

AGRICULTURAL DISTRICTS LAW: A CURRENT SUMMARY

Since 1971, the Agricultural Districts Law, Article 25AA of the Agriculture and Markets Law (AML), has reflected the cornerstone of State and county level efforts to preserve, protect and encourage the development and improvement of agricultural land for the production of food, fiber and other agricultural products.

As of January 1, 2016, there are 210 State certified agricultural districts created in 53 of New York's 62 counties. These districts capture about 8.8 million acres of land, including over 6.3 million farmed acres on 25,632 farms. By any measure, the Agricultural Districts Program is a significant and substantial farmland protection tool.

The New York State Constitution directs the Legislature to provide for the protection of agricultural lands. The Agricultural Districts Law fulfills this constitutional mandate, in part, by providing a locally initiated mechanism for the protection and enhancement of farm lands as both a viable segment of the local and State economies, and as an economic and environmental resource of major importance.

Several benefits accrue to farm operations conducted within certified agricultural districts. Chief among these include:

- The obligation of State agencies, as a matter of policy, to encourage the maintenance of viable farming in agricultural districts;
- Limitations on the exercise of eminent domain and other public acquisitions, and the advance of public funds for certain construction activities;
- Limitations on the siting of solid waste management facilities on land dedicated to agricultural production;
- Limitations on the power to impose benefit assessments, special ad valorem levies, or other rates or fees in certain improvement districts or benefit areas;
- Requirements that direct local governments to realize the intent of the Agricultural Districts Law and to avoid unreasonable restrictions in the regulation of farm operations when exercising their powers to enact and administer comprehensive plans, local laws, ordinances, rules and/or regulations; and
- Requirements that applications for certain planning and zoning actions impacting a designated farm operation within an agricultural district, or on lands within five hundred feet of such farm operation within an agricultural district, include an agricultural data statement designed to allow the review agency to evaluate any possible impacts of the proposed action on farm operations.

The Agricultural Districts Law also establishes a land classification system used to assign agricultural assessment values to qualified properties both within and outside district boundaries, creates a process for the review of agricultural practices, discourages private nuisance lawsuits arising from agricultural practices determined to be sound, provides for advisory opinions as to whether particular land uses are

agricultural in nature, and requires disclosure to prospective grantees of real property that the property is in an agricultural district. In addition, the Agricultural Districts Law also defines the procedure for district creation and review.

THE ROLE OF COUNTIES

In the final analysis, primary responsibility for the creation, review and management of the State's agricultural districts lies within the authority of the counties and their respective legislative bodies. Agricultural districts are established by local initiative, consistent with the purpose of the Agricultural Districts Law, to provide a locally initiated mechanism for the protection and enhancement of the State's agricultural land. Accordingly, the Agricultural Districts Law acknowledges the important role counties play in the administration of the program.

AML Sections 303 (district creation), 303-a (district review), 303-b (annual inclusion of lands) and 303-c (district consolidation) detail the role county agricultural and farmland protection boards and legislative bodies play in district creation and review, and prescribe the public notice and public hearing requirements.

The county legislative body, after receiving the report of the county agricultural and farmland protection board, and after holding the required public hearing, continues the process by adopting by proposal to establish or continue a district, with or without modification.

In the case of a district creation, the plan adopted must establish an appropriate district review period of eight years. All districts currently have eight year review cycles. Action by the county legislative body must take place no later than one year following submission of the original petition to establish the district.

In the case of the annual inclusion of lands, each county legislative body designates an annual thirty-day period during which a qualified landowner may submit a request to be considered for inclusion in an existing agricultural district. After referring the request to the county agricultural and farmland protection board, and public notice and hearing, the county legislative body determines whether to adopt or reject the proposed inclusion of land, no later than one hundred twenty days from the close of the annual thirty-day period.

In the case of a district review, the statute requires the county legislative body, after receipt of the report and recommendation of the county agricultural and farmland protection board, and after the public hearing, to make a finding whether the district should be continued, terminated or modified.

In the case of district consolidation, existing agriculture districts may be consolidated with an existing district undergoing review pursuant to those same procedures.

Following completion of the district creation, inclusion, or review process, the county legislative body submits the plan to the Commissioner for certification. A complete submission must include the following elements:

- The 30-day review notice, signifying the start of the review process;
- The report of the county agricultural and farmland protection board;
- A completed Environmental Assessment Form (EAF) (Short EAF for the required eight-year review, Full EAF for district creation);

- A district profile (RA-114) (modified reflecting acreage) data collection at the option of the county;
- Notice of the public hearing;
- A copy of the public hearing record (either the transcript or the minutes of the hearing);
- The enabling resolution of the county legislative body;
- A list of the tax map identification numbers for all of the parcels in the district; and
- A description of the district, including a final map of the district filed with the Cornell Institute for Resource Information Systems (IRIS).

For additional information please contact:

John Brennan, Program Manager

at

John.Brennan@agriculture.ny.gov

or

New York State Dept. of Agriculture & Markets

10B Airline Drive

Albany, NY 12235

(518) 457-5606