

FACT SHEET

Annual 30-Day Period for Landowners to request Inclusion into a New York State Certified Agricultural District

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

Before this legislation, landowners had to wait until an agricultural 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 *predominately viable agricultural lands* into NYS Certified Agricultural Districts. County legislatures must designate a thirty-day period for landowners to submit requests for predominately viable agricultural lands to be included within a certified agricultural district. Ulster County passed Resolution 322 on December 4, 2003, which complied with Section 303-b, setting a landowner request period from March 1st to March 30th. The Ulster 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 an agricultural district along with the tax map identification number, copy of the relevant portion of the tax map, and an optional 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. An application is made available in late February through the end of March each year so landowners can formally submit their requests.

Each county designates a recipient of these requests. Ulster County has designated the Ulster County Planning Department as the recipient during the thirty-day request period. During the thirty-day request period and for several weeks afterward, the Planning Department with assistance from Cornell Cooperative Extension of Ulster County evaluates the requests and gathers information to help the agricultural and farmland protection board (AFPB) make an informed decision about whether or not to recommend inclusion of a parcel into a NYS Certified Agricultural District. Site visits are a part of the evaluation. After these visits, the requests are forwarded to AFPB, who then reviews the requests and subsequently issues a recommendation of which tax parcels to include and not include in an agricultural district.

Once the AFPB receives the applications, the AFPB has thirty days to review them and determine the feasibility of adding them to an agricultural 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 Committee, this 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 agricultural district(s) to the NYS Department of Agriculture and Markets along with the AFPB recommendation, notice of public hearing, tax parcel maps and parcel ID numbers. Upon receipt of these documents, the Commissioner of Agriculture and 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 a district 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 or New York Farm Bureau. 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. Ulster County has four agricultural 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 certified agricultural districts is intended to counteract the impact that non-farm development can have upon the continuation of farm businesses. Briefly, the Agricultural District Program provides 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 financing of improvements such as water, sewer or non-farm drainage may not be imposed upon land used in agricultural production and within an NYS Certified Agricultural District.

Do not assume that your land is included in an NYS Certified Agricultural District. If you are not sure, contact the Ulster County Planning Department. Inclusion in an NYS Certified Agricultural District *is not* the same as having an agricultural tax assessment or being in an agricultural zoning district.

Inquiries and requests for inclusion should be sent to:

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