

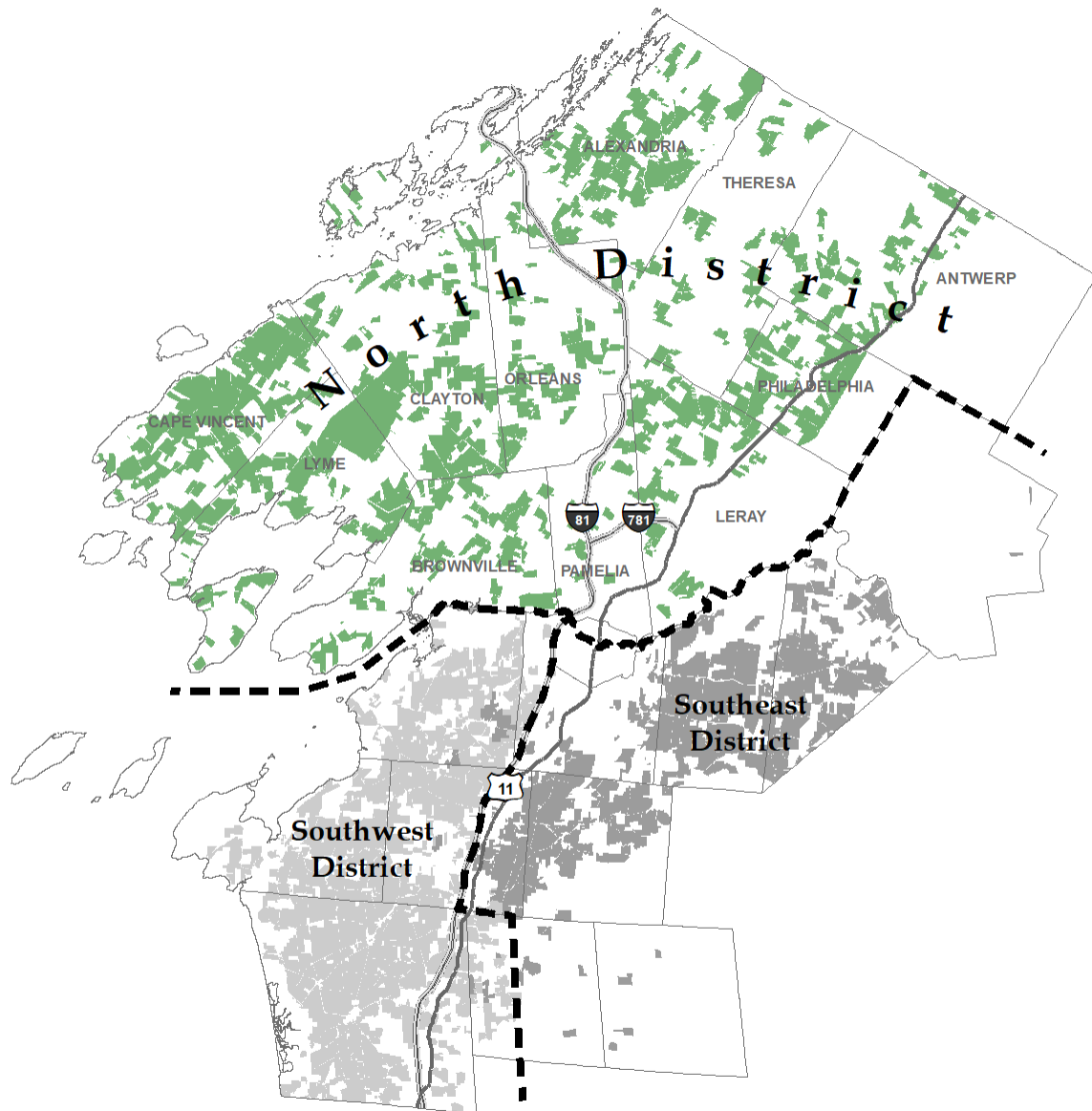
JEFFERSON COUNTY AGRICULTURAL DISTRICT 2, NORTH

EIGHT-YEAR REVIEW

TOWNS OF ALEXANDRIA, ANTWERP, BROWNVILLE, CAPE VINCENT, CLAYTON, LERAY, LYME, ORLEANS, PAMELIA, PHILADELPHIA, AND THERESA.

Jefferson County Agriculture and Farmland Protection Board

JULY 31ST, 2023



INTRODUCTION AND BACKGROUND

This report presents the findings of the Jefferson County Agriculture and Farmland Protection Board's (AFPB) 2024, eight-year review and final recommendations to the County Legislature for Agricultural District 2 in the Jefferson County Towns of Alexandria, Antwerp, Brownville, Cape Vincent, Clayton, LeRay, Lyme, Orleans, Pamela, Philadelphia, and Theresa.

Article 25-AA of the NYS Agriculture and Markets Law was enacted in 1971 to help keep farmland in agricultural production through a combination of landowner incentives and protections that discourage the conversion of farmland to non-agricultural uses, including:

- providing reduced property tax bills for agricultural lands (agricultural landowners must apply to the local tax assessor for an annual agricultural assessment);
- providing the framework to limit unreasonable local regulation on accepted agricultural practices;
- providing Right to Farm provisions that protect accepted agricultural practices from private nuisance suits;
- modifying state agency administrative regulations and procedures to encourage the continuation of agricultural businesses;
- modifying the ability to advance public funds to construct facilities that encourage development;
- limiting the power to impose benefit assessments, special ad valorem levies or other rates or fees in certain improvement districts or benefit areas such as water, sewer, or nonfarm drainage; and
- reducing the ability of public agencies to acquire farmland through eminent domain.

Agricultural districts primarily benefit owners of land that is farmed. Being part of an agricultural district does not require that the land be used for agriculture, and it does not directly affect tax assessments (agricultural landowners must apply to the local tax assessor for an annual agricultural assessment).

Agricultural districts are reviewed by the Jefferson County Legislature and recertified by the NYS Department of Agriculture and Markets Commissioner every eight years. During the review landowners can decide if they want their property to remain in the district or be removed or added. The review is announced through public notices and announcements, a municipal notice letter, and a mailing to all landowners within the district, which includes a property owner notice letter, a removal and addition request form, and a farm survey.

Article 25-AA of the NYS Agriculture and Markets Law requires the AFPB to consider the following factors when creating and reviewing an agricultural district:

- the viability of active farming within and adjacent to the district;
- the presence of viable inactive farmlands within and adjacent to the district;
- the nature and extent of land uses other than active farming within and adjacent to the district;
- county developmental patterns and needs; and
- any other relevant matters.

“Viable agricultural land”, as defined in Article 25-AA of the NYS Agriculture and Markets Law, Section 301, sub.7, means land highly suitable for a farm operation which is defined as “the land and on-farm buildings, equipment, manure processing and handling facilities, and practices which contribute to the production, preparation and marketing of crops, livestock and livestock products as a commercial enterprise”. In judging viability, Article 25-AA of the NYS Agriculture and Markets Law requires the AFPB to consider:

- natural factors including soil, climate, and topography;
- markets for farm products;
- the extent and nature of farm improvements;
- the present status of farming;
- anticipated trends in agricultural economic conditions and technology; and
- any other relevant factors.

There are three Agricultural Districts in the County currently comprising **243,135 acres**.

The Jefferson County North Agriculture District #2 (North District) was formed in 2000 by consolidating the existing Agriculture Districts of Cape Vincent #2, Chaumont #5, Point Peninsula #7, Lyme #8, Gunns Corners #9, LeRay #12, Philadelphia #13, Brownville #14, and Evans Mills #16. It incorporates agricultural land lying within the Towns of Alexandria, Antwerp, Brownville, Cape Vincent, Clayton, LeRay, Lyme, Orleans, Pamela, Philadelphia, and Theresa.

The North District was last reviewed in **2016** and recertified with an anniversary date of **January 22nd, 2016**. At the time of the recertification, **the North District encompassed 112,648**. During the Annual Individual Inclusion process for the past seven years, **1,173 acres were added to the North District, giving it a current total of 113,821 acres**.

EIGHT YEAR REVIEW PROCESS

New York State Agricultural Districts Law Article 25AA authorizes Counties to create Agricultural Districts when petitioned by farmers. Agricultural Districts are established to provide benefits to agricultural landowners and to strengthen the identity of the agricultural community.

After Agricultural Districts are established, NYS Agriculture and Markets Law requires a review every 8, 12, or 20 years to determine whether they are still viable agricultural areas and if they should be continued, modified or terminated. The review process provides the only opportunity to delete land.

According to Section 303-a of the New York State Agricultural Districts Law, the County Agricultural and Farmland Protection Board must prepare a report concerning the following:

- (1) the nature and status of farming and farm resources within such district, including the total number of acres of land and the total number of acres of land in farm operations in the district;**
- (2) The extent to which the district has achieved its original objectives;**
- (3) The extent to which county and local comprehensive plans, policies and objectives are consistent with and support the district;**
- (4) The degree of coordination between local laws, ordinances, rules, and regulations that apply to farm operations in such district and their influence on farming; and**
- (5) Recommendations to continue, terminate or modify such district.**

Pursuant to the requirements of NYS Agriculture and Markets Law Article 25 AA, the Agricultural District review process begins with the County Board of Legislators (BOL) publishing a notice announcing the review and giving the public the opportunity to propose modifications to the District.

The BOL then refers the District to the Agriculture and Farmland Protection Board (AFPB) for its review and recommendation.

After the BOL receives the recommendation, it holds a public hearing to allow the public and municipalities the chance to comment on the District and any proposed changes. The BOL then considers the recommendation from the AFPB and the record of the public hearing and makes a finding to continue, terminate, or modify the District. The BOL also completes a SEQR Review at this time. If the BOL finds that the District should be continued or modified, it submits a District Review Plan to the NYS Commissioner of Agriculture and Markets.

1. DISTRICT AGRICULTURAL VIABILITY

Currently, there are **113,821 acres of land in the North District**, with about **85,157 acres of land with an active agriculture assessment**. The remaining **28,459 acres** are predominantly assessed residential (16,173 acres) or vacant land (12,286 acres).

There are **115,286 acres of land proposed in the North District**, with about **85,933 acres of land with a proposed agriculture assessment**. The remaining proposed **28,646 acres** are predominantly assessed residential (16,611 acres) or vacant land (12,035 acres).

The North District lies in the northern half of the County located in the St. Lawrence River Valley, stretching from Lake Ontario in the west, the Black River in the south to St. Lawrence County in the east. Elevations range from 246 feet mean sea level to 650 feet mean sea level.

The terrain is generally flat with gently rolling hills, which easily accommodates agriculture. The soils, climate, and topography of the area will generally support agriculture as a viable land use.

Below is a detailed analysis of Jefferson County farms, farmland, and agricultural economic characteristics. This information reflects data from the U.S. Census of Agriculture from 2007 to 2017. This data is not available for the North District area specifically. **The U.S. Census of Agriculture data for 2022 is not available yet.**

Number of Farms

According to the 2017 Census of Agriculture, between 2007 and 2017 the number of farms in Jefferson County decreased by 10.5%, a net reduction of 93 farms. (As a point of comparison, between 2007 and 2017, the number of farms increased by 1.5% in Lewis County, decreased by 5.8% in St. Lawrence County, and decreased by 8.0% statewide.) The 2017 Census of Agriculture reported 792 farms in Jefferson County. Most of the decline, however, occurred between 2012 and 2017.

Land in Farms

Land in farms in Jefferson County totaled 247,456 acres in 2017, a 14.9% decline from 290,811 acres in 2012. Total cropland in Jefferson County in 2017 was 168,757 acres, comprising approximately 68% of all farmland acreage. In the North District, the highest concentration of farmed parcels are found in the towns of Cape Vincent, Clayton, Lyme, and Philadelphia, all have 40% or more of their land area in agricultural use. The Town of LeRay contains significant portions of the Fort Drum Military base, which limits the area available for farming.

Average Farm Size

The average farm in Jefferson County in 2017 was 312 acres, a decrease from 332 acres in 2012. The New York State average was 205 acres, slightly up from 202 acres five years earlier. Farms in Jefferson County tend to be larger than those in Lewis and St. Lawrence Counties.

Jefferson County farms are relatively diverse in terms of size: 26.5% of the farms in 2017 had fewer than 50 acres, while 34.3% were in the 50 to 179 acres range. In the larger categories, 26.3% had 180 to 4,999 acres, while 12.9% had at least 500 acres. Between 2007 and 2017, the total number of farms in Jefferson County declined by over 10%. Most of the farms lost from the inventory were in the 260-to-499-acre range. It is not clear whether these farms sold off some of their acreage and became smaller or ceased operations altogether. A few may have gained acreage and become larger, as there was a modest gain of 13 farms in the 1,000 acres and up category.

The County has added more small farms, however. The number of farms with less than 100 acres increased 16% from 2007 to 2017. Most of the growth was among farms of less than 10 acres.

Farm Products

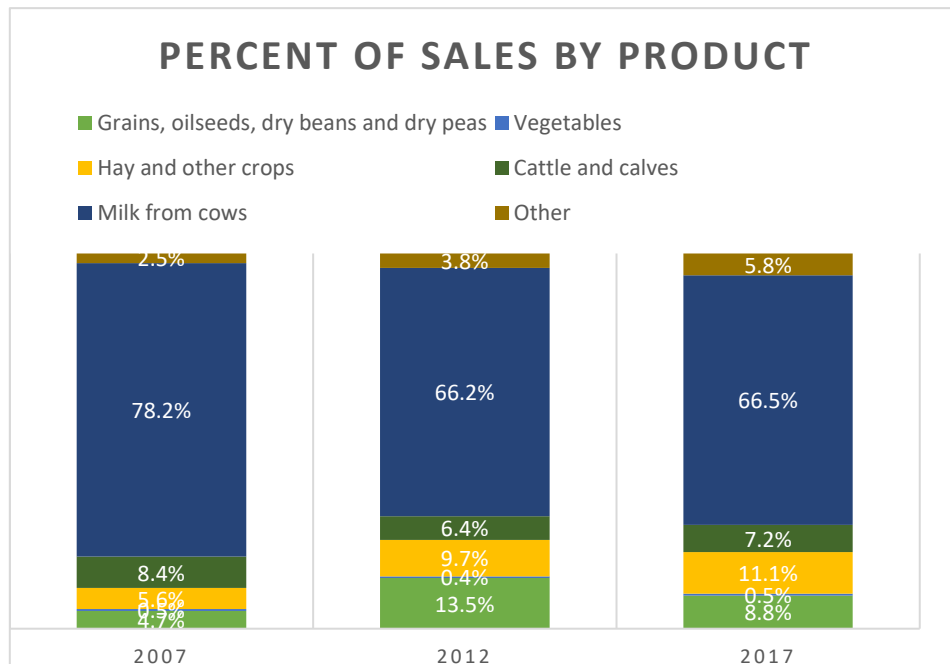
Jefferson County ranks 8th among NYS counties in Milk Production according to the USDA or the National Agricultural Statistics Service. Jefferson County farms generated roughly \$165.1 million in sales in 2017, with the livestock sector accounting for about 78% of the total. The leading agricultural commodities were dairy products (\$109.8 million), grain and soybeans (\$14.6 million), hay and silage (\$18.3 million), and beef cattle (\$12 million).

Farm sales as reported in 2017 have decreased 10.0% from 2012, although there has been an 18.5% increase from 2007. The decline comes from a 41.2% decrease in grain and bean sales and a 9.6% decrease in milk sales, both major products in Jefferson County. Sales of hay, cattle, vegetables, and a new category, nursery, and greenhouse, have all increased modestly.

Compared to 2012, 11 more farms are producing hay and other crops. Fewer farms are producing in other categories, which aligns with an overall decrease of 84 farms.

The most common crop in the County is forage, which is grown on 420 farms covering 93,814 acres, followed by corn for silage, raised on 23,388 acres. In 2017 Jefferson County was ranked second of all counties in the state in forage.

The table below shows classification of sales income in Jefferson County by agricultural product over three agricultural census years.



Conclusions

While the number of farms in Jefferson County decreased between 2012 and 2017, farming remains a very active and viable component of the local economy. The amount of farmland acreage is down 14.9%, but agricultural sales were only down 10.0%. The decline of farming in the County is in line with New York State’s overall decrease of agricultural production, but it has been more marked in Jefferson County than in its North Country neighbors. The amount of agricultural land will probably be less in the 2022 Ag Census due to the increase in solar development over the last few years.

Since the last North District review, through the Annual Inclusion of Viable Agricultural Land to Existing Agricultural District process 1,173 acres of agricultural land have been added to District 2 in Jefferson County, demonstrating the desire of farmers to utilize available programs to assist them in protecting their operations.

SURVEYS

As part of any Agricultural District Review Process, the NYS Department of Agriculture and Markets requires that a District Profile, which describes the characteristics of the District, be submitted. To complete the District Profile, the Department of Planning mailed 517 surveys to existing landowners.

Each survey listed the “In District” parcels for a particular landowner in our database and asked a series of questions: the use of the parcels; should the parcels remain in the District; farm name and phone number; total acres of crops owned and rented; principal farm enterprise; and whether any parcels are rented to or from another landowner.

Farm surveys and Addition/Removal Forms were also posted on the County’s website and publicized in local newspapers. Additionally, notices were distributed to the Tug Hill Commission, Jefferson County Soil & Water Conservation District, Cornell Cooperative Extension, New York Farm Bureau, Jefferson County Agricultural Coordinator, and each affected town clerk.

For the farm surveys, 251 surveys were returned out of the 517 mailed out, with a response rate of 48.5%.

Only two landowners requested their land (eight parcels) removed from the North District. There were 29 current landowners who requested to have additional land (44 parcels) added to the North District. The number of acres proposed to be removed from the North District is 1,237.8. The number of acres proposed to be added to the North District is 2,058.4.

North Agricultural District #2 Modifications				
Municipality	Parcels Proposed to be Added	GIS Acres Proposed to be Added	Parcels Proposed to be Removed	GIS Acres Proposed to be Removed
T-Alexandria	0	0	0	0
T-Antwerp	2	465.7	0	0
T-Brownville	0	0	0	0
T-Cape Vincent	15	624.5	5	712.7
T-Clayton	6	88.3	0	0
T-LeRay	4	111.6	1	1
T-Lyme	5	272	2	524.1
T-Orleans	6	289.9	0	0
T-Pamelia	0	0	0	0
T-Philadelphia	3	114	0	0
T-Theresa	3	92.5	0	0
V-Brownville	0	0	0	0
V-Cape Vincent	0	0	0	0
V-Chaumont	0	0	0	0
V-Glen Park	0	0	0	0
V-Philadelphia	0	0	0	0
Total	44	2,058.4	8	1,237.8

The 2016 North District Profile established the District size at 112,648 acres. Since the last review of the North District, there have been 1,173 acres added through the Annual Individual Inclusion process.

Lot line adjustments, parcel splits, and parcel merges over the past eight years have changed the starting acreage to 114,466 acres. The proposed modifications shown above make the revised total acres for the North District 115,286.6.

2. THE NORTH DISTRICT OBJECTIVES

The eleven towns within which the North District is located, and the County recognize that agriculture is an important part of the County's economic base and have demonstrated support for agriculture through their plans and policies.

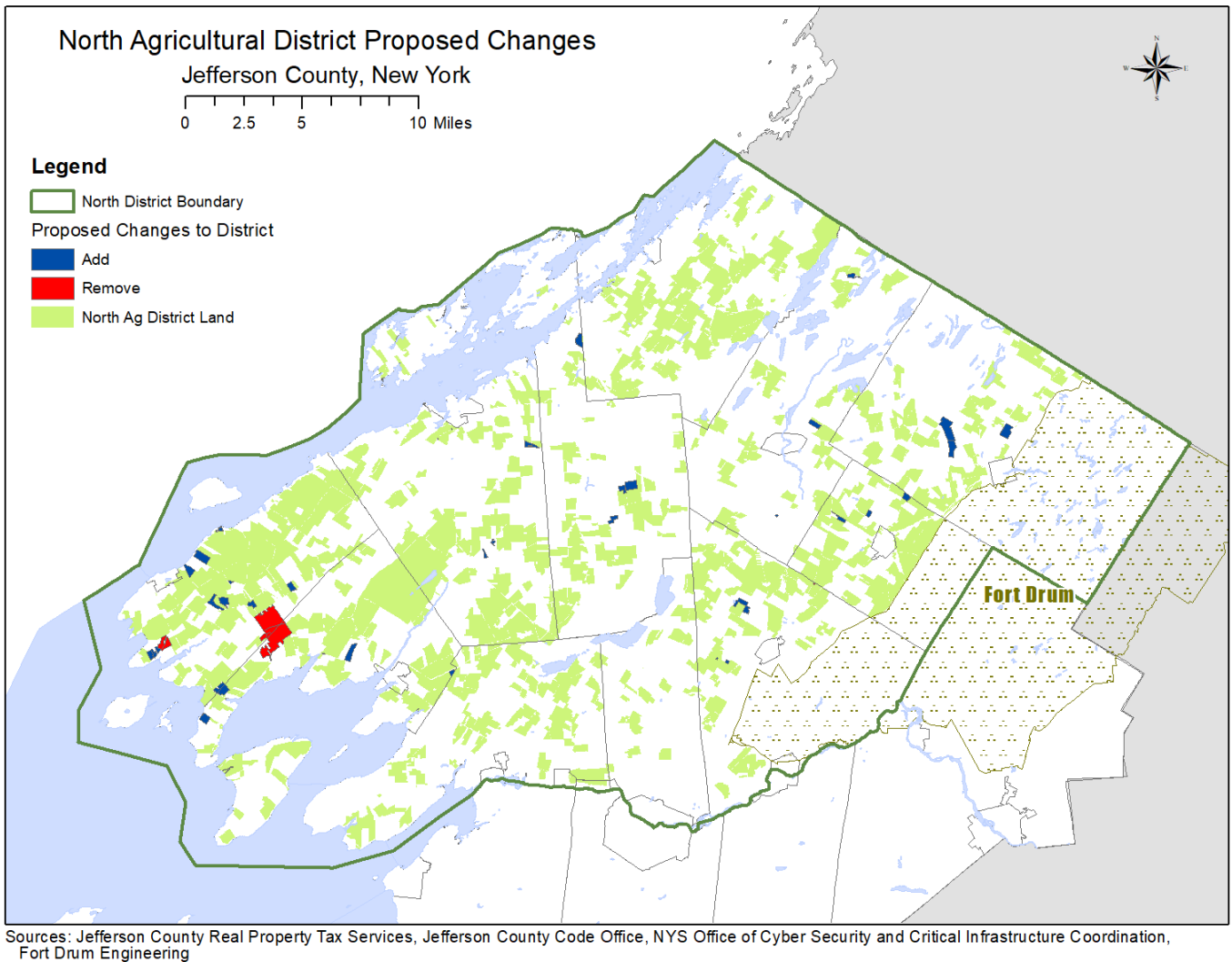
The original districts that made up the North District were created to preserve and protect the farmers' livelihood, to prevent the enactment of codes and regulations that would be detrimental to agriculture and to help protect farms from development pressure from the villages, hamlets, and growth associated with the Fort Drum expansion. Evidence that these purposes have been furthered can be seen in the continued commitment by the farmers to remain in agriculture.

Jefferson County has adopted a local law recognizing the right to farm. It includes legislative findings and intent that recognizes agriculture as an important industry in the County that contributes to the economy, maintains open space, enhances the quality of life, promotes environmental quality, and places minimal demands on services provided by local governments. It also recognizes that when non-agricultural land uses extend into agricultural areas, agricultural operations may become threatened due to high land values and nuisance lawsuits. The law is designed to help maintain and enhance the agricultural industry of the County, to permit the continuation of acceptable agricultural practices, to protect the existence and continued operation of farms, to encourage the initiation and expansion of agricultural businesses, and to promote new ways to resolve disputes concerning agricultural practices and farm operations. It accomplishes this by limiting the circumstances under which farming may be deemed to be a nuisance and to allow agricultural practices inherent to and necessary for the business of farming to proceed and be undertaken free of unreasonable and unwarranted interference or restriction. It also establishes a voluntary mediation program and includes notification of real estate buyers and neighbors through the use of a disclosure notice.

The Jefferson County Board of Legislators continually provides financial support to agricultural agencies and organizations, aided in creating and funding a County Agricultural Coordinator Position, approved the creation of a Purchase of Development Rights Program, Fort Drum and area Land Trusts have developed an Army Compatible Use Buffer (ACUB) Program, and the County's Comprehensive Economic Development Strategy (CEDS) includes policies and strategies for agriculture. The Towns' land use policies, carried out through Town Zoning Laws, promote agriculture, and are relatively uniform. A review of the Zoning Laws for the Towns indicated that a majority of the land within these towns is zoned Agricultural-Rural Residential with agriculture as one of the permitted land uses. In 1998, Jefferson County passed a Right to Farm Law, and several Towns passed a similar motion that recognized the importance of farming and provided for procedures to address disputes between agriculture and non-agriculture property owners. The similarity of local laws, ordinances, rules, and regulations between the Towns and the County has a positive influence on farm operations.

These findings confirm the extent to which the District maintains its original objectives.

3. & 4. AGRICULTURAL POLICIES AND OBJECTIVES



Given the critical role agriculture plays in the economy and quality of life in Jefferson County, loss of farmland is of great concern. Farmland can be lost when it is converted to urban uses, abandoned, or converted to protected, but non-farmed open spaces. In Jefferson County farmland does continue to be converted to urban and suburban uses (commercial and residential). In the past few years the development of solar projects on agricultural land has been more of a concern.

Between 2010 and 2020, the Jefferson County population only grew from 116,229 to 116,721, an increase of only 492 people.

For the North District, the highest population increases were in the towns of LeRay, Theresa, Brownville, Clayton, Lyme, Orleans, and Pamela. LeRay had the highest population increase and includes the on-base housing on Fort Drum.

Population changes can have a direct or indirect impact on farms and farmland. As population increases, the pressure for converting land for housing and commercial businesses increases. Population increases can also negatively affect farms by increasing traffic, creating farm/nonfarm conflicts, raising property values, and inducing other kinds of growth such as water and sewer infrastructure. In Jefferson County, increasing population levels are most likely related to the expansion of Fort Drum and much of the population growth is concentrated around and to the west of Fort Drum.

Jefferson County strives to counteract these measures through a variety of practices, some of which are listed in this section.

Agriculture and Farmland Protection Plan

In 2014, using matching funds from NYS Department of Agriculture and Markets, Jefferson County hired a consultant to assist in updating the 2002 Agricultural and Farmland Protection Plan for Jefferson County.

The Jefferson County Agricultural and Farmland Protection Plan was officially adopted in 2016 with the following vision:

In the future...

Agriculture in Jefferson County is a dynamic and growing industry. It is an integral part of our landscape and economy, and enjoys significant support among County residents and policy makers. Farmland is preserved and available for the production of a wide variety of farm products. Jefferson County is an agricultural commerce center serving New York State, national, and international markets.

The agricultural industry provides jobs, local food and beverages, and brings outside revenue into our communities. Our County includes a robust dairy industry; a growing grass-based livestock industry; vibrant craft beverage operations; agri-tourism businesses; and other related agri-business enterprises. Many of our farms are diverse businesses with vegetable, fruit and cash crops, other agricultural products, and value-added processing facilities marketing high quality products locally and globally. There is a strong agri-business infrastructure that supports the local farming industry. Our youth are interested in farming as a desirable career choice.

The Plan establishes six goals:

Goal 1: Enhance efforts to keep farmland in production and keep farms economically viable;

Goal 2: Increase educational programming targeted to farmers, policy makers, and residents;

Goal 3: Support the local dairy sector, production agriculture, and the remaining agricultural industry in Jefferson County;

Goal 4: Enhance the financial success of farms and develop and promote new agricultural products, new

markets, and marketing efforts;

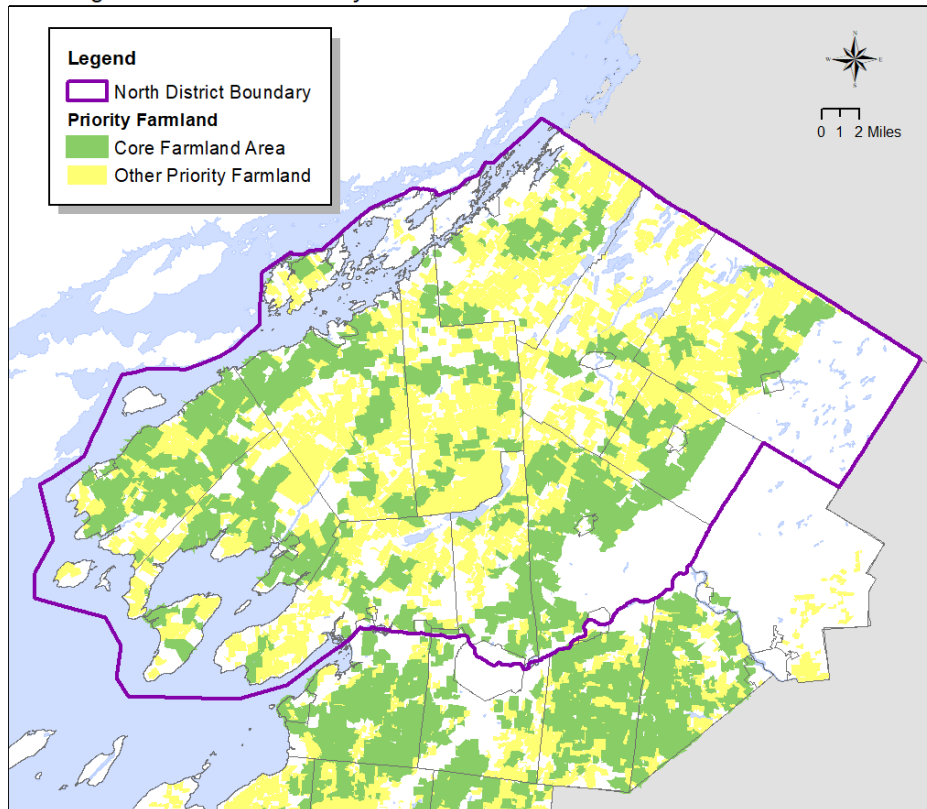
Goal 5: Address regulatory policies and programs that may negatively impact farming;

Goal 6: Strengthen the next generation of farmers.

The plan outlines 56 strategies to be implemented over time to enhance agriculture in the County. Priority projects include:

- Develop Agricultural friendly Local Land Use Laws
- Reduce Energy Cost through On-farm Energy Conservation
- Ensure Public Access to this Plan and the Implementation Strategies
- On-farm Water Development, Protection and Conservation
- Provide College Intern Assistance
- Maintain Jefferson County's Come Farm With Us Website

North Agricultural District Priority Farmland



Sources: Jefferson County Real Property Tax Services, Jefferson County Code Office, NYS Office of Cyber Security and Critical Infrastructure Coordination

As a part of this plan, critical farmlands were identified to be protected. Identification of priority farmlands is of further importance because landowners wishing to participate in the New York State Farmland

Protection Program must now show how their property is consistent with the location of any land or areas proposed to be protected in a County's or a municipality's agricultural and farmland protection plan.

While all the farmland identified in this plan should be considered a priority, as far as preservation efforts are concerned, there is a select, core area that is of special concern. The following map shows the Priority Farmland Area

described in this plan, and a special Core Area that is considered critical to the continued economic vitality of the agricultural industry in Jefferson County. These core areas, symbolized in green on the map, deserve extra attention beyond preservation efforts, especially when local or regional projects will have a significant impact on their continuation as farmland.

RECOMMENDATION OF THE JEFFERSON COUNTY AGRICULTURAL AND FARMLAND PROTECTION BOARD

Pursuant to New York State Agricultural Districts Law, Article 25-AA, Section 303-a, the following factors were considered by the Jefferson County Agriculture and Farmland Protection Board before making their recommendations on the modification of the North Agricultural District # 2.

The nature of farming and farmland resources within such District;

The overall status of farming, the farm economy, and farm investment in such District as evidenced by information provided by farmers;

The extent to which the number of farms and farm acres in such District furthers the purposes for which such District was originally created;

The extent to which the District has achieved its original objective; and

Any county agricultural and farmland protection planning or implementation efforts pursuant to Article 25-AAA.

The Jefferson County Agricultural and Farmland Protection Board made the following findings:

Agriculture remains the predominant land use in the North Agricultural District #2 and the vast majority of respondents intend to remain in agriculture and are committed to remain in the District.

The original districts that made up the North Agricultural District #2, were created to preserve and protect the farmers' livelihood, to prevent the enactment of codes and regulations that would be detrimental to agriculture and to help protect farms from development pressure from the villages, hamlets, and rural residential growth. Evidence that these purposes have been furthered can be seen in the continued commitment by the farmers to remain in agriculture. In addition, requests were submitted by landowners to add 2058.4 acres while only 1237.8 acres were requested to be removed.

These findings confirm the extent to which the District maintains its original objectives.

The Jefferson County Agricultural and Farmland Protection Board presents this report and recommendation on the North Agricultural District #2.

Based on the findings outlined above, the Board recommends that the North Agricultural District #2 be modified and re-established for eight years.

The North District, as modified, will consist of 115,286.6 acres.

Respectfully submitted,

Doug Shelmidine, Chairperson

John Peck, Vice-Chairperson

Al Gehrke

Steve Watson

Jan Martusewicz

Michael Kiechle

Pat Crast

Daniel McBride

Roxanne Burns

Michael Bourcy

Amanda Rae Root