

Town of Eden Agricultural and Farmland Protection Plan

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- Agricultural Review of the Code of the Town of Eden
- Resources for Additional Information and Technical Support
- New York State Department of Agriculture and Markets Guidance Document: *Guidelines for Review of Local Zoning and Planning Laws*
- New York Direct Marketing Association Model Zoning for Roadside Stands and Farm Markets
- American Farmland Trust Checklist: *Is Your Town Planning a Future for Agriculture?*
- American Farmland Trust Factsheet: *Cost of Community Services Studies*
- New York State Department of Agriculture and Markets – Conditions on Future Water Service

Acknowledgments

A Municipal Planning Grant through the New York State Department of Agriculture and Markets was the major funding source for the Town of Eden Agricultural and Farmland Protection Plan. Thank you to the following individuals and groups for input and assistance in the planning process:

Town of Eden Agricultural Planning Committee:

Karyn Agle, Agriculture Advisory Committee
Dave Zittel, Agriculture Advisory Committee
Frank Mantione, Conservation Advisory Board
Mary Jane Bolo, Conservation Advisory Board
Frank Meyer, Planning Board
Glenn Nellis, Town Supervisor

Interviewees:

George and Kevin Zittel
Bill Agle
Mark and B.G. Henry
Jerry and Craig Mammoser
John Kappus
Jim Salzman
Tony Weiss

Bill and Bob Feasley
Frank and Linda Meyer
Clayton, Darlene, Tim Wittmeyer
Tom Lamoreaux
Dave Walczak
Craig Hornberger
Paul Laing

Public Meeting and Public Hearing Attendees:

Frank Mantione
John Whitney
Karyn Agle
Frank Meyer
Kathy Funke
Judy Striebich
Walter Henry
Earl Henry
Kelly Thiel
Ed Krycia

Dave Zittel
Mary Jane Bolo
Glenn Nellis
Pat Szarpa
Diane Held
Bill Henry
Mike Bolo
Larry and Janice Wightman
Paul Laing
Jerry Mammoser

Others:

John Whitney, Natural Resources Conservation Service, District Conservationist

Mark Morales, Natural Resources Conservation Service, Intern

Joe Goshen, GIS Consultant

Patricia Szarpa, Western New York Land Conservancy, Executive Director

Rachel Teaman, Director of Communications and Regional Initiatives, University of Buffalo Regional Institute

Erie County Agricultural and Farmland Protection Board

David Haight, New York State Director, American Farmland Trust

Diane Held, New York Field Representative, American Farmland Trust

Doris Mittasch, Program Manager, American Farmland Trust

Lynn Wilson, New York Operations Coordinator, American Farmland Trust

Ann Knack, Town of Eden Administrative Assistant

Eden Town Board

Citizens of the Town of Eden

Section I: Executive Summary

The Town of Eden's Agricultural and Farmland Protection Plan was funded with a grant from the New York State Department of Agriculture and Markets in 2008. Eden has been proactive in supporting its agricultural industry and developed a similar report on the state of agriculture in 1998. Many changes have occurred in the past decade and it has been valuable to reassess current conditions and reevaluate appropriate tools to protect farmland and strengthen the future for agriculture.

An Agricultural Planning Committee, comprised of representatives from the Agricultural Advisory Committee, Conservation Advisory Board, Planning Board, and Town Board, guided the plan development process. This process included over 11 meetings of the Agricultural Planning Committee, two public meetings and fourteen interviews of farmers, farm landowners, and agribusiness owners.

The planning process identified three goals:

- ❖ Stabilize the town's agricultural land base and maintain 95% of the current active agricultural land in production through the next ten years. Support Eden farmers as stewards of the land and other natural resources in the Town.
- ❖ Maintain a supportive business environment for farm operations.
- ❖ Educate the non-farm public about agriculture and facilitate an ongoing dialogue between the farm community and other Eden residents.



Recommended actions to meet these goals and a matrix prioritizing the implementation of the actions are included in the Plan. Additional resources for Town leaders to access as needed are part of the Appendix.

A plan is only as good as the executed results. Town leaders, local officials, farmers, and citizens need to refer to the plan often to guide decisions and actions that may affect farmland and Eden's farm businesses.

Section II: Introduction

In 2008, the Town of Eden received a grant from the New York State Department of Agriculture and Markets to develop an Agricultural and Farmland Protection Plan focused on protecting farmland in Eden and planning for the future of the town's agricultural industry. The Town hired American Farmland Trust as the consultant to guide the planning process and develop the written Plan. Prior to developing this plan, the Town had a strong history of supporting its agricultural industry.

In the 1970s a transfer of development rights law was enacted to enable farm landowners and developers to protect farmland in exchange for higher density development in targeted areas. However, few transactions have occurred and the law has not been particularly useful in accomplishing its goal of protecting farmland. But, it is an available tool that may be useful in the future.

In 1992, three reports were generated as part of a Comprehensive Planning process. The reports were: a *Natural Resource Inventory*; *Open Space Index*; and in 1998, *Eden's Foundation for Agricultural Development and Farmland Protection*. Included in the agricultural report were recommended actions the Town could elect to implement – many of which have been addressed or accomplished since then.



Eden has also proactively supported local farmers and worked to create a supportive environment for agricultural businesses. A law establishing a permanent Agricultural Advisory Committee was enacted in 1994. This committee is charged with advising and communicating with the Town Board and County Agricultural and Farmland Protection Board about agricultural issues in the Town, as well as reviewing legislation affecting agriculture and forwarding recommendations to the Town Board.

Other specific actions taken by the Town of Eden to support local farmers include:

- Adopted the Town of Eden 2015 Comprehensive Plan in 2000 that has as a main goal “Agricultural Development and Farmland Protection: The Preservation, Protection, Enhancement and Support of Agricultural Lands, Agricultural Businesses, Soils, and Working Farms”.
- Adopted a Right to Farm Law in 2001;
- Passed a Conservation Easement Law in 2001;
- Adopted a zoning code in 2004 that contains ordinances supportive of local farmers right to farm;
- Submitted two applications to the New York State Farmland Protection Program for permanent protection of farmland in 2008;
- Member of the four town (Eden, Evans, Brant, North Collins) Southtowns Community Enhancement Coalition, commissioned by the University of Buffalo Regional Institute to develop a strategic plan for agritourism development. *Sowing the Seeds for Agribusiness: An Assessment of Farms and A Plan for the Future* was published in March 2009.



Section III: Analysis of Local Conditions

Erie County:

In 1996, Erie County was one of the first counties in the state to develop an Agricultural and Farmland Protection Plan designed to plan for agriculture as both a land use and an industry. At that time there were 995 farms in the county on 145,679 acres of farmland (1992 Census of Agriculture). Since then both the number of farms and acres of farmland have increased to 1,215 farms and 149,356 acres (2007 Census of Agriculture). Unfortunately though, these 2007 numbers are a 6% decrease in farms and an 8% decrease in farmland since a 15-year high in the 2002 Census of Agriculture.

The Census statistics also highlight the decrease in average size of a farm from 146 acres in 1992 to 123 acres in 2007 - while the number of farms was increasing. This is not unusual for an urban edge county where smaller vegetable and produce farms have ready access to a large suburban and urban population through numerous private farm markets and stands as well as through the 13 farmers markets scattered among the county's towns, villages, and cities. The economic value generated from Erie County farms is significant, totaling \$117 million of agricultural products sold in 2007.

From 1990 to 2000, the population of Erie County decreased by over 18,000 people and the number of housing units increased by 3,737. This trend, a decreasing population with an increase in housing units, occurred across upstate New York in that decade and was a classic indicator of a declining but sprawling population. This sprawl is a classic contributor to conversion pressure on agricultural lands.

Eden:

Eden's history is closely linked to its farms and farm families. It was settled in the early 1800s by some of the same families who are still farming in town now and has a population just over 8000 (2000 Census). Situated in the



“Southtowns” of Erie County about 7 miles east of Lake Erie and 9 miles south of Buffalo, Eden has approximately 40 active farms, a number of which are being farmed by the 4th and 5th generations of their family. Most visible on a drive through the Town are the vegetable and flower farms that line U.S. Route 62 as it winds through the town and the hamlet of Eden. Dairy farms are prevalent in this rural community but there are also smaller farms raising sheep, beef, alpacas, chickens, turkeys, grapes, Christmas trees, hay, and other agricultural products (See map 1). A few retail farm markets offer locally grown produce and Eden Valley Growers, a well-established grower’s cooperative, is located in the Town.

Eden Valley Growers, established in 1956, is currently an 8-member farm cooperative that markets and distributes vegetables and bedding plants throughout the northeast. Co-op

membership peaked at 20 due to farm consolidations members managing the higher per acre production. progressive cooperative in an agricultural economic invest in 3 coolers that quality of vegetables awaiting distribution.

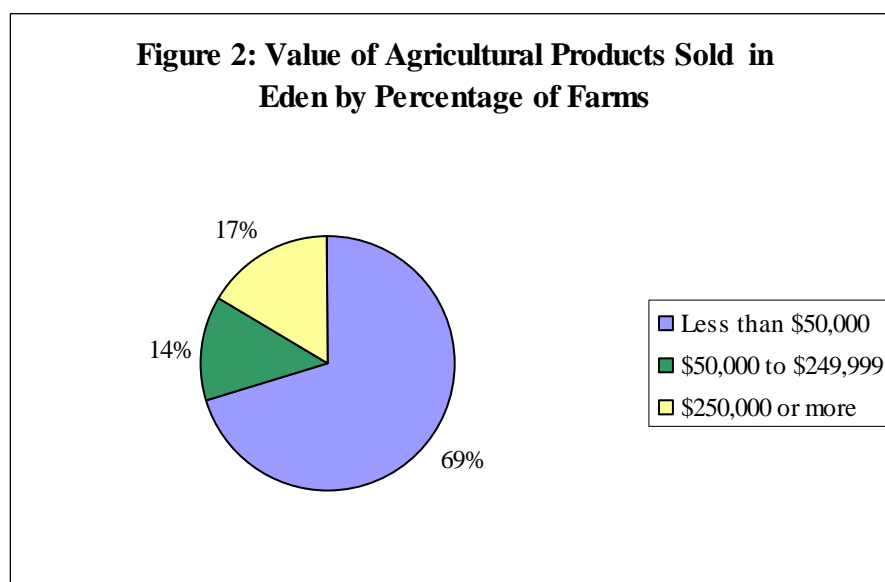
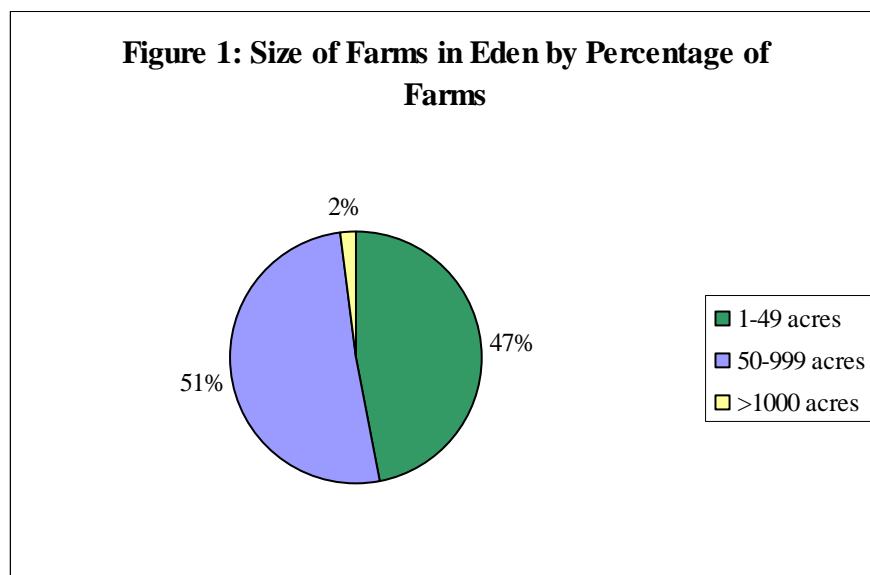


members but has declined with the current farm same acreage and achieving This highly successful and partnered with the County development project to extend the shelf life and

Approximately 75% of Eden’s land area is in a state-certified Agricultural District (See map 2). The majority of soils in the Town are productive ‘important soils’ as defined by the U.S. Department of Agriculture, with some highly productive ‘prime soils’ found throughout the Town (See map 3). Nearly 15,000 acres of the town, half of the Town’s 39 square miles, is agricultural acreage or is in woods, hedgerows, and open space associated with farms and about 8,500 acres is in active agricultural production (See map 4).

Importantly, an estimated 1/3 of the agricultural land in Eden is owned by the farms working the land, and 2/3 is land rented to these working farms (See maps 5 and 6). These numbers do not take into account the fact that some of the Eden farms are family corporations with farmland owned by various family members and then rented to the corporation.

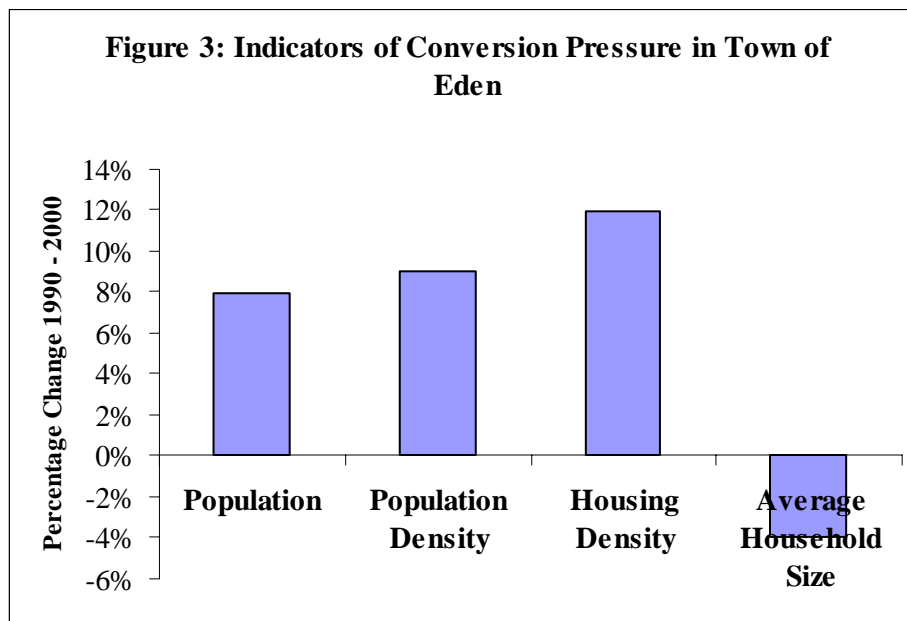
Figures 1 and 2 use 2007 Census of Agriculture data to document the size of Eden farms, and value of agricultural products sold.



Statistics for both land in farms and value of agricultural products sold, highlight the fact that Eden is comprised of predominantly smaller farms – as is the case for Erie County as a whole. Eden’s fresh market vegetable and greenhouse operations tend to operate on smaller acreages, but grow higher value crops. For example, although only 2% of Town farms worked very large

acreages in 2007 (1000 acres or more), a full 17% of the farms sold \$250,000 or more in agricultural products that year.

According to U.S. Census Bureau information, in the decade from 1990 to 2000, Eden's population increased by 8%, the population density (people per square mile) increased by 9%, and the housing density (housing units per square mile) increased by 12%. At the same time that houses were being built, fewer people on average were living in each house: the average household size decreased from 2.88 people to 2.76, a 4% drop. Figure 3 shows these population statistics, which can create conversion pressure on farmland. Currently, an average of 18 new homes are built in Eden each year with an average of 2.4 people per household.



Section IV: Public Participation

Two public meetings were held as part of the Agricultural and Farmland Protection Plan process. The first, in April 2008, was attended by fifteen people – a mix of community members, farmers, committee members, and agricultural organization representatives. It was designed to educate interested individuals on the planning process and why it was being undertaken, but was primarily an opportunity for thoughts and feelings about Eden. This was done with a series of open-ended questions asked of those in attendance. The questions and response notes follow. Public meeting attendees were supportive of agriculture, generally liked Eden’s quality of life, and wanted the rural character of the community to remain while encouraging growth that would support that quality of life. Many of the comments from the public meeting highlight the open space value of agricultural lands to town residents.



The second meeting was a public hearing held on July 22, 2009 after a 30-day open review period of the draft Town of Eden Agricultural and Farmland Protection Plan. Diane Held, Plan Consultant, provided a brief overview of the Plan contents.

Following are comments shared at the public hearing:

- Want to acknowledge the success of Eden Valley Growers Cooperative;
- Eden farmers want to keep what they have in terms of agricultural resources;
- Plan outlines a commonsense approach to planning for agriculture and protecting farmland.

The Town Board maintained an open comment period for an additional 14 days, and then approved the Plan on August 12, 2009.

In order to have significant input from the farm community, one-on-one interviews were conducted with fourteen farmers, agribusiness owners, and farm landowners. The summary of these interviews follows.

Town of Eden Farmland Protection Plan to be completed in 2009 under a New York State Department of Agriculture and Markets grant.

1st Public meeting

1. Review zoning code
2. Interview select farmers
3. Fall-draft plan (with help of committee)
4. Fall public meeting in the fall
5. Finalize (including T. Board, Ag's FPB, Ag & Markets)
6. SEQRA?

Will likely also produce an outreach piece suitable for events and public distribution.

Questions

A. How would you describe the character of the Town of Eden?

- Primarily agricultural, 2nd residential
- Community pride
- Right at the edge between suburban & rural
- Wide open space quality of the land makes it economically feasible to continue forming land blocking development)
- Very "kind" town
- Prefer to keep agriculture as first priority with community based on that
- Economy of the area has helped avoid severe pressure
- "Old fashion feel" but society pressures complicate the traditional small town style and character (trying to be ready for change and directing and controlling change)
- Good master plan
- Farmers "need it in writing"
- State & Federal Laws are some of the biggest challenges
- Cooperative Community (agricultural especially)
- "The playing field needs to be leveled" (on a lot of issues) A community that cares
- 200th Anniversary of Eden in 2012 (and always a farming community)

B. How important is it to you to maintain that character – or do you want to see it change and how?

- Less traffic

- Small businesses surviving and thriving
- Maintain character of the “core” of Eden
- Have to keep and expand some services
- Prepare to deal with the big box challenge
- How do we continue to have development that doesn’t impact farms?
- Direct growth to planned areas
- The City of Buffalo needs to be far stronger (schools) see the “Framework for Regional Growth”
- (130 miles of underutilized sewer capacity should help direct development)
- The “IDA Paradigm” - Town hasn’t been vulnerable to the pressures of a local IDA – if IDA activity comes along be sure to include agricultural business development
- Energy crisis may help reduce sprawl.

C. How important is it to you to encourage local farming in Eden?

- Active role
- Important. That’s why we’re all here.
- Want to buy food close to home

D. How important is it to you to have lands available for recreational opportunities; for wildlife habitat and other environmental benefits?

- High school, tennis courts, snow mobile, some private land used for cross country skiing, fishing, hunting, horse back riding
- Society expectations for plenty of active and passive recreation opportunities
- NYS General Recreation Law
- Is there enough park land?
- Wildlife Lands
- Very important, ecological imperative Eden V “Agro-ecosystem” – critical habitat for wildlife. Some nuisance issues but not bad
- Valley corridor
- Fair amount of woodland & hunting
- Horses? Are there zoning & regulatory issues? Is there enough trail capacity?
- Ski hill (could it come back?)
- Cross-country skiing

E. Do you support the town in efforts to create a supportive environment for agriculture and open space?

- Just one case so far has come before the Ag Advisory Committee

Other comments:

- Purchase of development rights: State pays up to \$25,000, Town pays a 25% match, 80% of which can be “in kind”
- The Plan is an enabling document for implementation and help in securing future funding.

- The Plan should be a” living document.”
- Have to take a common sense approach.
- This is a “vision” statement. There is a difference now in the number of actual farmers although the land base is similar. Labor is the big issue and “outsourcing” creates a “vision” – which will likely include Hispanic workers in the community.
- The alternative is the farms will just close up shop.
- The farm museum is a part of the education process (include the Hispanic labor as part of the face of the community).
- “This is what the people of Eden want.” (Before there’s a crisis).

Committee will be emailed about the date of the next meeting.

Adjourn 8:45.

Notes taken by John Whitney



Agricultural Stakeholders: Interview Summary

Fourteen farmers, farm landowners, and agribusiness owners were interviewed in the summer and fall of 2008 with regard to their perceptions of the current and future state of agriculture in the Town. This is a summary of findings from those individual discussions.

Agricultural profitability/viability is the number one concern of farmers in the Town.



Restructuring immigration policies to provide a legal, reliable workforce is viewed as critical to the viability of the industry. So, too, is relief from regulatory burdens. Farmers appreciate any support the Town can provide in acknowledging the affect these issues have on the local agriculture industry.

Although the Town's ability to have a significant effect on these concerns is minimal, other profitability concerns offer an opportunity for the Town to initiate change.

Since farmers own a significant portion of land in the Town, they pay a significant portion of the property taxes, even when agricultural assessment reductions are accounted for. This feels onerous to some farmers. And infrastructure needs, specifically the need for potable water in sufficient quantity, was stressed as a necessity by vegetable/greenhouse farm operators and dairy/livestock farmers alike. Just as critical to the survival of these farms is the ability to utilize water from Eighteen Mile Creek for irrigation purposes. Recognition of this by the Town is key.

A real plus for the Eden vegetable/greenhouse farmers is their grower cooperative *Eden Valley Growers* "the most progressive sales organization in the state and the farmer's lifeline".

Agritourism opportunities in the town can help boost awareness of the cooperative and focus attention on the local food and plant offerings available in Eden. Growing recognition of Eden Valley Growers across the state will also expand marketing opportunities for the cooperative.

There are a number of support agribusinesses in the Town, which is a sign of the health of the local agricultural industry, but the nature of those businesses has changed to include a higher percentage of non-farm customers. Although these businesses have been successful, their

longevity is dependent on a next generation who chooses to continue in business. Their concerns for the future are similar to production agriculture concerns – relief from unnecessary regulations, a thriving agricultural economy, a supportive local business environment.

Competition for good farmland within the farm community is of equal concern to land conversion pressure from housing or other development.

Scattered lot residential development is evident throughout Eden and is of some concern to farmers particularly to those who have dealt with non-farm neighbor conflicts and/or trespass issues. “Farming and residential development don’t mix well,” said one farmer. All of the farmers interviewed felt that they have established reasonably good relationships with their neighbors by working hard to acknowledge and address their concerns. In addition, a number of the interviewees echoed that “competition with other farmers for farmland in Eden is huge” and this sentiment related to land for purchase as well as rental land. Farmers acknowledged that they needed additional land for expansion and for rotation of vegetable crops. There were a few farmers interviewed who expressed concern that they would need to subdivide their land and sell it for homes in order to have the money needed to retire. Selling to another farmer might not get them the highest price.

Farmers are an integral part of the Eden community, with involvement in local government, community organizations, and schools.

“Because the farming community is very involved in local government, the planning board in particular, it allows for easier problem solving.” Eden is a vibrant agricultural town with a number of multi-generational farm families. The ancestors of these farmers were early residents of Eden and the families have continued as the backbone of the community. Of the 10 farm businesses interviewed, 6 farms third generation or more. Agricultural interests are well represented in town decision making which lessens the likelihood of uninformed planning. In addition, the fact that younger generations return to these family farms bodes well for the future of agriculture in Eden.



Eden is supportive of its agricultural industry and the farm community has interest in working with the Town to utilize tools to support the business of farming and protect farmland.

“The best part of my farm is sharing what we have with the community.” Although the traditional agricultural businesses in the town are the mainstay of the farming industry, there are some small part-time niche farms that add diversity to the landscape, help to retain farmland and buffer larger farms, and offer the opportunity for increased public interaction and agritourism. Educating the public about agriculture was an identified need by almost everyone interviewed.

In the 1970s Eden passed a transfer of development rights (TDR) law designed to move “development rights” from areas of lower density development such as farmland to areas of higher density development such as the hamlet residential area. Some transactions have occurred over the years, but TDR is viewed by many town farmers as having had limited impact in the Town. That said, Eden was willing to try an innovative technique to protect farmland. Farmers in Eden have mixed feelings about the use of purchase of development rights (PDR) as a similar tool. The general sense was to be supportive of farmers and farm landowners with interest in pursuing this protection tool.



Section V: Farmland Protection and Prioritization

The majority of the farmland in the Town of Eden is in the current Agricultural and Conservation zoning districts (See map 7). The farmland in these zoning districts was identified as the land most important to protect with the appropriate tools identified in the recommendations section of this Plan.

A land-ranking tool (Prioritizing Agricultural Land, which follows) was developed to prioritize agricultural land, if necessary, for purchase of development rights, and for use in guiding town land use-planning work in agricultural areas. When considering non-farm development in the Agricultural or Conservation zoning districts, the Planning Board can use the land-ranking tool as an added level of information to assist in determining the relative value of neighboring agricultural land and farms. This in turn can lead the Planning Board to request further review and/or design modifications to minimize the impact of non-farm development on valuable farmland.

Conversion Pressure:

As presented in the Analysis of Local Conditions section, an average of 18 new homes per year are built in Eden and in the past decade housing density per square mile increased by 12%. Targeting these new builds to the hamlet residential areas of the Town (in the Recommendations section) is key to reducing the fragmentation of agricultural lands that occurs with scattered lot residential development. Based on a visual drive through the Town, Eden has lost agricultural land to scattered lot residential development. Thus far, it has not been rapid nor has it happened on the very best soils to any large degree. But the potential certainly exists, particularly along U.S. Route 62 where the majority of the Town's limited prime soils are located. At the northern edge of the Town, and literally knocking on Eden's door, is the Town of Hamburg's sprawling population of 56,000. A new housing subdivision, Water Valley Preserve, was built on farmland in Hamburg at the Eden/Hamburg town line.

Water lines exist throughout a good portion of the Town and new lines are under consideration. Among the farmers interviewed for this Plan there was an expressed concern that public water be available to insure that farms have access to potable water. New home pressure is greater when water lines are present so zoning techniques and lateral line and hook up restrictions become important tools to manage growth in agricultural areas of the Town.

And finally, it is important that the Town recognize and track rental farmland with regard to possible conversion. Land rented to working farms is by nature less stable land and more susceptible to conversion pressure because the landowner may not have a direct tie to the farm business that is using the land. In Eden, as noted in the Analysis of Local Conditions, approximately two thirds of the farmland is rented. What is unclear with this number is how

much of that actually owned member of the simply rented to that owns and business, thus of rental land because it really by the family



rental acreage is by a family working farm and the corporation manages the farm making this type more secure is being worked who owns the

business. Regardless, it is important for the Town to monitor the amount and stability of rental farmland in order to implement appropriate recommendations to maintain land in production agriculture.

TOWN OF EDEN

ERIE COUNTY, NEW YORK

Prioritizing Agricultural Land

Objectives:

- ❖ To assist in ranking projects for agricultural and farmland protection programs, such as a Purchase of Development Rights program;
- ❖ To provide information for the town to identify important farmland and to use in land planning efforts.

Review Committee:

- ❖ 1 member from the Town Planning Board
- ❖ 1 member from Ag Advisory Committee
- ❖ 1 member from Conservation Board
- ❖ 1 member from Western New York Land Conservancy Board
- ❖ 1 member from County Agricultural and Farmland Protection

Ranking Formula: (maximum of 150 points)

Farm Characteristics

1. Soil Quality

Using the USDA soil group classification, rate the soils for agricultural productivity. Priority will be given to soils of prime and statewide importance as well as unique soils.

30 pts. Property has more than 40% prime or statewide important soils

10 pts. Property has 40% or less prime or statewide important soils

2. Size of Application
Priority will be given to farms/parcels with a greater quantity of tillable acres.

15 pts. 51 or more acres

10 pts. 21-50 acres

5 pts. 20 acres or less

Location Factors

3. Proximity to Other Farm Parcels
An active farming area provides a setting that is more supportive of farming and farm practices. Emphasis will be given to farms that are located near other actively farmed parcels.

20 pts contiguous to other active farmland not in application

10 pts within 500 ft. of other active farmland not in application

4. Within an Agricultural District.
Agricultural districts can strengthen farming by providing important incentives and protections for farms. Priority is given to projects located within an agricultural district.

10 pts. if property is within an Agricultural District

Development Pressure

5. Public Road Frontage
Priority is given to projects with significant road frontage.

15 pts if property has more than 1,000 linear feet of road frontage

10 pts if property has between 500-999 linear feet of road frontage

6. Proximity to Water and/or Sewer
Priority is given to projects that are closer to public water and sewer lines with the highest priority given to parcels that have water or sewer lines at road frontage.

10 pts if property has water and/or sewer lines within ¼ mile or less

5 pts if property has water and/or sewer lines within ½ mile or less

Environmental Benefits

6. Buffers Significant Public Natural Resource and contains important ecosystem or habitat characteristics.

15 pts if property serves as a buffer

Prospects for Succession as a Farm

7. Level of Potential for Succession as a Farm

This factor gives emphasis to farms with high potential to continue as agricultural businesses, either with the current owners, a next generation, or interested party.

10 pts if high potential for succession as a farm

5 pts if average potential for succession as a farm

8. Level of Farm Investments

Farm operations that have made extensive agricultural operation investments (such as in barns, tile drainage, manure storage, or other soil and water conservation measures) will be easier to keep in agriculture than farms where substantial investments are needed to update the business.

10 pts if high level of on-farm investment

5 pts if average level of on-farm investment

Discretionary Points

9. Up to 15 points based on any of the following considerations. Rationale for awarding points should be clearly delineated.

- ***Value of the easement purchase (cost of easement relative to appraised value)***
- ***Consistency of application with County and/or Town Plans***
- ***Imminent sale or intergenerational transfer***
- ***Cultural or historic significance***
- ***Scenic vista***
- ***Gatekeeper parcel***

Section VI: Vision, Goals, Recommendations, and Actions

Vision: *In order to protect farmland and preserve the open space and rural character of the Town, Eden is striving to maintain the viability of the local agricultural economy and support the vibrant farming community that enhances the lives of its residents.*

Recommendation 1: Stabilize the town agricultural land base and maintain land in active agricultural use. Maintain 95% of the current active agricultural land in production through the next ten years. Support Eden farmers as stewards of the land and other natural resources.

Maintaining the agricultural land base in Eden is good fiscal policy for the town. Farmland requires less in services than the property taxes paid on the land, and the businesses that work the land contribute to the local economy. As development in neighboring Hamburg pushes at the edge of Eden and scattered lot residential development puts pressure on local farmland, it is necessary to proactively protect the land on which these farms depend.

Actions

- Implement Eden’s conservation easement law, Chapter 95, to provide participating agricultural landowners with a property tax reduction in exchange for a term conservation easement on their agricultural property.
- As needed, hire a grant writer to develop and support applications to the New York State Farmland Protection Program and the USDA-NRCS Farmland Protection Program, when approached by farm landowners who are interested in selling their development rights.
- Utilize the form, “Prioritizing Agricultural Land”, to rank multiple requests for purchase of development rights applications to the State Farmland Protection Program or the Federal Farmland Protection Program. The Town Board, Planning Board, and Zoning Board of Appeals can also use this form when determining impact of non-farm development on valuable agricultural land and neighboring farms.
- Strive to submit at least one competitive application each year to the New York State Farmland Protection Implementation Grants program to permanently protect farmland in the Town.
- Establish a dedicated agricultural land protection fund designated for use in farmland protection projects in the town. Research the legal parameters of establishing a Community Preservation Fund and follow these parameters in establishing the land protection fund. Evaluate local funding options and opportunities.



- Research creation of a program to make farmland ownership more affordable for beginning farmers. Link property tax reductions for a specified time period to minimum land use and percentage of income from farming.
- Assist matching sellers of agricultural land with interested buyers who will keep the land in active agricultural production.
- Encourage new residential development in the Hamlet Residential zone and away from the Agricultural and Conservation zones.
- Follow the recommendations of the Framework for Regional Growth (as adopted by Erie County) to discourage investments that would hinder agricultural protection and/or would require additional infrastructure extensions, specifically limiting water and sewer district expansions in agricultural districts. Encourage future infrastructure development in the Hamlet Residential zone.
- Adopt the New York State Department of Agricultural and Markets recommended guidelines for connections to water lines in the Agricultural District. Consider additional lateral restrictions or constraints on the size of water lines in the Agricultural and Conservation Zones.
- Consider a minimum lot size of 2 acres in the Agricultural zone combined with a fixed density of one lot for every 4 acres.
- Explore the use of buffers between active agricultural land and residential/developed areas of the Town. If this zoning tool is used, require that the land used for buffers be on new developments and not on active agricultural land.

Implementation Responsibility: Agricultural Advisory Committee; Conservation Advisory Board; Eden Town Board; Eden Planning Board; Town Attorney; Eden Town Supervisor

Budget Considerations: Town staff time; Volunteer Committee time; Grant Writer for purchase of development rights applications; Local match money for NYS Farmland Protection Implementation Grants

Funding Resources: Allocation of funding for Town staff time and Grant Writer; Western New York Land Conservancy fund for Town of Eden farmland protection; NYS Dept. of Agriculture and Markets grant opportunities; USDA Farmland Protection Program grants.

Recommendation 2: Maintain a supportive business environment for farm operations.

Farms are an important sector of the local economy and need town support to continue to operate productively. As is typical of many upstate New York towns, Eden's history and rural character are based on the multi-generational farms in the town. Without that agricultural business base, the town would cease to be "the garden spot" of New York State.

Actions

- Support Erie County with its update to the County Agricultural and Farmland Protection Plan. Engage Eden farmers and local officials in the County plan update process.
- Strive to have at least one farmer on all local boards especially the Town Board, Planning Board, and Zoning Board of Appeals, in order to have consistent representation from the farm community in all aspects of local government. Historically, Eden farmers have been active members of these boards. In 1994, the Town established an Agricultural Advisory Committee comprised of 5 farmer members. This committee is a direct conduit from the agricultural community to the Town and Planning Boards. The single best way to insure that agricultural business interests are represented in local decisions is to continue to have farmer members on all local boards and committees.



farms and there is no better way to explain how a farm operates and to highlight the unique needs of agricultural businesses.

- Engage town, county, state and federal officials in a tour of a representative group of Eden farms and agribusinesses. Coordinate planning support for the tour with the Erie County Department of Environment and Planning, Cornell Cooperative Extension, and the Southtowns Community Enhancement Coalition. Hold this tour every 2-3 years and always at the 8-year Agricultural District review. Local officials often have limited opportunities to visit working farms and there is no better way to explain how a farm operates and to highlight the unique needs of agricultural businesses.
- Establish a \$1000 annual college scholarship to be given to a student residing in the Town, who is attending college and majoring in agriculture with the intention to return to farm in Eden. Administer this scholarship through the Eden Community Foundation. Farms in Eden owe a significant portion of their success to the regular return of the next generation to the farm. Encouraging this return with a scholarship – whether to a student from a farm family or a student who would like to establish a farm business – is an added incentive to farm in Eden.
- Encourage Town farmers to develop business and marketing plans with particular emphasis on businesses that are considering new agritourism enterprises. Coordinate local business plan trainings with Cornell Cooperative Extension and the Southtowns Community Enhancement Coalition. Assist farmers with implementation of their plans.
- Adopt the Eden Agricultural and Farmland Protection Plan as part of the Town of Eden's 2015 Comprehensive Plan. This action will strengthen both the Agricultural and Farmland Protection Plan and the Comprehensive Plan. Update the Agricultural and Farmland Protection Plan at regular intervals, such as when the Comprehensive Plan is updated, and closely review agricultural sections of zoning code when Comprehensive Plan or code updates are done.
- Work with the Erie County Department of Environment and Planning and the Erie County Farm Bureau to develop a menu of financial incentive programs targeted to the agricultural industry.

- Support New York’s agricultural industry and Eden farmers by working with agricultural coalitions and organizations to:
 - Develop labor policies that provide a legal, reliable work force for agricultural businesses;
 - Support relief from regulatory burdens;
 - Fund agricultural infrastructure needs;
 - Increase funding for purchase of development rights; and
 - Increase support for agricultural economic development.
- Review the Zoning Analysis in Eden’s Municipal Agricultural and Farmland Protection Plan and amend Eden’s Code per recommendations in the analysis. Ensure that the zoning code is supportive of agritourism business opportunities.

Implementation responsibility: Agricultural Advisory Committee; Conservation Advisory Board; Town Board; Erie County Dept. of Environment and Planning, Cornell Cooperative Extension, Southtowns Community Enhancement Coalition.

Budget Considerations: Volunteer Committee time; Erie County Dept. of Economic Development, Environment and Planning staff time; College Scholarship cost - \$1000

Funding Resources: Eden Community Foundation, other Foundations.

Recommendation 3: Educate the non-farm public about agriculture. Facilitate an ongoing dialogue between the farm community and other Eden residents. Encourage appreciation of the agricultural resources located in the Town.

Although Eden is a farm town, many residents are a few generations removed from the farm and have limited occasions to visit working farms. This can create a disconnect between the producers of food and the consumers, sometimes leading to misunderstandings about production practices, food safety, and environmental stewardship. The Town can help to facilitate discussions between farmers and the non-farm public, and provide educational opportunities.

Actions:

- Promote the Welch Farm Museum as an educational tool to teach students and adults about both the history of agriculture in the Town and modern-day farming. Capitalize on the museum’s close proximity to the Eden Elementary School and the Eden Boys and Girls Club to offer regular educational opportunities.
- Continue involvement with the Southtowns Community Enhancement Coalition and promote their focus on agritourism. Eden



agritourism attractions can offer “teachable moments” about farming.

- Institute an “Ag Giveaway Day”. Provide Town property owners with a coupon, mailed with their tax bill, for free farm products and vegetables on a given day at a given drive-thru location.
- Utilize the “Eden Agricultural and Farmland Protection Plan” publication to promote understanding of agriculture in the Town. Distribute copies at the Corn Festival, Welch Farm Museum, Ag Giveaway Day, and other agricultural events. Include a promotional item in the publication such as a coupon for free admission to the Welch Farm Museum.

Implementation Responsibility: Agricultural Advisory Committee; Town farmers; Town Supervisor; Welch Farm Museum Board of Directors

Budget Considerations: Volunteer Committee time; Town Supervisor time; farmer donations; approximately \$2000-\$3000 for printing of the “Eden Agricultural and Farmland Protection Plan” publication.

Funding Resources: Eden Community Foundation; other Foundations; NYS Dept. of Agriculture and Markets grant opportunities



Appendix

Agricultural Review of The Code of the Town of Eden

(Revisions to consider are in italics.)

- ❖ Chapter 5: Agricultural Advisory Committee Law
 - Advises the Town Board and County Agricultural and Farmland Protection Board (AFPB) regarding Agricultural Districts;
 - Reviews proposed zoning or development in agricultural districts and serves in an advisory capacity;
 - Reviews county, state, and federal agricultural legislation for any affect it may have on Eden agriculture and reports to the appropriate board in town; and,
 - Serves as a communication vehicle between the agricultural community, Town, and County AFBP.
- ❖ Chapter 61: Air Pollution
 - Considers discharge or escape of offensive odors to be unlawful.
 - *Exempt agricultural odors in accordance with Right to Farm provisions in Agriculture and Markets Law.*
- ❖ Chapter 72: Animals
 - Exempts agriculture to allow working dogs to run at large.
- ❖ Chapter 95: Conservation Easement Law
 - Provides for the preservation of open space in the Town.
 - *Include language to allow agricultural term easements in exchange for property tax abatement.*
- ❖ Chapter 103: Excavations
 - Farm pond excavation is allowed where soil and stone remain on the property and with a no-fee permit.
- ❖ Chapter 106: Farming
 - Right to Farm: includes agricultural definitions and dispute resolution process for the Town; resolution committee decision is advisory.
 - When rezoning, site plan approval, or special use permit is requested on a property within 1 mile of a farm, a decision will be made on a case-by-case basis to require a declaration, deed restriction, and/or covenant with the land to notify future owners of the property, that they may be exposed to conditions associated with agricultural practices.
 - *Consider requiring such a declaration whenever a property is transferred, within or outside of the agricultural district, and within one mile of a farm.*
- ❖ Chapter 142: Mobile Home Park
 - Regulates mobile home parks.
- ❖ Chapter 146: Noise
 - Sounds created by farmers necessary in the operation of a farm are permitted.

- ❖ Chapter 175: Solid Waste
 - Exempted: disposal of manure in normal farming operations; recycling facility associated with a farm
 - *Farm junk piles are not noted in this section. Code provisions should be reviewed to insure compliance with Agriculture and Markets Law (AML) in the Agricultural District.*
- ❖ Chapter 177: Stormwater Management and Erosion Control
 - Agriculture is exempted from the stormwater management and erosion control plan requirements.
- ❖ Chapter 184: Subdivision of Land
 - Included in purpose statement: “to allow for residential development through cluster development which is in harmony with the rural character of Eden, while guiding development away from sensitive lands and active or potential agricultural lands.”
- ❖ Chapter 217: Wind Energy Conversion Systems
 - Windmills allowed in Agriculture and Conservation zoning districts with a maximum height limit of 200 feet.
- ❖ Chapter 225: Zoning
 - Definitions:
 - *Consider including Right to Farm language in the purpose statement.*
 - *Definition of agriculture or horticulture does not include horse boarding or greenhouses. Adopt AML definition of agriculture.*
 - *No definition of a farm listed in this chapter. Use AML definition as basis for code definition.*
 - *Definition of livestock does not include poultry. Include fowl/poultry.*
 - *Definition of agricultural solid waste does not include greenhouse waste. Include greenhouse waste.*
 - Article III: Zoning Districts and Zoning Map:
 - Agriculture allowed in Conservation, Agriculture, Rural Residential, and Suburban Residential districts. No agriculture allowed in Hamlet Residential after January 1, 1998.
 - Where agriculture is allowed, animal raising is allowed on 20 acres or more and fowl raising on 5 acres or more.
 - *Remove these acreage limitations in the Agricultural District,, as they do not follow Agriculture and Markets Law.*
 - Rural Residential and Suburban Residential District:

Do not allow for temporary farm worker housing; have the same screening requirement as the Conservation and Agriculture Districts; display of products grown by the landowner/tenant is allowed but no processed products are allowed, and the sale of products is within the confines of the property on which they were grown.

 - *Review provisions related to temporary farm worker housing for property in the Agricultural District.*
 - *Do not require that agriculture provide screening in the Conservation District. If needed, screening should be required in residential developments.*
 - *Do not limit types of agricultural products for sale in farm stands and markets.*

- General Business District:
Allows buildings or open stands for the sale of agricultural products.
- Creekside Open Space Overlay District:
Customary agricultural activities do not have to meet the requirements of the overlay district.
- Article VI: Supplementary Regulations:
 - Nonresidential buildings: chimneys, flues, towers, and spires may exceed the height limitations but no mention is made of agricultural buildings, specifically silos.
 - *List agricultural buildings in this section allowing for them to exceed height limitation in the Agricultural District..*
 - Performance standards, prohibited uses: prohibited uses in all zoning districts include bulk or wholesale storage of gasoline aboveground; dumps and junkyards; advertising signs pertaining to uses or operations not on the same lot or site.
 - *In the agricultural district, exempt off site directional signs for farm stands and markets.*
 - Supplemental use regulations: “Home occupations ... may be permitted upon approval of the Board of Appeals.” Property owners must obtain a special permit for bed-and-breakfasts.
 - *Home occupations should be exempt per AML requirements in the Agricultural District in the Conservation and Agricultural zones and per 2008 New York State law regarding home occupations.*
 - Transfer of development rights: “Transfer of development rights provides for increased density of residential development in the Rural Residential, Suburban Residential, and Hamlet Residential Districts when suitable open space land in a Conservation or Agricultural District is permanently reserved from specified development uses. The transfer of development rights is accomplished by execution of an open space easement, and the increased density is permitted by issuance of an optional density permit...”

Resources for Additional Information and Technical Support

American Farmland Trust

Providing technical assistance to towns and counties to develop and implement farmland protection plans

21 South Grove Street, Suite 200
East Aurora, NY 14052
(716)652-0100
www.farmland.org

Cornell Cooperative Extension of Erie County

Providing technical assistance to farmers and farm businesses

21 South Grove Street, Suite 300
East Aurora, NY 14052
(716)652-5400 <http://counties.cce.cornell.edu/erie>

Erie County Department of Environment and Planning

Providing technical assistance in planning and matching grant funding for farmland protection

Rath Office Building
95 Franklin Street, 10th Floor
Buffalo, NY 14202
(716)858-8390
www.erie.gov/environment

Western New York Land Conservancy

Providing technical assistance in farmland protection and planning to farmers interested in protecting their properties

P.O.Box 471
East Aurora, NY 14052-0471
(716)687-1225
www.wnylc.org

New York State Department of Agriculture and Markets

Providing technical assistance and grant funding for farmland protection, marketing and many others

10B Airline Drive
Albany, NY 12235
(518) 457-3880 or 800-554-4501
www.agmkt.state.ny.us

New York State Department of State

Providing technical assistance in planning

99 Washington Avenue
Albany, NY 12231-0001
(518) 474-4752
www.dos.state.ny.us

New York State Office of Real Property Services

Providing technical assistance in agricultural assessment

16 Sheridan Avenue

Albany, NY 12210-2714

(518) 474-2982

www.orps.state.ny.us

NY Farm Net

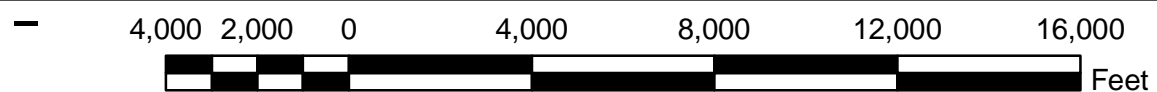
Providing counseling and technical assistance in farm succession and business planning, and linking farmers and landowners

415 Warren Hall

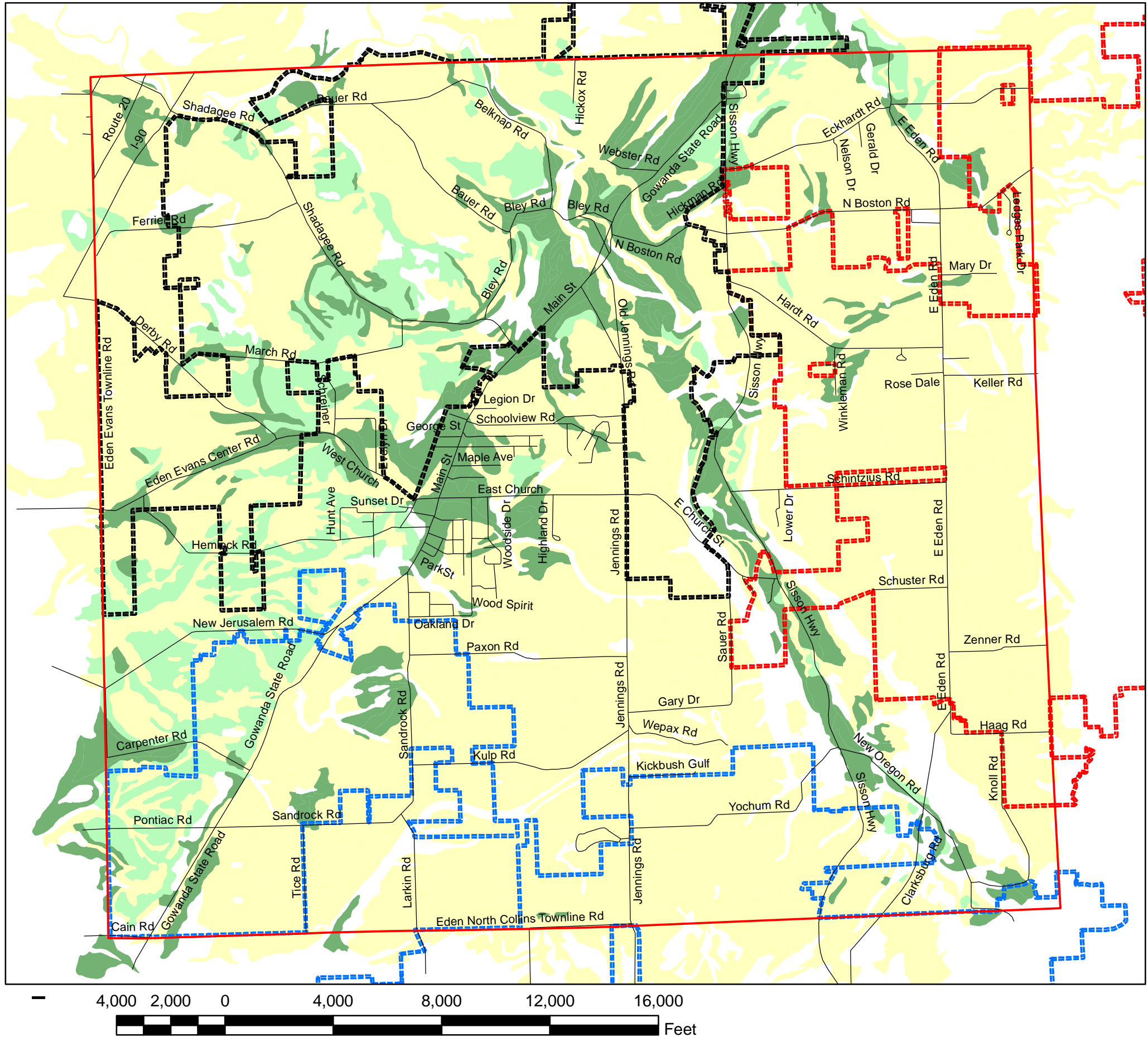
Ithaca, NY 14853-7801

800-547-3276

www.nyfarmnet.org



Eden_project_USDA_Prime_Farmlands_with_AgDistricts.mxd



Town of Eden
Farmland and Agricultural Protection Plan
PRIME USDA FARMLAND
SOILS AND AGRICULTURAL
DISTRICTS

Legend:

- Town of Eden
- Eden Roads
- Agricultural Districts**
- Name**
- Eden-Boston
- Eden-Langford
- Eden-Valley
- Prime USDA Farmland**
- USDA PRIME**
- Important Where Applicable
- Prime Farmland
- Prime Farmland (where drained)

Data Sources:

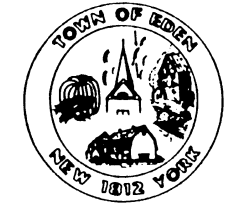
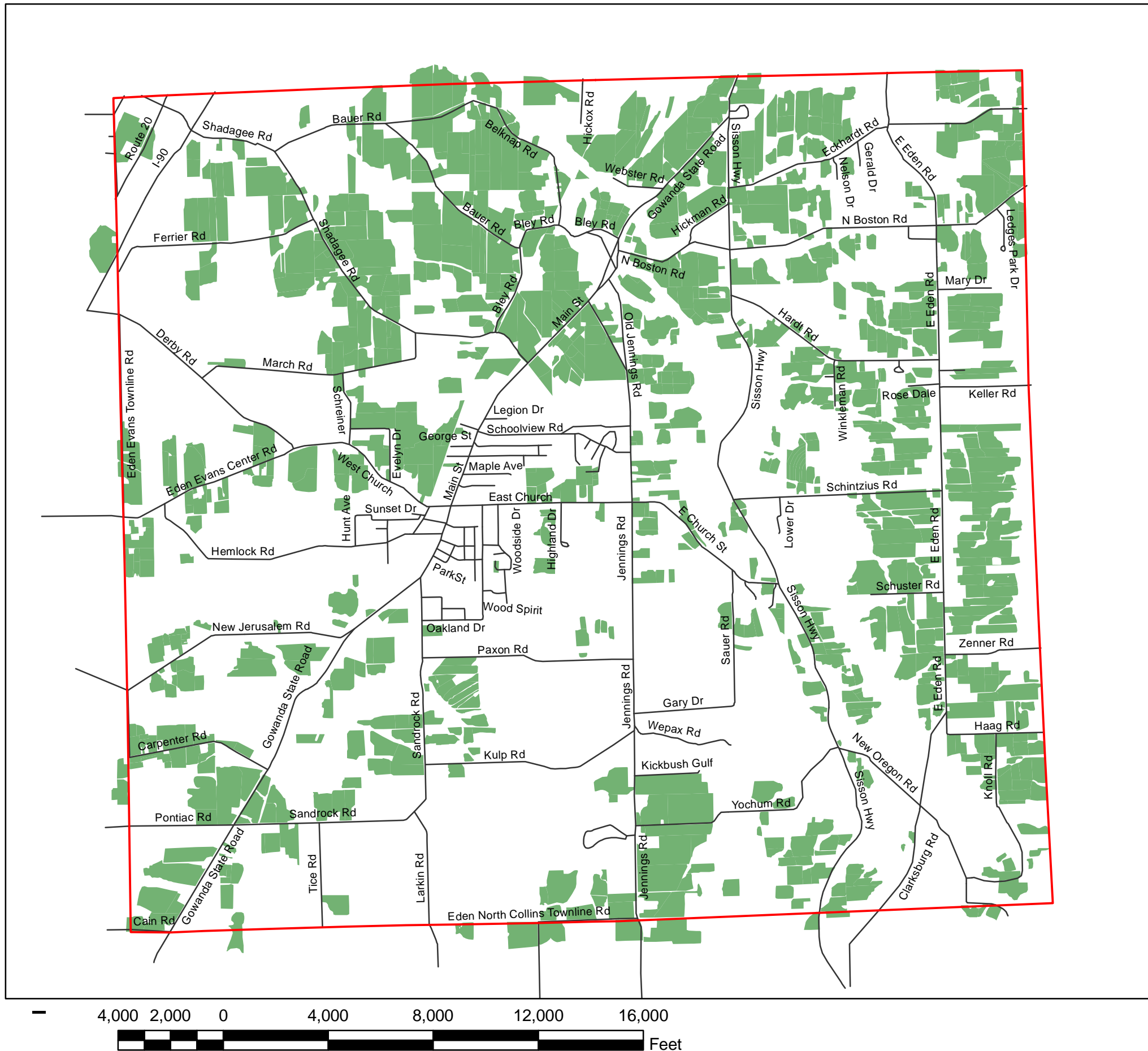
The Prime Farmland soils data were provided by the USDA-NRCS. The Agricultural Districts data were provided by Erie County Department of Environment and Planning.

Prepared by:



Date: December 2008

Figure ____



Town of Eden
Farmland and Agricultural Protection Plan
COMMON LAND UNIT (CLU)
ACTIVE AGRICULTURAL FIELDS

Legend:

- Town of Eden
- Eden Roads
- Eden CLU Fields

Data Sources:

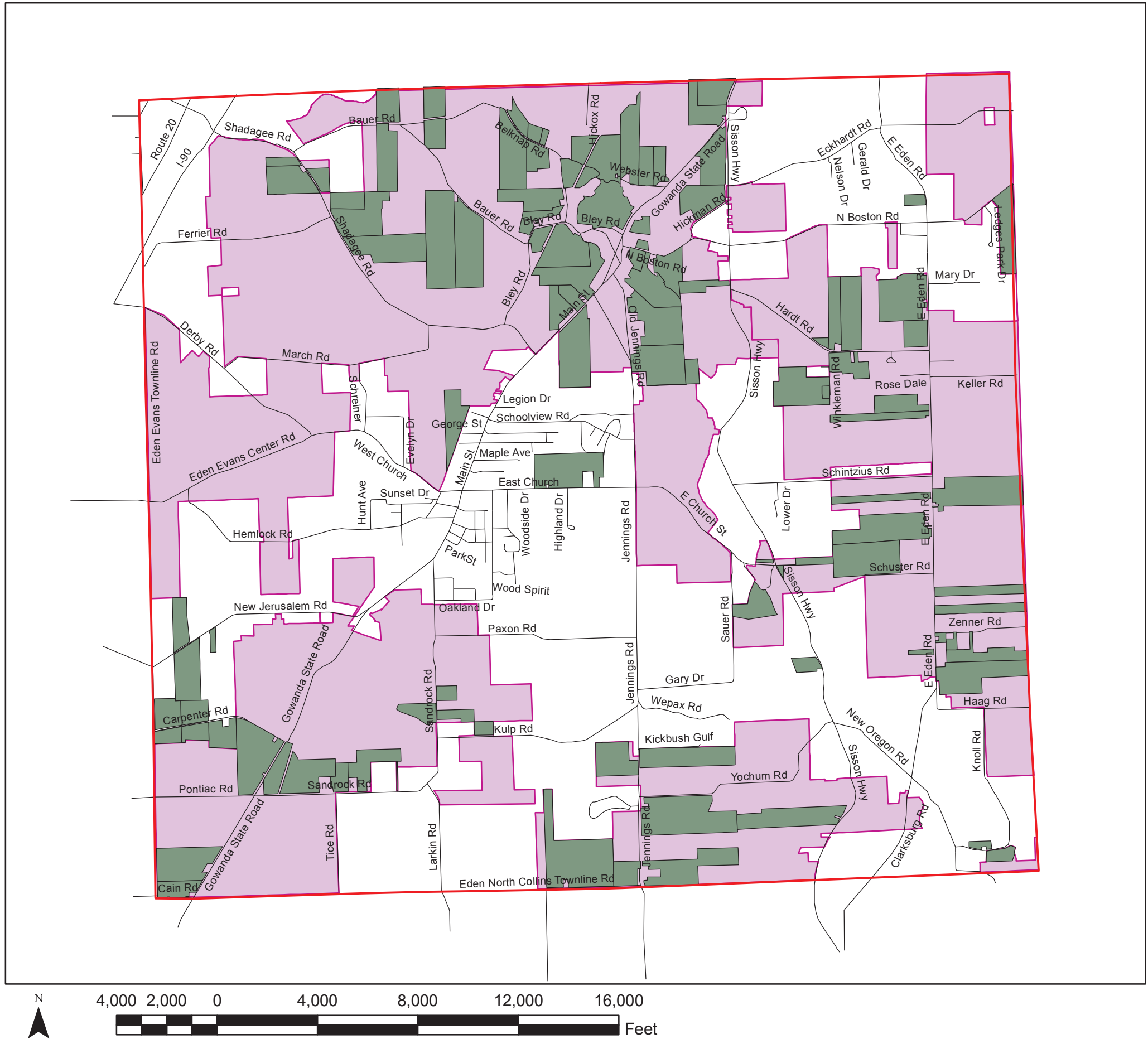
The active agricultural fields data was provided by the USDA Farm Service Agency.

Prepared by:



Date: December 2008

Eden_project_Owned_Farms_with_AgDistricts.mxd



Town of Eden
Farmland and Agricultural Protection Plan

OWNED EDEN FARMS WITH
AGRICULTURAL DISTRICTS

Legend:

- Town of Eden
- Eden Farms Owned
- Eden Roads
- 2006 Agricultural Districts

Data Sources:

The data on renting farmers was derived from Erie County Department of Real Property Tax Services parcels. The roads data were provided by the NYSDOT. The Agricultural Districts data were provided by Erie County Department of Environment and Planning.

Prepared by:

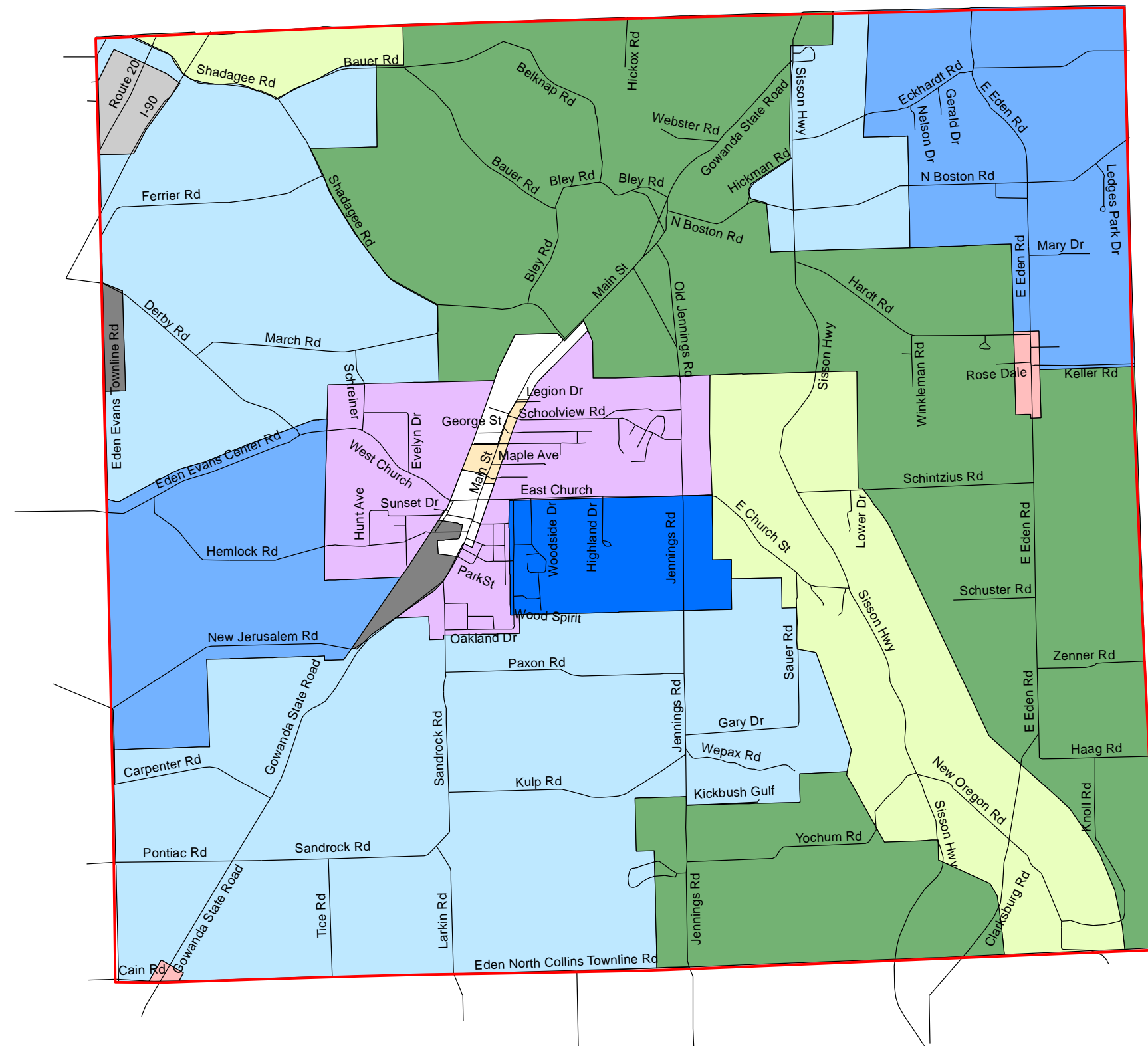


Date: February 2009

Figure ____



Eden_project_Zoning_Class.mxd



Town of Eden
Farmland and Agricultural Protection Plan
ZONING

Legend:

- Town of Eden
- Eden Roads
- Eden Zoning**
- ZONE CLASS**
- Agricultural
- Conservation
- Local Business
- Office Business
- General Business
- Planned Industrial
- General Industrial
- Rural Residential
- Hamlet Residential
- Suburban Residential
- Suburban Residential, Restricted Use

Data Sources:
Zoning data was provided
by South Arrow Consulting
from data produced by
Wendel Engineers.

Prepared by:



Date: December 2008