

FACT SHEET

Annual 30-Day Period for Landowners to Request Inclusion into a NYS Certified Agricultural District

Effective September 17, 2003 the NYS Agriculture and Markets Law (AML) is amended with section 303-b which allows for parcels to be added into NYS Certified Agricultural Districts on an annual basis.

Before this legislation, landowners had to wait until an Ag District “opened up” for review, (typically, this is every eight years from the district’s creation date) to request inclusion into an Agricultural District. With the addition of Section 303-b to the AML, every county *that contains a certified agricultural district is required* to establish an annual thirty-day period for landowners to submit requests for inclusion of *predominantly viable agricultural lands* into NYS Certified Agricultural Districts.

The county legislature must designate a thirty-day period for landowners to submit requests for predominantly viable agricultural lands to be included within a certified Agricultural District. Ulster County passed Resolution 322 on Dec. 4, 2003, complying with section 303-b, setting a landowner request period from March 1st to March 30th. The County Legislature does not have to create a new resolution each year as long as it keeps the same annual thirty- day period.

Landowners must submit their requests to be included within a District along with the tax map identification number, copy of the relevant portion of the tax map, and a description of the land within the thirty-day period in order to be considered for inclusion during the current year. Landowners may not request to be taken out of an Agricultural District during the annual thirty-day inclusion period. These requests may only be made during an Eight-year Agricultural District Review.

The County may designate a recipient of these requests. Ulster County has designated the Ulster County Planning Dept. as the recipient during the thirty-day request period. After the thirty-day request period is over, the requests are forwarded to the County Agricultural and Farmland Protection Board (AFPB) for review.

After the AFPB receives the applications, the AFPB has thirty days to review them and determine the feasibility of adding them to an Ag District(s). After the review, the AFPB forwards its recommendation to the Economic Development and Tourism Committee, requesting that parcels be accepted by the Legislature for inclusion into an Agricultural District.

After review by the Ag. Committee, the recommendation is forwarded to the County Legislature for a public hearing. After the public hearing, the Legislature votes by resolution on the AFPB recommendation. The County Legislature then sends the resolution to include new parcels into existing Ag. District(s) to the NYS Department of Agriculture and Markets along with the recommendation of the AFPB, the notice of the public hearing, tax parcel maps and parcel ID #'s. Upon receipt of these documents, the Commissioner of Ag. & Markets has thirty days to certify the inclusion of the land

or not. If the Commissioner certifies the inclusion of the parcels, the land becomes part of the District(s) immediately.

The AML does not specify how landowners should be notified of the thirty-day request period. A public notice is not required, but may be used. Other ways of getting the word out to landowners can be through press releases to the media, Cornell Cooperative Extension, Farm Bureau, or AFPB bulletins, newsletters and announcements.

The County must still conduct full Agricultural District reviews every eight years for each District. During these reviews parcels may be added and/or removed from districts.

Why ask to be included in an Agricultural District?

The State Legislature enacted the Agricultural Districts Law in 1971 to protect and promote the availability of land for farming purposes. The formation of Ag. Districts is intended to counteract the impact which non-farm development can have upon the continuation of farm businesses. Briefly, Ag Districts provide the framework to limit unreasonable local regulation on farm practices, to modify public agencies' ability to acquire farmland by eminent domain, and to modify the right to advance public funds to construct facilities that encourage development of farmland. Also, benefit assessments, special *ad valorem* levies, or other rates and fees for the finance of improvements such as water, sewer or non-farm drainage may not be imposed upon land used in agricultural production and within an Agricultural District.

Do not assume that your farmland is included in an NYS Certified Ag District. If you are not sure, contact the County Planning Department and ask. In Ulster County, call Virginia Craft, at Planning, (845) 340-3469. Inclusion in a NYS Certified Ag District is not the same as having an agricultural tax assessment or being in an agricultural zoning district.

Requests for inclusion should be submitted to:

Virginia Craft
Ulster County Planning Department
244 Fair Street
P.O. Box 1800
Kingston, NY 12402

For more information on the Agricultural Districts Program call:

Virginia Craft
Senior Planner
Ulster County Planning Department
845-340-3469
vcra@co.ulster.ny.us