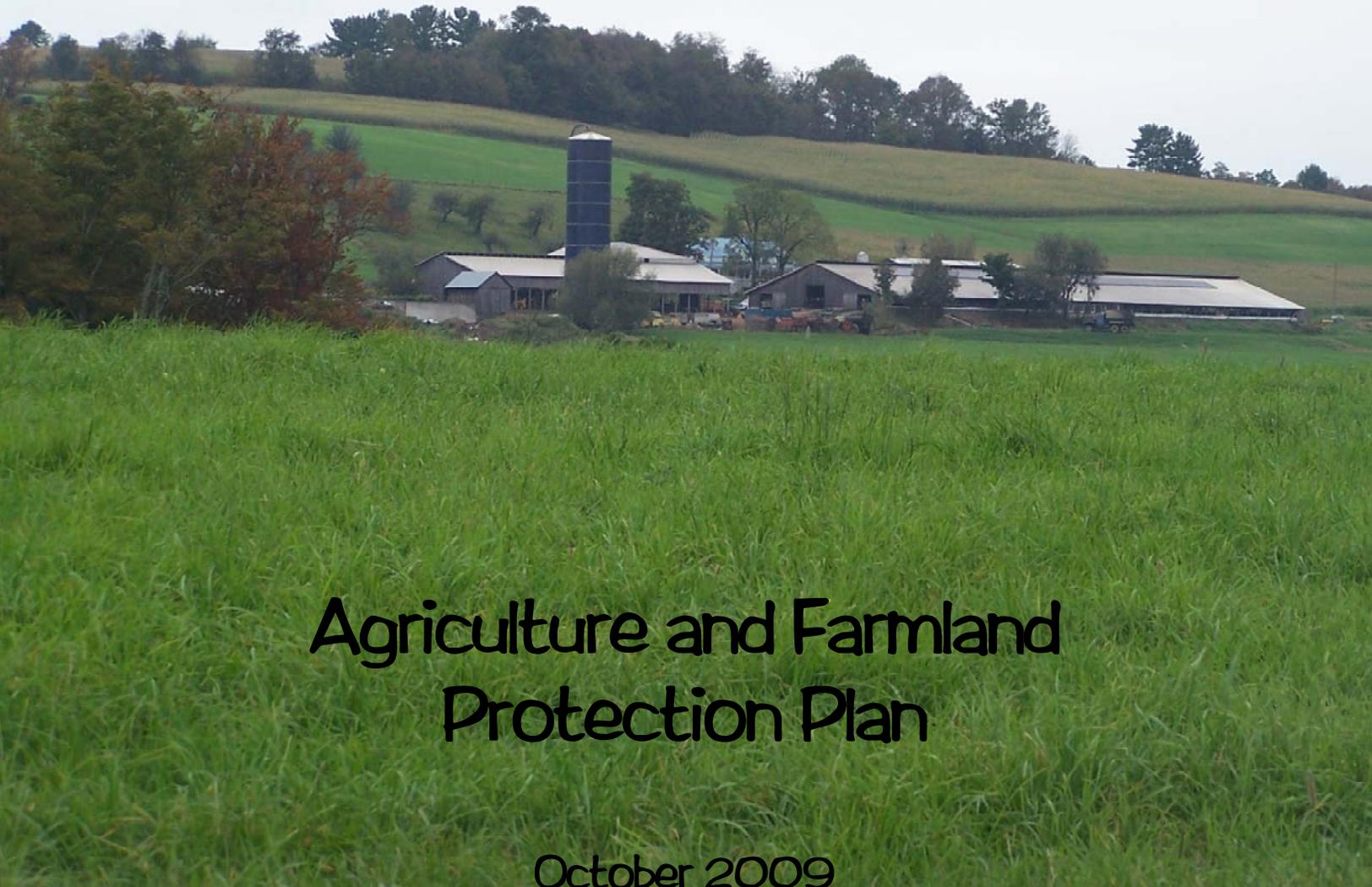


Town of Delaware



Agriculture and Farmland Protection Plan

October 2009



Draft Town of Delaware Agriculture and Farmland Protection
Plan

Town of Delaware

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Draft Version 3
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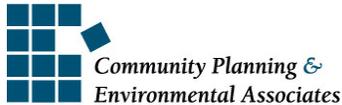
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List of Acronyms Used in Plan

Ag – Agriculture

AFPB – Agriculture and Farmland Protection Board

AG LDC – Agricultural Local Development Corporation

AML – Agriculture and Markets Law

BOCES – Board of Cooperative Education Services

CAFO – Concentrated Animal Feeding Operation

CCE – Cornell Cooperative Extension

CSA – Community Supported Agriculture

DHC – Delaware Highlands Conservancy

FFA – Future Farmers of America

IDA – Industrial Development Agency

LDR – Lease of Development Rights

LEED – Leaders in Energy and Environmental Design

NYS DAM – New York State Department of Agriculture and Markets

NYS DEC – New York State Department of Environmental Conservation

NYSERDA – New York State Energy Research and Development Agency

OSI – Open Space Institute

PDR – Purchase of Development Rights

SC – Sullivan County

TDR – Transfer of Development Rights

USDA – United States Department of Agriculture

Executive Summary

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

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

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

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

What is included in the Plan?

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

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

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

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

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

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

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who have farmland, promoting agricultural entrepreneurs, and helping new farms and farm expansions are central concepts included in the economic development strategies.

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

Introduction

History of Planning In New York

New York State has had a long history of promoting and planning for agriculture. In 1971, the State introduced agricultural districts through Agriculture and Markets Law 25-aa. This program allows farmers to voluntarily commit land in special areas called agricultural districts that encourage and protect commercial farming. In return, agricultural districts provide farmers with protections and safeguards from outside intrusions (such as the right-to-farm law). Landowners may also be eligible for agricultural assessments to reduce the tax burden on farmlands (both inside and outside of agricultural districts).

In 1992, the State adopted the Agricultural Protection Act which strengthened farmers' right to farm, placed greater scrutiny on state projects that could negatively impact agriculture, and authorized development of county farmland protection plans. Article 25-aaa of this act helps to sustain the farm economy and promotes local initiatives to protect agriculture and farmland in New York State. This section authorized the creation of county Agriculture and Farmland Protection Boards (AFPB). These boards advise their county legislatures on actions that impact farms located in county agricultural districts. Sullivan County established its AFPB by legislative resolution in November of 1992.

County Agriculture and Farmland Protection Boards are authorized to:

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

In 1994, New York State initiated funding for counties to develop agricultural strategic plans with a focus on education, agricultural development, and land protection. Sullivan County's plan was adopted in 1999.

State legislation adopted in 1996 provides funding for the purchase of development rights of farmland by counties with approved plans.

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Agriculture and Farmland Plans identify important county farmland, analyze the agricultural and environmental value of these farmlands, and highlight threats to their agricultural use. They also describe activities, programs, and strategies to keep land in agriculture.

State legislation modified Article 25-aaa in 2006, specifically authorizes municipalities to develop agriculture and farmland protection plans (Section 324-a). The law requires that local plans include identification of land areas proposed to be protected, analysis of those lands related to their value to the agricultural economy, open space value, consequences of possible conversion, and level of conversion pressure, and a description of actions intended to be used by the municipality to promote continued agricultural use.

Overview of the Planning Process



The planning process in the Town of Delaware was initiated in November 2007 when the Sullivan County Department of Grants Administration, on behalf of the town, submitted a grant proposal to the New York State Department of Agriculture and Markets for funding to develop this plan. This funding was awarded in 2008 as a collaborative and joint planning process between the Town of Delaware and the Town of Callicoon. Throughout the process, the Town of Delaware has worked in partnership with the Town of Callicoon, sharing a Steering Committee and a completely integrated planning process. This process was conducted with the understanding that the process would result in separate documents individualized to each town. In 2008, the Town hired a planning consultant to assist in development of the plan. Work began in August, 2008.

Planning activities included the following steps:

1. Documented the current conditions of farms and farmland in Town. This included inventorying farms and farmland, developing a comprehensive set of maps of farms, farmland and environmental conditions related to agriculture, and an analysis of this data.
2. Identified public as well as farmer/farmland owner attitudes towards agriculture. This was done through a farmer/farmland owner survey, an

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agri-business survey, interviews of local organizations, and interviews of local agri-businesses and restaurants. Also, during Fall of 2008, a public workshop and a farm focus group were held to identify issues, roles, and vision for the future of agriculture in Delaware. These meetings were jointly held with a similar planning effort in the Town of Callicoon.

3. Identified trends and issues facing agriculture. A buildout analysis was done to help Delaware understand the potential development capacity established by the current Town Zoning Law.
4. Identified needs and opportunities and wrote a vision statement and a set of goals for agriculture.
5. Developed specific strategies to help the town reach its agricultural vision and goals.
6. Developed a priority ranking system to identify locations that are critical to continuing agriculture in Delaware.
7. Developed a full plan document that meets the statutory requirements of Section 324-a of Article 25 aaa of the New York State Agriculture and Markets Law.

The following public input activities took place as part of the planning process:

1. Meeting with the agricultural stakeholders to explore strengths, weaknesses, and opportunities related to agriculture
2. Conducted two Farm Focus Group meetings
3. Conducted two workshops/meetings with the general public
4. Conducted a survey of agri-businesses
5. Conducted a survey of farmers and farmland owners



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6. Conducted personal in-depth interviews with representatives of the following groups, businesses, and agencies:

1906 Restaurant	Candy Cone
Catskill Mountainkeeper	SC Chamber of Commerce
Cornell Cooperative Extension	Farm Service Agency
SC Farmers Market Association	Friends Pub
Harvest Festival at Bethel Woods	Hudson Valley Regional Council
Lander's River Café	Matthew's On Main
Michelangelo's Restaurant	Murphy's Luncheonette
Panther Rock	Pizza Hut
Rolling River Café	Second to None
The Cutting Garden	The Inn in Callicoon
The Old North Branch Inn	Town of Liberty Chinatown, Inc.
Vita's Farm and Garden Market	Watershed Agricultural Council
Wingstreet	
Sullivan County Partnership for Economic Development	
Sullivan County Agriculture and Farmland Protection Board	
Sullivan County Farm Bureau	
Sullivan County Industrial Development Agency	
Sullivan County Soil and Water Conservation District	
Sullivan County Visitor's Association	

Definition of Agriculture

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

Agriculture is an activity that produces food, fiber, animal products, timber, and other goods and services from the land including but not limited to maple syrup, bee products, and Christmas trees. A farm is the location where agriculture takes place. The Town of Delaware recognizes that there are different kinds of farms: hobby or small farms that produce agricultural goods but whose intent may not be as a business and production or commercial farms that operate with the intent to make a profit as a business. On-farm buildings, equipment, processing facilities and practices that contribute to the production, preparation, or selling of

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crops, livestock, and wood products are all part of a farm operation. Agriculture is a working landscape that helps maintain the rural character of the town.



Status of Farming in Delaware

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

- There are about 9,600 acres of farmland in Delaware on 240 parcels of land. Delaware farms are still dominated by dairy and livestock operations. However there are a wide variety of other farms in Town, but at a smaller scale (land and numbers) than dairy and livestock. The most farmland acres are (in order) hay fields, dairy, field crops, livestock, cattle, poultry, and nursery crops.
- There are 1,544 acres of prime farmland soils in Delaware of which 637 acres are farmed. There are also 9,895 acres of farmland soils of statewide importance, of which 5,199 acres are farmed.
- The NYS Ag District has 16,168 acres within it, of which 9,036 are farmed.
- Many farms now have secondary operations to provide additional income.
- Only a few farms sell direct at farmers markets.

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- About half of the farmland used to support farm operations in Delaware is rented from non-owners (5,359 acres on about 190 parcels). This has been identified as an issue of concern for the long-term prospects of farming in the area.
- About 92% of the farmed parcels classified as agriculture by the Town get an ag assessment.
- Farms participating in this planning process reported about 60 employees in Delaware. These farms, along with a large multiplier effect, are significant economic factors in Delaware.
- Sullivan County agri-businesses supply farms with only a portion of materials and services needed for Delaware operations.
- A majority of farms are smaller income earners (less than \$50,000 gross sales).
- The farm population is aging and this is cause for concern about the availability of another generation to farm.

Role of Agriculture in Delaware

Farmers, farmland owners, and the general public feel that agriculture plays a very important role in Delaware. The 2007 adopted Comprehensive Plan establishes a goal to maintain the existing rural and agricultural community character of the Town and recommends a variety of objectives and strategies designed to help maintain agriculture as an important part of the economy.

The public feels that farming is essential to the Town and that it is an activity that benefits everyone, not just the farmers. Participants in this plan's public input sessions identified the importance farming has in their lives and in the community. Farming is a highly valued part of the community and has fundamental economic, food and nutrition, environmental, recreation, and community character roles. In summary public sentiment is:

Why Agriculture is Important to the Town of Delaware

1. Farms contribute to the local economy through sales of agricultural

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products, job creation, and tourism. Since farms pay more in local taxes than they demand in public services, agriculture helps maintain the fiscal health of the Town. Farmers and residents feel that the open spaces provided by farms have a direct link to tourism and economic improvements.

2. Farms are working open spaces that enhance the diversity of the landscape, and contribute to the rural character in Delaware. Farms provide for open space, scenic views, and add to the beauty of the area. Not only do farms form the basis for our community's character, but they add to the physical and emotional health and quality of life of residents, and provide wildlife habitats and water protection.
3. There is a growing recognition of the value of having locally produced food available. Local, healthy food products are becoming more desirable as people become more aware of where and how food is grown, and how much it costs to transport from distant locations. Participants in the planning process said that the quality of our food supply is a critical role for agriculture locally.
4. Delaware residents recognize that farms provide for important habitats, are important to maintain biodiversity, and contribute to protecting water quality and quantity.



Trends and Challenges Facing Agriculture

1. Summary of Development Trends and Buildout Analysis

Appendix 1 and 2 offer many details about population and development trends in Delaware. One of the major concerns facing agriculture in Delaware is long-term development pressure. Significant trends that will influence the ability to maintain farms in the future are:

- Between 1990 and 2000, Town population rose about 3.3%.
- In the past 8 years, Delaware's population is estimated by the US Census to have increased another 2.9%. The total population increase since 1990 is about 6%, or 166 people.
- The Census also reports that while population growth increased 3.3% in the 1990's in Delaware, the number of new households increased 16.2%.
- At the same time, the number of housing units increased by 288, or about 21.5%. Thus, the level of new home construction outpaced the population growth by a large margin. New housing is likely attributed to both second home development and the "spreading" out of existing population.
- Between 1990 and 2008, 202 new residential building lots were created by subdivision.
- The buildout analysis shows that the Town zoning creates a development capacity for up to 9,700 additional homes in Delaware without adjusting the density for environmental constraints. A conservative estimate that takes into consideration environmental constraints shows the capacity of development in Delaware is about 4,600 new single family homes. Of that potential, about 3,850 to 4,100 could be on lands currently farmed.



2. Strengths, Weaknesses, Opportunities, and Threats

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

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

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

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

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



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- There is poor communication, in all directions, between farmers, consumers, and support organizations.
- There is traffic and difficulty parking at the farmers markets.
- Zoning can impede farm business expansion and retail sale or direct sale of products.

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



- Build successful infrastructure to support the agricultural industry, including the creation of a slaughterhouse in the Town of Liberty. Develop local processing facilities, especially a community kitchen and dairy processing.
- Consider starting a delivery co-op among local businesses to share responsibilities of traveling to pick up products.
- Create more opportunities for underutilized dairy farms.
- Create uniform signs throughout the County advertising that the Town is a farm community.
- Develop a central depository of land rentals to help farmers and landowners connect more easily.
- Develop a comprehensive guide that lists who is producing what, where, and when (possibly in the form of a monthly newsletter). Let local consumers know where they can go to buy products other than traditional produce.
- Develop a kosher market.
- Develop a workshop to inform farmers about all of the programs available to them.
- Develop large-scale community farms where new farmers can try out farming on an acre of land.
- Develop programs for alternative energy (ex. converting cow waste to energy, which would also create another potential source of income for farmers).
- Educate farmers about town zoning and regulations.
- Promote use of formal rental agreements.
- Help provide liability insurance for those doing agri-tourism businesses.

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- Provide for educational seminars on TDR and PDR, and implement these programs.
- Offer a subsidy for niche farmers and develop programs to help them market more effectively and cost efficiently.
- Reach out to landowners with large lots to encourage them to allow their land to be used for agriculture and promote farm/non-farm relations.
- Promote agriculture as the County's best economic opportunity.
- Promote public awareness of and interest in local food.
- Promote the multiplier effect of agriculture and how it contributes to the viability of the area's economy.
- Start aquaculture for fresh fish.
- Start more FFA programs and BOCES Animal Science programs in the County high schools in order to get kids interested in production agriculture.
- Take advantage of more direct marketing of products.
- Tax incentives could be developed for young farmers who are entering the agricultural business.
- Use existing programs like FFA and the Workforce Development Program to find interns and workers to deal with the labor issue.

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

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

Vision and Goals

In 2020 the state of Agriculture in Delaware will be:

Our entire community is optimistic about, involved with, and unwavering in its support for agriculture in the Town. Dairy farming is economically sustainable and remains the predominant agricultural activity. A diversity of all other kinds of farms such as specialty crops, organics, specialty livestock, hay, and agri-tourism prosper and take advantage of local, regional, and distant markets. Value-added operations and processing facilities support all kinds of agricultural enterprises. Agricultural-related employment continues to contribute to our area's economy and provides living wage jobs. A strong agricultural economy weakens development pressures on farmland. Agriculture is an important and cost effective element of our Town's tax base. Our area attracts and retains younger farmers and those who want to take advantage of the diverse markets in the region.

Producers are entrepreneurial and have the necessary business and interpersonal skills to manage their operation, and successfully market their products. Up-to-date communication and information technologies are widespread on farms throughout town.

Residents and elected officials recognize agriculture as a critical part of the Town's economy and environment, and are knowledgeable about the agricultural industry and its practices. This education promotes peaceful co-existence between non-farm rural residents and farm families. Strong partnerships exist between farmers, policy makers, and government agencies resulting in new initiatives and aggressive promotion of agriculture in government plans, policies, programs, and funding.

Farmland remains in production, especially in those locations identified in this plan as priority farmlands. Farm operators demonstrate their high regard for the environment by utilizing practices that protect water quality and preserve the earth and its resources for future generations. Farmers take advantage of alternative energy opportunities. Agricultural, environmental and public policy groups work together to achieve common goals.

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Goals

Goals describe future expected outcomes. They provide programmatic direction and focus on ends rather than means. Each goal statement is followed by objectives. Objectives are measurable, specific, and time-framed statements of action which when completed, will move towards goal achievement.

Goal 1. Local and county policies, plans, and regulations support agriculture and are farm friendly.

Objectives

- Enact land use regulations that support a business environment for farming and integrate agriculture into local planning efforts.
- Limit negative impacts on agriculture by adopting Town policies on growth and development.
- Preserve agriculture as working open spaces.
- Farms contribute to the rural character and economic health of the town
- Agriculture is a critical component of county economic development policy and programs, and receives the same government attention as other commercial and industrial businesses do now.
- Roads are maintained to support farm equipment.

Goal 2. Farms are profitable and sustainable, and agriculture remains a critical part of the Town's economy and character.

Objectives

- Diversify farm operations by producing value-added goods and niche products, by promoting agri-tourism, and by increasing market opportunities for local produce.
- Market and attract our town to young farmers and farm entrepreneurs.

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- Increase variety, accessibility and availability of farm products to local residents.
- Develop strategically located processing facilities that will sustain a variety of farm operations and agri-businesses.
- Improve farmer's and agri-businesses accessibility to affordable state-of-the-art communication and technology systems.
- Market and brand local farm products.
- Identify and attract related businesses that support our farms.
- Work regionally to promote localization of food and fiber products.
- Enhance training for farmers in business, marketing, and technical skills so that they successfully produce and market their products.

Goal 3. Strong partnerships exist to advocate for agriculture and enhance education and communication between farmers, officials and the general public.

Objectives

- Promote agriculture with local decision makers.
- Promote agriculture with the general public and area businesses.
- Increase public participation in promoting and protecting agriculture.
- Improve communication between farmers.
- Increase farmer participation in government activities.
- Develop Farm to School programs.

Goal 4. Farmlands are preserved in active agriculture.

Objectives

- Return idle farmlands to active production.
- Provide incentives to maintain land in farming.
- Promote purchase of development rights (PDR), lease of development rights (LDR), or transfer of development rights (TDR) programs.
- Encourage non-farm landowners to rent their land to farmers for active agricultural use.

Goal 5. Our water, air, wildlife and other environmental resources are protected.

Objectives

- Promote farm practices that protect the environment.
- Establish farmers as leaders in the use of alternative energies.

Prioritizing Farmland for Protection

Land Evaluation and Site Assessment, also referred to as LESA, is a tool to help citizens and local officials to prioritize those lands that should be protected from conversion to nonagricultural uses. LESA was developed by the United States Natural Resources Conservation Service, and is based on a technique developed in Orange County, NY in 1971 (the first place it was used in the United States.) LESA has a long history of use in New York, and throughout the United States. It is basically a rating system designed with local conditions and needs in mind. It is a tool that can help local officials identify farmlands needing protection by taking into account soil quality and other factors that affect agricultural practices.

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

How LESA Works

LESA is a rating system. The LESA system combines soil quality factors with other factors that affect the importance of the site for continued agriculture. The following table was adapted from the official Sullivan County program in order to incorporate it into the GIS system assembled for this plan. See Map Farmland Prioritization Map that illustrates results.

Sullivan Farms for the Future Program

Draft Guidelines for Purchase of Development Rights

In order to provide an unbiased method of selecting properties for the Sullivan Farms for the Future Program, the Sullivan County Agricultural and Farmland Protection Board has developed a ranking system as delineated below: The ranking system, based on a series of points per category, will enable the Agricultural and Farmland Protection Board to prioritize potential Sullivan Farms for the Future program properties based on their agricultural characteristics. Project ranking criteria have been carefully identified based upon successful agricultural easement programs.

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Category	Criteria	Points	Town Modifications to the County LESA
NYS Agricultural District			
	Is the property within a NYS certified agricultural district	Must be in a NYS certified Agriculture District	Same Criteria
Whole farm or conservation plan			
	Does the property owner have a whole farm plan or a conservation plan in place?	Must have one of these plans in place	Same Criteria
Prime Soils			
	>80% of the farm	20	Same Criteria
	60 - 79% of the farm	15	
	40 - 59% of the farm	10	
	20 – 39% of the farm	5	
Soils of statewide importance			
	>80% of the farm	10	Same Criteria
	60 - 79% of the farm	7.5	
	40 - 59% of the farm	5	
	20 – 39% of the farm	2.5	
Crop Yields			
	20 – 50% above average	20	Same Criteria
	20% above average	10	
	10% above average	5	
Soils highly suitable for development			
	>=50%	10	Same Criteria
	25 – 50%	5	
State Road Frontage			
			Switched State and Town points to rank Town roads higher than State
	>5,000 feet	20	5
	4,000 – 4,999 feet	15	3.25
	3,000 – 3,999 feet	10	2.5
	2,000 – 2,999 feet	5	1.25
County Road Frontage			
			Adjusted the road frontage footage to more accurately represent what is found in the town
	>5,000 feet	10	10
	4,000 – 4,999 feet	7.5	7.5
	3,000 – 3,999 feet	5	5

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Category	Criteria	Points	Town Modifications to the County LESA
	2,000 – 2,999 feet	2.5	2.5
Town Road Frontage			Switched State and Town points to rank Town roads higher than State
	>5,000 feet	5	20
	4,000 – 4,999 feet	3.25	15
	3,000 – 3,999 feet	2.5	10
	2,000 – 2,999 feet	1.25	5
Distance from hamlet or village (road)			
	< 1 mile	10	Removed as there was no need to rank by hamlet
	1 – 3 miles	5	
Proximity to water and sewer			
	On site	20	Same Criteria
	> ¼ mile	15	
	> ½ mile	10	
	> 1 mile	5	
Significant natural resources			Added proximity to Delaware River, Callicoon Creek, Flood plain, Scenic byway
	Within a major watershed	20	Same Criteria
	Within or bordering Catskill Park or Bashakill Preserve	20	Considered the Beechwoods area
	Multiple Ag enterprises	15	Same Criteria
	Historically significant	5	(Century Farms)
Formal estate or business plan			
	Yes	25	Same Criteria
Proximity to protected land			
	Adjacent to permanently protected land	20	Same Criteria
	Within 2 miles of protected land	10	
	Within 2 to 5 miles of protected land	5	
Proximity to viable agricultural lands			Measured contiguous farms instead of distance from other farms
	> 10 farms within 3 miles	10	Shrink the radius, or consider only contiguous farms
	5 – 10 farms within 3 miles	5	

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Category	Criteria	Points	Town Modifications to the County LESA
Simultaneous applications			
	1 contiguous neighbor	10	Not used
	2 or more contiguous neighbors	20	
Percent of property to be protected			
	100%	10	Not used
	75 – 100%	5	
Acreage to be protected			
	>500 acres	25	Eliminate the 500 acre criteria
	100 – 500 acres	20	
	50 – 99 acres	10	Same Criteria
	< 50 acres	5	
Additional criteria identified by the Town as important criteria			
Use Ag Exemption	Identify “High quality” farms	Possibly the age of the farm owner	



Strategies

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

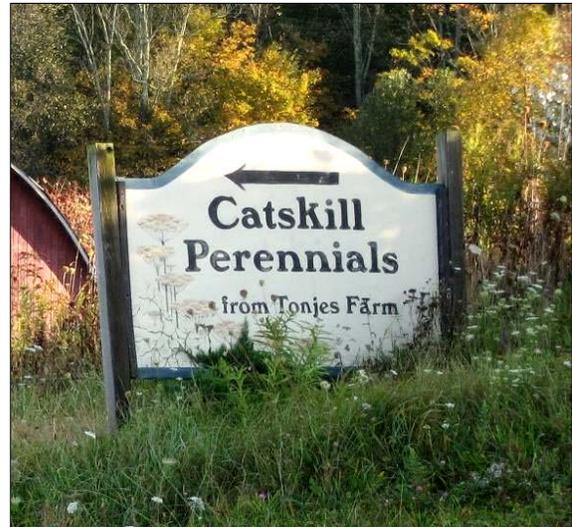
Local initiatives are those that will be carried out by the Town. These are organized into two kinds – Foundation Actions and Strategic Actions. In order to be successful, the Town should concentrate its initial efforts to implement the foundation actions.

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

Town Initiatives

1. Foundation Actions

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



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benchmarks for different actions as per this plan, establish a mission statement for the committee, and outline expectations for reporting and communicating between the Committee and Town Board. This committee should be this Plan's implementing body, and should report regularly to the Town Board. Ideally, this committee should be shared between at least the Town of Callicoon and Delaware to assist both in implementing their plans. A multi-town committee could have sub-committees oriented to specific actions that may be needed for each town. This Committee should coordinate and work closely with the County agricultural economic development staff. Of prime importance should be to promote small farms and dairy farms.

- D. Consider hiring a part time person to serve as staff to the agriculture implementation committee. Funding this staff person will be most feasible if the costs are shared by multiple towns. A multi-town Agriculture Implementation Committee facilitated by one staff person could be very effective.
- E. Aggressively advocate to Sullivan County (County Manager, legislators and staff and the Agricultural and Farmland Protection Board) the critical need to fully implement the County Agriculture and Farmland Protection Plan. Work to elevate the importance of that Plan with Sullivan County officials.
- F. Aggressively advocate to New York State (Department of Agriculture and Markets, legislators, Governor) the critical need to implement the state-level actions identified in this Plan.
- G. Seek funding for implementing this Plan. Funding sources, especially public-private opportunities to be explored include, but are not limited to:

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

NYS DAM: Has a variety of loans and grant programs including the Agri-Tourism Project, Specialty Crop Block Grant, Farmers Market Grants, SARE Farmers/Grower Grant Program, Grow NY including Ag Research and Development Grants, Farmland Viability Grants, Enterprise Program, and Non-point Source Abatement and Control Grants.

NYS DEC: Offers the Environmental Farm Assistance and Resource Management Program.

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NYS Office of Small Cities: Offers Community Development Block Grants.

Sullivan County IDA – Has agriculturally oriented revolving loan funds, and the Agriculture Local Development Corporation that currently exists to provide incentives and tax benefits for new and expanding agricultural businesses.

NYSERDA Innovation in Ag Grants (NYSERDA), solar electric grants.

Other sources of funding to explore include but are not limited to the Sullivan County Chamber of Commerce, Sullivan County Partnership for Economic Development, Watershed Agricultural Council, Sullivan Alliance for Sustainable Development, and Pure Catskills.

- H. Implement farm and farmland related strategies recommended in the Town Comprehensive Plan. Keep both the Town Comprehensive Plan and this Agricultural Plan updated by reviewing and updating as needed every five years.
- I. Support programs, organizations, and agencies that assist farmers and farmland owners. These include but are not limited to Cornell Cooperative Extension, Soil and Water Conservation District, Natural Resource Conservation Service, Sullivan County Agriculture Economic Development, Sullivan County IDA, Delaware Highlands Conservancy, Sullivan Alliance for Sustainable Development, and Pure Catskills.
- J. Successful implementation will depend on a team approach. Coordinate implementation efforts with partners including, but not limited to Cornell Cooperative Extension of Sullivan County, the SC Soil and Water Conservation District, USDA Natural Resource Service, SC Agricultural and Farmland Protection Board, Open Space Institute, Rural Economic Area Partnership, Delaware Highland Conservancy, Sullivan Alliance for Sustainable Development, and the Catskill Mountain Keepers.
- K. Stress the importance of agriculture in all town functions. Use every opportunity to convey the importance of agriculture to the town including implementing this plan and using town websites, newsletters, offices, press releases, etc. Post this information on Town web page.

2. Strategic Actions

A. Topic: Economic Development

- (1) Provide information to farmers and farmland owners regarding tax relief programs that are available. Maintain copies of brochures and other information in Town Hall on these programs as well as land trusts, new farm marketing and start-up information, etc.
- (2) Ensure that the Town Assessor, farmers and farmland owners have up-to-date information on the tax relief programs and make this available to farmers.
- (3) Work with Sullivan County Agriculture Economic Development staff to promote economic development programs including, but not limited to:
 - a. agricultural cooperatives,
 - b. ag economic development zones,
 - c. utilize existing empire zones to maximize effectiveness and promote agricultural cooperatives and other ag businesses. (As of 2004, agricultural cooperatives are eligible to be granted Empire Zone status, allowing them to receive current tax incentives for the creation and retention of new jobs. Agricultural cooperatives are comprised of farmers located in a specific region of the State who organize to market a bulk agricultural commodity. A number of dairy cooperatives exist in New York State.) Businesses operating inside a zone are eligible for a range of tax benefits that are applied against new capital investments. Benefits include tax reduction credits, real property



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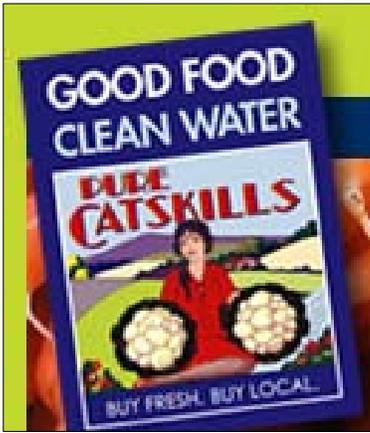
tax credits, sales tax exemptions, wage tax credits, and utility rate reductions, among others.

- (4) Consider establishing a town or a Callicoon/Delaware Local Development Corporation (LDC) oriented to promoting farm and agri-business retention and expansion. This should work cooperatively with the Sullivan County Agriculture LDC.
- (5) Promote agricultural entrepreneurship within the Sullivan County Partnership for Economic Development. Work with staff and their Board of Directors to build awareness of agricultural businesses and the role they play in the economic health of Sullivan County. This already-developed and successful private/public economic development effort could support agriculturally related businesses and farm operations as part of their stated mission because they already have programmatic structures such as revolving loan funds in place. There is an opportunity to improve the status of agri-business in the region through this program.
- (6) Work with Sullivan County and expand the Sullivan County Agri-Business Revolving Loan Fund. This targets entrepreneurial, emerging and expanding agri-businesses and is available to agri-businesses for establishment or expansion in Sullivan County. Review their definition of eligible agri-businesses and ensure that production agriculture, not just processing facilities are included so that it could be used to promote additional farming operations. The loan may be used to purchase capital goods, such as:
 - o Inventory (including livestock)
 - o Machinery and Equipment
 - o Furniture
 - o Fixtures and Signage
 - o To make leasehold improvements directly related to needs of business and working capital.
- (7) Work with Cornell Cooperative Extension to create a clearing house of information including websites, and educational materials that can be used to help new farming and ag business start-ups. Tie this into existing extension efforts such as the new farm start-up program.
 - a. Many materials have already been developed by a variety of agencies and organizations. These materials should be consolidated

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into a single “one-stop-shopping” small farm marketing and business development tool kit.

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



- (9) Inventory and develop a method to advertise all farms in Town. Consider the following ideas:

- a. Use the Town Website as marketing for area farms with text and pictures that capture the agricultural character of the town.
- b. Create a local regional farm inventory website that includes location, products, availability,

prices, etc. Encourage farmers to become members of Pure Catskills and increase the number of farms in town that are listed in the Sullivan County Catskills and Pure Catskills brochures.

- c. Work with local farms and encourage them to be listed in the New York MarketMaker website. This is an interactive mapping system that locates businesses and markets of agricultural products in New York, and provides a link between producers and consumers.

(<http://ny.marketmaker.uiuc.edu>)

- d. Create a map and guide showing farms and farm markets in the county.
- e. Organize farm tours, especially for local and county elected officials.

- (10) Use the Grow NY and Pride of NY materials to promote fresh foods and agriculture. Provide restaurants and businesses that buy or sell local food products with promotion materials that advertise Sullivan County fresh, local foods. (See NYS Department of Agriculture and Markets website).



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- (11) Work with Sullivan County and the Sullivan County IDA to finish development of the Southern Catskills Red Meat Processing Facility in Liberty.
- (12) Establish a program to encourage entry of young and new entrepreneurial farmers into agricultural businesses. Consider the feasibility of using a Lease of Development Rights program (LDR, see below) for this purpose. An LDR could provide tax incentives for 10 years if farmers voluntarily agree to a term conservation easement and active farm operations for that time period.
- (13) Work with the Sullivan County IDA to enhance funding opportunities in the forms of loans, grants, and tax incentives directly for new farm, farm expansion, and ag-business development. Work to expand the Ag Local Development Corporation that currently exists to provide incentives and tax benefits for new and expanding agricultural businesses. Promote agricultural business development in this agency so that the same incentives are given to farms and ag businesses as other businesses.
- (14) Explore the feasibility of alternative agricultural opportunities such as aquaculture, and a Kosher market in the region.
- (15) Partner with The Center for Workforce Development program, FFA, and establish a local intern program to help provide and train a skilled agricultural workforce.
- (16) Promote value-added farming, CSA's, niche farming, and agri-tourism opportunities with landowners and farmers. Use existing resources such as the Agricultural Marketing Resource Center (www.agmrc.org) and the Small Scale Food Entrepreneurship program (www.nysaes.cornell.edu) to help.



- (17) Work with Sullivan County to enable provision of cable and high-speed internet access to all locations in the Town.
- (18) Facilitate formation of buying cooperatives so farmers can pool resources together for lower costs of products and machinery.
- (19) Help local value-added food producers explore for-rent community kitchens such as the Hudson Valley Food Works (<http://hudsonvalleyfoodworks.org>) or other similar operations. The Hudson Valley Food Works is a facility that offers six separate but contiguous production spaces for rent, including well-equipped commercial kitchens, bakery and bottling lines and cooled packaging areas. They accommodate special production needs, including USDA and Kosher and have areas for shipping and receiving and secured spaces for dry storage, refrigeration and freezers. As the local need increases, consider developing, supporting, and marketing a similar multi-town or county-wide community kitchen.

B. Topic: Policies and Regulations

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- (1) Develop a “farm-friendly” regulatory environment in Town. (See Appendix 3 for a detailed list of recommendations).
- (2) Use NYS Town Law 271.11 and appoint a farmer to serve as a member of the Planning Board to ensure that the agricultural perspective is included in the planning process.
- (3) Educate local realtors about the ag disclosure notice and the critical role they play in informing new land buyers about agricultural practices.
- (4) Develop a brochure that summarizes zoning and other land use requirements as they relate to farms and agricultural businesses and distribute to farmers and farmland owners.
- (5) Develop and adopt a Right-to-Farm Law using the model contained in the Sullivan County Agriculture and Farmland Protection Plan.

C. Topic: Education and Communication

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

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- disclosure statement, local regulations and plans, and right to farm laws.
- g. Work with Cornell Cooperative Extension and other agencies and organizations to help farmers learn ways to promote positive farmer/non-farm neighbor relationships.
 - h. Cooperate with WJFF to expand news coverage on agriculture.
- (2) Work with Cornell Cooperative Extension and other agencies and organizations to coordinate a regularly held but informal farm focus group for town farmers. Two or three times a year, invite farmers to the Town Hall for a lunch-time meeting to discuss farm-related issues and to provide information or training. If this is done at a town or bi-town scale, farmers might be more apt to take an hour to participate.



- (3) The agricultural community should have an increased voice as local businesses in the area chambers of commerce. Encourage the Sullivan County Chamber of Commerce to reach out and recruit farms as members. Farmers should be educated about the benefits of Chamber membership.
- (4) Address gas drilling via educational programs and materials designed to help people learn about the various options and issues related to it.

D. Topic: Farmland Preservation

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- (1) Initiate a conservation easement program.
- (2) Establish a Purchase of Development Rights program. Target PDR monies to those priority farmlands identified in this Plan (see Priority Farmland map). See Box 1 below for more information.

Box 1: Establishing a PDR Program. Under a PDR program, a landowner voluntarily sells his or her rights to develop a parcel of land to a public agency or a qualified conservation organization. The landowner retains all other ownership rights attached to the land, and a conservation easement is placed on the land and recorded on the title. The buyer of the development rights essentially purchases the right to develop the land and then extinguishes that right permanently, thereby assuring that development will not occur on that particular property. A PDR program should be based on the following principles:

1. The Farmland Priority map should be used to identify critical parcels so that the PDR program can be targeted.
2. A PDR program will succeed only if implemented in tandem with other farmland protection strategies and is not the sole answer.
3. All PDR programs are voluntary in terms of landowner participation.
4. A PDR program results in the permanent protection of lands.
5. In order to make a PDR program a reality, the Town should establish a Board or Committee to oversee the implementation of the program and to ensure that program dollars are spent wisely to acquire properties that meet the goals and objectives of the program. Committees consisting of local governments, land trusts, and members of the public work best.
6. Identify Sources of Funding. Funding sources include federal and state grants, foundations, land trusts, and public money donations such as through local tax levies. Frequently used funding sources include local appropriations from general or discretionary town funds, general obligation bonds (voted on as a referendum by the general public), establishment of development review fees where the funds are dedicated to the program, town real estate transfer taxes (must be approved of by the State legislature), Federal funding (USDA Farmland Protection Grants, Farmland Protection Programs of the Farm Bill), or State funding (NYS Farmland Protection Grants). Some communities have initiated a no-net-loss program (a mitigation law) that requires developers to permanently protect one acre of priority open space land for every acre of land they convert to other uses. Developers can place a conservation easement on land in another part of Town or pay a fee to satisfy mitigation.

- (3) Establish a Transfer of Developments Right Program. This is a program that allows the development rights from one parcel to be transferred and built on another parcel. Sending areas should be priority farmlands in the CD and RU districts. Receiving areas should be in the SD districts near the Village of Jeffersonville.

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Consider also expanding the SD areas around the village. A density bonus could be given when a TDR takes place. It works best when:

- A demand for density bonuses that could be obtained through a TDR program is created. If developers are satisfied with the density they get through zoning without buying TDR's there is less chance for the program to be used.



- Receiving areas should have adequate infrastructure, be politically acceptable, compatible with existing development, be clearly designated and in a location where developers perceive a market for higher density.

- Sending areas must have strict regulations

and densities. Too high a density in the sending area will make the TDR option not favorable.

- Voluntary TDR programs have not been found to be successful. Successful programs do not allow developments to circumvent TDR requirements.
 - Develop a TDR program that is as simple as possible and give developers certainty in the planning and review process.
 - Consider a TDR bank. This is an entity officially authorized by the community to buy, hold and resell TDRs. The bank can acquire TDRs from sending area landowners who cannot find private buyers. It can establish and stabilize TDR prices, facilitate transactions, and market the program. Further, a TDR bank can create a revolving fund by buying TDRs, selling them, and using the proceeds to buy more TDRs.
- (4) Establish a Lease of Development Rights Program. This is similar to a Purchase of Development Right program but the easement placed on a parcel is for a set term (usually 15 years) instead of

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permanent. The process, criteria, and funding for a LDR program is similar to the PDR (See Box 1). While the PDR program pays a landowner for his or her development rights, the LDR program “leases” those rights and payment is often in the form of a significant real property tax savings.

- (5) Use development density incentives to encourage preservation of important farmlands. This is usually in the form of a density bonus that offers additional housing units in exchange for the use of the technique and permanent preservation of the land.
- (6) Connect land sellers and buyers to promote available farmlands for sale or rent to other farmers. Develop a program modeled on the Jefferson County “Come Farm with Us” program (www.comefarmwithus.com). Promote farmlands as potential niche farms to urban residents seeking a rural business opportunity.
- (7) Promote use of formal farmland rental agreements between farmers and farmland owners to stabilize availability of rental lands. Rental agreements are mostly verbal and informal agreements but farmers indicated a great deal of concern about continued availability of rented land. (See Appendix C for model lease agreement.)
- (8) Use this plan’s farmland prioritization system for purposes of targeting PDR, TDR, LDR, incentive programs (mentioned above) and other farm-related programs to the critical mass of farmland in the Town. (See Farmland Prioritization criteria and map).
- (9) Develop non-consumptive model leases (for example recreational leases and hunting leases) to promote maintenance of open lands.

E. Topic: Environmental Protection

- (1) Promote solar panels and small wind to take advantage of alternative energy options that will reduce energy costs of farms.
- (2) Ensure that zoning allows for the review and permitting of gas drilling to the full extent feasible under state laws and requirements. Promote use of Best Management Practices.
- (3) Ensure that gas drilling projects have minimal impact on roads.
- (4) Control nonpoint source pollution, runoff and flooding.

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County Initiatives

- (1) Promote and expand the County IDA's program to retain existing farms and expand new farming and agri-business opportunities. (See also Key Strategy 2 (A) above).
- (2) Update the County Agriculture and Farmland Protection Plan and commit to full implementation of it. Add more detail, time frames, and to-do-checklists to aid in implementation.
- (3) Facilitate more interaction between County legislators and the farming community.
- (4) Continue to fund the County agricultural economic development efforts.
- (5) Support with staff, funding, and leadership the various town initiatives outlined in this Plan.
- (6) Direct IDA policies to target more than agricultural infrastructure and processing, but farm retention and expansion. Emphasizing

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dairy and livestock farm initiatives is critical.



- (7) Reach out and ensure that the farmers and farmland owners are familiar with county-level programs and opportunities. Provide additional information and training of local officials about the Ag District Program, its purposes, and its requirements.
- (8) Evaluate the feasibility of developing a farmer-supported, but county-facilitated farm produce distribution network that would aid moving farm products to restaurants, farm markets and other retail opportunities. Interviews for this Plan indicated that some potential markets do not have easy access to local products.
- (9) Provide up-to-date county-based information on the cost/benefits of conservation easements that protect farmland.
- (10) Enhance agriculture and locally grown products on the Sullivan County Visitors Association website. Agriculture should have a more prominent role in tourism. The website currently has opportunities for people to request brochures on county antiques, pottery, gay-friendly businesses, and historic sites, but nothing about agriculture. Some agricultural events and businesses are included on the site, but not as many as included in the Made in the Sullivan County Catskills brochure.

State Initiatives

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

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of the ranking criteria for economic development project proposals.

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



Recommended Strategies for Land Use: Town of Delaware

A. Town of Delaware Zoning Law (See Review in Appendix 3¹)

1. Update §202 (Definitions) to include a broader definition of agriculture and agricultural terms. Add in definitions for other types of agriculture such as nurseries, aviaries, aquaculture and other types of farming. Add definition of "farm". Consider removing "active recreational activities" from the open space definition and redefine open space to include natural areas, undeveloped lands, and agricultural lands.
2. Update §401 (Uses) to permit other types of farm operations. Below is a partial listing of a number of potential agri-tourism, farm-support and farm-compatible businesses that the Town could consider allowing in the RU districts. Most should be allowed as permitted or accessory uses, although a more intensive operation should be considered for permitting through special use or site plan review processes. When site plan is needed for certain agricultural uses, consider use of a modified review process similar to that advocated in the NYSDAM guidelines for agricultural operations.

Agri-tourism: u-picks, CSAs, expanded road stands, corn mazes, hay rides, pumpkin patches, seasonal events, school programs, weddings and parties, farm markets, dairy barns, bakeries, farm stores and restaurants, bed and breakfasts, farm stays;

Farm support businesses: slaughterhouse, community kitchen;

Farm-compatible businesses: child or adult care center, riding academy, outdoor recreation.

3. Review the list of special uses allowed in the RU district and consider removing those that would be incompatible with the agricultural goals established in the Comprehensive Plan such as hotels, motels, manufacturing, industry, airports, and amusement parks.
4. Update §605.11 (Surface and Ground Water Protection) to exempt agricultural activities from these requirements.
5. Update §613.5 (Clearcutting for Timber) to clarify the relationship between clustering, density bonuses, and clearcutting for timber (See explanations in Appendix).

¹ The review provides the rationale as to why the changes were recommended.

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6. Update §701 (Clustering) to clarify under what circumstances the Planning Board may require clustering of a subdivision. If the Town wants to give the Planning Board the authority to require a clustered development, those circumstances should be clearly outlined in the law as to when this can occur, and coordinated with the subdivision law process. This section should also be updated to be more specific about what kind of open space is desired, and how the development will be planned to protect those resources. Other issues related to clustering that should be addressed in an update include:
 - a. Increase the amount of open space on a parcel required to be preserved from 25% to 50%.
 - b. Offer incentives (in the form of density bonus) for clustering as called for in the Comprehensive Plan.
 - c. Allow agriculture as a permitted use on the preserved open spaces within the parcel.
 - d. Allow for dedication of the preserved open space to either a home owners association or remain in private ownership (or through a land trust) with deed restrictions or easements for future development.
 - e. Consider making the minimum lot size in a clustered/conservation subdivision to be whatever the Health Department would permit for a septic system and not too large. If the soils were adequate, this could be smaller than 1 acre lots. Other bulk requirements should be determined at the time of subdivision. This gives maximum flexibility for good design and maximum preservation of open space for natural resources and agriculture.
7. Update §703 (Planned Unit Development) to allow for and encourage agriculture on any preserved open space lands within a new PUD.
8. Update §805.3 (Adverse Effects) to ensure that the Planning Board also evaluates the adverse effect a proposed special use may have on adjacent agricultural uses.

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9. Update §805.5 (Special Use and Site Plan Conditions and Additional Standards) add to this list that special attention be paid to the impact a proposal may have on continuing agricultural uses.
10. Update § 806.8 (hearing notice) and all other locations where the ag data statement is mentioned, to require a public hearing notice be sent to all those people listed on that ag data statement.
11. Update §1002.3 (Activities Not Requiring Permits) to clarify that agricultural uses not requiring a special use permit as per Section 401 are exempt.
12. Consider changes to the zoning map, district boundaries, and density regulations to reduce development pressures on agricultural lands:
 - a. Use Average Lot Density: Do not require a minimum lot size, but instead rely on an average density to be attained over the entire parcel being developed. Minimum lot sizes can be as small as allowed by the Department of Health for septic systems or even smaller if sewers were provided for.
 - b. Reduce Density Using a Sliding Scale: This technique sets a density of development based on the size of the parcel to be divided.
 - c. Reduce Density by Using Net Acreage: This removes lands on a parcel having certain characteristics such as wetlands, open water, very steep

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slopes, or prime farmlands from being included in the calculation for how many new residential units the parcel is eligible for.

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

e. Initiate a Transfer of Development Rights Program. The program should include the following concepts:

1. A density bonus could be given when a TDR takes place. The TDR program should create a demand for density bonuses.
2. Receiving areas should have adequate infrastructure, either existing or provided by the developer, and be politically acceptable, compatible with existing development, be clearly designated and in a location where developers perceive a market for higher density. Receiving areas should be in the SD districts near the Village of Jeffersonville. Consider also expanding the SD areas around the village.
3. Sending areas must have strict regulations and densities. Too high a density in the sending area will make the TDR option not favorable. Sending areas should be priority farmlands in the CD and RU districts.
4. The TDR program should be as simple as possible and set up to give developers certainty in the planning and review process.
5. Consider use of a TDR bank. This is an entity officially authorized by the community to buy, hold and resell TDRs. The bank can acquire TDRs from sending area landowners who cannot find private buyers. It can establish and stabilize TDR prices, facilitate transactions, and market the program. Further, a TDR bank can

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create a revolving fund by buying TDRs, selling them, and using the proceeds to buy more TDRs.

- h. Consider splitting the existing RU district into two in order to target land uses better for agriculture. North of Route 17B and Fulton Hill Road could be an agricultural district that would still allow for low density residential development but have standards oriented to agricultural protection, and south of 17B and Fulton Hill Road would be RU oriented as it is now to low density residential development.
13. Include in zoning a buffer requirement that new non-farm uses must provide for when they are adjacent to farm operations to reduce the potential for nuisance complaints. Authorize the Planning Board to determine the size and width of this buffer on a site by site basis.



B. Subdivision Regulations

More emphasis should be added to the Subdivision Law as it relates to agriculture as follows:

1. Add maintenance of agricultural lands as an important purpose of the subdivision regulations.
2. Consider defining a minor subdivision as one that creates no more than 5

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lots, and a major as one that creates lots over 5 (See Appendix for explanation).

3. Clarify that the Planning Board should use the Ag Data Statement to identify people to be notified about the hearing related to a proposed subdivision.
4. Amend §304.12 (Existing or man-made features to be included on plat (major subdivision)) to include prime soils and agricultural activities on the plat so that the Planning Board can adequately review the subdivision and protect as many important farmlands as possible. The list of plat requirements for minor subdivisions should also include identification of active agricultural lands on or adjacent to the proposed subdivision.
5. Amend Article IV (Design Standards) to strengthen attention given to agriculture as per the Town of Delaware Comprehensive Plan. This section should include rural siting standards so that new development is more consistent with continuing adjacent farming operations. Such standards related to agriculture (others exist related to rural character) could include, but are not limited to:

- a. Place buildings on edges of fields and not in middle of field;

- b. Use existing vegetation and topography to buffer and screen new buildings or group in clusters, situated behind tree lines or knolls. Require new non-farm uses to create a buffer between itself and active agricultural operations;



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- c. Place buildings away from prime farmland soils or soils of statewide significance;
6. Update §404 (Open Space) so open space is defined the same as in the zoning law. Further, the definition should put less emphasis on active recreation and more on agriculture and conservation. Do not require preserved land be kept solely for common open space because that may not be advantageous to a farmer who would like to develop some of his land but retain ability to farm on some land.
7. Include procedures and details in the subdivision law to guide a clustered or conservation subdivision process. The zoning should establish the rules as to when and what standards such a subdivision would need, but the subdivision should outline the review process as well. The subdivision law should be adequate to provide the applicant and Planning Board all necessary procedures and standards with which to implement the requirements detailed in the zoning related to clustered and conservation subdivisions.

Implementation Steps

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

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

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

Key to Priorities

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

Initial	Short	Medium	Long	Ongoing
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Where

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

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

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

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

Ongoing= An action item that needs ongoing attention

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Implementation Chart

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

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Topic of Action	Recommended Strategic Action	Implementation Priority	Responsibility	Plan Reference
Policies and Regulations	Appoint farmer to serve on Planning board	Short	Town Board	Strategic Action (B) 2
Policies and Regulations	Delaware: Develop a Right to Farm Law	Short	Delaware Town Board	Strategic Action (B) 5
Education and Communication	Develop and disseminate educational materials on gas drilling to farmers and farmland owners	Short	Sullivan County Planning	Strategic Action (C) 4
Farmland Preservation	Update zoning to include an incentive program in the form of density bonuses for farmland protection	Short	Ag Committee/ Planning Board/ Town Board	Strategic Action (D) 5
Farmland Preservation	Promote use of formal farmland rental agreements	Short	Ag Committee/ Town Assessor	Strategic Action (D) 7
Environmental Protection	Update zoning to allow for review and permitting of gas drilling to the full extent feasible under state law	Short	Town Board/ Planning Board	Strategic Action (E) 2
County Initiative	Enhance the role of agriculture on the Sullivan County Visitors Association website	Short	Sullivan County Visitors Association	County Initiative 10
State Initiative	Develop new initiatives to encourage landowners to maintain long term leases for farming	Short	NYSDAM	State Initiative 1
State Initiative	Create new funding streams to help towns implement ag plans; provide funding to reduce productions costs	Short	NYSDAM	State Initiative 2, and 6
State Initiative	Expand local options for raising funds for PDR and LDR programs; Allow for local governments to use penalties collected for taking land out of production to be used for local PDR funding	Short	NYSDAM	State Initiative 5 and 7

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Topic of Action	Recommended Strategic Action	Implementation Priority	Responsibility	Plan Reference
State Initiative	Develop mechanisms to help towns bring local planning to be consistent with Ag Districts program	Short	NYSDAM	State Initiative 9
State Initiative	Change state policies that require economic development project proposals to be oriented to employment creation to better mesh with agriculture	Short	NYSDAM	State Initiative 12
Ag Economic Development	Inventory and find ways to advertise all farms in town	Short/Ongoing	Ag Committee/Sullivan County Planning	Strategic Action (A) 9
Ag Economic Development	Promote value-added, Community Supported Agriculture (CSA), niche, and agri-tourism farming opportunities	Short/Ongoing	Ag Committee/ NYSDAM/ Cornell Cooperative Extension	Strategic Action (A) 16
Education and Communication	Establish an educational campaign to publicize value of farming to the total community and improve public understanding of farm practices	Short/Ongoing	Ag Committee/ Cornell Cooperative Extension/ NYSDAM/ Open Space Institute/ DHC/ SCSWCD	Strategic Action (C) 1
Ag Economic Development	Work with Cornell Cooperative Extension to create a clearing house of information for new farm startups and expansions	Medium	Ag Committee/Cornell Cooperative Extension	Strategic Action (A) 7
Ag Economic Development	Establish programs to encourage entry of young and new entrepreneurial farmers into agriculture in town	Medium	Ag Committee	Strategic Action (A) 12

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Topic of Action	Recommended Strategic Action	Implementation Priority	Responsibility	Plan Reference
Ag Economic Development	Explore feasibility of alternative agricultural opportunities such as kosher markets and aquaculture	Medium	Ag Committee	Strategic Action (A) 14
Ag Economic Development	Partner with Future Farmers of America (FFA), and the Workforce Development Program to establish a local intern program for training skilled agricultural workers	Medium	Ag Committee/FFA/ Cornell Cooperative Extension/County Workforce Development Program	Strategic Action (A) 15
Ag Economic Development	Work with Sullivan County to provide for high-speed internet and cable throughout town	Medium	Town Board/Sullivan County	Strategic Action (A) 17
Ag Economic Development	Explore creation of a for-rent community kitchen to promote value-added farming	Medium	Ag Committee	Strategic Action (A) 19
Policies and Regulations	Update zoning, subdivision, and site plan laws to be farm-friendly (strategies within section are organized by priority)	Medium	Ag Committee/ Planning Board/ Town Board	Strategic Action (B) 1
Policies and Regulations	Work with area realtors to educate them about the ag disclosure notice	Medium	Ag Committee/ Area Real Estate Agencies	Strategic Action (B) 3
Policies and Regulations	Develop brochure that summarizes zoning and land use requirements and disseminate to farmers and farmland owners	Medium	Ag Committee/ Planning Board	Strategic Action (B) 4
Education and Communication	Work with the Sullivan County Chamber of Commerce to increase farmer membership in the Chamber	Medium	Ag Committee/ Sullivan County Chamber of Commerce	Strategic Action (C) 3

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Topic of Action	Recommended Strategic Action	Implementation Priority	Responsibility	Plan Reference
Farmland Preservation	Establish a Purchase of Development Rights (PDR) program: Use this plans prioritization model to identify priority parcels	Medium	Ag Committee/ Planning Board/ Town Board/ Open Space Institute/ DHC	Strategic Action (D) 1, 2, and 8
Farmland Preservation	Promote use of model leases for landowners to use for recreation and hunting uses	Medium	Ag Committee/ Town Assessor	Strategic Action (D) 9
County Initiative	Explore a county-wide distribution network to improve local business access to local farm products	Medium	Sullivan County Planning	County Initiative 8
County Initiative	Conduct county study showing cost/benefits of use of conservation easements on town budgets	Medium	NYSDAM/ Sullivan County Planning/ DHC/ Open Space Institute	County Initiative 9 and State Initiative 8
State Initiative	Change ag assessment rules to allow for more small farms to take advantage of the ag assessment program	Medium	NYSDAM	State Initiative 3
State Initiative	Initiate "foodshed" planning for long-term sustainability in New York State	Medium	NYSDAM	State Initiative 14
Education and Communication	Work with Cornell Cooperative Extension to coordinate and hold regular farm focus group meetings for town farmers and farmland owners.	Medium/Ongoing	Ag Committee/ Cornell Cooperative Extension	Strategic Action (C) 2
State Initiative	Support business plan development and marketing support	Medium/Ongoing	NYSDAM	State Initiative 11
Farmland Preservation	Establish a Transfer of Development Rights (TDR) program: Use this plans prioritization model to identify sending and receiving parcels	Medium/Long	Ag Committee/ Planning Board/ Town Board/ Open Space Institute/ DHC	Strategic Action (D) 3 and 8

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Topic of Action	Recommended Strategic Action	Implementation Priority	Responsibility	Plan Reference
Farmland Preservation	Establish a Lease of Development Rights (LDR) program	Medium/Long	Ag Committee/ Planning Board/ Town Board/ Open Space Institute/ DHC	Strategic Action (D) 4
Ag Economic Development	Consider establishing a local development corporation to promote farm and agri-businesses in Callicoon and Delaware	Long	Ag Committee/Cornell Cooperative Extension/ Town Attorney	Strategic Action (A) 4
Ag Economic Development	Explore formation of local buying cooperatives to help farmers pool resources and keep productions costs down	Long	Ag Committee/Cornell Cooperative Extension	Strategic Action (A) 18
Farmland Preservation	Develop a "Come Farm with Us" program to match buyers and sellers of farmland for farming	Long	Ag Committee/Local Real Estate Agents	Strategic Action (D) 6
State Initiative	Develop tax incentive program to encourage preservation of farms within viewsheds of State highways	Long	NYSDAM	State Initiative 15
Foundation	Advocacy to NYS to implement state-level initiatives, continue support of farm support agencies and organizations, incorporate agriculture into all town functions	Ongoing	Town Board, Ag Committee	Foundation Actions F, H, I and K
Ag Economic Development	Promote the "Pure Catskills" brand and consider establishing a new agriculturally-based theme, use Grow NY and Pride of NY materials and programs	Ongoing	Ag Committee/ Cornell Cooperative Extension/ NYS Ag and Markets	Strategic Action (A) 8, 10
Environmental Protection	Promote alternative energy for farms	Ongoing	Ag Committee	Strategic Action (E) 1

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Topic of Action	Recommended Strategic Action	Implementation Priority	Responsibility	Plan Reference
Environmental Protection	Promote use of best management practices	Ongoing	SC SWCD	Strategic Action (E) 3
Environmental Protection	Ensure gas drilling has minimal impact on local roads	Ongoing	Town Board/ Planning Board/ Highway Department	Strategic Action (E) 4
Environmental Protection	Control nonpoint sources of pollution, flooding, and runoff from farms	Ongoing	SC SWCD	Strategic Action (E) 5
County Initiative	Facilitate more interaction between County legislators, County Manager, and the farming community	Ongoing	Sullivan County Planning	County Initiative 3
County Initiative	Continue funding of County agricultural economic development staff and programs and continue staff and funding of ag programs as outlined in plan	Ongoing	Sullivan County Planning	County Initiative 4 and 5
County Initiative	Educate farmers and farmland owners about county level programs that support agriculture	Ongoing	Sullivan County Planning	County Initiative 7
State Initiative	Provide information and training on Ag District programs, farm valuation, farmland protection techniques, models and tools for land use planning	Ongoing	NYSDAM	State Initiative 10 and 13

Appendices

Appendix 1: Farms and Farm Resources

1. Farm Operations and Farmland

Feature	Acres
(105) Productive Vacant Land ²	1,938
(110) Livestock	605
(111) Poultry	80
(112) Dairy	1,628
(113) Cattle	229
(120) Field Crops	800
(170) Nursery	79
Non-Farm class properties, but identified as farmland through planning process	4,259
Total Farmland Acres and (Average Size of Farm)	9,618 (40)
Number of parcels rented for farmland (estimate)	~190
Average Size of Farm	40 acres

Farmland Soils	Acres
Prime Farmland in the Town	1,544
Soils of Statewide Importance in the Town	9,895
Prime Farmland Soils on farms	637
Soils of statewide importance on farms	5,199

Farm Employment for Residents over 16 Years of Age

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

² The numbers in parenthesis reflect the land use code assigned by the Town Assessor

2. Snapshot of Delaware Farms and Farmland Owners

Results of Survey

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

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

Type of Farm	Number of Farms
Dairy	8
Livestock (including horses and alpaca)	6
Cash crop (hay)	1
Fruit	1
Christmas Trees	1
Maple products	1
Bees	1
Other	4

b. Some farms had secondary operations including forestry, eggs, vegetables, Christmas trees, alternate energy, art, trucking, solar panels, compost, beef cows, hay, and agri-tourism.

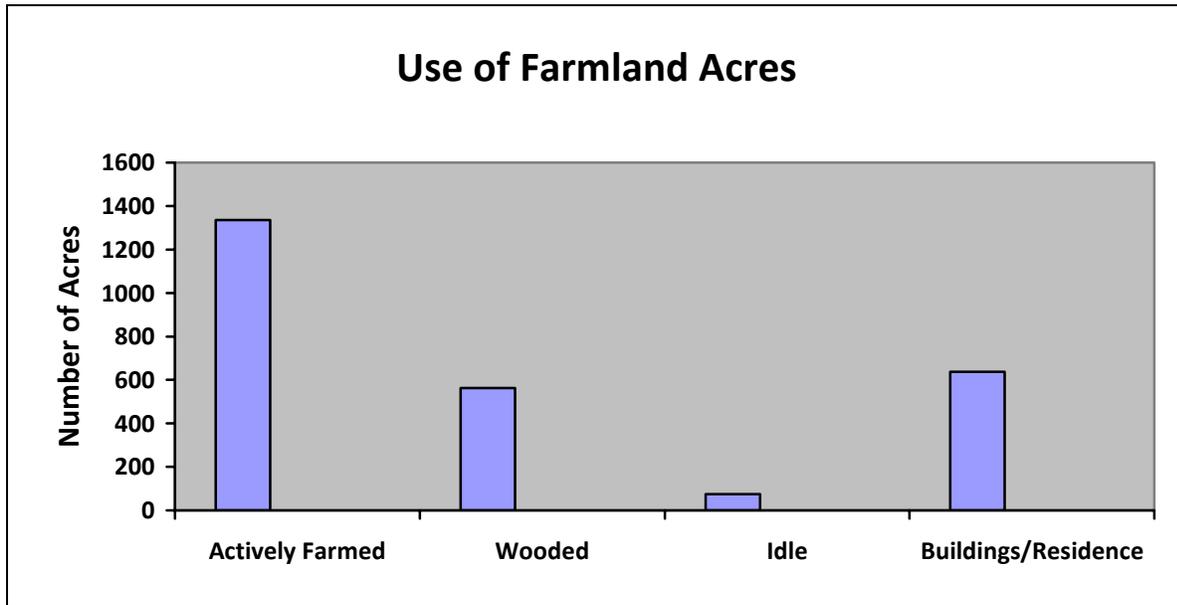
c. Two farms sold goods or services at farmers markets: in Bethel Woods, and in Callicoon.

d. Some Delaware farmers also own or rent land in surrounding towns as shown below. The average size of owned land was 126 acres. About half of the farmland inventoried was actively farmed, with the other half either wooded or in farm residences/agricultural structures. Less than 3% of the land was considered idle.

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Farmland Owned and Rented by Survey Participants

Town	Total Acres Owned	Total Acres Rented
Bethel	120	160
Callicoon	23	0
Delaware	2907	1416
Liberty	2	0
Total	3050	1576



e. Sixty people were employed by the farms that participated in the survey. This included 34 full time workers, 16 part time workers, no seasonal full time and 10 part time seasonal workers.

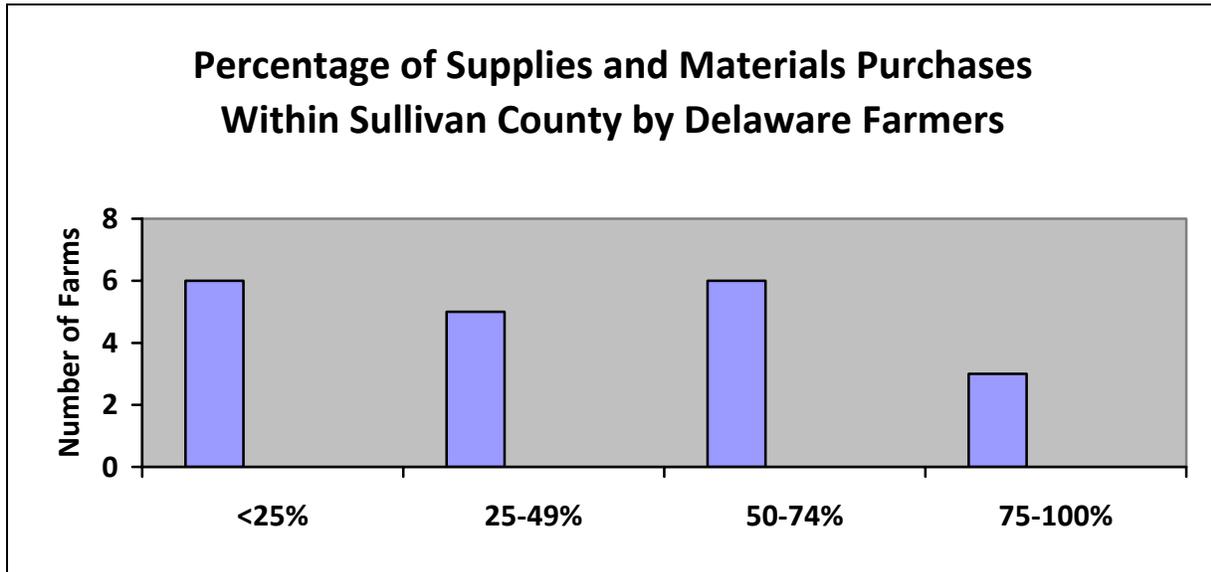
f. Farms typically support one household. Almost all farms have been in existence for a long time with farms holding an average of 63 years in the same family.

g. A majority of farmers received ag value assessments on their property and structures, participated in the STAR tax program, and were enrolled in a State certified Agricultural District. However, there was very little

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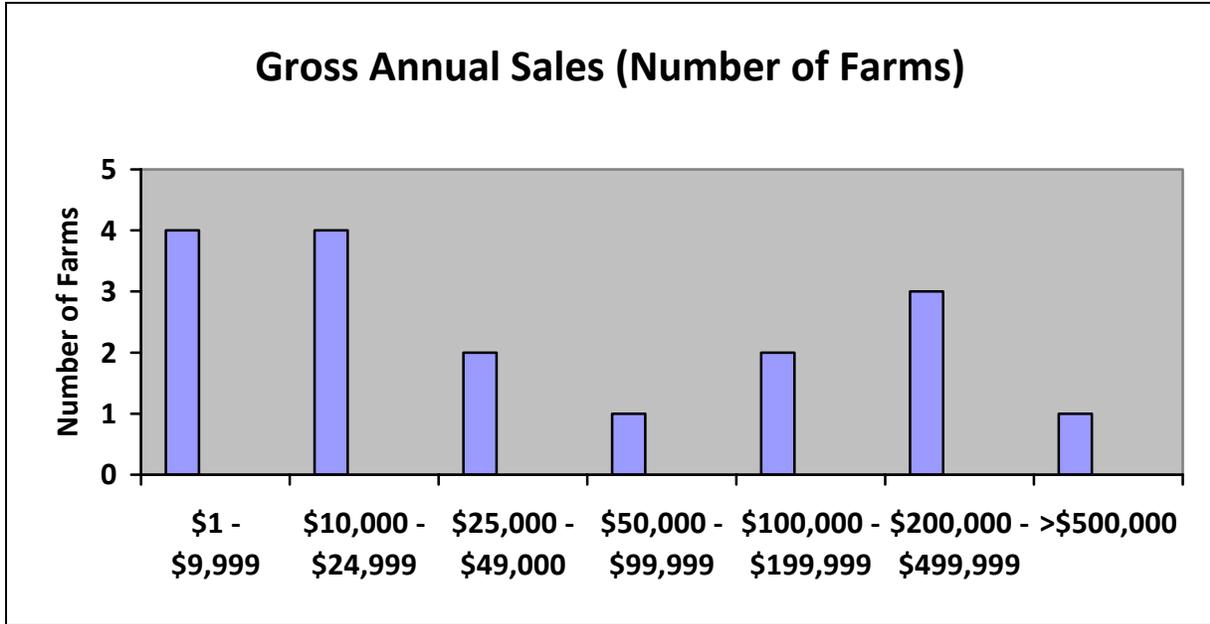
participation in the Sustainable Agriculture Research and Education program, IDA tax abatement, NYSERDA, or Watershed Ag Council programs.

h. Sullivan County agri-businesses supplied farms only a portion of needed supplies and equipment as shown below.

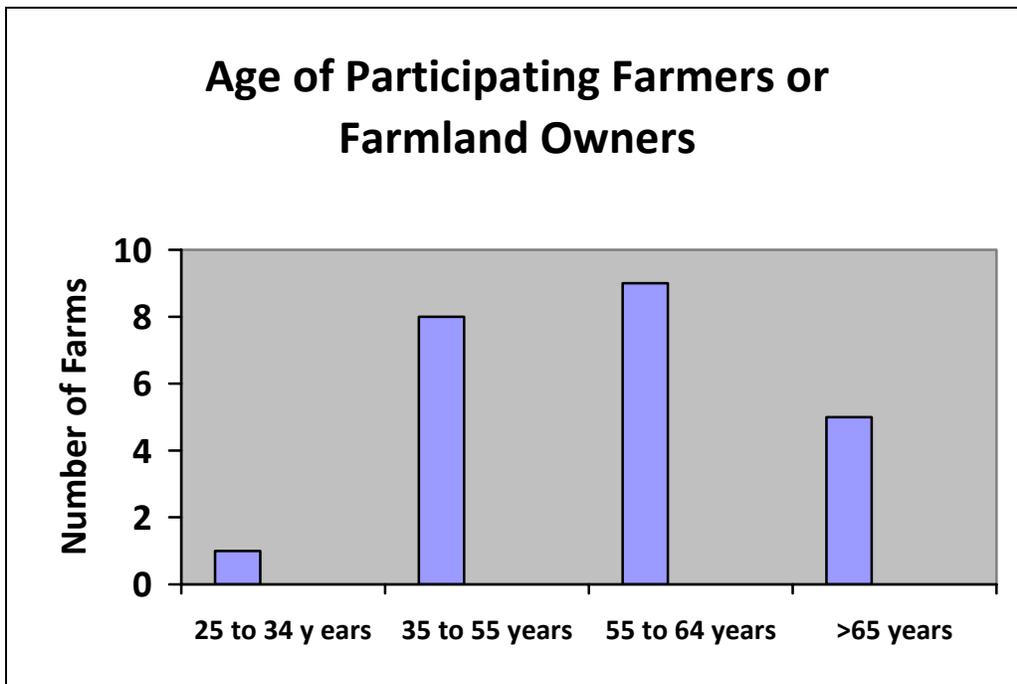


i. There was a wide variation in farm gross annual sales. Of the 18 farms that answered this question, 11 or 61% earned less than \$50,000 from their farm operation, and five of those earned less than \$10,000. Although many farms had relatively small gross annual sales, taken together, these sample farms contributed a total of 1.5 to 2.2 million dollars of gross sales in Delaware. Agriculture has a very large multiplier effect and thus positively impacts the area's economy. For example, gross sales of 1.5 million dollars would have a total economic impact of about \$570,000 from earnings and about \$2 million in output (using conservative multipliers).

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j. The farm population is an aging one. Only four percent of survey participants were younger than 34 years of age. Thirty-five percent were the participants were middle aged (35 to 64 years) and 22% were over 65 years.



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k. About 91% of the surveyed farmers have lived in Sullivan County for more than 20 years. All participants except one had at least a high school degree. About 29% have high school degrees, 48% have some college, and 26% have a college degree. Among the participants was one with a master's degree.

2. Agri-business Survey

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

3. Highlights of US Census of Agriculture by Zip Code

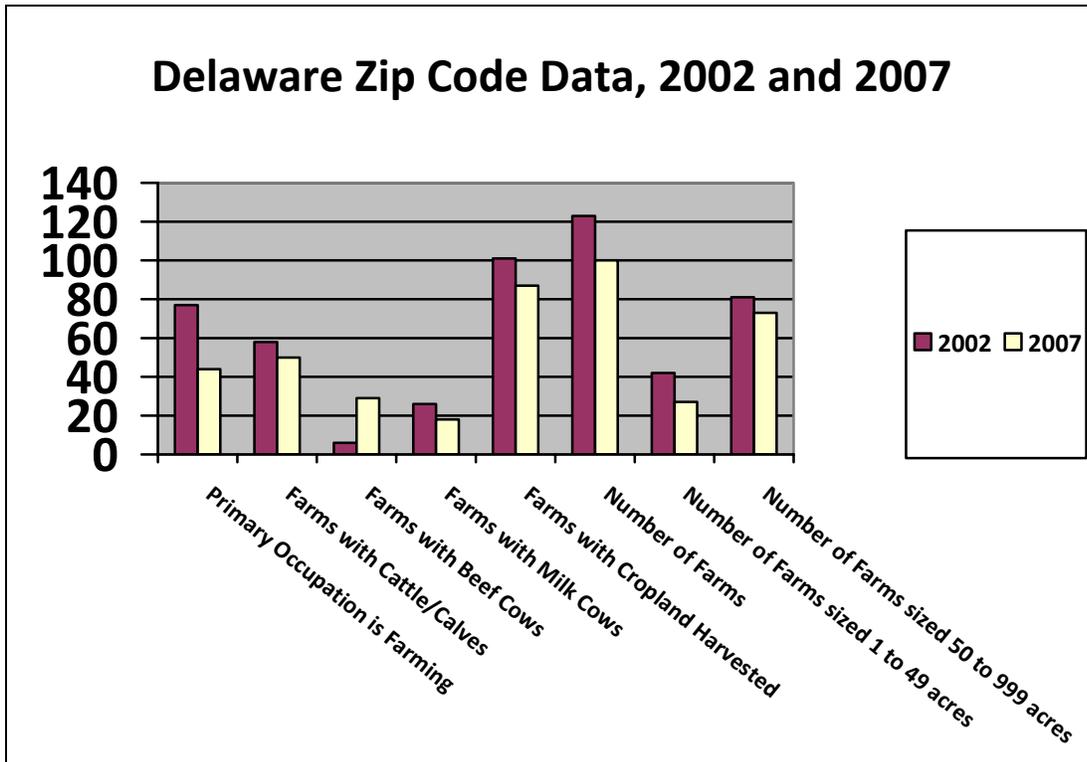
Appendix 1 details data from the US Census of Agriculture by zip code. (Note that the zip code data does not match the borders of the Town of Delaware. This data includes all zip codes within the Town but extends into other areas as well.) This census is completed every five years.

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

	# Farms	# 1-49 Acres	# 50 to 999 Acres	# Where Farming is Principal Job	# with Cropland Harvested	# with Cattle/Calves	# with Beef Cows	# with Milk Cows
1997*	90	17	73	64	82	62	21	35
2002	123	42	81	77	101	58	6	26
2007	100	27	73	44	87	50	29	18

*Two zip codes within Delaware had no zip code level data included so results for 1997 do not include the same sample.

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This chart shows some significant trends. The general trends show a decrease in all measures of agriculture. There are fewer farms where the operation is the primary occupation of the farmer. The number of farms with cattle/calves and milk cows has also decreased. However, there are more beef farms in Delaware. As the total number of farms have decreased, the number of acres having cropland harvested also fell. That indicates that the some land was taken out of production rather than being bought or used by other farms. The number of farms of all sizes decreased over the past decade. *It is important to note that the observed trend may be influenced by more farmers filling out the census from one year to the next.*

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

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

In Delaware, the population increased by 166 people with a lower rate of change between 2000 and 2008 than 1990 to 2000. At the same time, 288 new residences were built, 202 lots were created, and the number of farms decreased by about 19%. The Town of Bethel had the highest growth rate of the four towns, but no real change in the number of farms.

4. County Trends

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

Between 1997 and 2007 there were:

- A decrease in acres farmed.
- An increase in the number of farms.
- An increase in the market value of farm land and buildings.
- A decrease in the number of very small farms, an increase in the medium sized farms (10 to 179 acres) and a decrease in larger farms.
- A decrease in cropland and harvested cropland.
- An increase in the market value of farm products.
- An increase in the number of farms earning small amounts from the farm and a decrease in the number of farms earning larger amounts.
- A decrease in the per farm net cash return.

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- A decrease in the number of farmers who farm as a principal occupation.
- A decrease in the number of farms raising, and in the number of cattle, calves, and cow animals.
- A decrease in the acreage planted to corn and hay, and in orchards.
- An increase in the number of farms and acreage planted to potatoes, sweet potatoes and vegetables.

5. Ag Districts

Land in a NY Certified Ag District	16,168 acres
Farmland in a NY Certified Ag District	9,036 acres
Number of farmland parcels in a NY Certified Ag District	224 parcels

6. Economic and Fiscal Conditions

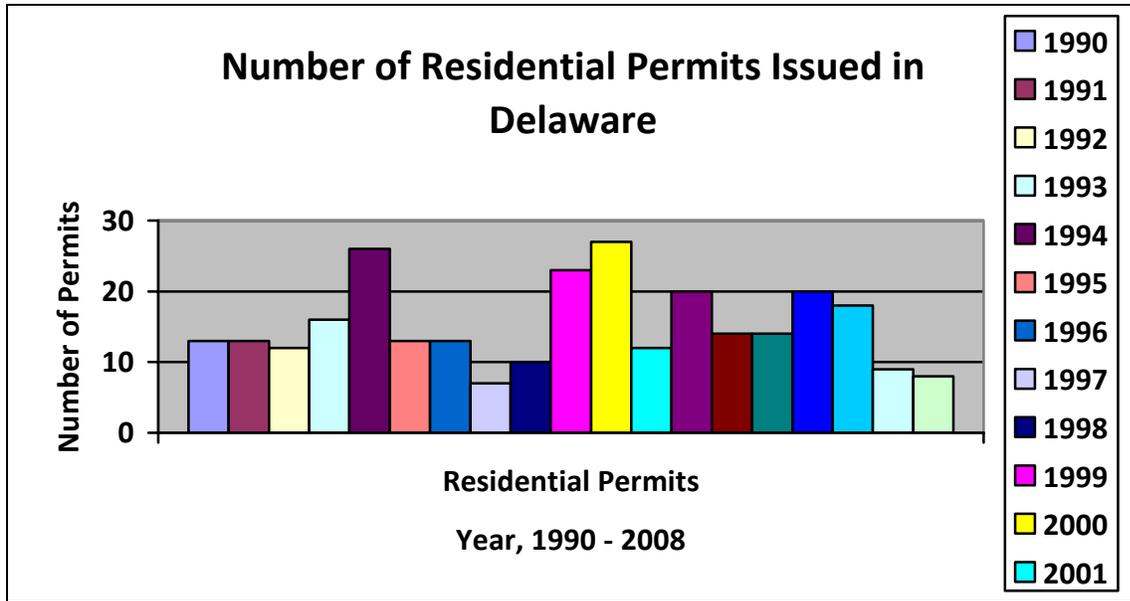
AGRICULTURE CLASS PARCELS INCLUDED IN 2007 TOWN ASSESSMENT ROLL					
<u>Property Use Code</u>	<u>Category</u>	<u>Number of Parcels</u>	<u>Number of Parcels With Ag. Exemption</u>	<u>Average Value (\$)</u>	<u>Total Market Value (\$)</u>
Agriculture Class Parcels					
105	Productive Vacant Land	58	53	39,450	2,288,114
110	Livestock	6	6	165,368	992,208
111	Poultry	1	1	173,500	173,500
112	Dairy	19	17	188,134	3,574,547
113	Cattle	2	2	270,600	270,600
120	Field Crops	8	8	181,137	1,449,100
170	Nursery	1	0	53,500	53,500
Total		95	87	153,098	8,801,569

Appendix 2: Housing, Development and Demographic Trends

1. Housing and Development Trends

Year	Residential Permits	Miscellaneous Permits	Commercial Permits	Industrial Permits	Total
1990	13	15	3	0	31
1991	13	25	0	0	38
1992	12	15	0	0	27
1993	16	32	0	0	48
1994	26	24	3	0	53
1995	13	32	0	0	45
1996	13	48	1	0	62
1997	7	45	1	0	53
1998	10	45	10	2	67
1999	23	22	0	0	45
2000	27	55	0	0	82
2001	12	61	0	0	73
2002	20	70	0	0	90
2003	14	38	0	0	52
2004	14	95	1	0	110
2005	20	61	3	0	84
2006	18	85	4	0	107
2007	9	37	5	0	51
2008	8	5	0	1	14
Total	288	810	31	3	1067

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In the past 18 years, 288 permits have been issued for new homes and 31 for commercial operations in Delaware. Over the years there has been much variation in the number of new housing permits issued. In 1990, the US Census found 1321 housing units in Delaware. Although the 2000 Census counted 1335 units (only 14 additional homes), the building permit information is more accurate, counts all second homes not included in the US Census, and indicates that the number of houses increased by 146 units between 1990 and 1999. The ten-year average number of new homes is about 15 per year for the 1990's. Between 2000 and 2008, an additional 142 homes were built in Delaware. New home construction fell in both 2007 and 2008 by almost half the rate as prior years.

Subdivision Plats, Lots and Acres, 1990 to 2009

Year	Number of Subdivision Plats Filed	Number of Lots Created	Total Acres Subdivided
1990	5	15	NA
1991	3	23	NA
1992	4	9	NA
1993	6	30	NA
1994	3	11	43.67

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Year	Number of Subdivision Plats Filed	Number of Lots Created	Total Acres Subdivided
1995	1	8	9.99
1996	2	7	14.95
1997	2	6	NA
1998	1	6	NA
1999	0	0	NA
2000	4	20	429.16
2001	7	0	46
2002	2	6	31.67
2003	3	10	104.97
2004	2	7	52.2
2005	1	6	NA
2006	3	38	NA
2007	0	0	0
2008	NA	NA	NA
Total	49	202	733

The 1990 to 2008 subdivision activity represented the development of about 3% of the Town's total land base. Two hundred two new lots were created between 1990 and 2008 converting at least 733 acres of open land to residential use. As shown on the table below, most of the subdivisions were small and created four lots or less. Over this time frame, nine subdivisions were major, and three of those included 11 to 49 lots.

Number of Lots Created Per Plat, 1990-2009

Year	Total Plats	1 - 4 Lots	5 - 10 Lots	11-49	50+
1990	5	5	0	0	0
1991	3	2	0	1	0

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Year	Total Plats	1 - 4 Lots	5 - 10 Lots	11-49	50+
1992	4	4	0	0	0
1993	6	4	1	1	0
1994	3	3	0	0	0
1995	1	0	1	0	0
1996	2	2	0	0	0
1997	2	2	0	0	0
1998	1	0	1	0	0
1999	0	0	0	0	0
2000	4	3	1	0	0
2001	1	0	0	0	0
2002	2	2	0	0	0
2003	3	3	0	0	0
2004	2	2	0	0	0
2005	1	0	1	0	0
2006	3	1	1	1	0
2007	NA	NA	NA	NA	NA
2008	0	0	0	0	0
Total	43	35	6	3	0

2. Demographic Trends

Demographic	1990	2000
Persons	2633	2719
Households	823	956
Farming occupations	56	24
Housing Units	1321	1335
Occupied housing units	950	956
Vacant housing units	371	381 (294 seasonal

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		residences)
Structures Built in Previous Decade	73 (1980's)	196 (1990's)

A comparison of the 1990 to 2000 census shows several significant trends that could affect agriculture in the Town of Delaware. While the population in Town decreased about 1.6%, the number of housing units increased 1.1% and the number of households increased 16.2 percent. Although the difference between households and population is not as large as some places, a difference between population growth and housing growth is an indication of sprawl without growth. The rate of growth has increased as evidenced by 73 new housing structures built in the 1980's and 196 in the 1990's. The census also shows a decreasing number of people employed, and with occupations in agriculture.

3. Buildout Analysis

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

The general process followed to calculate full buildout conditions is:

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

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

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

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Using the Current Minimum Lot Size Requirements

	B-1	CAL-B-1	R-1	CAL-R-1	RU	DR	PUD*	Totals
Minimum Lot Size from Zoning	7,500 Sq. Ft.	2 acres	40,000 Sq. Ft.	40,000 Sq. Ft.	80,000 Sq. Ft.	2 acres	2 units per acre	
Existing Residences	71	28	165	178	737	77	270	1,526
Potential New Residences (No environmental constraints considered)	210	416	90	242	7,411	1,297	32	9,698
Potential New Residences (Water, Wetlands, and Flood Hazards constraints considered)	185	394	82	231	7,022	1,201	32	9,147
Potential New Residences (Water, Wetland, 100 ft buffers of Water and Wetlands, and Flood Hazard constraints considered)	145	372	73	216	6,525	1,157	27	8,519
Potential New Residences (All environmental constraints considered, including Slopes over 15%)	126	81	60	64	3,882	374	22	4,609

* The level of development within a PUD is estimated.

Appendix 3: Planning, Land Use Regulations and Agriculture

1. Town Comprehensive Plan and Agriculture

The Town of Delaware Comprehensive Plan establishes agriculture as an important land use in town. Objectives stated in the Delaware Comprehensive Plan include maintaining the rural/agricultural character, conserving open land and natural resources as economic assets, protecting agriculture and farmland as community and economic assets, encouraging compatible commercial and industrial development, and safely and efficiently moving people and goods throughout the Town.

Goal 1 (Maintain the Town's existing agricultural/rural character) offers the following objectives that support farming:

- Carefully control the location and scale of commercial and industrial establishments while recognizing the importance of such development to the tax base.
- Provide for conservation subdivision as an optional form of development that will cluster residential development so as to preserve important farmland, open space and natural, scenic and cultural features.
- Avoid zoning regulations that unduly restrict agriculture.

Goal 3 (Protect Agriculture and Farmland as Community and Economic Assets) offers the following objectives that support farming:

- Provide in the Zoning Law for a wide range of agricultural/forestry uses throughout the Town, including ancillary uses.
- Offer options such as conservation subdivision, transfer of development rights and density averaging to permit development of less desirable farmland while preserving cropland and other prime farmland.
- Avoid the construction of growth inducing community facilities such as central sewage collection and treatment facilities where they would encourage the development of agricultural areas; except as needed to

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correct existing sewage disposal problems and where they would promote development of existing or proposed new centers.

- Direct higher density housing away from agricultural areas.

The Comprehensive Plan offers the following specific strategies aimed at promoting agriculture and meeting the above goals:

- Support and encourage efforts of County and State agencies to maintain agriculture as an important part of the local economy.
- Evaluate all land use control actions (zoning amendments, subdivision regulations, etc.) to ensure agriculture is not negatively affected.
- Cooperate with area economic development organizations to diversify the local economy by creating zoning that will help facilitate pursuit of agricultural and other tourism opportunities and encourage small businesses (e.g. metal fabrication) that are not infrastructure dependent as well as similar enterprises, including home occupations and telecommuting.
- Recognize agriculture as a critical component of the Town's character and economy and take all necessary actions to preserve agricultural land and activities.

2. County Plans

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

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

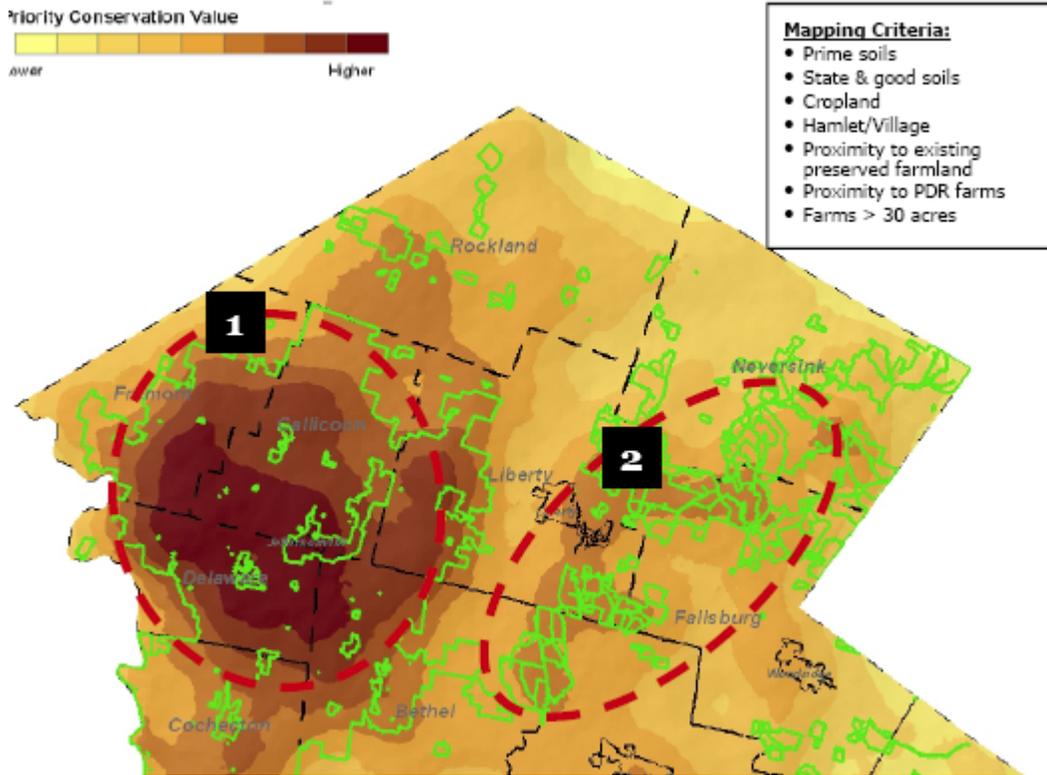
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resources are a major category of open space established by the County in that plan. It establishes a goal of maintaining the County's valuable farmland in active agricultural use while creating and promoting land use planning and zoning incentives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

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

For agriculture, the County Strategic Plan prioritized lands based on prime soils, statewide important soils, cropland, locations of hamlets and villages, proximity to existing preserved farmland, proximity to farms already having PDR easements, and farms greater than 30 acres. The figure below shows two county agricultural priority areas: Priority Area #1 is concentrated in the towns of Callicoon and Delaware which includes the area called "the Beechwoods."

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

New York State Open Space Conservation Plan (2009 Draft)

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

- Agriculture is one of the leading economic sectors in Sullivan County's Upper Delaware Highlands Region, remaining equal to recreational tourism. Including poultry, dairy, livestock, horticulture and aquaculture, this agricultural industry produces more than \$72 million on 385 active farms covering more than 63,000 acres. To

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preserve important agricultural lands not only furthers this economic base for this Catskill region but retains a rural community character and protects critical water and wildlife resources. The best soils in Sullivan County are predominantly located in the Beechwoods, an area that encompasses the Towns of Bethel, Callicoon, Cochecton and Delaware, and along the Delaware River.

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

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

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

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

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agriculture plays a key role in helping meet Sullivan's vision.

3. Local Land Use Regulations

A. Review of Comprehensive Plan

1. The Plan establishes goals that strongly include agriculture and its important role in the Town of Delaware.
2. Although maintaining agriculture is established as an important goal, the plan also establishes an objective that land use regulations would be limited to those essential to the health, safety and welfare of the residents and for addressing land use conflicts. While it is certainly understood why this is included in the plan, it may also conflict with the ability of the Town to implement some of the very land use techniques advocated in the plan (such as using zoning to control density and minimize conflicts between existing and future land uses).
3. The plan calls for use of the conservation subdivision technique optionally. Optional use of this technique will be strengthened if a strong incentive program such as mentioned above were included in the zoning (density bonus). The plan calls for offering bonuses for Transfer of Development Rights, Purchase of Development Rights, use of density averaging, and large lot zoning. This is excellent provided that these preserved lands specifically include agricultural lands. (The Plan does recognize that agriculture should be included in the preserved lands of a conservation subdivision and this should be implemented, as discussed above.)
4. The plan further shows its support for agriculture by calling for an avoidance of land use regulations that would unduly restrict agriculture and protecting cropland and primary farmlands. It also directs that higher density development be directed away from agricultural areas. These are all important ag-friendly policies that can be implemented with zoning changes.
5. The plan discusses new roads and expectations for new road development. This is adequate, except that it does not include a policy that roads should be designed, maintained, and used for farm equipment as well.
6. Page 22 of the Plan outlines a series of elements that will be very supportive of agriculture and excellent to implement in the ag plan.

B. Review of Zoning Law

Overall, the Town of Delaware Zoning Law has many positive and ag-friendly features. For example, it allows for a variety of ag uses as permitted uses in most districts, defines agriculture and a variety of ag-oriented businesses, and does not overly restrict uses such as farm stands. There are several places where improvements could be made however. These are outlined below:

1. §103: The purpose statements adequately discusses agriculture's role in the Town.
2. §202: Many different types of agriculture are defined. The definition of agriculture is quite broad and that is better than a narrow one. However, it clearly defines agriculture as being an activity for economic gain. As per the definition of agriculture in this plan, that may be restrictive as some agricultural activities may not be for economic gain. The Town should consider removing this or amending it to be more inclusive. Further, there is no specific mention of other types of agriculture such as nurseries, aviaries, aquaculture and other types of farming. The law should be forward thinking so that agricultural activities of the future are allowed as current ones are.
3. §202: There is no definition of a "farm" and this should be added.
4. §202: The definition for open space is very narrow as it applies only to land included in a cluster development, multi-family development or PUD development. This may not be advantageous for preserving open space in other situations and other kinds of developments. Further, including active recreation lands like golf courses as open space could result in major subdivisions being developed with no ag or other undeveloped lands within them. This does not seem to meet either the stated purposes of the zoning law or the Town of Delaware Comprehensive Plan. The Town should consider removing active recreational activities from the open space definition.
5. §202: Defines an intensive livestock operation. This definition does not include dairy, but addresses beef, pigs, sheep, goats, fur animals, and poultry. The zoning requires farms with the minimum numbers of animals to have at least 20 acres of land. Intensive livestock operations are only allowed in the RU district. 20 acres may be overly restrictive.

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Further, the numbers of animals that define an intensive livestock operation is much less than required by New York State GENERAL PERMIT (GP-04-02) under the SPDES program for medium concentrated animal feeding operations. There are no acreage requirements at the state level. The local law is much more restrictive. The Town may want to consider bringing the local intensive animal operation definition and regulations more in line with the State.

6. §401: A wide variety of agricultural activities are currently allowed - most are allowed as a permitted use with no other requirements. It offers a good potential for the introduction of a number of farm-related uses in the Town's RU district that could help farmers stay on the land by providing options for supplemental means of income. However, there are a variety of other types of farm operations that might be judged not allowable by the zoning officer or be required to go through an unpredictable variance process. Below is a partial listing of a number of potential agri-tourism, farm-support and farm-compatible businesses that the Town could consider allowing in the RU districts. They could be allowed as either outright permitted uses, accessory uses or uses requiring a special use permit or siting review.

Agri-tourism: u-picks, CSAs, expanded road stands, corn mazes, hay rides, pumpkin patches, seasonal events, school programs, weddings and parties, farm markets, dairy barns, bakeries, farm stores and restaurants, bed and breakfasts, farm stays;

Farm support businesses: slaughterhouse, community kitchen;

Farm-compatible businesses: child or adult care center, riding academy, outdoor recreation.

On the other hand, numerous uses are allowed as a special use in the RU District that may be incompatible long-term with agriculture. Commercial uses such as hotels, motels, manufacturing, industry, airports, and amusement parks may induce future growth that will further erode the ability for agriculture to operate successfully. The Town should review the list of special uses allowed in the RU district and consider removing these as incompatible with the agricultural goals established in the Comprehensive Plan.

7. §605.11 Surface and Ground Water Protection: Does not exempt agricultural activities. As such, this may be used against agriculture even though agriculture is a permitted use and within an ag district which

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protects farms and generally accepted agricultural methods. This section should clarify what the regulations apply to.

8. §613.5 Clearcutting for Timber: This section is confusing in that it includes in sub-section E a reference to cluster development. It allows for cluster residential developments with an increase in density by 25% if 40% of the land is left as open space. It is confusing and unclear why there is a reference to clustering and a density bonus in a section regulating clearcutting for timber.
9. §701 Clustering: Clustering is allowed but not required for major subdivisions. The subdivision law does not indicate under what circumstances the Planning Board may require it. It does not clarify that the technique could be used voluntarily by the applicant either. It seems reasonable that the Town would welcome this kind of development under a wide variety of circumstances, and that should be expressed. Further, if the Town wants to give the Planning Board the authority to require a clustered development, it should be clearly outlined in the law as to when this can occur, and should be coordinated with the subdivision law process. The law should also be updated to be more specific about what open space is desired, and how the development will be planned. The Comprehensive Plan calls for use of the conservation subdivision process and this is a much better tool to outline how a clustered subdivision should be designed. Other issues related to clustering include:

Requiring 25% of the parcel remain as open space is a smaller percentage than normal. Most communities require 50% of the parcel to be preserved.

There are no incentives for clustering. The Comprehensive Plan calls for using positive incentives to encourage clustering. As such, the zoning could be amended to include a section on density bonuses which would provide for such incentives.

Current cluster regulations do not allow for agriculture to take place on the open space. The law indicates that active recreation is a primary use of the open space preserved. In order to use this design technique successfully to allow for continued agriculture in a conservation or clustered subdivision, open space must be clearly defined to allow for agricultural activities. Consider removing the requirement that half of the required 25% open space must be in active recreation. That requirement would preclude most agricultural activities. Active recreation like golf may not be compatible with agriculture. The cluster section seems to be

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oriented to preservation of open land for recreation and not for agriculture or conservation. There should also be more emphasis of conservation of critical environmental resources in the open space.

The cluster section requires dedication of preserved open space to a home owners association. Although this may be beneficial in some circumstances, it would not be when the original landowner wanted to retain control of the open space for continued farming. The sub-section on HOA's should be amended to allow for a variety of landownership of the preserved land.

The cluster section also establishes bulk requirements for lots within a clustered development. One-acre lots and 150 foot lot widths are required if there is no water and sewer provided. These bulk dimensions may preclude creative design of a subdivision to maximize creation of open space. The Town should consider making the minimum lot size to be whatever the Health Department would permit for a septic system. If the soils were adequate, this could be smaller than 1 acre lots. Other bulk requirements should be determined at the time of subdivision. This gives maximum flexibility for good design.

10. §703 Planned Unit Development: These developments offer the landowner much flexibility in design, but are currently written to be oriented to creation of open space for recreation. 50% of the parcel is required to be preserved as open space and this is an appropriate percentage. Similar to the issues with the cluster section, the PUD requires at least half of the preserved open space to be in active recreation. However, the Town should consider amending the PUD requirements to allow for and encourage agriculture on any preserved open space lands.
11. §805.3 Adverse Effects: This section requires the Planning Board to evaluate the adverse effect that land uses subject to a special use permit might have on traffic, parking, public improvements, neighborhood character, and other matters related to public health, safety and general welfare. However, it does not ask the Planning Board to evaluate the adverse effect a special use may have on adjacent agricultural uses. The Town should consider adding agriculture to this section.
12. §805.5 Special Use and Site Plan Conditions and Additional Standards: This section directs the Planning Board to consider a variety of items as they make a decision about a special permit. It is recommended that the

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Town add to this list that special attention be paid to the impact of a proposal on continuing agricultural uses.

13. Agricultural Data Statement: The zoning law adequately includes the data statement as a required part of the process. That is excellent. However, it does not direct the Planning Board about what to do with it. It is recommended that Section 806.8 (hearing notice) and all other locations where the ag data statement is mentioned, be amended to require a public hearing notice be sent to all those people listed on the ag data statement.
14. §1002.3 Activities Not Requiring Permits: This section exempts certain activities from needing a zoning permit and certificate of use from the building inspector. This list does not include agricultural structures. All agricultural uses not requiring a special use permit as per Section 401 should be exempt because these ag uses are permitted uses and do not need a zoning review and because agricultural structures are exempt from requiring a building permit under New York State law.
15. §1002.3 Application for Permits: This section should be amended to include the need for an ag data statement as required elsewhere in the law.
16. Zoning Map, District Boundaries, and Density:

The zoning establishes a 2-acre minimum acre lot size with a 200' lot width and 15% lot coverage requirements in the RU District. The RU District is where the vast majority of agriculture is taking place. Based on the buildout analysis, this density would allow for several thousand new homes in the RU district. This level of density, if fully realized, could have negative impacts on agriculture. Not only would it use valuable ag lands for housing, it would result in other impacts that make continuing farming in the district very difficult. In addition to the above changes discussed, it is recommended that the Town re-evaluate density and zoning district boundaries, and consider one or more of the following planning tools:

- a. Use Average Lot Density: Do not require a minimum lot size, but instead rely on an average density to be attained over the entire parcel being developed. In this way, smaller lots can be created leaving more opportunity for preservation of open space. While the cluster provisions of zoning will work best on major developments, use of average lot density will assist with preservation of farmland on small

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subdivisions as well. Minimum lot sizes can be as small as allowed by the Department of Health for septic systems.

- b. Reduce Density Using a Sliding Scale: This technique sets a density of development based on the size of the parcel to be divided. Smaller parcels get a higher density and larger parcels get a lower density. In this way, more growth is directed to those parcels already cut up and leaves a lower density on the larger parcels still farmed. At the same time, landowners can subdivide their farmlands if necessary.
- c. Reduce Density by Using Net Acreage: This removes lands on a parcel having certain characteristics such as wetlands, open water, very steep slopes, etc. from being included in the calculation for how many units the parcel is eligible for. For instance, in the RU district a 100 acre parcel would be eligible for a maximum of 50 new lots using a gross acreage calculation. Using a net acreage calculation, the 100 acre parcel having 20 acres of environmental constraints would have 80 acres of land, and would be eligible for 40 dwellings.
- d. Reduce Density but Give it back with Incentives: If someone wants to develop a conventional subdivision with no protections for open space or ag lands, then the density is reduced. If however, they cluster, participate in a Transfer of Development Rights program, or otherwise protect agricultural lands, then they would be eligible for a density bonus. This would not necessarily reduce density in the Town, but would help meet other protection goals.
- e. Keep Density the Same as Now but Offer Incentives For Better Subdivision Design or Permanent Preservation of Farmlands:
- f. Initiate a Transfer of Development Rights Program.
 - 1. Sending areas should be priority farmlands in the RU district. (See Farmland Prioritization Map).
 - 2. Receiving areas could be in the CAL R-1 and R-1 districts. Consider also expanding the R-1 and CAL R-1 areas to give more room for higher density development in the future.
 - 3. Density bonuses could be given for participation in the TDR program.

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- g. Consider splitting the existing RU district into two. North of Route 17B and Fulton Hill Road could be an agricultural district that would still allow for low density residential development but have standards oriented to agricultural protection and south of 17B and Fulton Hill Road would be RU oriented as it is now to low density residential development.

C. Review of Subdivision Regulations

This local law generally follows standard subdivision regulations and procedures. It is not particularly strongly oriented to ensuring that the rural character, open space, agriculture, and other goals outlined in the comprehensive plan are met. Overall, more emphasis should be added as it relates to agriculture as outlined below:

1. Maintenance of agriculture is not included as an important purpose of the subdivision regulations. This should be added.
2. The law defines a minor subdivision as any subdivision that creates not more than 4 to 10 lots, or cumulative to 4 to 10 lots as of 1989. Subdivisions above the 10 lots would be a major subdivision. Most communities define a minor subdivision as one that creates no more than 4 or 5 lots and define major subdivisions as anything beyond that. It is not clear what advantage having a range is for the Town. In a rural community trying to preserve open space, agriculture, and rural character, a 10-lot subdivision is still significant and such a project could have profound impacts on agriculture that might not be adequately reviewed under the minor subdivision rules. It is recommended that the Town consider defining a minor subdivision as one that creates no more than 4 or 5 lots and a major as one that creates lots over that limit.
3. The law is excellent in the regard that it requires the ag data statement for both minor and major subdivisions. The law should clarify however, that the Planning Board should use that data statement to identify people to be notified about the hearing related to the proposed subdivision.
4. §304.12 Existing or man-made features to be included on plat (major subdivision): There is no mention of prime soils or agricultural activities as part of the plat. In order to adequately review the subdivision and protect as many important farmlands as possible, this information should be included on the mapped plat. The list of plat requirements for minor subdivisions should also include identification of active agricultural lands

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on or adjacent to the proposed subdivision.

5. Article IV Design Standards: This section is critical as it determines how a subdivision will be designed. There is no mention of agriculture, prime soils, or even rural character in this section. It is strongly recommended that the Town amend this section to strengthen its attention given to agriculture as per the Comprehensive Plan. This section should include rural siting standards so that new development is more consistent with continuing farming. Such standards related to agriculture (others exist related to rural character) could include:
 - a) Place buildings on edges of fields and not in middle of field;
 - b) Use existing vegetation and topography to buffer and screen new buildings or group in clusters, situated behind tree lines or knolls. Require new non-farm uses to create a buffer between itself and active agricultural operations;
 - c) Place buildings away from prime farmland soils or soils of statewide significance;
6. §404 Open Space: The subdivision law refers to open space as common open space. The definition is somewhat different between the subdivision and zoning. Both should be the same, and both should be a broader definition of open space that puts less emphasis on active recreation and more on agriculture and conservation. The law also requires 10% or a minimum of 1 acre of land be kept for common open space. Like the zoning, creation of "common" open space may not be advantageous to a farmer who would like to develop his land but retain some ability to farm on some parcels. This definition might preclude that from happening.
7. There are no procedures or details in the subdivision law to guide a clustered or conservation subdivision process. This detail should be added. The zoning should establish the rules as to when and what standards such a subdivision would need, but the subdivision should outline the review process as well. The subdivision law should be adequate to provide the applicant and Planning Board all necessary procedures and standards in which to implement the requirements detailed in the zoning related to clustered and conservation subdivisions.

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Appendix 4: US Agriculture Census Zip Code Level Data

1. Description and Comparison of Farm Operations in Town of Delaware Zip Codes

1997 Farm Owner and Operator Characteristics in Delaware by Zip Code

ZIP	Town	Full owners	Part owners	Tenants	Operators living on the farm operated	Operators by Principal Occupation farming
1997						
12764	Narrowsburg	8	1	0	9	4
12723	Callicoon	13	22	1	32	27
12726	Cohecton	6	7	0	13	10
12748	Jeffersonville	21	10	1	27	23
Totals		48	40	2	81	64
2002						
12723	Callicoon	26	28		49	41
12745	Hortonville	*	*		*	*
12750	Kenoza Lake	6	*		7	*
12764	Narrowsburg	10	*		13	*
12748	Jeffersonville	14	19		31	23
12726	Cohecton	10	6		16	13
Totals		66	53	0	116	77
2007						
12723	Callicoon	13	10	2	23	15
12745	Hortonville	4	1	0	5	1
12750	Kenoza Lake	3	2	0	5	1
12764	Narrowsburg	11	3	0	14	3
12748	Jeffersonville	17	15	2	24	18
12726	Cohecton	9	8	0	16	6
Totals		57	39	4	87	44

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2. Type of Farms in Delaware Zip Codes

Livestock Inventory on Farms in Delaware by Zip Code

ZIP	Town	Cattle and calves inventory total farms	Beef cow inventory total farms	Milk cow inventory total farms	Cattle and calves sold total farms	Hogs and pigs inventory total farms	Hogs and pigs sold total farms	Sheep and lambs inventory total farms	Hens & pullets laying age inventory total farms	Horses and ponies of all ages inventory total farms	Horses and ponies of all ages sold total
1997											
12764	Narrowsburg	6	3	1	4	0	0	1	0	1	0
12723	Callicoon	32	9	18	30	0	0	4	2	7	0
12726	Cohecton	8	3	4	9	1	1	1	0	1	0
12748	Jeffersonville	16	6	12	16	1	1	1	6	8	3
Totals		62	21	35	59	2	2	7	8	17	3
2002											
12723	Callicoon	34	6	15	24			8	5	17	*
12745	Hortonville	*	*	*	*						
12750	Kenoza Lake	*	*		*			*		*	
12764	Narrowsburg	*	*		*			*	5	5	*
12748	Jeffersonville	16	*	11	12	*	*	*	7	8	*
12726	Cohecton	8	*	*	5	*	*	*	*	*	
Totals		58	6	26	41	0	0	8	17	30	0
2007											
12723	Callicoon	17	5	8	15	0	0	2	3	7	0
12745	Hortonville	3	2	1	1	2	0	2	4	5	2

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12750	Kenoza Lake	2	1	1	2	0	0	2	0	2	0
12764	Narrowsburg	6	5	1	4	0	0	4	3	6	4
12748	Jeffersonville	14	10	5	12	8	7	1	5	5	3
12726	Cochection	8	6	2	8	3	3	1	2	2	2
Totals		50	29	18	42	13	10	12	17	27	11

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

Cropland Harvested in Delaware by Zip Codes

ZIP	Town	Cropland harvested total farms	Cropland harvested 1 to 49 acres	Cropland harvested 50 to 499 acres	Cropland used for pasture or grazing total farms	Cropland idle total farms	Total woodland total farms	Pasture and rangeland other than cropland or woodland pastured total farms	All other land total farms	All other land 100 acres or more
1997										
12764	Narrowsburg	8	4	4	8	0	5	2	6	0
12723	Callicoon	36	11	24	22	2	24	11	26	2
12726	Cohection	11	4	7	10	0	9	1	9	0
12748	Jeffersonville	27	12	14	17	0	20	7	20	1
Totals		82	31	49	57	2	58	21	61	3
2002										
12723	Callicoon	45	13	31	21	5	36	30	45	5
12745	Hortonville	*		*	*		*	*		
12750	Kenoza Lake	7	7		*		7	6	5	
12764	Narrowsburg	9	6	*	6		12	*	11	
12748	Jeffersonville	27	11	14	19	*	21	10	20	
12726	Cochection	13	6	7	12	*	7	*	8	

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Totals		101	43	52	58	5	83	46	89	5
2007										
12723	Callicoon	23	10	12	17	NA	20	NA	NA	NA
12745	Hortonville	5	2	3	3	NA	1	NA	NA	NA
12750	Kenoza Lake	4	4	0	3	NA	4	NA	NA	NA
12764	Narrowsburg	12	7	5	10	NA	8	NA	NA	NA
12748	Jeffersonville	31	15	16	26	NA	22	NA	NA	NA
12726	Cochecton	12	7	4	8	NA	13	NA	NA	NA
Totals		87	45	40	67	NA	68	NA	NA	NA

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

ZIP	Town	Farms by size all farms	Farms by size 1 to 49 acres	Farms by size 50 to 999 acres
1997				
12723	Callicoon	36	6	30
12726	Cochecton	13	4	9
12748	Jeffersonville	32	6	26
12764	Narrowsburg	9	1	8
Totals		90	17	73
2002				
12723	Callicoon	54	16	38
12726	Cochecton	16	7	9
12745	Hortonville	*	*	*
12748	Jeffersonville	33	12	21
12750	Kenoza Lake	7		7
12764	Narrowsburg	13	7	6
Total		123	42	81
2007				

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12723	Callicoon	25	8	17
12726	Cochecton	17	7	10
12745	Hortonville	5	2	3
12748	Jeffersonville	34	5	29
12750	Kenoza Lake	5	0	5
12764	Narrowsburg	14	5	9
Totals		100	27	73

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

1997 Market Value of All Agricultural Products in Delaware Zip Codes

1997						
ZIP	Town	Total farms	Market value of agricultural products sold less than \$10000	Market value of agricultural products sold \$10000 or more	Market value of agricultural products sold \$10000 to \$99999	Market value of agricultural products sold \$100000 or more
12764	Narrowsburg	9	5	4	4	0
12723	Callicoon	36	11	25	14	11
12726	Cochecton	13	4	9	4	5
12748	Jeffersonville	32	15	17	7	10
Totals		90	35	55	29	26

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2002 Market Value of All Agricultural Products in Delaware Zip Codes

		Total farms	Less than \$50,000 (farms)	\$50,000 to \$249,999 (farms)	\$250,000 or more (farms)
12723	Callicoon	54	36	16	*
12745	Hortonville	*	*		*
12750	Kenoza Lake	7	7		
12764	Narrowsburg	13	10	*	
12748	Jeffersonville	33	20	11	*
2726	Cochecton	16	12	*	*
Totals		123	85	27	0

2007 Market Value of All Agricultural Products in Delaware Zip Codes

		Total farms	Less than \$50,000 (farms)	\$50,000 to \$249,999 (farms)	\$250,000 or more (farms)
12723	Callicoon	25	15	8	2
12745	Hortonville	5	4	0	1
12750	Kenoza Lake	5	5	0	0
12764	Narrowsburg	14	12	2	0
12748	Jeffersonville	34	26	5	3
12726	Cochecton1	17	14	0	3
Totals		100	76	15	9

Appendix 5: US Agricultural Census County Level Data

Census of Agriculture: Sullivan County	1997	2002	2007	% Change
Farms (number)	311	381	323	3.9
Land in farms (acres)	58,067	63,614	50,443	-13.1
Land in farms - average size of farm (acres)	187	167	156	-16.6
Land in farms - median size of farm (acres)	116	106	100	-13.8
Estimated market value of land and buildings average per farm (dollars)	379,677	522,088	546,478	43.9
Estimated market value of land and buildings average per acre (dollars)	1,861	2,798	3,493	87.7
Estimated market value of all machinery/equipment: average per farm (dollars)	62,091	72,534	81,001	30.5
Farms by size: 1 to 9 acres	27	27	19	-29.6
Farms by size: 10 to 49 acres	50	107	81	62.0
Farms by size: 50 to 179 acres	125	128	134	7.2
Farms by size: 180 to 499 acres	83	92	66	-20.5
Farms by size: 500 to 999 acres	23	19	19	-17.4
Farms by size: 1,000 acres or more	3	8	4	33.3
Total cropland (farms)	279	322	274	-1.8
Total cropland (acres)	34,813	34,476	24,614	-29.3
Total cropland, harvested cropland (farms)	261	274	236	-9.6
Total cropland, harvested cropland (acres)	25,045	26,541	21,198	-15.4
Irrigated land (farms)	19	35	24	26.3
Irrigated land (acres)	109	293	75	-31.2
Market value of agricultural products sold (\$1,000)	23,364	37,753	42,117	80.3
Market value of agricultural products sold, average per farm	75,126	99,090	130,393	73.6

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Census of Agriculture: Sullivan County	1997	2002	2007	% Change
(dollars)				
Market value of ag prod sold-crops,incl nursery and greenhouse crops (\$1,000)	2,117	2,690	2,088	-1.4
Market value of ag products sold - livestock, poultry, and their products (\$1,000)	21,247	35,064	40,029	88.4
Farms by value of sales: Less than \$2,500	79	155	123	55.7
Farms by value of sales: \$2,500 to \$4,999	38	40	30	-21.1
Farms by value of sales: \$5,000 to \$9,999	39	34	26	-33.3
Farms by value of sales: \$10,000 to \$24,999	54	43	62	14.8
Farms by value of sales: \$25,000 to \$49,999	21	27	28	33.3
Farms by value of sales: \$50,000 to \$99,999	28	32	16	-42.9
Farms by value of sales: \$100,000 or more	52	50	38	-26.9
Total farm production expenses (\$1,000)	19,833	26,504	40,529	104.4
Total farm production expenses, average per farm (dollars)	63,162	69,383	125,477	98.7
Net cash return from agricultural sales for the farm unit (farms)	314	382	323	2.9
Net cash return from agricultural sales for the farm unit (\$1,000)	2,775	12,280	2,747	-1.0
Net cash return from ag sales for fm unit, average per farm (dollars)	8,838	32,146	8,504	-3.8
Operators by principal occupation: Farming	194	243	164	-15.5
Operators by principal occupation: Other	117	138	159	35.9
Operators by days worked off farm: Any	154	181	179	16.2
Operators by days worked off farm: 200 days or more	90	123	123	36.7
Livestock and poultry: Cattle and calves inventory (farms)	160	155	119	-25.6
Livestock and poultry: Cattle and calves inventory (number)	11,012	8,900	6,300	-42.8
Beef cows (farms)	69	75	79	14.5
Beef cows (number)	1,082	875	1,215	12.3
Milk cows (farms)	72	53	32	-55.6

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Census of Agriculture: Sullivan County	1997	2002	2007	% Change
Milk cows (number)	4,505	3,948	2,272	-49.6
Cattle and calves sold (farms)	158	109	89	-43.7
Cattle and calves sold (number)	5,508	3,123	2,220	-59.7
Hogs and pigs inventory (farms)	11	19	23	109.1
Hogs and pigs inventory (number)	126	206	425	237.3
Hogs and pigs sold (farms)	11	19	21	90.9
Hogs and pigs sold (number)	182	227	525	188.5
Sheep and lambs inventory (farms)	23	48	31	34.8
Sheep and lambs inventory (number)	334	1,010	729	118.3
Layers and pullets 13 weeks old and older inventory (farms)	31	65	64	106.5
Layers and pullets 13 weeks old and older inventory (number)	(D)	(D)	(D)	
Broilers and other meat-type chickens sold (farms)	11	15	13	18.2
Broilers and other meat-type chickens sold (number)	1,208,336	2,542,338	1,528,519	26.5
Corn for grain or seed (farms)	8	6	3	-62.5
Corn for grain or seed (acres)	693	670	(D)	
Corn for grain or seed (bushels)	69,580	26,627	(D)	
Corn for silage or green chop (farms)	52	30	21	-59.6
Corn for silage or green chop (acres)	2,523	1,324	882	-65.0
Corn for silage or green chop (tons, green)	27,579	11,970	14,451	-47.6
Wheat for grain (farms)	(N)		1	
Wheat for grain (acres)	(N)		(D)	
Wheat for grain (bushels)	(N)		(D)	
Barley for grain (farms)	(N)		1	
Barley for grain (acres)	(N)		(D)	
Barley for grain (bushels)	(N)		(D)	
Oats for grain (farms)	2		1	-50.0
Oats for grain (acres)	(D)		(D)	

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Census of Agriculture: Sullivan County	1997	2002	2007	% Change
Oats for grain (bushels)	(D)		(D)	
Soybeans for beans (farms)	(N)		2	
Soybeans for beans (acres)	(N)		(D)	
Soybeans for beans (bushels)	(N)		(D)	
Dry edible beans, excluding dry limas (farms)	(N)			
Potatoes, excluding sweetpotatoes (farms)	6		12	100.0
Potatoes, excluding sweetpotatoes (acres)	17		22	29.4
Potatoes, excluding sweetpotatoes (hundredweight)	1,262		(N)	
Hay-alfalfa, other tame, small grain, wild, grass silage, green chop, etc (farms)	210		186	-11.4
Hay-alfalfa, other tame, small grain, wild, grass silage, green chop, etc (acres)	23,488		19,636	-16.4
Hay-alfal, oth tame, small grain, wild, grass silage, green chop, etc (tons, dry)	38,529		35,056	-9.0
Vegetables harvested for sale (farms)	25		31	24.0
Vegetables harvested for sale (acres)	157		151	-3.8
Land in orchards (farms)	13		9	-30.8
Land in orchards (acres)	101		25	-75.2
(D) Withheld to avoid disclosing data for individual farms.				
(N) Not available.				

Appendix 6: Maps

Base Map

Property Class

Government Owned/Protected Properties

Farm Locations

New York State Agricultural Districts

Farmland Soils

Farmland Prioritization

Buildout Analysis (various maps)

Zoning

Water and Sewer Districts

Aerial Photo