

AGRICULTURAL DISTRICTS LAW: A CURRENT SUMMARY

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

As of January 1, 2014, there are 224 State certified agricultural districts in 53 counties. These districts capture over 8.80 million acres, including over 6.1 million farm acres on 24,132 farms. By any measure the Agricultural Districts Program is a significant farm land protection tool.

The New York State Constitution directs the Legislature to provide for the protection of agricultural lands. The Agricultural Districts Law meets, in part, that constitutional mandate by providing a locally initiated mechanism for the protection and enhancement of farm lands as 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 are:

- the mandate that State agencies, as a matter of policy, encourage the maintenance of viable farming in agricultural districts,
- the limitation on the exercise of eminent domain and other public acquisitions and the advance of public funds for certain construction activities,
- the limitation on the siting of a solid waste management facility on land in agricultural production,
- the limitation on the power to impose benefit assessments, special ad valorem levies or other rates or fees in certain improvement districts or benefit areas,
- the requirement that local governments, when exercising their powers to enact and administer comprehensive plans and local laws, ordinances, rules or regulations do so in a manner that realizes the intent of the Agricultural Districts Law and does not unreasonably restrict or regulate farm operations, and
- the requirement that applications for certain planning and zoning actions impacting on a farm operation within an agricultural district or on lands within five hundred feet of a farm operation within an agricultural district, include an agricultural data statement designed to allow the review agency to evaluate the possible impacts of the proposed action on the functioning of the farm operation.

Additionally, the Agricultural Districts Law establishes a land classification system used to assign agricultural assessment values to qualified properties both in and outside of a district, creates a process for the review of agricultural practices, discourages private nuisance lawsuits due to an agricultural practice which is 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. 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 with the counties and their 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. As such, the Agricultural Districts Law details the important role counties play in the administration of the program.

AML Sections 303 (district creation) and 303-a (district review) detail the role 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 the public hearing, adopts as a plan a proposal to establish or continue, with or without modification, a district.

In the case of a district creation, the plan adopted must establish an appropriate district review period of eight, twelve or twenty years. All districts currently have eight year review cycles. Action by the county legislative body must take place no later than 180 days following submission of the original petition to establish the district.

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.

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

- 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 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).

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