NY Farmlink works to ensure the long-term economic viability of agriculture in New York State by providing two valuable services:

- Financial analyses and long-term planning assistance to current farmers; and
- Connecting farm owners looking to sell their properties with potential farm owners looking to purchase a property.

Unfortunately, NY Farmlink is not currently active. Tompkins County runs a similar program, called Landlink, which is administered by Cornell Cooperative Extension.

### C-3.7 Agricultural Land Mitigation Ordinances

Agricultural land mitigation is very similar to that of wetland mitigation in that developers are required to provide mitigation for impacts to agricultural lands. Local municipalities can enact an ordinance that requires developers or the land seller to either protect one acre of farmland for every acre of farmland converted to other uses, or pay a development fee in lieu of mitigation into a local agricultural protection fund. If a developer chooses to protect existing agricultural lands, those lands must be placed into a conservation easement. When developing such a program, communities may choose to require developers to preserve farmland on the parcels to be developed, or they may require that developers purchase an easement on targeted agricultural lands.

### C-3.8 Subdivision Review

The purpose of subdivision review regulations is to control how land is divided into smaller parcels. The subdivision of land impacts how neighboring lands will be developed and can create the need for additional municipal infrastructure, making it a key factor in determining how a community will grow and develop.

While the term “subdivision” is typically associated with large, multi-lot developments, subdivision regulations apply to any alteration of lot lines, with or without proposed development, on a plat previously approved and filed with the county. Additionally, each municipality will often identify the thresholds for the type of review required for different levels of subdivision (e.g., major, minor) in its subdivision regulations.

The primary intent of most subdivision regulations is to ensure that streets, lots, infrastructure and open space associated with new development are properly provided for and safely designed. More comprehensive subdivision regulations go further by seeking to ensure the municipality’s land use objectives are being met. As such, subdivision regulations can also be used to accomplish such goals as:

- The protection and preservation of agricultural land;
- Promoting cluster development;
- Open space protection;
- The placement of water quality buffers along creeks and streams; or
- Stormwater and erosion control.

As they relate to agriculture, subdivision regulations can minimize land use conflicts and preserve farmland by managing and minimizing the effects of development on local farms. This is generally accomplished through the use of buffers and requiring thoughtful site design (e.g., conservation or cluster development design). Buffers are any physical separation of space between land uses designed to prevent conflicts and minimize the amount of potential nuisance suits in a given municipality. Specific to agriculture, landscaped buffers along property lines can reduce the smells and dust typically associated with active farmlands. These design considerations are especially important when the landowner is not a farmer, and therefore may not be mindful of the effects of unplanned development.

Thoughtful site design techniques are methods for reducing the overall footprint of new residential development. By concentrating housing in one portion of the site, for example, the remainder can be preserved as permanent farmland or open space. A more detailed discussion of conservation or cluster development design techniques can be found below.

While not specifically related to agriculture, the use of the terms “may” and “shall” in the subdivision regulations can significantly impact a municipality’s ability to achieve the vision it has set forth for itself. Where municipalities “may” require an applicant to set aside land for agriculture or open space, conflicts often arise between the applicant and the planning board as to whether a particular subdivision should be required to preserve these lands by selling or donating a conservation easement. Inconsistencies that arise from these conflicts can also make such decisions seem arbitrary (e.g., why was preserved open space required for Subdivision A but not Subdivision B?). An improved approach is for subdivision regulations to state that all subdivisions “shall” set aside land for agriculture or open space (this also applies to the use of conservation or cluster development design techniques). Such mandatory requirements provide a more transparent and understandable development process for both applicants and the planning board. The current subdivision regulations for the Town of Ulysses use the term “shall” when noting open space requirements. Any changes to the subdivision regulations to encourage farmland preservation should continue this practice.

Finally, subdivision review must also be coordinated with the New York State Environmental Quality Review (SEQR) Act. The subdivision regulations for the Town of Ulysses can be found in Article XVIII (*Land Subdivision Regulations*) of the Town’s Zoning Law. There are two additional tools that fall within the purview of subdivision review that are relevant to the protection of farmlands:

- Road frontage requirements, and
- Access management.

### ***Road Frontage Requirements***

Many communities use road frontage requirements as a way to reduce density and space new development out. Depending on the size requirements, road frontage requirements can be counter-productive to protecting agricultural lands and often result in large residential lots which encumber land that could still be potentially farmed. Frontage requirements can help protect open space and rural character by limiting the carving up of rural roadside properties. However, they do not address development impacts on the rear of the property. Therefore, they must be used in conjunction with other farmland protection tools.

### ***Access Management***

In addition to using road frontage requirements, the Town could preserve farmland through managing road access points by requiring the use of shared or common driveways in agricultural zoning districts. This approach reduces the number of access points on a roadway and can force development deeper onto a property rather than spread out along the road frontage (see figure 4B in Section 4.2 Goal 4 B). By requiring the use of shared driveways, communities can decrease the amount of road frontage lost to development and retain contiguous blocks of viable farmland. Other road frontage considerations include requiring a minimum percentage of roadway frontage to be preserved as open space, and/or requiring a minimum vegetative buffer of undisturbed land 200 feet or more in depth from the roadway.

## **C-3.9 Site Plan Review**

The purpose of site plan review is to provide for municipal review and oversight of land development projects to ensure that they do not have an adverse impact on the quality of life in a given area. Site plan review allows municipalities to expand their review authority from the general health, safety and welfare issues to include a wide assortment of additional issues that may impact adjacent properties and the surrounding neighborhood. While similar to subdivision review, site plan review is triggered by parcel development and does not apply to subdivided parcels that are not being developed.

Since site plan review is concerned with how individual parcels are developed, how that development will impact its neighbors and the environment, and what that development will look like following its completion, a number of site plan elements can be reviewed by municipalities, including:

- Landscaping;
- Location and amount of open space;
- Proposed parking areas;
- Site access and egress (i.e. vehicles, pedestrians, bicycles);
- Screening and buffers;
- Stormwater runoff and erosion control;
- Building locations and dimensions;
- Signage;
- Architectural features;
- Adjacent land uses; or
- Design standards
- Other physical features.

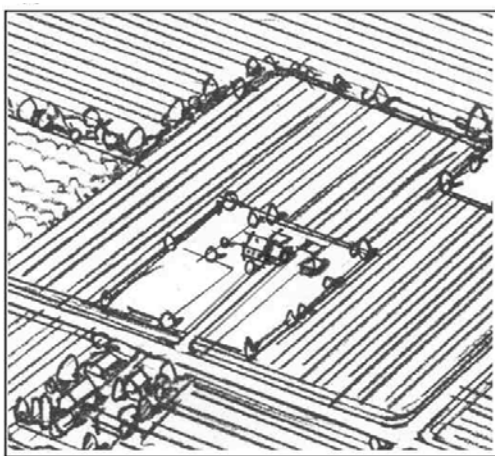


When municipalities review the site design elements noted above, site plan review regulations can help ensure that a parcel's development fits properly into the community and conforms to its planning objectives. Impacts to agriculture can be incorporated into existing site plan review regulations, thus providing municipalities the opportunity to evaluate the impacts of a given development on agriculture. For example, requiring applicants to identify and locate critical farmlands or important farmland soils in relation to their proposed development projects allows these features to be considered an important resource during the development review process. Site plan review can also be used to ensure the optimal siting of residential parcels so that productive farmlands are not lost (see graphic below). If residential parcels are not sited properly, they can create multiple corners and narrow swaths of farmland that, due to the limitations of large farm equipment, are less efficient to farm than large contiguous blocks.

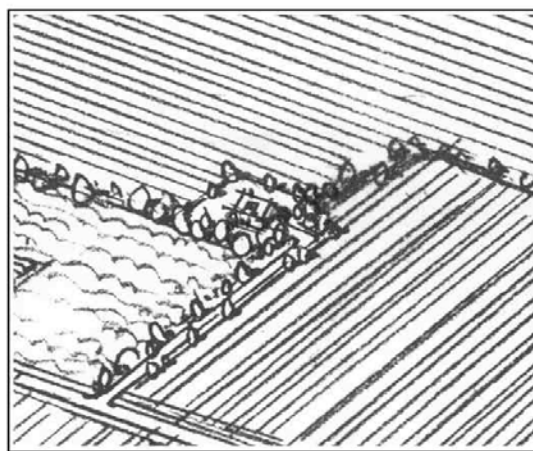
To further provide applicants with a clear understanding of the community's expectations for the planning, design, and review of development proposals, and to ensure that the development of individual sites occurs according to the community's shared vision, many municipalities use design guidelines. Typically, design guidelines are developed for individual neighborhoods or zoning districts as each of these areas is likely to possess different design characteristics. Guidelines for rural areas, for example, may seek to optimize the shape and configuration of farmable parcels, which is generally not a concern for hamlets and other areas characterized by higher development densities.

Typically, site plan review regulations apply only to large subdivisions, multi-family housing projects, and commercial and industrial projects. In communities facing strong development pressures, focusing on larger developments may only be enough to ensure that development does not negatively affect the community. In those communities where development pressures are not as heavy, however, most developments are smaller and thus would not be subject to review. In these areas, it is important to ensure that all development projects are subject to site plan review, not just large-scale developments. To ease the burden on these smaller developments, communities in New York State can prepare a Generic Environmental Impact Statement (GEIS) so that projects in compliance with the design guidelines require no additional SEQRA review.

**Figure C-3.9: Configuration of Lot Shape to Preserve Farmlands**



Typical Residential Lot in  
Agricultural Area  
*Source: Town of Roxbury, WI*



Lot that Optimizes Shape and  
Configuration of Farmable Parcels  
*Source: Town of Roxbury, WI*

The site plan review regulations for the Town of Ulysses can be found in Section 3.4 (*Site Plan Review*) of the Town's Zoning Law. Currently, site plan review is not required for residential development unless a proposed project requires a special use permit. Where site plan review is required, the review criteria include the following elements that relate to open space preservation (note that no review criteria exist for farmland preservation):

- The potential effect of the proposed development on environmentally sensitive features within the site, such as stream courses, steep slope areas, mature woodlands, wetlands and other bodies of water;
- In the case of multiple residence site plans, location and adequacy of any proposed open space and recreational facilities; and
- The adequacy of the site layout for beneficial coordination with adjacent properties with respect to pedestrian and vehicular traffic, recreational, space and undeveloped or "open" space.

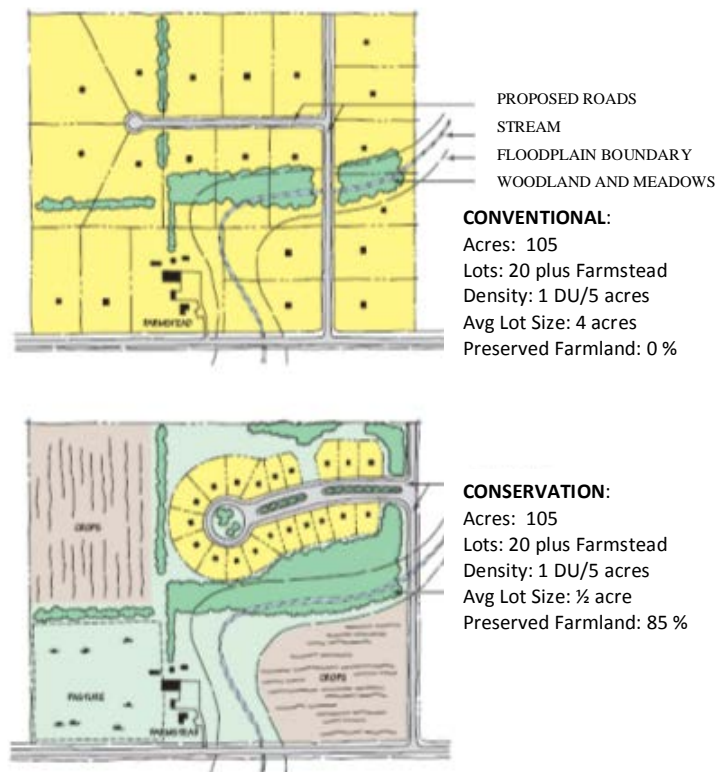
Additionally, while the Town of Ulysses zoning ordinance does provide design standards, these standards generally do not address the impact that development can have on agricultural land uses, with the exception of flag lots. According to Section 17.12 of the zoning ordinance:

*In areas where agriculture is the predominant land use, flag lots should be located on the least productive agricultural lands, and be configured so as to minimize interference with the agricultural use of the lands.*

**Figure C 3.10A: Conventional versus Conservation/Cluster Design Used to Preserve Farmland.**

### C-3.10 Conservation or Cluster Development Design

A conservation subdivision is a housing development in a rural setting that is characterized by compact lots and common open space, and where the natural features of land are maintained to the greatest extent possible. Generally, conservation subdivisions allow for an adjustment in the location of residential dwelling units on a parcel of land so long as the total number of dwelling units does not exceed the number of units otherwise permitted in the zoning district. The dwelling units are grouped or clustered on only a portion of a parcel of land. The remainder of the site is preserved as open space, farmland, or as an environmentally and culturally sensitive area through the allocation of a conservation easement. A cluster development is, by design, identical to a conservation subdivision but does not require that a conservation easement be



Source: Southeastern Wisconsin Regional Planning Commission

placed on the undeveloped lands within the subdivision.

The conservation lands may be owned by one or more landowners in the subdivision, the original property owner/developer, a designated association, the local municipality, or a land conservancy organization. In addition to preserving sensitive land areas, developers may also benefit because these designs usually reduce the costs of site development and can potentially increase the market price of individual plots in comparison with traditional subdivisions.<sup>4,5</sup> Additionally, designs that take a holistic view of ecology, aesthetics, and a sense of community can assuage concerns over density. It should be noted, however, that this type of development is best suited for areas where multi-lot subdivisions are common and may not be as applicable to communities that typically see residential development on a site-by-site basis.

The design intent of this type of development is that the protected open space, farmland, or natural resource serves as the starting point for design – lots and buildings are located in ways to preserve and protect these features. While this design technique does preserve land, it does not necessarily mitigate the conflicts inherent in locating residential housing in close proximity to active agricultural operations. As such, conservation design should also incorporate elements such as landscaping buffers that can provide separation between different land use types. Conservation design promoted within and adjacent to agricultural areas should be used in conjunction with a Right-to-Farm law that provides a mechanism for resolving disputes between neighboring land uses.

If a municipality chooses to allow conservation development, standards for clustering should be explicitly spelled out in the local law, including under what circumstances this type of development is to be used, the amount of agriculture or open space that is to be preserved, how lots and buildings are to be located within the development, and other specific design standards. One method for ensuring that conservation subdivision design is used within a given zoning district is to allow this type of development by right, while, in turn, making conventional subdivision design go through the special use permit process. The purpose of this is to ensure that permitting conservation developments is no more time consuming or risky than the traditional subdivision permitting process.

It is also important for communities to recognize that not all suburban cluster concepts are readily transferrable to more rural locations. For example, while many suburban cluster ordinances focus on natural resource and open space protection, they are not necessarily compatible with ensuring the continued viability of agriculture. One concept effective for preserving active and operational farmlands is the *Rural Conservation Design* concept, which is discussed below.

### ***Rural Conservation Design***

One of the major impediments to implementing conservation subdivision design is the concern that such developments will be too dense and will not allow for typical rural household activities. By allowing larger lot sizes (e.g., one-plus acre lots, as opposed to the half-acre lots for typical conservation subdivision designs), *Rural Conservation Design* (RCD) provides the privacy, seclusion, and access to open space that are normally expected in rural areas while also preserving and protecting agriculture and open space. The following general guidelines have been developed to ensure that these two competing interests are not mutually exclusive in any given development:<sup>6</sup>

<sup>4</sup> *The Economics of Conservation Subdivisions: Price premiums, Improvement Costs, and Absorption Rates*. Rayman Mohamed. Urban Affairs Review, Vol. 41, No. 3, January 2006 [http://www.landchoices.org/conservationsubs/consubs\\_pdfs/consubs\\_economics1.pdf](http://www.landchoices.org/conservationsubs/consubs_pdfs/consubs_economics1.pdf)

<sup>5</sup> *Cluster Development: Balancing the Need for Continued Development without Sacrificing Open Space*. Patricia A. Collins. Virginia Land Title Association's Examiner. 2001 [http://www.lawmh.com/publications/pac\\_cluster\\_article.htm](http://www.lawmh.com/publications/pac_cluster_article.htm)

<sup>6</sup> *Rural Cluster Zoning: Survey and Guidelines*. Gary Pivo, Robert Small, and Charles R. Wolfe. [www.u.arizona.edu/~gpivo/Rural%20Cluster%20Guidelines.pdf](http://www.u.arizona.edu/~gpivo/Rural%20Cluster%20Guidelines.pdf)



**Figure C 3.10B: Conservation Subdivision**

An example of a conservation subdivision, which was designed to preserve 170 acres of working farmland.

1. *Rural Conservation Design (RCD)* is most suitable for transition areas between fully agricultural landscapes and suburban landscapes where it can preserve small-scale farming while also providing housing opportunities, as well as in areas where agricultural preservation is important.

To ensure the continued viability of farming, communities should not encourage residential development of any type in areas designated for large-scale agricultural production. As such, RCD should be used in areas located between already urbanized/suburbanized areas and resource production areas. By doing this, RCD preserves large-scale farmland, still allows for smaller-scale agricultural enterprises, and provides opportunities for rural living. While this pattern of rural living, as illustrated in Figure C 3.10, may be different than rural living patterns typical in recent decades, these expectations must be adjusted in order to effectively protect farmland.

2. When using *Rural Conservation Design*, municipalities should establish the appropriate standards to ensure that projects are large enough to preserve viable farmland areas or open space.

Often times, when communities allow development in rural areas, said development results in viable agricultural lands being subdivided to the point where they are no longer viable. If the goal of using RCD is to preserve agriculture and other open space activities, municipalities must develop standards to ensure their protection. These standards should address critical characteristics such as soil types, parcel shape and location, land area, drainage features, slope, access to protected areas, and separation from nearby residential areas.

While many municipalities set a minimum standard for the amount of open space that must be provided as a percentage of the site area, this does not necessarily account for the minimum size required for viability, resulting in open spaces that are too small for their intended use. A more appropriate method is the use of performance standards, such as the median regional farm size or the minimum viable economic unit for agriculture in the region. Once this performance standard has been identified, the minimum project size can then be determined. For example, if a viable agricultural operation requires 20 acres of land and 40 percent of a proposed RCD development must be set aside for agriculture or open space, then the minimum project size should be 50 acres.

3. To ensure that developments using *Rural Conservation Design* fit into the rural character of the surrounding community and do not interrupt the continuity of existing and planned agricultural and open space, the residential portions of these developments should be carefully located and the number of home sites should be limited.

As noted above, RCD is most suitable for transition areas between fully agricultural landscapes and suburban landscapes to reduce the impact to large scale farming activities. This does not imply, however, that careful site planning is not required to further reduce the impact of residential development on agriculture. Once a project site has been selected, a pattern of residential cluster areas should be established that respects the natural features and rural character of the site. When locating clusters within a site, developers should use buffers to screen dwelling units from off-site vantage

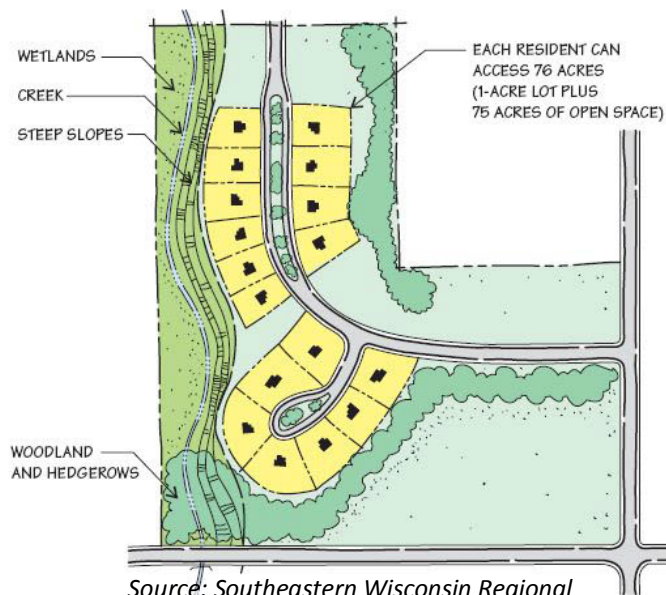
points, locate home sites away from existing agricultural uses and environmentally sensitive areas, and place dwellings upwind of land uses that create dust, noise, smoke, spray drift, odors, or other similar problems. When developments contain more than one cluster area, they should be visually and physically separated from one another and from roadways by open space buffers.

The number of units within each cluster can also affect how well the overall development fits into a given rural community. In many rural areas, it is not uncommon for traditional farms to group five or six buildings together around a central farmyard or for farmhouses and homesteads to be clustered together around a major crossroads. As such, the number of home sites within each cluster should be limited to four to eight so as to not conflict with normal expectations for rural development patterns.

4. When using *Rural Conservation Design*, lot dimensions, building heights, and setbacks should be compatible with rural character and provide the privacy, seclusion, and access to open space that are normally expected in rural areas.

To overcome the perception that conservation subdivision design will be too dense and will not allow for typical rural household activities, site planners and land use decision makers should honor the expectations of families moving to a rural area and provide the private open spaces or lots to meet rural needs (e.g., keeping horses, small-scale farming). Most of these activities, however, do not require home sites on the order of five or ten acres and can generally be accommodated on parcels ranging from 0.5 to 1.5 acres in size.

**Figure C 3.10C: Rural Conservation Design**



On individual sites within a cluster, buildings should be set back as far as is reasonable from neighboring lots to increase privacy and seclusion. Additionally, by allowing for varying front yard setbacks within a cluster, communities can avoid creating the visual “sameness” typically associated with traditional suburban developments. Finally, each lot within a cluster should provide the maximum possible rear frontage to the site’s preserved areas.

The current subdivision regulations (Article 18 of the zoning ordinance) allows for the use of cluster development design to encourage...

*...flexibility of design and development of land in such a manner as to promote the most appropriate use of land, to facilitate the adequate and economic use of streets and utilities, and to preserve the natural and scenic qualities of open lands.*

The use of this tool, however, is currently limited to applicants that request the Planning Board to modify applicable provisions of the Town zoning ordinance so that clustering is allowed. Cluster development design is not required anywhere in the Town of Ulysses.

### C-3.11 Zoning Techniques

#### 1. Large-Lot Zoning

One of the most commonly used tools to preserve rural landscapes in communities across the country is that of increased minimum lot sizes. Unfortunately, many municipalities allow construction of houses on lots of one to five acres within their agricultural/residential zones, which can actually hasten the decline of agriculture by allowing residential development to consume far more land than necessary.<sup>7</sup>

To reduce development pressure in rural communities and preserve viable agricultural operations, the American Farmland Trust recommends that zoning ordinances allow no more than one house for every 20 acres, that they support agricultural land uses and significantly restrict non-farming land uses within agricultural districts. In areas where land is less expensive, much larger minimum lot sizes may be required to preserve the agricultural land base.

The minimum lot size within the *A1 Agricultural District* in the Town of Ulysses, which covers approximately 67 percent of all agricultural lands within the Town, is two acres. Although the *A2 Special Agricultural District* prohibits lot sizes less than 25 acres, this district is limited in its scope as it only applies to the Trumansburg Fairgrounds.

#### 2. Density-based Zoning

Density-based zoning is an alternative to the minimum lot size approach and is effective because it limits how many times a parent parcel can be subdivided. This tool assigns a total permissible number of residential units that may be built on any given parcel of land according to a series of pre-determined thresholds set forth by the community. The number of allowed residential units is calculated according to the size of each parcel at one specified effective date and is not determined according to any minimum lot size. For example, the Town of Seneca, NY established the following density criteria for parcels located within its Agricultural Zoning District:

- A single subdivided lot is allowed on parent parcels that are between 5 and 100 acres in total size;

<sup>7</sup> Fact Sheet: Agricultural Protection Zoning. American Farmland Trust. [http://www.farmlandinfo.org/documents/29478/FS\\_APZ\\_9-98.pdf](http://www.farmlandinfo.org/documents/29478/FS_APZ_9-98.pdf)



- Up to 2 subdivided lots are allowed on parent parcels that are more than 100 acres and up to 150 acres in total size;
- Up to 3 subdivided lots are allowed on parent parcels that are more than 150 acres and up to 200 acres in total size; and
- Parent parcels that are greater than 200 acres in size are allowed 1 subdivided lot per 50 acres.

This land preservation tool is very similar to the conservation or cluster development design tool discussed in section A-3.10.

### **3. Fixed Area Ratio Zoning**

This type of zoning allows residential lots according to a density standard. For instance, the fixed area ratio could be one house allowed per 20 acres of the parent parcel, but the house would have to be on a lot of no more than two acres. So if a landowner owned 100 acres, the landowner could subdivide five lots of two acres each or a total of 10 acres and would still have 90 acres remaining for the farming operation. A permanent conservation easement is often required for the remaining farmland. The primary difference between this approach and density-based zoning is that it provides a maximum lot size, such as two acres. Also, the density-based approach identifies a range of lot sizes associated with a given number of allowable subdivided parcels rather than a ratio approach.

A density-based or fixed-area ratio approach should be accompanied by a mechanism for tracking subdivisions over time. This is necessary to ensure that parcels that have already reached their maximum number of subdivisions are not further developed.

### **4. Agricultural-Related Uses**

Many farmers operate farm-related businesses that add income to the overall farm operation. Examples include: farm stands, wine-tasting rooms, woodworking shops, metal shops, bed-and-breakfast inns, etc. In most cases, a special use permit may be needed to ensure that the farm-related business does not come to dominate the agricultural uses on the property.

### **5. Agricultural Zoning Overlay District**

In addition to typical zoning districts, many communities use overlay zones to provide additional protection to natural or cultural features they value (e.g., historic districts, steep slopes, agricultural areas, watersheds, downtown residential enclaves) or to guide development within a specified area. Overlay zoning is a regulatory tool employed by municipalities that creates a special zoning district on top of already existing zoning districts and identifies special provisions in addition to those of the underlying districts. Specific to farmland protection, the purpose of agricultural overlay districts is to promote agricultural land uses, protect prime soils and other soils of local importance, and prevent non-agricultural land uses from negatively impacting agriculture as the primary land use.

### **6. Incentive Zoning**

Incentive zoning is a reward-based system designed to encourage development that is in accordance with the vision a community has identified for itself. The first step is to establish a base level of prescriptive limitations on development and an extensive list of incentive criteria or elements for developers to adopt (or not) at their discretion. To encourage developers to incorporate these elements, a reward scale is developed that allows projects to exceed the base level of prescriptive limitations identified for a given zoning district. Examples of criteria or elements that communities incentivize include the provision of affordable housing, open space protection, public art, or cash in lieu of these benefits. For agreeing to incorporate these elements, developers are often granted such benefits as increases in the allowable

density, floor-area-ratio bonuses, reduced parking area requirements, or increased building height allowances.

Incentive zoning allows for a high degree of flexibility, but it can also be complicated to administer. The more a particular development takes advantage of the incentive program by providing the necessary elements (e.g., open space, affordable housing), the more carefully it has to be reviewed. Additionally, creating an incentive structure that maintains a balance between the incentives provided to developers and the benefits gained by the community can be challenging and often requires frequent evaluation and revision. Finally, the extent to which incentive zoning truly provides an incentive depends on both the level of local demand for a given bonus (e.g., density) and the degree to which variances are approved in the community (i.e., developers do not need an incentive if they can more easily apply for and receive a variance).

## Appendix D Town of Ulysses Zoning Law Reviews

The following are two reviews of the Town's current (2007) Zoning Law which pertain to agriculture and farmland use and protection: Appendix D1 by the Agriculture and Farmland Protection Committee, and Appendix D2 by Bergmann Associates, a planning firm. These recommendations are not necessarily consistent with the goals and strategies of this Plan but can be considered along with analyses by Town staff and other professionals, and in conjunction with the visions, goals and recommendations of this Plan and a variety of strategies for enhancing farming and farmland protection (including but not limited to those presented in Appendix C) as the Town Board undertakes future revisions to the Zoning Law.

### D-1 Agriculture and Farmland Protection Committee Analysis of Current Zoning

The Agriculture and Farmland Protection Plan Committee reviewed the Town of Ulysses' Zoning Law to identify whether the provision has a positive, neutral or negative effect on Agriculture. The following table summarizes their comments.

Section	Issue	Recommendation
Article I: Purpose, I.1 (page 2)	Does not focus enough on the contribution of agriculture on the economy and character of the Town	At the end of the sentence on line 3, add "Furthermore, this zoning is designed to preserve the existing agricultural operations that flourish on our town-wide excellent soils and to promote the establishment of new agricultural enterprises to assure the continuation of the rural nature of the town.
Article III: Administration, 3.3 (page 10)	As allowed by Town Law, Section 271.11, the Town of Ulysses has established as policy the position of "Agricultural Member" on the Town Planning Board, but this is not specified here	Add at the end of paragraph 3: "One member of the Planning Board whose land meets the minimum requirements for agricultural assessment in the NYS Agriculture District 2 will be designated as the Agricultural Representative to that body.
Article IV: Definitions "zoning district" (page 33)	Since most of the Town is in NYS Agricultural District 2, this creates some confusion when referring to the Town's "zones"	Change the current entry "zoning district" to "zone" and follow with the existing definition.
"farm market" (page 24)	Such businesses are not defined in the current zoning	Add in the appropriate alphabetical position the following definition: "A farmer-operated marketing enterprise conducted either on or off farm that may involve a permanent retail building from which year around sales of locally grown plant or animal products takes place."
"farm roadside stand" (page 24)	Not defined in current zoning or specifically permitted in any zones	Add in the appropriate alphabetical position the following definition: "A seasonal, temporary, structure located either on or off the farm from which locally grown plant or animal products are sold." AND list as a permitted use in all Zones where agriculture is "permitted."
"agriculture operation," "agricultural commerce," "roadside stand"	Definitions need to be consistent and complete.	"Agriculture operation" needs to be consistent throughout the Zoning Law. "Agricultural commerce" not is complete enough. "Roadside stand" is not defined as agriculture and specifies it must be tied to an active farm
"temporary buildings"	Definition does not include some agricultural uses.	Temporary buildings should include hoophouses/high tunnel greenhouses.

Section	Issue	Recommendation
New definitions needed.	Some terms and definitions should be added to the definitions section.	Add definitions for the following: compost, wind farms, Community Supported Agriculture (CSA) distribution, biomass production for energy, u-pick, beekeeping, greenhouse high tunnels (hoophouses), agritourism, hobby farm
All Zones Where Agriculture is “Permitted Use” (Articles V, VII, and VIII)	Farm markets should be allowed in all zones where agriculture is a “Permitted Use”	Add to “Permitted Use” sections in Article V, VII, and VIII the following: “Farm Markets”
All Zones That Allow Retail Sales (Article XIII and XIV)	Zones that allow retail sales should allow Farm Markets as a “Permitted Use”	Add to “Permitted Use” sections of Articles XIII and XIV “Farm Markets”
Article V, A1- Agriculture Zone, 5.2 (page 35)	Although a “right to farm” statement is here, the document should also state that development activity requires the Town to use the NYS “Agriculture Data Statement” in the prescribed manner.	At the end of 5.2 Right to Farm, add the following statement: “Whenever the Town receives a request for the initiation of an action on land that lies within NYS Agriculture District 2 or within 500 feet of Agriculture District 2 the NYS “Agriculture Data Statement” will be employed in the prescribed manner.”
Article V, VII and VIII, 5.3, 7.2 and 8.2	In the “Permitted Uses” sections of these articles there is no mention of “Agricultural Commerce” as defined on page 20, although Agriculture is allowed	To the list of “Permitted Uses” in each of these articles add the following: “Agricultural Commerce” (as defined in Article IV: Definitions, page 20)
Article V: A1 Zone, 5.6, “Agricultural Commerce” (page 36)	Requiring both a “Special Permit” and “Site Plan Review” when constructing a building or expanding a building for agricultural commerce is time consuming and involves unnecessary expense.	Remove the “Agricultural Commerce” reference in 5.6 and move it to 5.5, Uses Allowed by Site Plan Review. Add detailed design standards pertaining to such facilities if permitted only by SPR.
Article V: A1 Zone, 5.6, “animal processing structures” (page 37)	Requiring a “Special Permit” from the Town Board has resulted in recent past practice of also conducting a “site plan review.”	Remove the “Animal Processing” reference in 5.6 and move it to 5.5, Uses Allowed by Site Plan Review. Add detailed design standards of such facilities if permitted only by SPR.
Article V, after 5.7 (page 57)	Streams leading to Cayuga Lake should not carry polluting material or sediment in their downstream flow.	Add: “No buildings, other structures, or parking areas shall be located within 50 feet of a stream or wetland.”
Article V, 5.7, Lot Area and Yard Requirements (page 37)	The smaller the minimum lot size required, the less acreage is removed from agricultural activity.	Allow lots size to be reduced from 2 acre to 1 acre if compliant with health department requirements for well and septic, and as part of cluster, conservation, or other variable lot size zoning techniques.
Article V, 5.3, Permitted Uses (page 35)	Section allows “Flag Lots” and same acreage requirements are in place; so same arguments can be made relative to consuming farmland as the above	Reduce the size of the lot required with considerations as above using same language.
Article VI, A2 Special Agriculture District (Fair Grounds) (page 39)	As a historic “Fairground”, that use should be given top billing.	In Section 6.2: “Permitted Uses-rearrange the order of permitted uses to place “Fairs and agricultural, horticultural, and animal husbandry displays, exhibitions, and competitions.” first in the list.
Article V, 5.3, Permitted Uses – Farm Labor Housing (page 35)	Allows for Farm Labor Housing as regulated by the NYS Uniform Code. Sets requirement of “simplified” Site Plan Review if more than two units are to be sited. There is no “simplified” Site Plan Review in the Zoning Law. Sets the requirement that “these residences shall be	Retain only the first sentence: “Farm Labor Housing as regulated by the NYS Uniform Code.”

Section	Issue	Recommendation
	located on the same farm operation where other farm operation where other farm structures are located.” Not clear as to intent. Worker housing near barns? Worker housing on the same farm where housed are employed?	
Articles VII and VIII, R1 and R2 Zones	Agriculture is a “Permitted Use” in both of these zones. The “Right to Farm” statement should be there.	Add the same “Right to Farm” statement that is used in the A1Zone.
Article VII, R1	Permitted accessory uses	Consider adding non-commercial garden and home nursery to R-1 as per R-2.
Article VII, R1 – Rural Residence Zone, 7.6, Lot Areas and Yard Requirement (page 41)	Same argument as applies to A1. (Article V)	Consider alternative lot sizes ranging from 1 acre and larger depending on the property conditions.
Article XIII, B1 – Business District, 13.3, Permitted Uses (page 59)	Currently the Business District(s) are scattered throughout the town and are the sites of specific businesses. Should a business go defunct and the property become available for another business; then we should add “Farm Market” to the list of “Permitted Uses.”	Add “Farm Market” to the list of “Permitted Uses”... assuming it is defined in Article IV: Definitions. Consider if farm retail outlets such as wineries, produce stores should be mentioned specifically.
Article XIV, IL – Light Industry Zone, 14.2, Permitted Uses (page 63)	“Agricultural commerce” is listed as a “Permitted Use”, but “Agriculture” is not. Agricultural Commerce by definition takes place on farms, so Agriculture should also be a “Permitted Use.”	Add “Agriculture” to the list of “Permitted Uses.”
Article XV – PR- Park/Recreational District	“Agriculture” is listed as a permitted use; perhaps this should be further defined to specify Agricultural or Farm-based and Environmental Education (e.g. Cayuga Nature Center), not to include agriculture in general.	Consider “types” of agriculture to permit in this district.
Article XVI – Development Zones (page 69 +)	Questions were raised. Such as, why continue a specific Development Zone on paper when it is not functioning as specified in reality? It was also noted that some of the structures in existing Development Districts involve converted barns and farm houses that maintain the rural characteristics of the town.	
Section 17.3, Standards for Parking in All Zones (page 82)	Farm Markets should be listed here (perhaps they are covered by “retail store” but we think they are special) so list them and apply same parking requirements as for a retail store.	List “Farm Market” here; make parking requirement “1space/200 square feet of gross floor area.”
Standards for Signs (page 84+)	None. There are no obvious prohibitions or limitations on signage a farm would want to employ.	
Section 17.7, Standards for Outdoor Lighting (page 88)	None. Standards there would pertain to the “farmstead”, but not the barnyard/building area.	
Standards for Animals in Residential Areas (page 92)	None. Standards there are for the non-farmer. Animals on a farm would be governed by Ag and Markets.	
Section 3.2.2(7), Application for Special Permits (page 9)	Development activities should not impair drainage from fields up-grade from the parcel to be developed by destroying drainage tile or pipe in the parcel proposed for development	Add to (f) so it will read “size, location, and direction of flow of all streams, drainage ways, and underground agricultural drain tiles and pipe.”
Section 3.4, Site Plan Review (page 13)	Development activities should not impair drainage from fields up-grade from the parcel to be developed by destroying drainage tile or pipe in the parcel proposed for development.	In Section 3.4.4 Site Plan Information Required: add to 2. g. so it will read “g. Location of all existing streams, drainage ways, water bodies, wetlands and underground agricultural drain tile and

Section	Issue	Recommendation
		piping.

## D-2 Bergman Analysis of Zoning and Recommendations

The Town of Ulysses hired Bergmann Associates in June 2010 to prepare a Zoning Analysis for the community to ensure that the Town Zoning Law is addressing local needs and providing consistency with the Town *Comprehensive Plan* adopted in 2009. In addition to reviewing the existing Zoning Law, Bergmann Associates also met with members of the Ulysses Town Board, Planning Board, Code Enforcement Officer, Comprehensive Plan Committee, and other individuals who utilize the existing code on a regular basis. The resulting document, Zoning Analysis for the Town of Ulysses, New York (2010) outlined elements of the Town Zoning Law that are working well today, areas of the Town Zoning Law which are not working well, and identified noticeable gaps in the existing Zoning Law. The following excerpt from the Analysis (Section 2, pages 20-22) relates particularly to the current Agriculture Zones (A1, A2) and the Agricultural Priority Area proposed in the 2009 *Comprehensive Plan*.

### Summary of Future Land Use Plan

The Future Land Use Plan developed for the Town of Ulysses as part of the 2009 *Comprehensive Plan* Update was to provide a visual representation of the community's desired land use pattern. As recognized in the adopted *Comprehensive Plan*, the Future Land Use Plan is intended to serve as the basis for the Town to update their Zoning Law. The *Comprehensive Plan* also notes that the refinement of the land use edges, as well as the identification of specific land use categories and permitted uses, is truly a function of future Zoning Law update. The Future Land Use Plan identifies nine (9) land use categories. Specific recommendations associated with each Future Land Use category and how it relates or impacts potential future Zoning Law and district edits are summarized below.

### Agricultural Priority Area

The purpose of this future land use category is to protect and prioritize agricultural land uses over other types of development, while continuing to enable context sensitive residential development. Land uses consistent with the purpose of this district include:

- Agriculture and farming;
- Open space / conservation; and
- Limited residential development.

The Town of Ulysses is currently in the process of developing a Farmland Protection Plan. As part of this effort, land use strategies for preserving and protecting agricultural lands within the Town are being developed. These findings should be reviewed and incorporated, as deemed appropriate, during a zoning update.

### Current Zoning within Land Use Area

The Future Land Use Plan identifies Agricultural Priority Area future land uses throughout much of the western portion of the Town of Ulysses, covering the majority of the town (63.8%).

- Currently there are eleven zoning districts that are present within this future land use category. The largest of these zoning districts include the existing Agricultural District (62.9 percent), the Rural Residential District (26.0 percent) and the Moderate Density Residential District (8.4 percent). All remaining districts comprise less than 2.7 percent of the total land area for this future land use category (387 acres), which would be impacted by new regulations pertaining to



agricultural protection.

- The primary zoning designations within this future land use category all currently permit agricultural uses, single family residential development, and two family residential development.
- Existing minimum lot sizes range from 0.73 acre (with utilities) to 2 acres. Minimum lot size requirements are generally too small to ensure the protection of agricultural uses.

#### Zoning Recommendations for Agricultural Priority Area

The existing Agricultural Zoning District is fairly consistent with the intent of the proposed Agricultural Priority Land Use Area, although the geographic extent of agricultural lands is expanded and lot sizes requirements are noted as being too small. The following updates are recommended to be incorporated into the Town of Ulysses Zoning Law with respect to future modifications to the Agricultural District:

- The purpose and intent statement for this district should be updated to reflect the desired land development within these areas as primarily agricultural and to ensure compatibility with the *Comprehensive Plan*.
- Bulk and use standards should be reviewed to ensure compatibility with the intent of the proposed Agricultural Priority future land use area. Generally, a 2 acre minimum lot size does not reflect a land use pattern where agricultural and related uses are the priority, desired land use. This minimum lot size would continue to allow for the subdivision of large parcels for roadside, scattered residential development. This type of development pattern can impact community character, natural resources, scenic viewsheds, and the future of agricultural enterprises in the Town.
- As noted above Bulk and Use standards should be reviewed and made more stringent for residential development, to discourage roadside residential development and to preserve prime agricultural lands.
- Shared driveway requirements should be incorporated to encourage shared access and preservation of farmland, as recommended in the farmland protection plan.
- Require applicants to identify and locate critical farmlands or prime agricultural soils in relation to their project during the application process.
- Consider density-based zoning for the Agricultural district to limit the total permissible number of residential units that may be built on any given parcel of land according to predetermined thresholds. Diagrams illustrating these regulations should be incorporated within the document.
- Identify incentives for cluster subdivisions. Cluster subdivisions are a method of permitting developers to create compact clusters of smaller lots. Property owners could be awarded development incentives for preserving lands in perpetuity for agricultural use, natural resource protection, or community character purposes.
- The Zoning Map should be modified to reflect the boundaries of the future land use Agricultural Priority Area. This includes extending the boundaries of the existing Agricultural area to reflect areas the community identified as important agricultural lands during the Comprehensive Planning Process.

- The Town should consider other incentives for farmland preservation, as being discussed in the Farmland Protection Plan and practiced in other rural communities in New York State. The Town of Seneca, for example, establishes a maximum density for subdivided lots in the agricultural district.

## Appendix E Resources

Arendt, Randall G. *Rural by Design: Maintaining Small Town Character*. Chicago, IL: APA Planners Press, 1994.

Cornell Small Farms Program. *2012 Recommendations for Strategic Investments in New York's Small Farms*. 2012. [available here: <http://smallfarms.cornell.edu/files/2012/03/SummitReport12.17.12-1pz8dd0.pdf>]

Daniels, Tom and Katherine Daniels. *Environmental Planning Handbook: For Sustainable Communities and Regions*. Chicago, IL: American Planning Association, 2003.

Haight, David and Diane Held. *Planning for Agriculture in New York: A Toolkit for Towns and Counties*. New York: American Farmland Trust. 2011.

New York State Department of Agriculture and Markets. Guidance Documents. [available here: <http://www.agriculture.ny.gov/ap/agsservices/agdistricts.html>]

New York State Department of State presentation materials: *Farmland Protection and Agricultural Viability*; Regional Conference and Training for Planning and Zoning Board Members, October 25, 2012 at TC3 Dryden Main Campus.

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## *Appendix F      Plan Approvals*

**SEQR for Proposed adoption of the Town of Ulysses Agriculture and Farmland Protection Plan**

WHEREAS, this action is the adoption of the Town of Ulysses Agriculture and Farmland Protection Plan; and

WHEREAS, this is being processed as a Type I action pursuant to the New York State Environmental Quality Review Act (SEQR) 6 NYCRR Part 617, for which the Town of Ulysses Town Board is acting as Lead Agency and the only involved agency in conducting the environmental review with respect to the adoption of the Agriculture and Farmland Protection Plan; and

WHEREAS, the Town Board held a public hearing on January 16, 2013 for review of the Plan; and

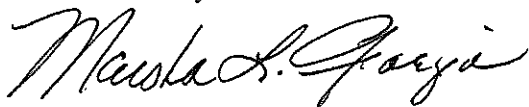
WHEREAS, the Town Board at a public meeting held on February 26, 2013, has reviewed and accepted as adequate the Full Environmental Assessment Form (EAF), Parts I and II, for this action, prepared by the Town Planning staff;

NOW, THEREFORE, be it

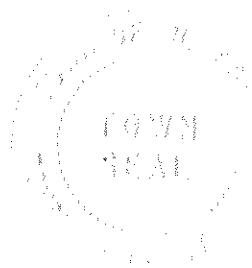
RESOLVED, that the Town of Ulysses Town Board hereby makes a negative determination of environmental significance in accordance with Article 8 of the Environmental Conservation Law and the implementing regulations thereof, for the above referenced action as proposed, based on the information in the EAF Part I and for the reasons set forth in the EAF II and, therefore, a Draft Environmental Impact Statement will not be required.

I hereby certify that the foregoing resolution was adopted at a Special Town Board meeting held February 26, 2013.

Witness my hand and seal of said Town this twenty seven day of February, 2013.



Marsha L. Georgia  
Ulysses Town Clerk



## **Resolution adopting the Town of Ulysses Agriculture and Farmland Protection Plan**

WHEREAS, the Town of Ulysses was awarded funding from NYS Department of Agriculture and Markets to develop a municipal agricultural and farmland protection plan; and

WHEREAS, the Town's Agriculture and Farmland Protection Plan was developed under NYS Agriculture and Markets Law, Article 25-AAA, Section 324-a; and

WHEREAS, the Town Agriculture and Farmland Protection Plan Committee worked with Cornell Cooperative Extension and Bergmann Associates to collect data and prepare a draft Plan; and

WHEREAS, at its meeting on October 23, 2012, the Town Board reviewed and discussed the draft Agriculture and Farmland Protection Plan; and

WHEREAS, at its meeting on December 11, 2012, the Town Board adopted a resolution for a public hearing to be held by the Town of Ulysses on January 16, 2013 at 7:00 PM to hear all interested parties on the draft Agriculture and Farmland Protection Plan; and

WHEREAS, notice of said public hearing was duly advertised in the Ithaca Journal; and

WHEREAS, said public hearing was duly held on January 16, 2013 at the Ulysses Town Hall and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said Plan, or any part thereof; and

WHEREAS, following the close of the public hearing, a written comment period remained open until February 1, 2013; and

WHEREAS, public comments were incorporated into the draft Agriculture and Farmland Protection Plan and discussed at the February 11, 2013 Town Board meeting; and

WHEREAS, pursuant to article 8 of the Environmental Conservation Law and its implementing regulations at 6 NYCRR Part 617 (SEQR) adoption of said Plan is a Type I action for which the Town Board of the Town of Ulysses, acting as lead agency in an environmental review with respect to adoption of the Plan, has on February 26, 2013, made a negative determination of environmental significance, after having reviewed and accepted as adequate a Full Environmental Assessment Form (EAF) Parts I and II prepared by Town staff, for the reasons set forth in the EAF Parts I and II referenced above;

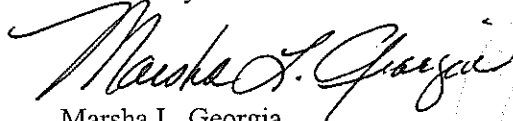
NOW, THEREFORE, be it

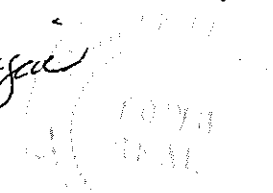
RESOLVED, that the Town Board of the Town of Ulysses hereby adopts said Agriculture and Farmland Protection Plan; and it is further

RESOLVED, that the Agriculture and Farmland Protection Plan will be forwarded to the Tompkins County Agriculture and Farmland Protection Board and the New York State Commissioner of Agriculture and Markets for approval.

I hereby certify that the foregoing resolution was adopted at a Special Town Board meeting held February 26, 2013.

Witness my hand and seal of said Town this twenty seven day of February, 2013.

  
Marsha L. Georgia  
Ulysses Town Clerk



# TOMPKINS COUNTY

## AGRICULTURE & FARMLAND PROTECTION BOARD

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615 Willow Avenue Ithaca, New York 14850  
Telephone (607) 272-2292 Fax (607) 272-7088

March 1, 2013

### **Tompkins County Agriculture and Farmland Protection Board (AFPB) Resolution approving the Town of Ulysses Agriculture and Farmland Protection Plan**

Whereas, the Tompkins County Agriculture and Farmland Protection Board has reviewed the Town of Ulysses Agriculture and Farmland Protection Plan approved by the Town of Ulysses Board,

And whereas, the Ulysses Agriculture Plan includes the following information:

- A goal to establish an Agricultural Advisory Committee to oversee plan implementation and provide input to the Town on matters pertaining to agriculture land in the Town;
- Specific Goals, Actions Steps and Timeline for plan implementation;
- General areas of the Town where agriculture is active and should be protected;
- A thorough review of the Town Zoning Ordinance with recommendations for the Town to consider when updating it Zoning Laws; and
- Many current and potential tools for use in farmland protection are referenced in the plan.

**Therefore be it resolved that, the Tompkins County Agriculture & Farmland Protection board approves the Town of Ulysses Agriculture & Farmland Protection Plan and recommends its final approval by NYS Department of Agriculture & Markets;**

And furthermore, AFBP encourages the Town to appoint the Town Agricultural Advisory Committee as soon as possible to review plan goals and move towards implementation of recommendations;

And furthermore, AFBP encourages the Town Planning and Zoning committees to consider zoning recommendations provided in the plan, as deemed appropriate;

And furthermore, that the Town Agricultural Advisory Committee review the many farmland protection strategies referenced in the plan and begin the process of prioritizing those that are deemed most relevant and useful to the Town's long term goal of protecting agriculture.

Approved without dissent, February 27, 2013  
Tompkins County Agriculture and Farmland Protection Board

#### *AFPB Board Members Present:*

Ed Scheffler, Chair, farmer  
Rachel Crispell, Vice-Chair, farmer  
Bob Mazourek, Agribusiness  
Frank Proto, County Legislature  
Scott Doyle, County Planning  
Irene Kehoe, County Assessment

Craig Schutt, Soil & Water District  
Monika Roth, Cooperative Extension  
Pat Pryor, County Legislature Liaison  
Lin Davidson, Farm Bureau Liaison  
Debbie Teeter, AFBP staff (Cooperative Extension)



# Town of Ulysses

## Agriculture & Farmland Protection Plan

TOMPKINS COUNTY

**Legend**

Agricultural Land Ownership

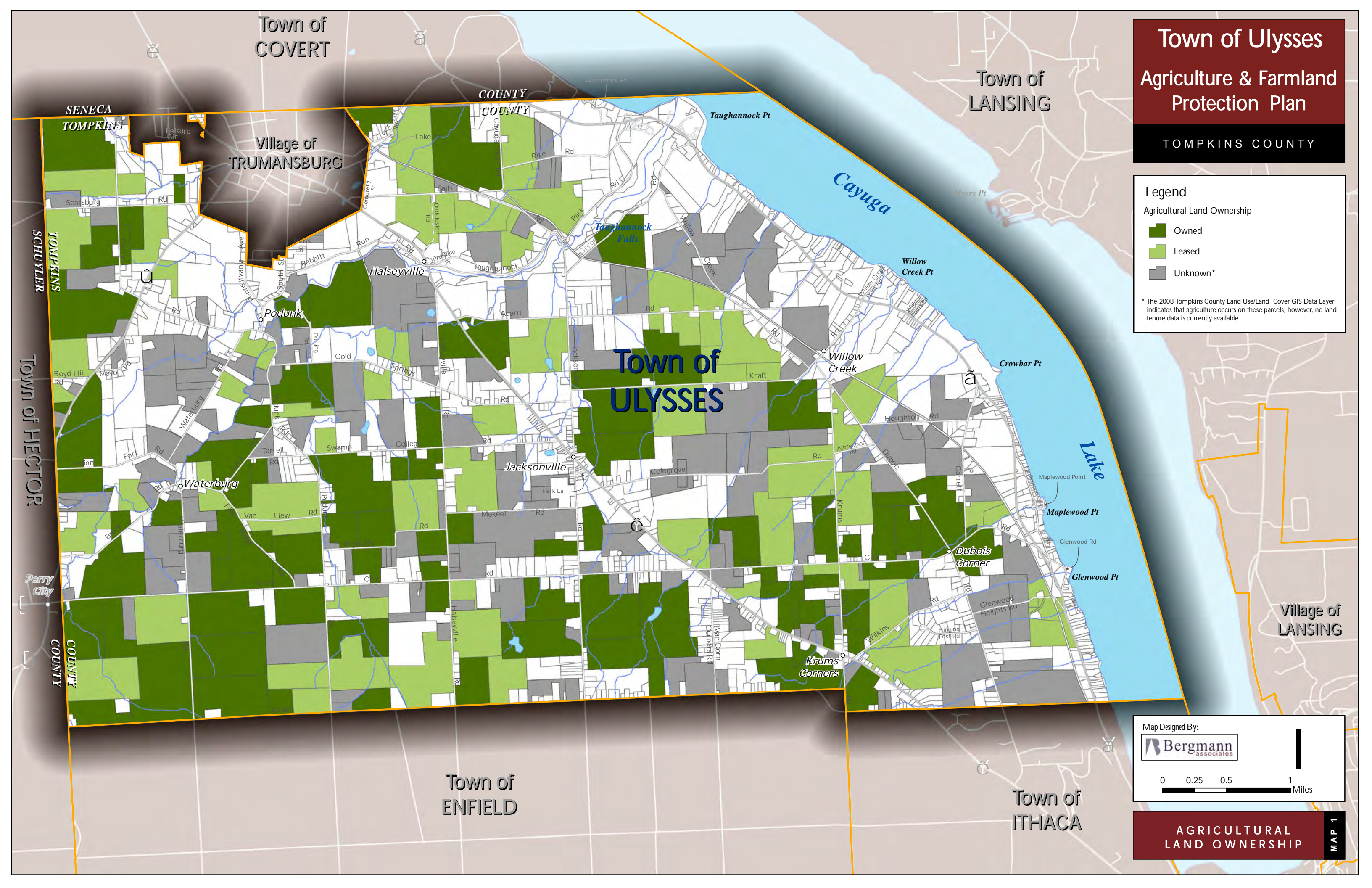
- Owned
- Leased
- Unknown\*

\* The 2008 Tompkins County Land Use/Land Cover GIS Data Layer indicates that agriculture occurs on these parcels; however, no land tenure data is currently available.

Map Designed By:

**Bergmann**  
associates

0 0.25 0.5 1 Miles





# Town of Ulysses

## Agriculture & Farmland Protection Plan

TOMPKINS COUNTY

### Legend

Agricultural Parcel Size\*

- Less than 25 acres
- 25 to 50 acres
- 50 to 100 acres
- Greater than 100 acres

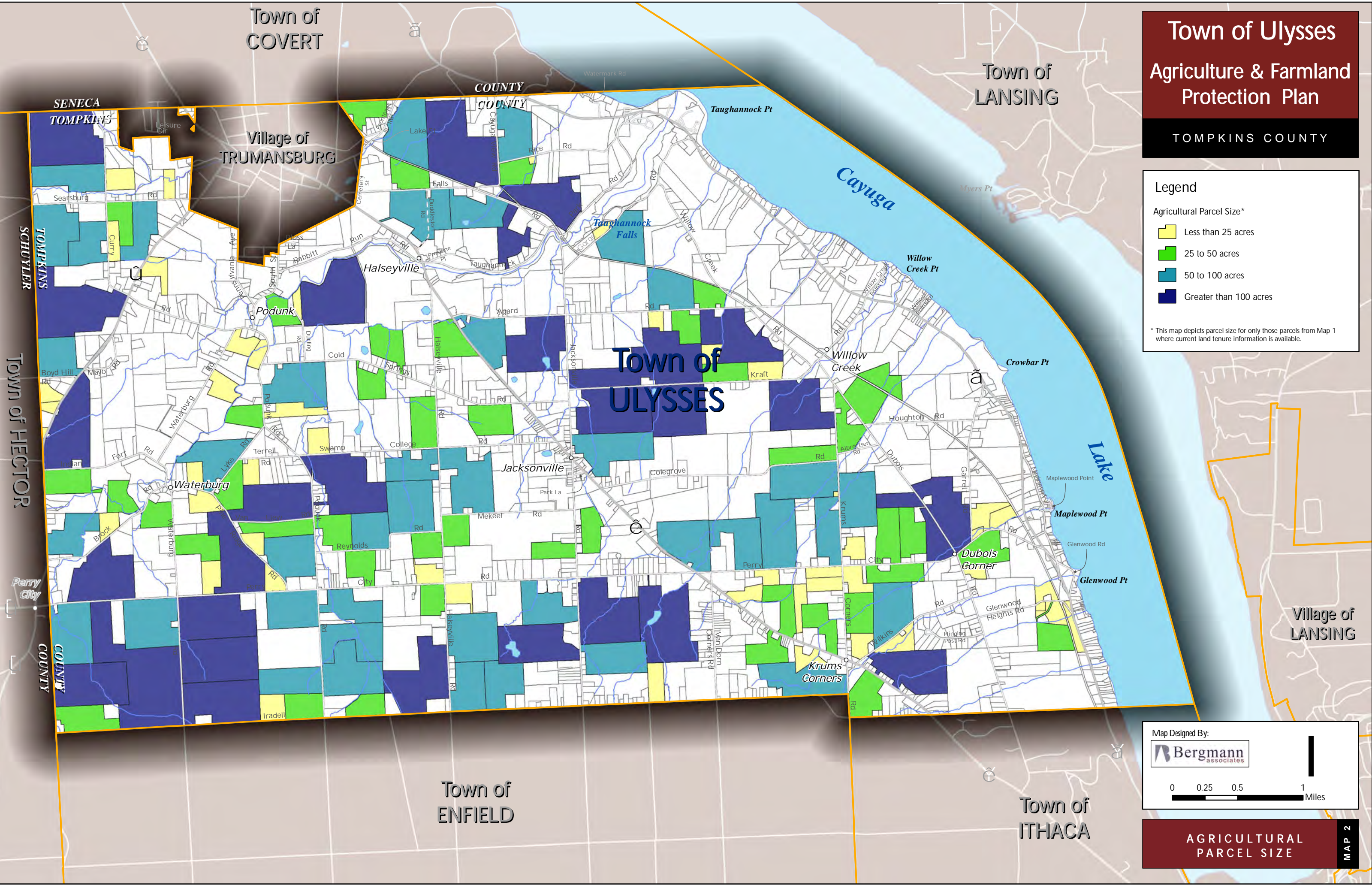
\* This map depicts parcel size for only those parcels from Map 1 where current land tenure information is available.

Map Designed By:  
**Bergmann**  
associates

0 0.25 0.5 1 Miles

AGRICULTURAL  
PARCEL SIZE

MAP 2





# Town of Ulysses

## Agriculture & Farmland Protection Plan

TOMPKINS COUNTY

### Legend


Agricultural Farming Operations\*

- Cropland
- High Intensity Cropland/Horticulture\*\*
- Pasture
- Cattle
- Horse Farm
- Orchards
- Tree Farm
- Inactive
- Other Farms

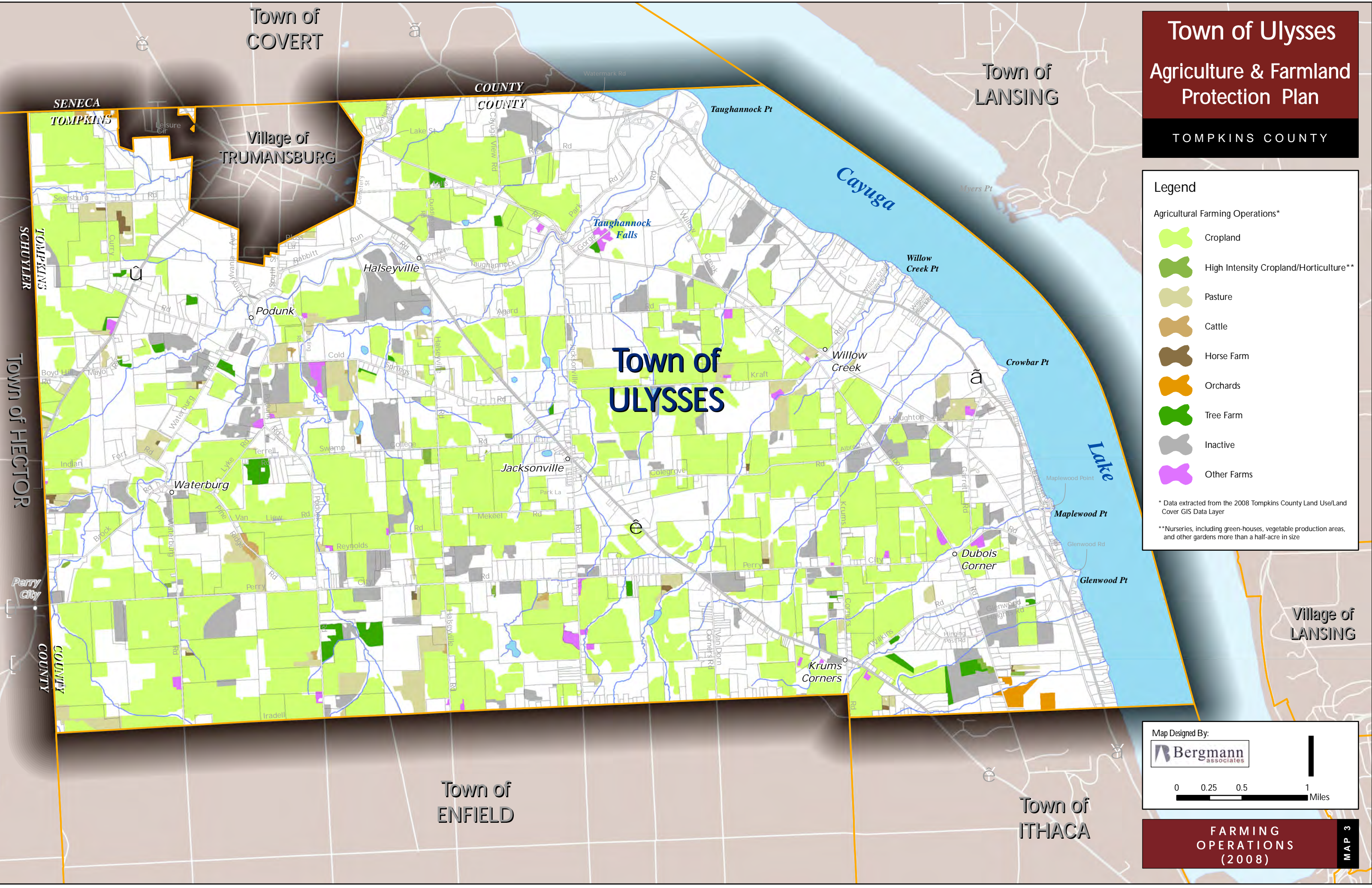
\* Data extracted from the 2008 Tompkins County Land Use/Land Cover GIS Data Layer

\*\*Nurseries, including green-houses, vegetable production areas, and other gardens more than a half-acre in size

Map Designed By:

 Bergmann associates

0 0.25 0.5 1 Miles





# Town of Ulysses

## Agriculture & Farmland Protection Plan

TOMPKINS COUNTY

### Legend

Current Land Use/Land Cover Classification of Lost Agricultural Lands\*

- Commercial and Industrial
- Residential
- Grassland and Brushland
- Forest
- Reservoir, Lake, or Pond

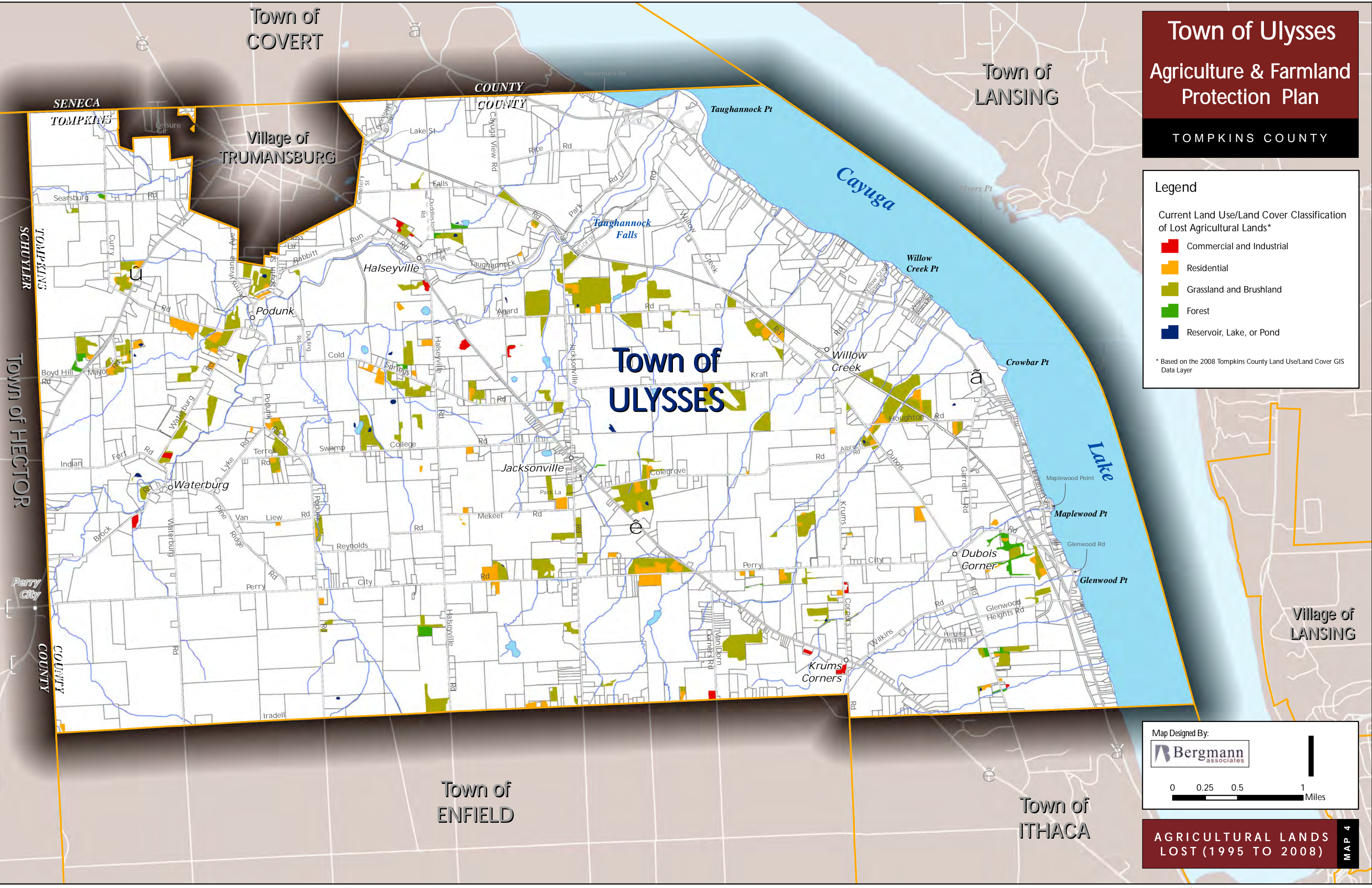
\* Based on the 2008 Tompkins County Land Use/Land Cover GIS Data Layer

Map Designed By:  
**Bergmann**  
associates

0 0.25 0.5 1 Miles

AGRICULTURAL LANDS  
LOST (1995 TO 2008)

MAP 4





# Town of Ulysses

## Agriculture & Farmland Protection Plan

TOMPKINS COUNTY

### Legend

Land Use/Land Cover\*

- Residential
- Commercial
- Industrial
- Outdoor Recreation
- Public/Private/Institutional
- Agriculture
- Grassland and Brushland
- Forest
- Wetland
- Open Water
- Disturbed Land/Bare Rock

\* Data extracted from the 2008 Tompkins County Land Use/Land Cover GIS Data Layer

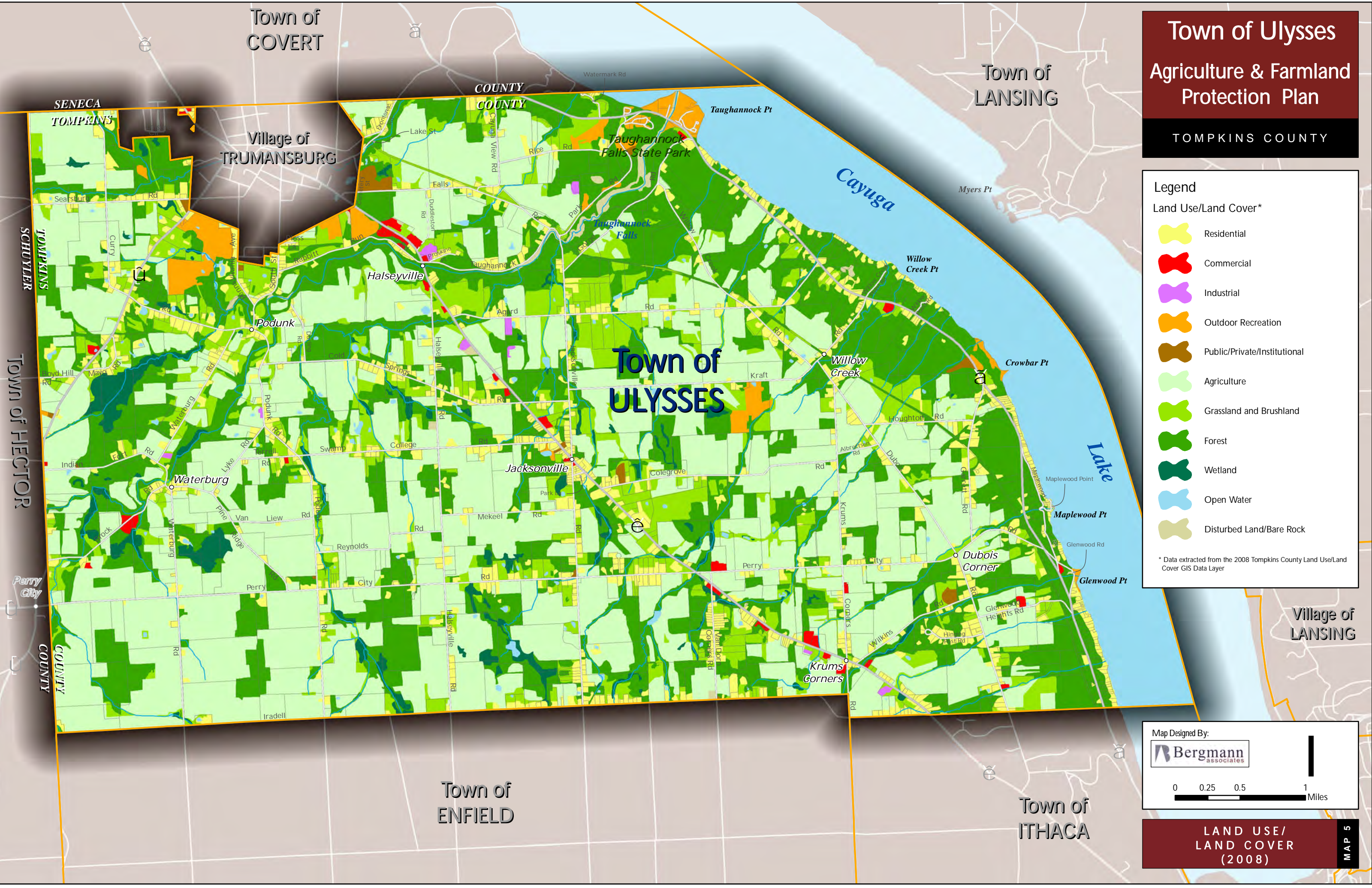
Map Designed By:



0 0.25 0.5 1 Miles

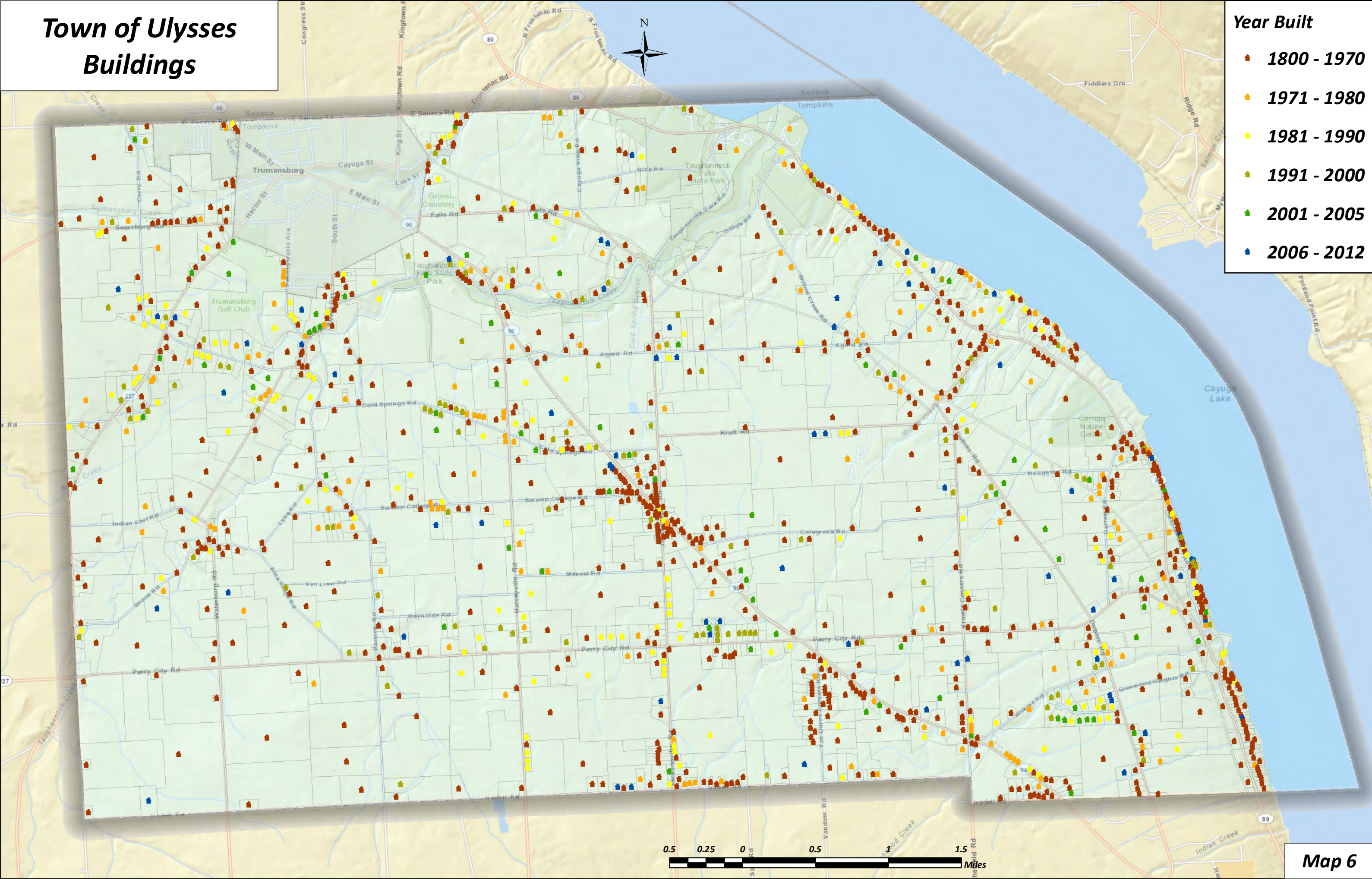
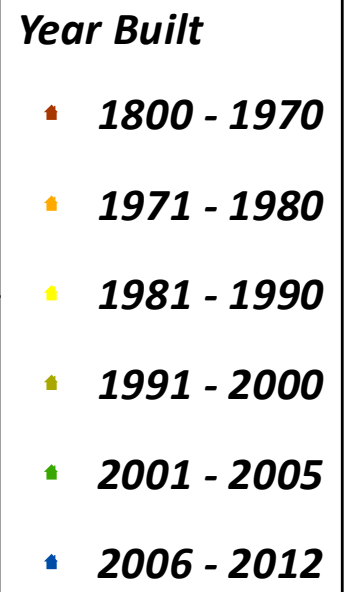
LAND USE/  
LAND COVER  
(2008)

MAP 5





# Town of Ulysses Buildings





# Town of Ulysses

## Agriculture & Farmland Protection Plan

TOMPKINS COUNTY

Legend

State Roads

County Roads

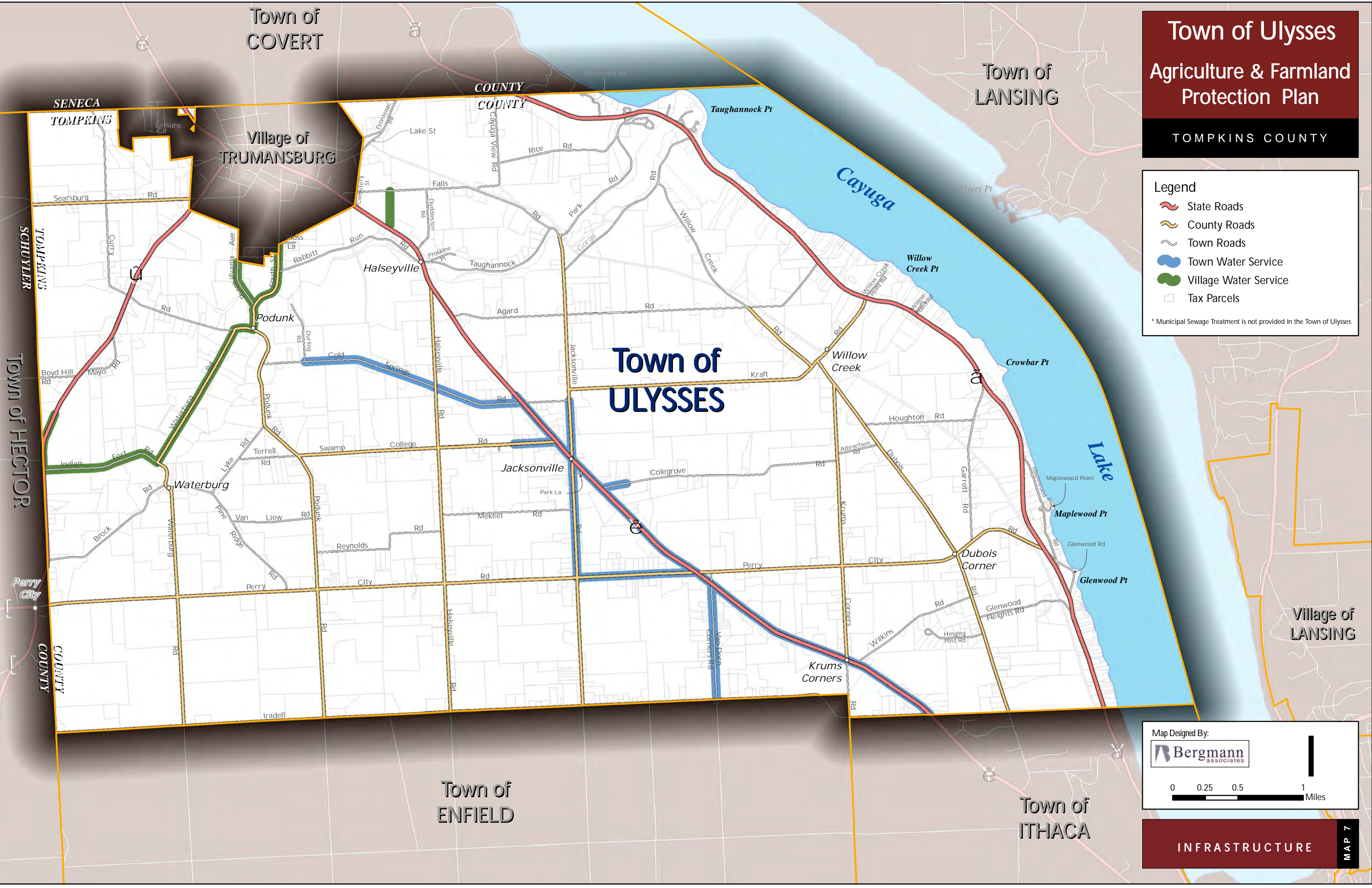
Town Roads

Town Water Service

Village Water Service

Tax Parcels

\* Municipal Sewage Treatment is not provided in the Town of Ulysses



Map Designed By:

00.250.51

Miles



Town of  
COVERT




# Town of Ulysses

## Agriculture & Farmland Protection Plan

TOMPKINS COUNTY

Town of  
LANSING

### Legend

-  Tax Parcels
-  Agricultural Resource Focus Area\*
-  Agricultural District 2

\*As defined in the Tompkins County Comprehensive Plan

# Town of ULYSSES

Village of  
TRUMANSBURG

Village of  
LANSING

Map Designed By:  


0 0.25 0.5 1  
Miles

AGRICULTURAL  
DISTRICTS &  
PRIORITY AREAS

MAP 8

Town of  
ENFIELD

Town of  
ITHACA

SENECA  
TOMPKINS

TOMPKINS  
SCHUYLER

TOWN OF HECTOR

Perry  
City  
COUNTY



# Town of Ulysses

## Agriculture & Farmland Protection Plan

TOMPKINS COUNTY

### Legend

#### Zoning Districts

- A1 - Agricultural
- A2 - Special Agricultural
- R1 - Rural Residence
- R2 - Moderate Density Residence
- RM - Multiple Residence
- MHP - Manufactured Home Park
- H1 - Hamlet
- H2 - Hamlet Residential
- B1 - Business
- IL - Light Industrial
- PR - Park/Recreation
- DD - Development District

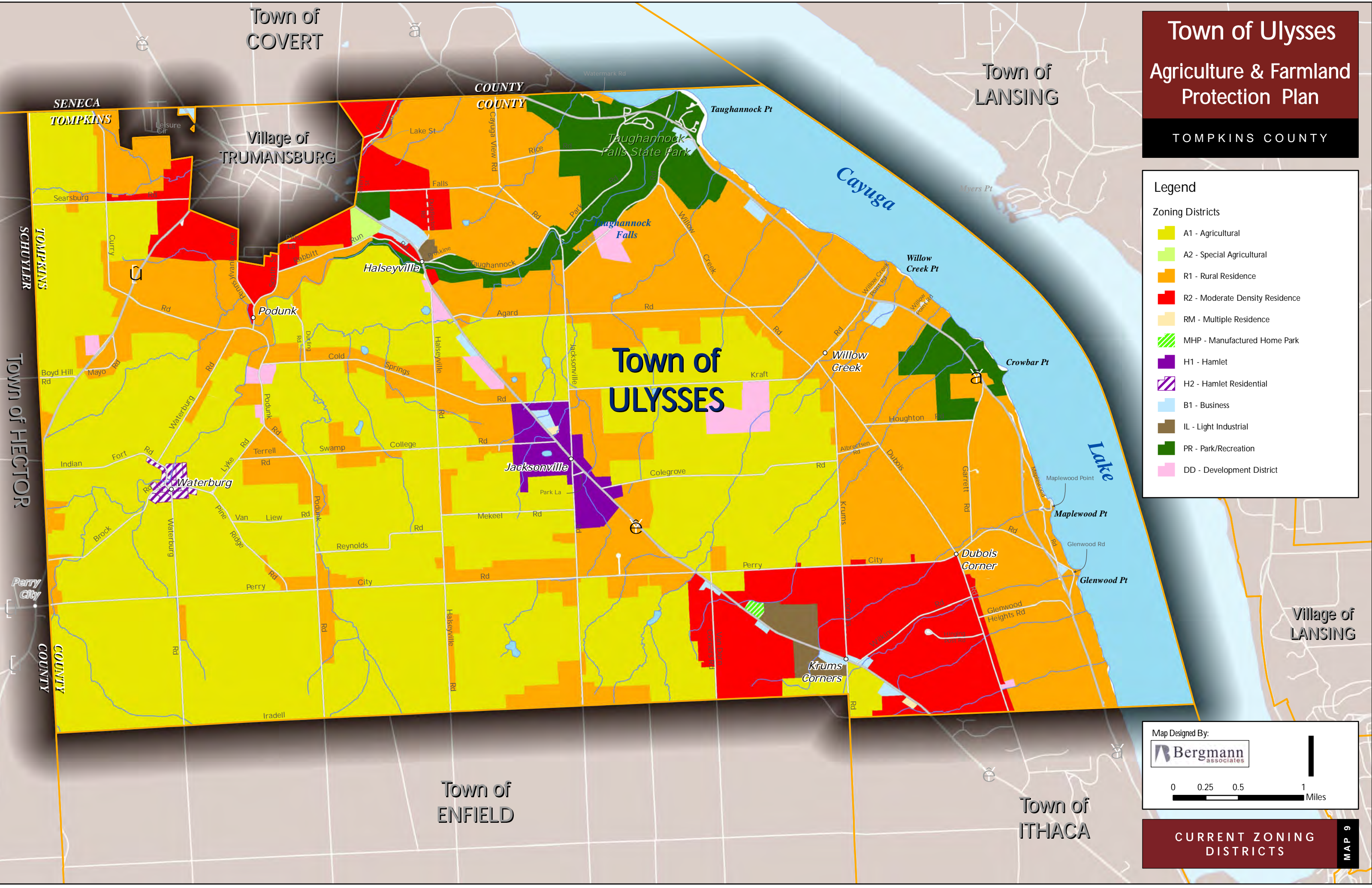
Map Designed By:



0 0.25 0.5 1 Miles

CURRENT ZONING DISTRICTS

MAP 9






# Town of Ulysses

## Agriculture & Farmland Protection Plan

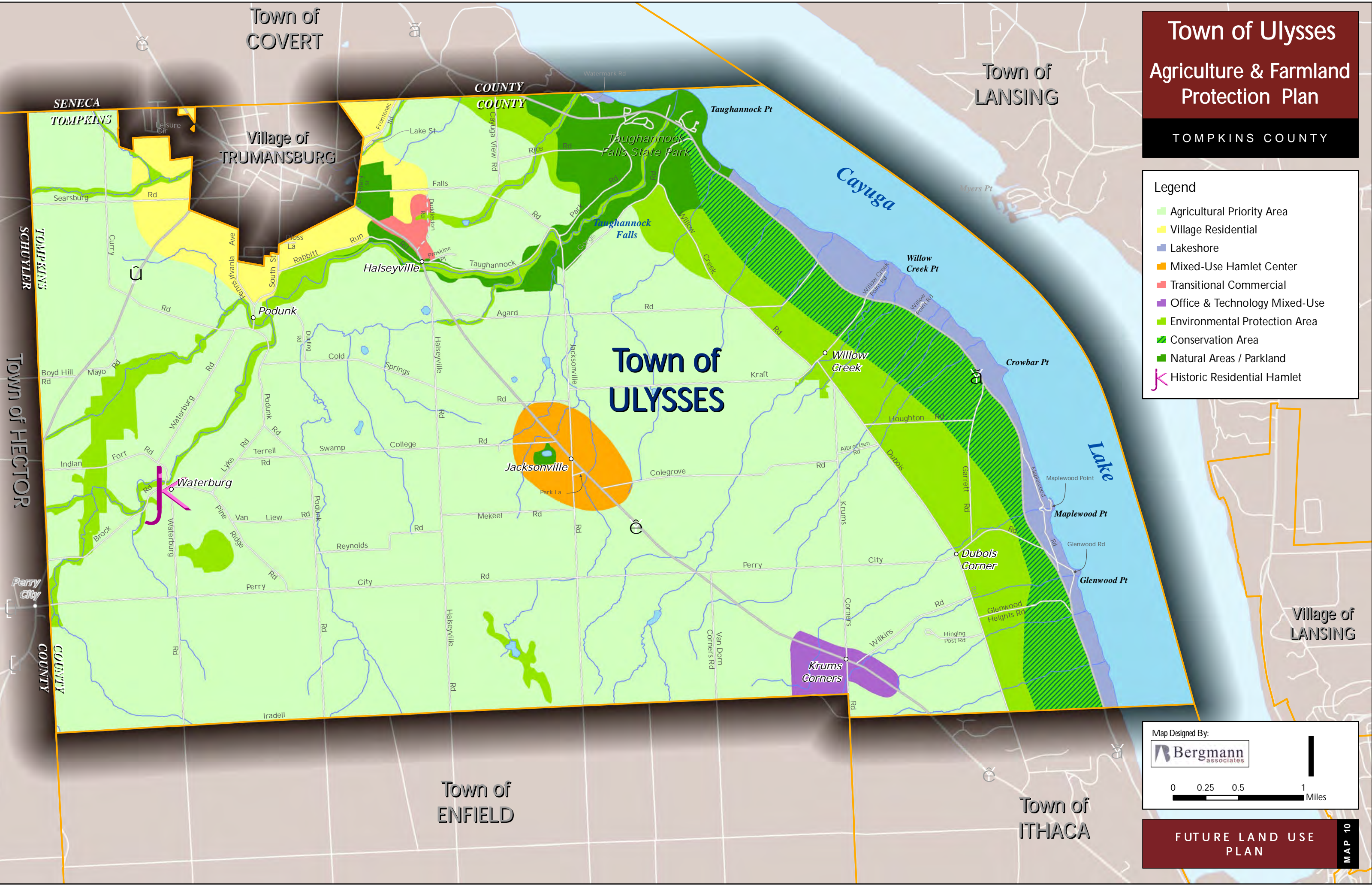
TOMPKINS COUNTY

- Legend
- Agricultural Priority Area
  - Village Residential
  - Lakeshore
  - Mixed-Use Hamlet Center
  - Transitional Commercial
  - Office & Technology Mixed-Use
  - Environmental Protection Area
  - Conservation Area
  - Natural Areas / Parkland
  - Historic Residential Hamlet

Map Designed By:

 Bergmann associates

0 0.25 0.5 1 Miles











Town of Ulysses  
Agriculture & Farmland  
Protection Plan  
TOMPKINS COUNTY

Legend

**Character Areas**

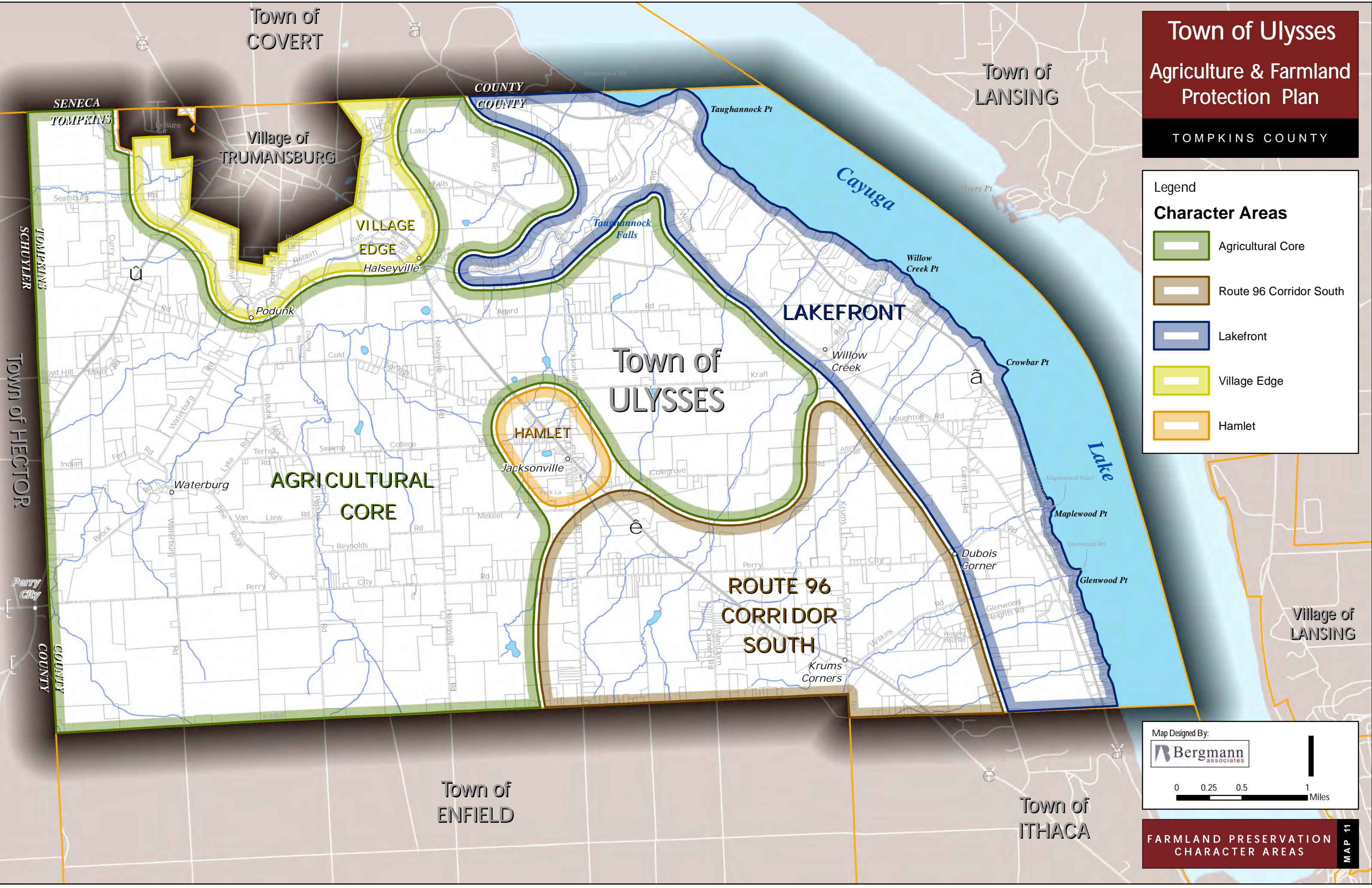
-  Agricultural Core
-  Route 96 Corridor South
-  Lakefront
-  Village Edge
-  Hamlet

Map Designed By:  


0 0.25 0.5 1 Miles

FARMLAND PRESERVATION  
CHARACTER AREAS

MAP 11








# Town of Ulysses

## Agriculture & Farmland Protection Plan

TOMPKINS COUNTY


**Legend**

-  Prime Soils & Soils of Statewide Importance\*
-  Active Farmland
-  Inactive Farmland

\*According to the United States Department of Agriculture, prime farmland has a favorable temperature, favorable moisture supply, and a desirable growing season for high yield crops. Farmland of statewide importance possess the soil quality, growing season, and moisture supply needed to produce economically sustained high yield crops when treated and managed according to acceptable farming practices.



Map Designed By:



0 0.25 0.5 1 Miles



# Town of Ulysses

## Agriculture & Farmland Protection Plan

TOMPKINS COUNTY

### Legend

#### Erodibility

- Non-Highly Erodible Land
- Potentially Highly Erodible Land
- Highly Erodible Land

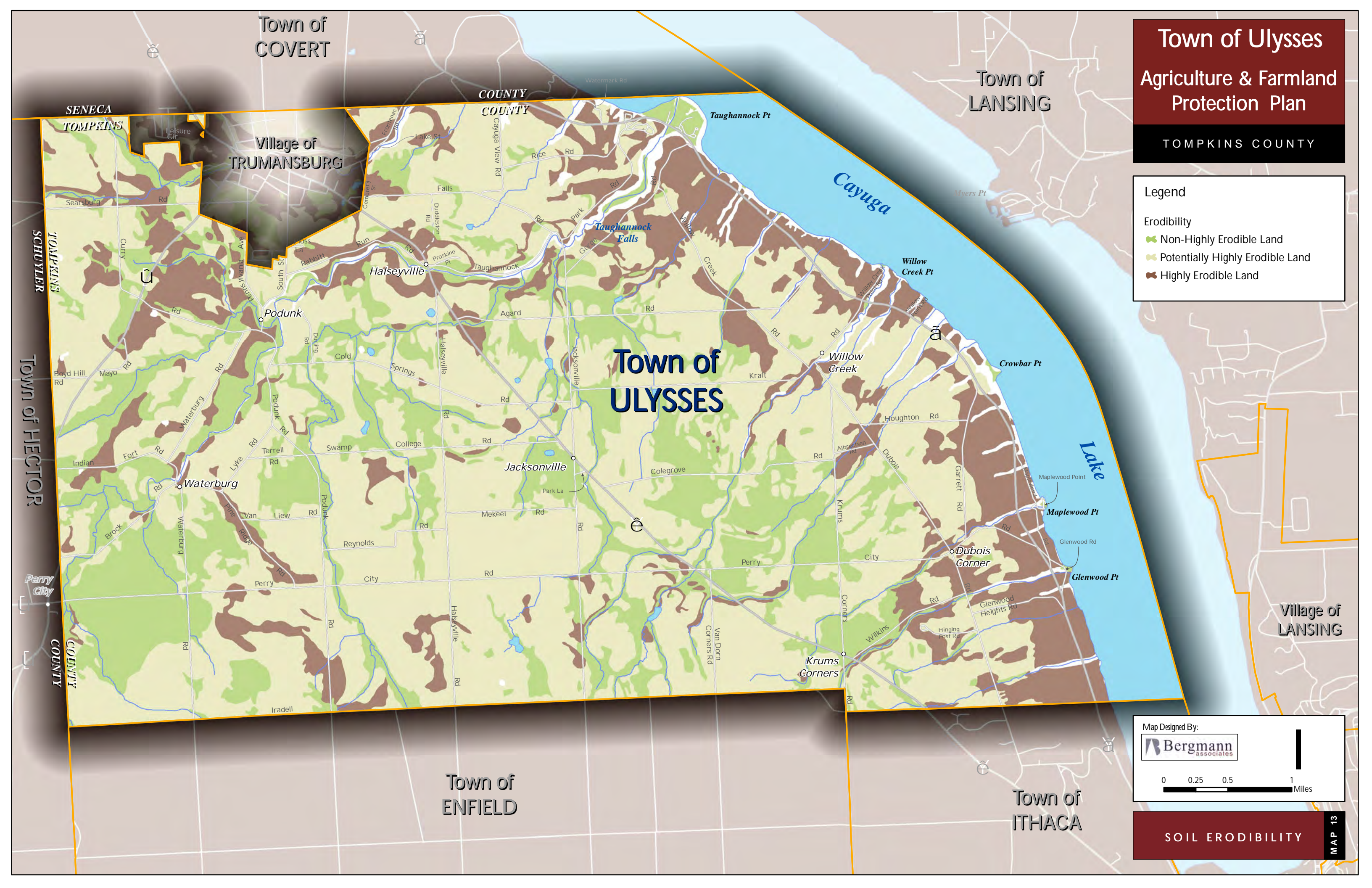
Map Designed By:



0 0.25 0.5 1 Miles

SOIL ERODIBILITY

MAP 13





Town of Ulysses  
Agriculture & Farmland  
Protection Plan  
TOMPKINS COUNTY

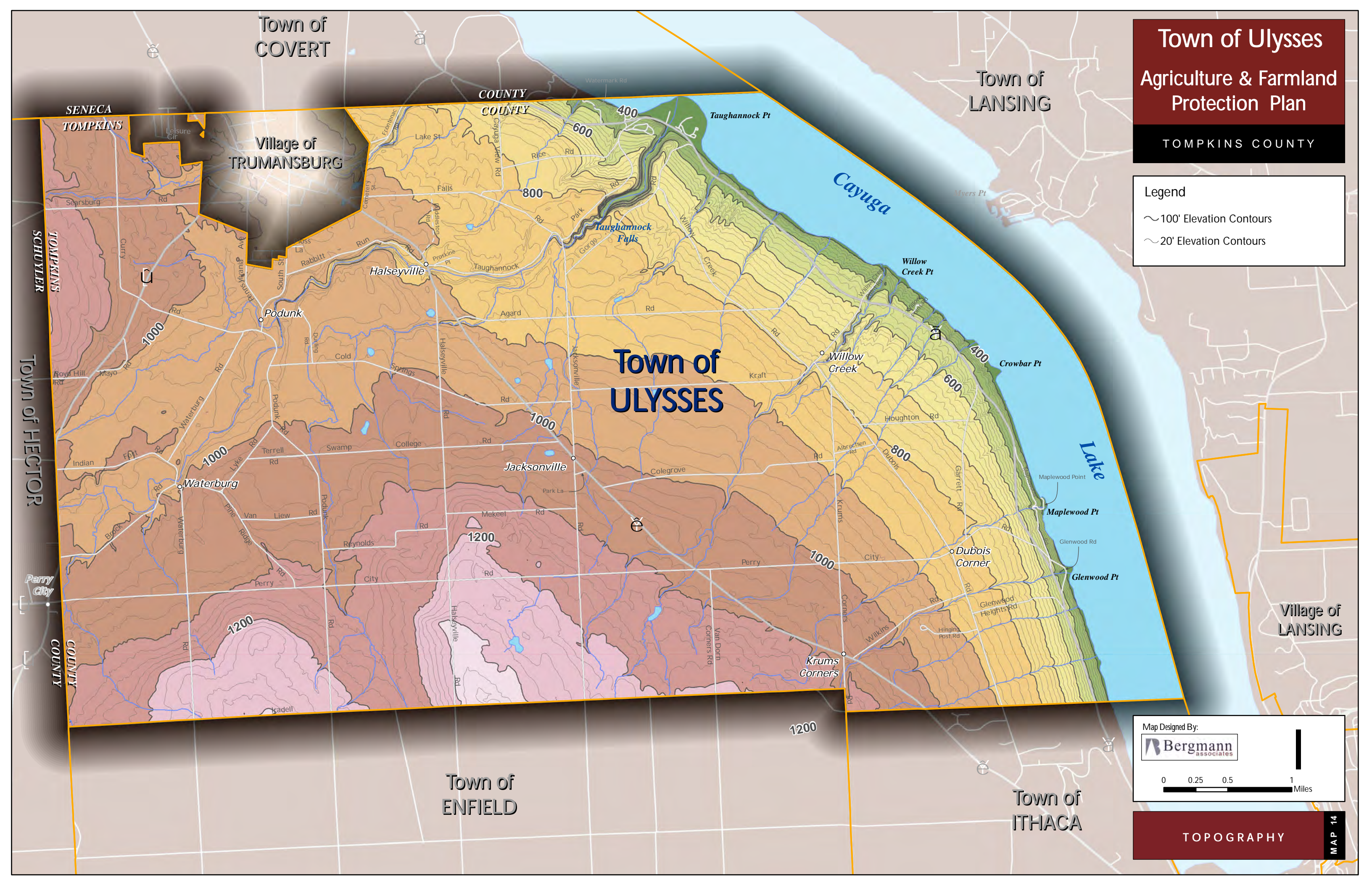
Legend

- ~ 100' Elevation Contours
- ~ 20' Elevation Contours

Map Designed By:

 Bergmann associates

0 0.25 0.5 1 Miles





## Agriculture & Farmland Protection Plan

### Legend

- Elevation  
High : 251  
Low : 1



**Bergmann**  
associates



MAP 15

