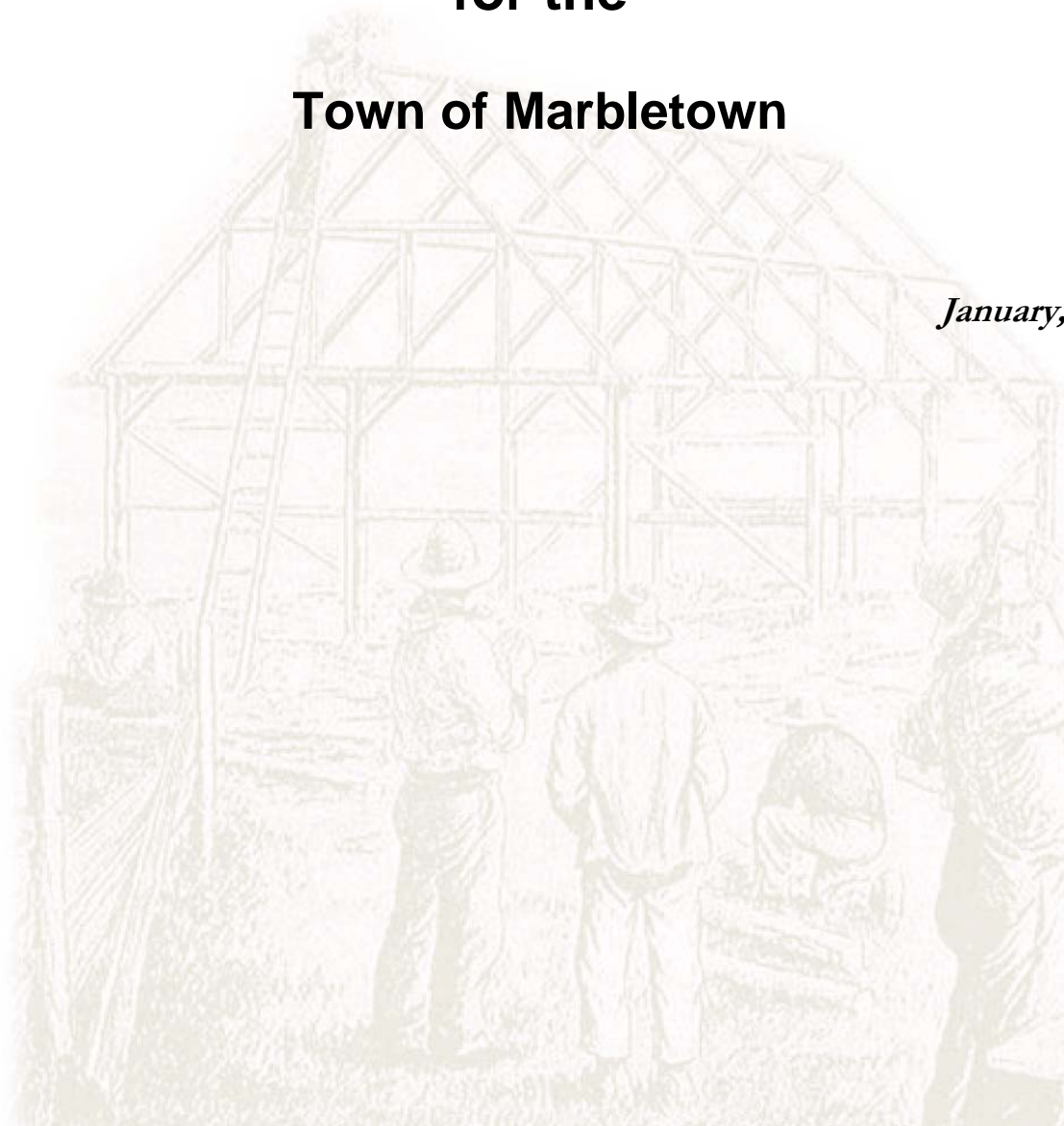




DRAFT
Agricultural and Farmland Protection Plan
for the
Town of Marbletown

January, 2010



EXECUTIVE SUMMARY

INTRODUCTION

The purpose of this project is to analyze and understand the foundations of Marbletown's agricultural economy and to create an Agricultural and Farmland Protection Plan that will address a suite of issues facing farmers and citizens in the Town today as well as set the stage for agricultural growth in the future.

The project output encourages long-term policy formation in support of agriculture while providing a specific short-term framework to guide local programs regarding specific agricultural economic development and land use initiatives. The result of the process is a series of seven recommendations for action relative to agricultural business and land use conditions.

This study uses a broad definition of agriculture to include all aspects of the cultivation and production of plant material and animal products as well as the marketing, processing and distribution of these products, and other secondary on-farm activities (e.g., agricultural tourism, forestry, and aquaculture).

CURRENT CONDITIONS

As of August 2009, there are 5,423 acres on 239 parcels that are classified as Agricultural Districts or with agricultural tax exemption. These agricultural lands account for a wide variation in crop and livestock production, all of which contribute to a diverse, but vibrant local agricultural economy.

The value of farmland to Marbletown is anchored on its residents' need to maintain the Town's natural endowments, local history, open space, and ecosystem.¹ Thus, agriculture is a sector that receives much support and therefore the protection of farmland is consistent with the residents' vision for the Town. Emphasis is put on particular locations like the Route 209 valleys. Other priority areas include the Rondout and Esopus Creeks, Shawangunks woodlands, Catskill foothills, and the various floodplains and wetlands interwoven with the open spaces. These areas generally make up the agricultural heritage and natural features of the Town.

Preserving the Town's agricultural heritage coincides with managing the growth that is necessary to support the Town. Between 1990 and 2000 Marbletown's population grew nearly eleven percent putting it in the mid-tier of growth communities in Ulster County. From 2000 to 200, Marbletown's population grew an additional three percent reaching a population of 6,039 individuals. The population growth is expected to lead to rising housing demand, which could lead to affordability gaps, i.e. an excess of demand over supply, and upward pressure on housing prices. The implication for farm and forest operations is that new neighbors are less likely to be familiar with farm operations due to their lack of daily familiarity with their operating characteristics.

¹ Marbletown New York Town Plan, 2005.

EXECUTIVE SUMMARY

The Town's zoning policies reflect its intent to protect rural areas and guide growth to Hamlets and growth nodes. These policies are guided by the State of New York's legislative enactments, which also support open space and provide means to conserve, protect and encourage the preservation of agricultural lands and other natural and ecological resources.²

Marbletown's most significant effort to support agriculture and open space is represented in the Marbletown Preservation and Investment Commission. This organization is the outgrowth of the Town Board's authorization of \$2 million for the acquisition of open spaces, areas, and development rights. An initial report on programs and procedures related to this bond initiative is due in 2010.

Looking to the future, there are many factors that will influence the direction of agriculture in Marbletown, some of which can be supported through the Farmland Protection Plan. Many of these factors are incorporated within the SWOT Matrix (Strengths, Weaknesses, Opportunities, and Threats) on page 8 and include some of the following highlights:

- Marbletown hosts a robust agricultural community with strong direct marketing infrastructure and interest in expanding value-added opportunity.
- Limits on the availability of agricultural land and growing regional development pressure reduce the availability, and increase the cost, of expanding agricultural operations.
- Farmers, both locally and regionally, have a history of cooperation and mutual support that is represented in organizations like the Rondout Valley Growers Association.
- Excellent market opportunities, to develop local food distribution and marketing projects exist, both locally and regionally.
- Marbletown's citizens support active agriculture land preservation by authorizing a \$2 million dollar bond to be used for purchasing conservation easements.

² State of New York General Municipal Law § 247 and Environmental Conservation Law § 49-0301.

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RECOMMENDED ACTIONS

The recommendations in this report are designed to enhance public and private sector efforts to support and sustain agriculture over the coming decades by treating agriculture as a critical element of Marbletown's economic backbone and as a key land use. Because of this, successful implementation of these recommendations will involve a multidisciplinary effort supported by the public sector, private industry and agricultural operations. The necessary partnerships will be driven by the specific implementation needs of each recommendation. Funding support for each respective recommendation must also be built independently on the merits of the recommendation and evidenced needs.

Key elements of the recommendations are as follows.

1. **Enhance Town of Marbletown Agricultural Land Protection Program** by expanding landowner financing options, exploring new funding vehicles, and educating landowners on the locally relevant tools and techniques of land conservation.
2. **Integrate Agricultural and Farmland Protection Plan findings within core marketing, tourism, and economic development activities** to expand the job and wealth creation potential of agriculture, forest products, and related industries.
3. **Support County efforts to expand farmland protection outreach and education** to better integrate the general community with agricultural and forest products industries.
4. **Co-create a new farmer development program in conjunction with neighboring towns** to ensure a renewing source of farm operators in the future. Such a program would incorporate a formal curriculum, as well as an internship and mentor program.
5. **Integrate Marbletown Agricultural and Farmland Protection Plan into agency work plans** to increase the effectiveness of its implementation and to promote agriculturally friendly policies.
6. **Support an update to the Ulster County Agricultural and Farmland Protection Plan** that includes critical elements of Agricultural and Farmland Protection Plan for the Town of Marbletown.
7. **Explore enhancements to NY State Right to Farm protections** to reduce the burden of neighbor conflicts while increasing the understanding of agriculture in the community.



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Town of Marbletown Agricultural and Farmland Protection Plan

A. Introduction and Methodology

The Town of Marbletown developed an Agricultural and Farmland Protection Plan to assess the Town's farmland and agricultural resources, identify issues and opportunities for agricultural and farmland protection, formulate strategies and recommendations for protection, and provide guidance for implementation.

Quantitative and qualitative methods were applied in the different components that make up this Plan. Quantitative methods include the collection and analysis of acreage data for agricultural districts and agricultural use. Qualitative methods include the administration of a double iteration survey in the Spring of 2009 to measure land ownership per farm, land use, and farming practices. The survey used a purposive sampling of local farmers to obtain information from sources who are most familiar with and knowledgeable about the Town's agricultural sector. These methods guided the Plan's findings and helped shape the recommendations and implementation strategies.

B. Farmland and Agricultural Resources

Topography and Soils

Marbletown's natural terrain is characterized by steep slopes, wetlands, major streams and floodplains. The diverse topography varies from the rugged slopes of the Shawangunk Mountains in the south and the rolling land of the Catskill Mountains in the west to the flat lands along the Rondout Creek and Esopus Creek.

The dominant physical characteristics of the Town are the Shawangunk and Catskill Mountains. The Shawangunk Mountains rise to a height of approximately 1,500 feet above sea level in the southeastern tip at Lake Mohonk. This is the highest point in the Town. The Shawangunk's rugged slopes are characterized by thin rocky soils, cliffs, and hemlock northern hardwood forest. In the western portion of the Town, the Catskills reach an elevation of approximately 1,100 feet at a point located west of Atwood Road and north of The Vly-Atwood Road. Generally, however, the elevations of the Catskills within the Town are less than 1,000 feet. The Catskills here have slopes more gentle than the Shawangunks with deeper soils and mixed hardwood vegetation interspersed with white pine and hemlock.

The lowest elevation in the Town is 120 feet located along the Rondout Creek at the Town of Rosendale boundary. The lowest elevation of the Esopus Creek is approximately 160 feet located at the Town of Hurley boundary.

Other notable natural features of the Town include several swamps, such as the Scarawan Swamp, Cantine Swamp and Noxes Vly. Marbletown has several federal and state-listed wetlands, such as those along the northern Coxingkill. Some significant secondary streams draining into the Rondout or Esopus Creeks include the Kripplebush Creek, Northern Peterskill and the Coxingkill. Several other smaller creeks, such as Mossy Brook and Vly Brook, are also present in the Town.

INSERT SOILS MAP with Ag Districts

Active Farmland

Table 1: Assessed Agricultural Uses, as of August 2009

Dairy Products: Milk, Butter and Cheese	2%
Field Crops	14%
Agricultural Vacant Land (Productive)*	57%
Tree Fruit	5%
Truck Crops - Not Mucklands	22%
<hr/>	
Total	100%
<hr/>	

**Refers to land used as part of an operating farm.*
Source: Marbletown Tax Assessor's Office.

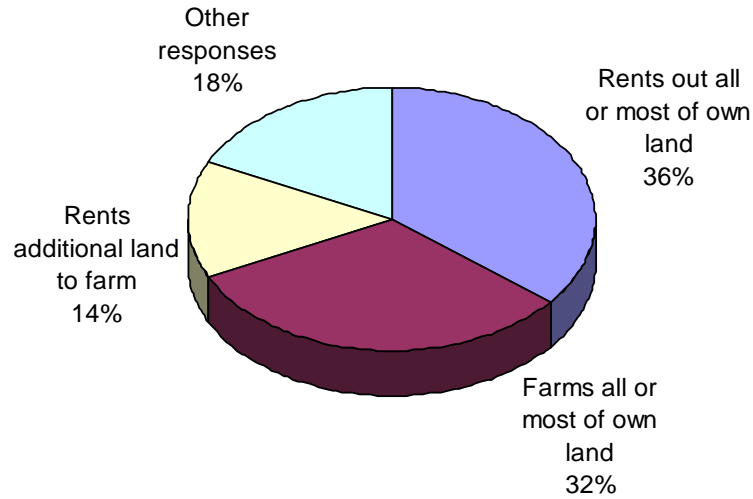
As of August 2009, there are 5,423 acres in Marbletown that are fully or partially dedicated to agricultural use and are classified as Agricultural Districts or with agricultural tax exemption. These agricultural lands, which are located on 239 parcels, account for a wide variation in crop and livestock production, as demonstrated in Table 1, all of which contribute to a diverse, but vibrant local agricultural economy.

C. Value of Farmland to Community

The value of farmland to Marbletown is anchored on its residents' need to maintain the Town's natural endowments, local history, open space, and ecosystem.³ Thus, agriculture is a sector that receives a lot of support and the protection of farmland is very consistent with the residents' vision for the Town. Emphasis is put on particular locations like the Route 209 valleys. Other priority areas include the Rondout and Esopus Creeks, Shawangunks woodlands, Catskill foothills, and the various floodplains and wetlands interwoven with the open spaces. These make up the agricultural heritage and natural features of the Town.

³ Marbletown New York Town Plan, 2005.

Figure 1: Farmers' Use of Land



Supplemental research to measure local support for farmland was done by the study team through a survey of local farmers. Findings show that 36 percent of respondents rent all or most of their land while 32 percent directly farm their land. Additional land is rented by 14 percent of surveyed farmers. The results show that farmland has a high utilization rate in the area, which is a good indicator of how farmland is valued in Marbletown.

Additional survey information can be found in Appendix A.

D. Extent of Development Pressure on Farmland

D. 1. Population Trends

Preserving the Town's agricultural heritage coincides with managing the growth that is necessary to support the Town. Between 1990 and 2000 Marbletown's population grew nearly eleven percent putting it in the mid-tier of growth communities in Ulster County. From 2000 to 2007, Marbletown's population grew an additional three percent, reaching a population of 6,039 individuals. Over the period of 1990 to 2007, Marbletown's population has consistently represented three percent of the overall County population, with little or no variation over the period. The implication is that Marbletown's share of long-term population growth will mimic that of the County.

Table 2: Population Trends

	Population			Change		
	1990	2000	2007	1990	2000	2007
Ulster County	165,304	177,749	181,860		7.5%	2.3%
Marbletown	5,285	5,854	6,039		10.8%	3.2%
Share	3%	3%	3%			

Source: Ulster County Planning Department, 2009.

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Additional demographic analysis was conducted to understand the composition of the population as well as trends within defined rings around the geographic center of Marbletown. This analysis is presented in Appendix B and includes factors that might reasonably affect development, housing, and even consumer purchasing patterns within the next five years.⁴

D. 2. Housing Trends

Table 3: Housing Trends

Forecast of Housing Affordability and Total Demand, as of 2006

	Affordability Gap for Housing Units				Total Demand for Housing Units			
	2006	2010*	2015*	2020*	2006	2010*	2015*	2020*
Owned	511	550	618	686	1,992	1,995	2,065	2,129
Rented	94	114	122	132	568	574	593	612

Source: Three-County Regional Housing Needs Assessment, 2009

*Estimated

Population trends have a direct and positive effect on the demand for housing and the anticipated increases in population should lead to increases in the need for both owned and rented housing units.

Table 3 shows historical and projected trends for owned and rented housing units in Marbletown using an affordability gap analysis. The analysis compares the current supply and demand. Demand was estimated using available data from a 2009 Three-County Regional Housing Needs Assessment for Ulster, Orange, and Dutchess Counties. Housing supply data are also based from the same study, which sourced housing estimates from the 2006 American Community Survey, local building permits, and County Planning Department rental surveys, and parcel data for property tax purposes.⁵

Positive values for the gap in Table 3 point out that demand exceeds supply in Marbletown. More importantly, the positive values indicate that housing units available to be purchased or rented at an affordable price or rent, and households will likely be paying more than the traditionally accepted 30% threshold of household income for housing costs.

Additional demographic and social information can be found in Appendix B.

D. 3. Zoning

The Town’s zoning policies are guided by the State of New York’s legislative enactments, which state that it is an important state policy to provide for open space and to conserve, protect and encourage the preservation of agricultural lands and

⁴ The coordinates of the center of Marbletown are latitude 41.883 degrees by longitude -74.113 degrees.

⁵ For a detailed description of the methodology, see *A Three-County Regional Housing Needs Assessment*.

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other natural and ecological resources.⁶ Growth and development may encroach upon and even eliminate open areas, some of which have scenic or aesthetic values that would maintain physical, social, aesthetic, ecological, and economic characteristics if preserved.

Marbletown supported the State's vision by implementing a program for the acquisition of interests or rights in real property for the preservation of open spaces and farmland. The Town Board funded a Purchase of Development Rights (PDR) program by authorizing \$2 million for the acquisition of open spaces, areas, and development rights. The Town has formed a working committee called the Marbletown Preservation and Investment Commission to develop the necessary processes, procedures, and evaluation criteria to implement these funds. An initial report on evaluation and application procedures is due in 2010.

Insert Generalized Zoning Map

Most of the Town's land area is defined as residential (Districts A, R, and SR) with most of the business and industrial districts being located at the central Stone Ridge/High Falls area. Zoning and development have followed the standard model of locating non-residential establishments at the town center with residential units in the surrounding areas. This model also evolved around the Town's rural and agricultural features. A detailed explanation of the Town's zoning classification system is provided in Appendix C as well as review of the zoning code conducted by the New York Planning Federation in June 2008.

E. Overview of Existing Plans, Programs, and Regulations

Previous plans for Marbletown and other areas have been made and provide guidance in the development of this Agricultural and Farmland Protection Plan. In 2005, a Town Plan⁷ was revised with the vision to "conserve its open space, preserve our farmland, and promote sound and responsible development through pro-active planning."⁸ The Town Plan defines the general location and distribution of major land use categories, (namely hamlets, open space, and different residential density areas) as envisioned by the goals and objectives of the Town Plan. It is to be updated to include cultural and historic, and natural resource inventories of Marbletown as they become available. The following table provides the various issues the Town Plan addresses as well as the necessary implementation strategies and goals to achieve.

⁶ State of New York General Municipal Law § 247 and Environmental Conservation Law § 49-0301.

⁷ This is also referred to as the 2005 Marbletown Town Plan.

⁸ "Marbletown New York Town Plan," p. 4.

Table 5: 2005 Town Plan Key Points

Issue	Goal	Strategy
The Environment	Protect the natural fragile features	<ol style="list-style-type: none">1. Responsible Resource Use or Consumption2. Ecosystem Health and Biodiversity3. Air Quality Protection and Improvement4. Waste Management and Recycling5. Natural Resource Protection6. Recreational Use of Natural Resources and Open Areas7. Wetland Preservation8. Control of Quantity and Quality of Run-off
The Economy	Encourage natural, historic, cultural sustainability in businesses	<ol style="list-style-type: none">1. Small Scale Businesses2. Four Season Tourism3. Specialized/Niche Agriculture
Development Patterns	Preserve the natural resource base	<ol style="list-style-type: none">1. Agricultural, Forest, and Open Space2. Controlled Hamlet Growth
Historic and Cultural Resources	Encourage the recognition of their importance	<ol style="list-style-type: none">1. Resource Inventory Maintenance2. Development Should Be Compatible with Resource Preservation
Housing	To be provided to all economic levels of residents	Cluster Single Family Homes on Smaller Lots to Preserve Green Space and Natural Features
Infrastructure and Community Facilities	Should allow concentration and expansion of hamlets	<ol style="list-style-type: none">1. Repair or Construct Underground Utilities2. Regulate Development

Source: 2005 Marbletown-New York Town Plan.

The Town employs Smart Growth principles within its land use plan as a means to direct its conservation efforts outside of hamlet areas and to encourage both residential and commercial development within hamlets (growth nodes). The Town currently maintains one small water system in the Hamlet of High Falls.

Principles of Smart Growth

The principles of Smart Growth for the agricultural sector accommodate the perseveration of open spaces, farmland, natural beauty and critical environmental areas, as a means to save natural environments for plants and animals while bringing tourism to the area and generating revenue while protecting the open spaces. Open space preservation supports Smart Growth by encouraging population growth in existing communities in order to preserve critical environmental areas such as farmland and wetlands and to improve the community's way of life. Additional information on specific Smart Growth techniques to preserve farmland can be found at www.smartgrowth.org and includes options such as town center development, mixed use zoning to encourage live/work spaces, transit oriented development, and targeted infrastructure investments.

Marbletown Natural Heritage Open Space Plan

The Town's Natural Heritage and Open Space Plan is an implementation item of the 2005 Town Plan, which analyzed the Town's future growth and development potential. The Natural Heritage Plan defines that Town's natural heritage resources including regional forests, core farm areas, aquifers, streams and waterways, supporting forests, and wildlife areas. The Plan's findings include:

1. The continued development of a local land conservation program,
2. Supporting sustainable land uses,
3. Planning for economic and development growth,
4. Continued advanced research, management, and stewardship efforts,
and
5. Expansion of options for conservation financing.

F. Issues and Opportunities

SWOT Analysis Results

The various issues in the previous sections and the findings of the conducted survey were examined and categorized as Strengths, Opportunities, Weaknesses, or Threats (SWOT) relating to agricultural production in the Town. Brief discussions of selected issues are provided below in the SWOT table.

Table 6: SWOT Results

<p>Strengths</p> <ul style="list-style-type: none"> • High quality agricultural soils in bottomlands • Expansion of on farm value added • Demand for farmers’ markets and roadside stands • Public support for agriculture • Economic value (value-added, jobs) • Agricultural heritage (orchards) • Strong inter-farm cooperation • Access to markets 	<p>Weaknesses</p> <ul style="list-style-type: none"> • Cost/availability of leasing land for agricultural production • Residential development in close proximity to working farms • High wildlife pressure • Poor understanding of agricultural practices
<p>Opportunities</p> <ul style="list-style-type: none"> • Increased interest in “buying local” may expand market opportunities • Active preservation initiatives • Regional support for purchase of development rights 	<p>Threats</p> <ul style="list-style-type: none"> • Development pressure increases cost of land, reduces availability of land for agricultural production • Regional development patterns are beyond control of the Town

F.1. Demand for Farmers’ Markets and Roadside Stands

Findings from an informal survey conducted for the Plan showed that most farmers believe farm stands and farmers’ markets would be the most beneficial initiatives in keeping agriculture viable in the area. On the supply side, such retail establishments would complement the vegetables and grain crops grown in the Town as well as the scale of production. On the demand side, farm stands and farmers’ markets would serve as a food and fiber source for the growing base of new Marbletown residents, both permanent and seasonal.

Growth in the regional population base provides additional opportunity to encourage on-farm and off-farm market developments such as those proposed by the Rondout Valley Growers Association that would incorporate food manufacturing, distribution, on-site sales, and food donations for regional food banks. However, connecting farmers with markets is a perennial challenge due to the difficulty of managing the consumer interface and the geographic dispersion of Marbletown’s population.

F.2. Public Support for Agriculture

There is overwhelming support, even among non-farmers, to protect the Town's farmland and keep agriculture sustainable. Additionally, this sentiment is accompanied by a pragmatic view that economic growth and development is also beneficial. Survey results show that 56 percent of farmers would welcome new development on the condition that it should coexist with the local agricultural sector and that it should not alter the local character. In developing future agricultural policies or initiatives, it is evident that local knowledge is important and that consultation with key groups and sectors within Marbletown could provide valuable insights or solutions.

F.3. Regional Support for Purchase of Development Rights (PDR)

Thirty percent of the farmers surveyed for the development of this Plan expressed a willingness to consider a PDR program and/or conservation easement while 27 percent would want more information on it. Only 13 percent of farmers surveyed would not consider it. Local support is present among an informed group of farmers and there is the potential for additional support among those who want more information to ensure sound financial decisions can be made. Residents also support Purchase of Development Rights as does the Ulster County Agricultural and Farmland Protection Board. PDRs and easement programs are discussed further in Section H below.

Note that the Town's voters have already authorized \$2 million to employ a town-based open space preservation program. The Marbletown Preservation and Investment Commission is charged with developing the implementation program.

F.4. Residential Development in Close Proximity to Working Farms

Survey results show that 56 percent of farmers are not opposed to new development on areas where there is active farm use. However, some respondents expressed that, some conditions have to be met first, such as examining the population characteristics and the ability of farming and development to coexist without compromising either sector. As mentioned earlier, the results demonstrate a pragmatic perspective in facing local, and potentially competing, issues.

F.5. Strong Inter-Farm Cooperation

Marbletown is home to the Rondout Valley Growers Association (RVGA) which is a not-for-profit association of farmers formed to promote and advance farming in the region. The RVGA supports land preservation and market development activities as well. With more than 60 member farms, RVGA represents products ranging from Christmas trees to produce and beef. Many products are sold directly to consumers at farmers' markets and roadside stands in the region as well as through wholesale outlets. RVGA represents many growth oriented farm businesses and provides a strong support mechanism for both existing and start-up farms.

G. Farmland Proposed for Protection

G.1. Establish Target Number of Acres that Would Comprise “Critical Mass” of Farmland

To target properties with the highest productive, environmental, and cultural value, ACDS, LLC recommends that the Marbletown Preservation and Investment Commission’s (MPIC) rating system, which can be found in Appendix D, be utilized as the basis for this determination. The MPIC’s draft criteria focus on the following issues:

- 1) Location in a Natural Heritage Area as defined in the *2008 Marbletown Natural Heritage Plan*. Locations within critical watersheds and aquifer recharge areas receive the highest point totals.
- 2) Presence of farming and farmland soils as defined by assessment data and Natural Resource Conservation Service Soil maps. Points are awarded based on scale of farming activities, scale of high productive soils onsite, presence of an Agricultural District, and level of onsite agricultural investments.
- 3) Protection of critical watersheds as defined by presence of a major or supporting aquifer; abutment to water bodies and impoundments; and proximity and relationship to rivers, streams, and wetlands.
- 4) Protection of forests, fields and other working lands, either directly or indirectly, using data provided by the U.S. Forest Service - Forest Inventory Assessment, the Department of Environmental Conservation regional forester, and other data from the U.S. Geological Survey.
- 5) Other criteria are also used to evaluate properties to include cultural and scenic assets, proximity to other protected acres, role of the property in regional conservation initiatives, the level of protection for a given project cost, involvement of partners, and impact on tax base.

Grouping high ranking parcels would provide for a critical mass of properties. Such a process would ideally be linked to county, state, and private land trust plans to ensure that Marbletown’s efforts are not orphaned.

G.2. Assessment of Development Impact

After identifying the parcels for protection, the zoning district, acres of priority farmland, housing units on each allowed acre, and the projected build out units can be estimated. With these indicators, an assessment of the impact of development can be made and various scenarios for sensitivity analysis can be done.

H. Evaluation of Potential Agricultural Protection Techniques

There are programs and initiatives that can be used by local governments, farmers, key stakeholders, and other organizations to achieve productive and sustainable farmland protection. The following table highlights these techniques. Additional details can be found in Appendix E.

Table 7: Summary Land Protection Tools and Techniques

<i>Protection Tool</i>	<i>Definition</i>	<i>Benefits</i>	<i>Drawbacks</i>	<i>Applicability/Status-Marbletown</i>
<i>Comprehensive Plan</i>	Guiding vision of what a community wants to be in the future and a strategy for achieving that.	An organized way to identify productive farmland and set growth and protection goals. Serves as basis for land use regulations.	Not legally binding. May be changed or ignored by officials as they rule on development proposals.	Marbletown has completed the Town Plan that employs Smart Growth principles by encouraging development in hamlet areas where services and population are currently centered. These efforts encourage the development of agriculture and home-based businesses, town center development, economic development core areas, neighborhood activity centers, and crossroad commercial centers while discouraging commercial and industrial development in other settings.
<i>Differential Assessment</i>	Taxation of farmland based on its agricultural use rather than its development value.	Modest incentive to keep land in commercial farming.	Benefits land speculators waiting to develop land.	Minimum 7 acres and \$10,000 in sales; horse boarding operations now eligible. Available to county farms but not widely used even among district properties.
<i>Agricultural Districts</i>	State designation of an area of at least 500 acres of viable agricultural land. Initiated by landowners, adopted by the County. Land can go in any time but can only come out when district is reviewed every 8 years. Not tied to agricultural assessment.	Farmed land within district provided protection from local ordinances, nuisance suits, and utility ad valorem taxes. Commissioner of NY State Ag & Markets has authority to rule on local land use conflicts.	Area defined by landowner willingness. County adopts but town ordinances are affected if there is a dispute. State has authority to rule on local land use conflicts.	Some towns concerned about perceived loss of local control; others working to bring local ordinances in line with farm operation needs.

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<i>Protection Tool</i>	<i>Definition</i>	<i>Benefits</i>	<i>Drawbacks</i>	<i>Applicability/Status-Marbletown</i>
<i>Right to Farm Laws</i>	<p>In NY for land in ag district:</p> <ol style="list-style-type: none"> 1. Definition of agriculture 2. Local ordinance provision 3. Notice of Intent 4. Sound ag practices determination 5. Disclosure notices 	<p>Strengthens the ability of farmers to defend themselves against nuisance suits. Shields farmers from excessively restrictive local laws and unwanted public infrastructure. Tied to agricultural district designation.</p>	<p>Not meant to shield from all legal disputes with neighbors. Does not stop complaints from non-farm neighbors. May not protect major changes in farm operations or new operations.</p>	<p>These protections are limited to farmland in the agricultural district in the County.</p> <p>Farmers and landowners in Marbletown do not feel that State protections offer sufficient protection from nuisance suits at this time. Additional controls at the town level are unlikely to meet desire for required arbitration process.</p>
<i>Agricultural Zoning</i>	<p>Typically low density zoning, such as one unit per 20 acres in a predominantly farming area.</p>	<p>Limits non-farm development in areas intended for agricultural use. Can protect large areas of farmland at low public cost.</p>	<p>Local government can rezone land. Landowners may complain about loss of 'equity value' if land values have begun to escalate due to development pressure. May create a "Constitutional Taking."</p>	<p>There is currently low interest among operating farms for the additional protections offered by large lot zoning.</p>
<i>Agricultural Conservation Easements</i>	<p>Voluntary separation and sale of the development rights from land in exchange for a permanent conservation easement. Typically paid difference between restricted value and fair market value. Land remains in private ownership and on tax rolls.</p>	<p>Provides permanent protection of farmland and puts cash into farm and farm economy.</p>	<p>Public cost may be high. Combined with being voluntary, it may be difficult to protect a critical mass of farmland.</p>	<p>Currently no purchase of development rights program in County for agricultural land. Only State funds through Ag and Markets are currently available to be used to conserve lands in the County and Town.</p> <p>Marbletown is currently developing its own conservation easement program with the authorization of \$2 million in conservation funding.</p> <p>Currently land trusts operate the only active conservation easement programs in the Town.</p>

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Protection Tool	Definition	Benefits	Drawbacks	Applicability/Status-Marbletown
<i>Transfer of Development Rights (TDR)</i>	Voluntary separation and sale of development rights from land in one part of a jurisdiction to be used to increase density in another part. Conservation easement placed on sending parcel.	Developers compensate farmland owners. Creates permanent protection of farmland and shifts some costs to private sector.	Difficult to establish and administer. Opposition by landowners in receiving areas. Needs to be an integral part of a jurisdiction's growth management strategy at a time that sending area resources are relatively intact and intensification of receiving areas is feasible.	Currently no TDR programs operate in any towns in the County.
<i>Private Land Trusts</i>	Local non-profit 501.c (3) corporations designed to identify resources to be protected, accept permanent conservation easements from landowners, and monitor their provisions through time.	Can provide permanent land protection. Can forge public-private partnerships. Greatly facilitates the donation of conservation easements from landowners able to benefit from income tax benefits.	Private land trusts may focus on specific areas and or types of easements. Land trusts may not be able to fund a purchase of development rights program and typically prefer to work on projects with a donation component. Unless specifically designed for agricultural protection, farming may be virtually impossible on conservation easements designed for other purposes.	The Open Space Institute (OSI) is the most active land trust in the region. OSI accepts donated easements as well as providing funding for purchase of conservation easements. OSI will partner with towns such as Marbletown to develop and finance easement programs as well as providing easement monitoring support.

I. Strategies and Recommendations

The following recommendations are offered to improve the integration between agricultural and residential land uses in Marbletown as well as improve the general economic conditions facing farming and related uses.

The recommendations in this report are designed to enhance public and private sector efforts to support and sustain agriculture over the coming decades as a critical element of Marbletown’s economic backbone and as a key land use. Because of this, successful implementation of these recommendations will involve a multidisciplinary effort supported by the public sector, private industry and agricultural operations as well as state and local agencies. The necessary partnerships will be driven by the specific implementation needs of each recommendation. Funding support for each respective recommendation must also be built independently on the merits of the recommendation and evidenced needs.

Key elements of the recommendations are presented in the following table.

Table 8: Agricultural and Farmland Protection Plan Recommendations			
Recommendation	Implementation Timeline		
	Short Term	Medium Term	Long-Term
1. Enhance Town of Marbletown Agricultural Land Protection Program		Ongoing	
2. Integrate Agricultural and Farmland Protection Plan findings within core marketing, tourism, and economic development activities		Ongoing	
3. Support County efforts to expand farmland protection outreach and education	√	Ongoing	
4. Co-create a new farmer development program in conjunction with neighboring towns	√	Ongoing	
5. Integrate Marbletown Agricultural and Farmland Protection Plan into agency work plans		Ongoing	
6. Support an update to the Ulster County Agricultural and Farmland Protection Plan		√	
7. Explore enhancements to NY State Right to Farm protections		√	√

Detailed descriptions of each recommendation can be found on the following pages.

I. 1. Enhance the Town of Marbletown's Agricultural Land Protection Program

As a vital first step in developing an effective farmland protection program, the Town of Marbletown already supports the conservation of critical areas through easement acquisition and has encouraged landowner participation in the State's Agricultural Districts. Strengthening this commitment with a broader set of local tools will enhance farmer participation and make the Town a friendlier place for agricultural activities. Establishing additional tools, beyond those available from the State and County, should begin by setting a preservation target that directs permanent protection toward the Town's best and most threatened agricultural resources. Protection of 50% of remaining Prime and Productive agricultural soils is recommended as an initial target.

Marbletown should consider taking the following actions.

- Establish initial and long-term protection goals to guide the creation of an appropriate protection toolkit, to include:
 - Set acreage goals for agricultural and forestry lands.
 - Identify critical agricultural and forestry infrastructure.
 - Link agricultural and forestry protection goals to natural resource and water protection goals.
 - Integrate viewshed, cultural, and other goals as appropriate.
- Expand ranking criteria to target areas for conservation where agricultural operations are clustered, development pressure is expected, and/or key agricultural infrastructure is concentrated.
 - Target initial program activity in bottomland areas of the Town where soil quality is highest.
 - Integrate target areas with County and regional plans and conservation organization activities.
 - Develop mapping layers.
- Consider funding an Installment Agreement Program to encourage participation from tax motivated landowners (See Appendix F for additional information).
- Expand local funding options through grant writing and partnerships with land conservation organizations.
 - Seek revolving loan funds to support programs.
 - Examine use of County economic development funds.
 - Seek USDA Rural Development revolving loan funds.
 - Apply for direct project support from the New York Department of Agriculture and Markets and USDA's Farm and Ranch Land Protection Program.
 - Explore earmark opportunities for new farmer land programs in cooperation with the Hudson Valley Agribusiness Development Corporation.

- Update zoning code.
 - Consider allowing poultry and egg production in A zones as a matter of right.
 - Amend definition of “Crops” in S. 200-89 per New York Planning Federation memo dated June 19, 2008.
 - Formally adopt the definition of agriculture included in Agriculture and Markets Law 25-AA.

Implementation Responsibility – Town of Marbletown Board and Marbletown Preservation and Investment Commission with assistance from County agencies such as Planning, Soil and Water, and Cooperative Extension.

Budget Guidance – This recommendation is expected to require significant staff resources and a modest outreach and marketing budget. An annual operating budget may be required to maintain an easement monitoring program. Cost sharing with Ulster County Agricultural and Farmland Protection Board or a local land trust is recommended to avoid duplication of services and costs. Grant funds may be available to support tours and development of marketing materials. Sufficient staff or financial resources would be allocated to support two to four grant applications per year (approximately 120 to 320 hours).

I. 2. Integrate Agriculture within Core Marketing, Tourism and Economic Development Activities.

Marbletown is in a unique position to lead the region in developing an agribusiness industry cluster based on its unique assets. These assets include the Rondout Valley Growers Association, a strong base of direct market producers; the Rondout Valley Business Association; positive demographic traits for supporting local production, such as high education and high income levels; a solid transportation network; and good quality of life. Some agribusiness and tourism development is already evident in the Route 209 corridor. Enhancement of this cluster, however, will take coordinated private-public partnerships and planned support. Several economic development initiatives are highlighted for further action.

- A. Work with the County to broaden access to development capital for agriculture - Whether established or new, agricultural operations report difficulty in obtaining the financing needed for expansion and development activities. For existing farms and agribusinesses, the issues focus on access to grant and equity resources to expand farming operations or to develop marketing infrastructure. New farmers express a need for flexible financing terms for land acquisition and capital equipment accumulation. Addressing these issues at the Town level is a challenge, and may require assistance from a coalition of towns, entities, and the County.
- Improving access to capital is a regional issue that will require action of the following items. Programs may include a land preservation term easement requirement replicating the Massachusetts Farm Viability Grant Program (See Appendix H).

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- Collaborate with county and state efforts to develop new sources of capital dedicated to agriculture.
 - In conjunction with a partner agency such as Ulster County Development Corporation or HVADC, assist farmers with match requirements for agribusiness development, value-added, and innovation oriented grants.
 - Review existing successful models to expand finance opportunities targeting cost reduction and environmental technologies such as biomass combined cycle power generation, manure digestion, and new production technologies.
 - Integrate this recommendation with the new farmer development recommendation.
 - Encourage private donations and private market funding to augment the public funding of easement programs.
 - Support creation of a revolving loan fund to leverage easement purchases and assist young and beginning farmers with capital acquisition.
- B. Create a town-based alternative energy program to support development of green jobs - Large and small scale bioenergy projects are becoming more commonplace throughout the region and the farming and agricultural communities are beginning to serve these emerging opportunities as an important supply source. Communities like Marbletown, given its agricultural and forestry production base, are well situated to benefit from supporting growth in such opportunities. This strategy envisions the Town taking an active role in supporting this sector by demonstrating technologies for both retail and commercial use and highlighting the performance and operating characteristics of selected technologies. The intent of this strategy is to assist with the market acceptance of emerging bioenergy technologies and to encourage localized development of a supply infrastructure.
- Increase landowner and farmer understanding of bio-energy opportunities.
 - Co- Sponsor an alternative energy conference in conjunction with the bio-energy industry, USDA Rural Development and the Division of Forestry to highlight emerging technologies, technical support services, and financing opportunities.
 - Apply for a USDA Rural Development grant to support applied research and education related to the utilization of appropriately scaled alternative energy and energy conservation practices, such as energy audits, wind power, biomass (fuel and combined heat and power), solar, and others as appropriate.
 - Support consumer and industry outreach to include tours, an alternative energy website (in cooperation with partners such as Cornell Cooperative Extension and HVADC), local on farm demonstrations, and an alternative energy trade show.
 - Apply for a USDA Urban Forestry grant to explore feasibility of a woody biomass aggregation and distribution capability that meets

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Forest Stewardship Council and Sustainable Forestry Initiative certification requirements.

- Identify technical resources for those exploring the application of alternative energy and energy conservation practices on farms in cooperation with Cornell Cooperative Extension and Hudson Valley Agribusiness Development Corporation.

- C. Support greater direct market access to local food and fiber products -
Based on research conducted by the Hudson Valley Agribusiness Development Corporation, there is significant unsatisfied demand for food and culinary related sales in the Hudson Valley Region. This demand is expected to exceed \$500 million in lost sales revenue annually. Providing a venue for consumers to experience local foods in a rural environment is one method to capture a portion of this demand. Given the Town's easy access from Route 209 and proximity to Catskills and Shawangunks, ACDS, LLC believes the Stone Ridge area provides an appropriate venue for a niche oriented Agriculture and Culinary Arts Center. Examining models such as the Wine and Culinary Centers in Modesto and Lodi California may provide excellent models for future development. Development of an agricultural and culinary arts center may be used to complement growth and development of local organizations like the Rondout Valley Growers Association.

- Encourage development of a Stone Ridge farmers' market.
- Conduct a feasibility analysis of creating an agritourism and culinary point of interest with private sector partners such as the Rondout Valley Growers Association.
 - Identify private sector partner(s).
 - Conduct a retail opportunity study, to include:
 - Feasibility analysis.
 - Leakage surplus analysis.
 - Site location analysis.
 - Product and services list creation.
 - Design analysis.
 - Financial analysis.
 - Identify grant support resources.
 - Market development.
 - Farmer support/supply.
 - Assist in the development of farmer marketing relationships to assure profit margins at all levels of the local marketing system.
 - Support value-added and wholesale marketing opportunities.
 - Integrate a seasonal farmers' market into an incubator facility concept.
 - Integrate with existing marketing activities, such as the Shawangunk Wine Trail.

Implementation Responsibility – Town of Marbletown Board and private partners such as the Rondout Valley Growers Association are expected to take the lead in further development of this recommendation.

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Budget Guidance – This recommendation is expected to require modest staff resources and development funding support. Development funding for specific projects may meet EDA requirements, as described below, and may therefore be integrated within the Hudson Valley Agribusiness Development Corporation's (HVADC) CEDS. Match funding to support a feasibility study or loan fund due diligence would require a local match of \$5,000 to \$35,000, depending on level of feasibility analysis. Grant funds should be available through USDA Rural Development programs to support continued development efforts.

Applicability of EDA Funds to Marbletown

The Economic Development Administration (EDA) is the primary federal entity charged with supporting development projects in urban and near urban areas with significant poverty or economic dislocation. Because of these requirements, Marbletown does not generally qualify for receipt of such funds; however, other areas of the County as well as the HVADC do qualify under both requirements.

Areas that receive funding must possess an up-to-date Comprehensive Economic Development Strategy (CEDS) that has been approved by the EDA. Completing a CEDS is the first step in receiving these funds and is a lengthy and involved process that is best undertaken as a regional effort. Currently, HVADC has an active CEDS in-place.

I. 3. Support County Efforts to Expand Farmland Protection Outreach and Education.

The general level of understanding of land preservation tools in Marbletown, outside of a few agencies, is limited. Before additional land preservation programs can be implemented, or even developed, this condition must be addressed.

The necessity for multiple agencies to be involved in designing and implementing such programs complicates matters of outreach and education on this complex issue. Appointment of a lead agency, such as Cooperative Extension, is required to keep the public positively informed about the importance of agriculture to the local economy, environment, and culture. Developing such an understanding is crucial to a successful farmland protection program. Initial activity should focus on developing a better public understanding of the agricultural industry as well as a better understanding of the farmland protection tools available to landowners. Furthermore, an informed citizenry that understands and accepts the industrial nature of agriculture will make better neighbors and better consumers.

The following actions are recommended as part of this recommendation.

- Support creation of a Farmland Protection Coordinator position within the Cooperative Extension.
 - Examine county funding options to share the position with surrounding towns.
 - Develop a program of work for farmland protection.
 - Introduce program and policy ideas to the community.
 - Work with agencies and industry to implement protection programming.
- Develop an outreach plan to:

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- Identify key audiences/stakeholder groups that impact agriculture.
- Develop important message statements to deliver to above audiences.
- Produce collateral material such as;
 - Print material (See Appendix I for samples),
 - Media kit,
 - Television and radio programming,
 - Website, and
 - Special events.
- Host meetings of county administrative staff and finance officers with outside subject area experts including public officials from counties with long standing programs and bond counsel.
- Create an agricultural speakers' bureau to carry the "message" to important community and civic groups through periodic public speaking engagements.
- Develop a series of educational tours for policy makers to highlight the benefits and challenges of implementing a land protection program.
 - Host local tours to counties with land protection programs.
 - Plan annual out-of-state tours to places with long standing and innovative programs such as Virginia Beach, VA; Montgomery County, MD; and Burlington County, NJ.
- Integrate local farm tours to support the "message" of agriculture as well as topical "on-farm" issues.
- Integrate the forest product industry and forest landowners into outreach programming.
- Enhance the public relations network and partnerships with other agencies that have an active public outreach program, such as the Ulster County Chamber of Commerce.

Implementation Responsibility – Action items under this recommendation require significant interagency cooperation with a range of potential task leaders. It is expected that leadership may be provided by the Marbletown Preservation and Investment Commission, the Ulster County Agricultural and Farmland Protection Board, Ulster County Cooperative Extension, Farm Bureau, agricultural industry associations, and other municipalities with land preservation programs.

Budget Guidance – This recommendation is expected to require modest staff resources and a marketing budget of \$5,000 to \$10,000 for materials and printing. Leveraging is likely and will be issue based.

I. 4. Co-create a New Farmer Development Program in Conjunction with Neighboring Towns

The long term success of agriculture is predicated on having farm operators in the future. Without such a supply of farm operators and risk takers, there is little reason to have an Agricultural and Farmland Protection Plan.

Developing a program to support beginning farmers means creating a multi phased approach to securing training, finance, land, and market opportunity. Such an effort will require a multi-town approach for planning and development and may be enhanced by involvement of outside agencies such as the Ulster County Community College. The Rondout Valley Growers Association provides a natural partnership in developing the producer training and marketing linkages for such a program. Action items may include:

- Support development of a multi-year pilot program that creates individualized new/young farmer training programs to include:
 - Identification of feeder sources for interns and participant screening criteria.
 - Creation of a program of work tailored to individual farm and intern needs.
 - Development of a formal mentor program targeting:
 - Newly graduating interns from local farms,
 - Students graduating from local schools, and
 - Other pre-qualified new/beginning farmers.
 - Host evening farm start-up and management classes modeled after Frederick County, Maryland's beginning farmer classes.
 - Assess the need for an agricultural academy modeled after the Central Carolina Community College in partnership with the Ulster County Community College.
- Conduct landowner meetings to assess the availability of land and agricultural infrastructure.
- Promote development of a farm incubation program similar to Orange County, North Carolina.
 - Provide land resources to qualified (pre-screened farmers) new farmers with a focus on produce, livestock, and equine.
 - Provide business planning and finance support in cooperation with the Hudson valley Agribusiness Development Corporation's Agribusiness Incubator without Walls.
 - Provide production assistance in cooperation with Cornell Cooperative Extension.
 - Develop a related marketing infrastructure such as year-round roadside markets and packing facilities. (Some infrastructure may be extant.)
- Develop an outreach program to attract interested new and beginning farmers to the County and link them to land resources.
- Create a mentor program to link new farmers to experienced agribusiness owners.
- Collaborate with County and State efforts to develop new sources of capital dedicated to first time farmers.

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- Develop an ongoing financial literacy training program for young and upstart farmers.
- Create partnerships with Farm Credit and statewide industry associations as an attraction tool.

Implementation Responsibility – Action items under this recommendation require significant interagency cooperation with a range of potential task leaders. It is expected that overall leadership will be provided by a multi-town committee. Additional support will be provided by Ulster County Cooperative Extension, Farm Bureau, agricultural industry associations, Ulster County Community College, Cornell University, and Hudson Valley Agribusiness Development Corporation, as well as other agencies.

Budget Guidance – Developing expanded beginning farmer programming can be a costly procedure, but it is also one that has numerous potential funding sources. Fundraisers, philanthropies, and federal grants through USDA, Cooperative State Research Extension, and Education Service are all practical means to fund programs. Initially an allocation, or fundraising initiative, should be undertaken by a supporting not-for-profit entity such as HVADC to raise \$30,000 to \$35,000 for establishing a mentorship and intern program. Such a program gradually expanding to add a sustainable agriculture curriculum to the Ulster County Community such as those at the Central Carolina Community College's programs. Additional program needs and resources should be evaluated after such implementation.

I. 5. Integrate the Agricultural and Farmland Protection Plan into Agency Work Plans as Appropriate

Agricultural and Farmland Protection Plans require the efforts of numerous Town departments to be truly successful, and it is highly recommended that the Plan be integrated within relevant agency work plans. Furthermore, elements of the Farmland Protection Plan may appropriately be used as guidance in developing and refining other plans such the Town Plan and other, similar documents.

- Seek inclusion of the appropriate elements of the Agricultural and Farmland Protection Plan within the strategic and/or comprehensive plans of other, related, agencies at the Town and county level such as Economic Development, Public Works, Parks and Recreation, local water and sewer agencies, and others as deemed appropriate.
- Communicate with county agencies and elected officials about the importance of integrating Marbletown’s Agricultural and Farmland Protection Plan into the Ulster County Agricultural and Farmland Protection Plan.

Implementation Responsibility – The Town of Marbletown Board is expected to lead implementation of this recommendation.

Budget Guidance – Requires limited town staff involvement.

I. 6. Support an Update of the Ulster County Agricultural and Farmland Protection Plan

Ulster County’s Agricultural and Farmland Protection Plan has been in existence for more than a decade and should be updated to include recent trends. In addition, Marbletown should advocate for the inclusion of the Marbletown Agricultural and Farmland Protection Plan, as part of any County Plan update.

Implementation Responsibility – Ulster County Agricultural and Farmland Protection Board

Budget Guidance – Requires limited town staff involvement.

I. 7. Explore Enhancements to State Right to Farm Protections

Typical Right to Farm protections in New York are designed to protect landowners from spurious changes in land use code while providing limited protection from nuisance suits through sound agricultural practice determinations under Section 308. According to farmer interviews, these protections do not go far enough in protecting the producer from the type of neighbor conflicts generated from mixing residential use with the sometimes industrial nature of agricultural operations. New Right to Farm protections that safeguard farmers and their non-farm neighbors may help continue the success of agriculture.

Understanding complex Right to Farm issues is essential to crafting a town level response to the issue of nuisance protection. Initiating this process should include the following actions.

- Recommend a review of Section 308 of the Agricultural Districts Law to incorporate a higher level of nuisance suit protection such as mandatory arbitration or mediation.
- Explore local methods to deal with neighbor conflicts, to include:
 - Notification of property locations within affected area annually.
 - Creation of a notice document for inclusion with settlement forms.
 - Creation of a mediation system to review agricultural nuisance claims.

Implementation Responsibility – Town of Marbletown Board should lead an effort to define needed protections with the support and assistance of the Marbletown Preservation and Investment Commission, the Ulster County Agricultural and Farmland Protection Board, New York Farm Bureau, and the New York Department of Agriculture and Markets.

Budget Guidance – This recommendation is expected to require modest staff resources and can be integrated with Recommendation 1.