

FACT SHEET **Agricultural Districts**

What is an Agricultural District?

An agricultural district is a geographic area consisting predominantly of viable agricultural land. Agricultural operations within the district are the priority land use and afforded benefits and protections to promote the continuation of farming and the preservation of agricultural land. In practice, districts may include land that is actively farmed, idle, forested, as well as residential and commercial.

Agricultural Districts Law

The constitution of the State of New York directs the state legislature to provide for the protection of agricultural lands. It is the purpose of the Agricultural Districts Law to provide a locally-initiated mechanism for the protection and enhancement of New York State's agricultural land as a viable segment of the local and state economies and as an economic and environmental resource of major importance.

Enacted in 1971, New York's Agricultural Districts Law (Article 25AA of the New York State Agriculture and Markets Law) is a very effective tool for maintaining lands in agriculture and ensuring New York's position as an outstanding agricultural state. The Agricultural Districts Law recognizes that agricultural lands are important and irreplaceable resources, which are in jeopardy of being lost as a result of increasing costs of agricultural businesses, development pressures and regulatory constraints. The Law seeks to create economic and regulatory incentives which encourage farmers to continue farming. Relying primarily on the initiative of landowners and local governments, with state oversight, the law provides agricultural landowners with a number of benefits and protections.

Agricultural Districts Law and Local Regulations

New York State Agricultural Districts Law protects farm operations within an agricultural district from the enactment and administration of unreasonably restrictive local regulations unless it can be shown that public health or safety is threatened. It is important to note that Agricultural Districts Law does not give farm owners any as-of-right exemption or waiver from local regulations. Rather, the Agricultural Districts Law provides farm owners within an agricultural district assistance from the New York State Department of Agriculture in instances in which the farmer believes that local regulatory requirements are unreasonably restricting the farm operation. The New York State Department of Agriculture and Markets evaluates the reasonableness of a specific requirement or process imposed on a farm operation on a case-by-case basis and works with both the farm owner and the municipality to achieve the best solution possible. The Commissioner of Agriculture does, however, have the authority to institute an action or compel a municipality to comply with this provision of the Agricultural Districts Law. In such instances, the municipality must demonstrate that the regulation or requirement is necessary for the protection of public health or safety. The New York State Department of Agriculture and Markets has developed guidelines on the effect of Agricultural Districts Law §305-a on enactment and administration of local laws and regulations. In particular, the *Guidelines for Review of Local Zoning and Planning Laws* guidance document provides valuable information on a variety of local regulatory issues. These documents are updated periodically and may be obtained from the NYS Department of Agriculture and Markets website at www.agmkt.state.ny.us by clicking on Divisions and then Agricultural Protection and Development Services.

Agricultural Districts Law and Local Planning

State certified agricultural districts and county agricultural and farmland protection plans are community shaping influences in much the same way as existing and proposed infrastructure; wetlands, floodplains, topographical features; cultural, historic and social amenities; economic needs; etc. are viewed. The Agricultural Districts Law is a valuable planning tool to conserve, protect and encourage the development and improvement of the agricultural economy; protect agricultural lands as valued natural and ecological resources; and preserve open space. In addition to AML §305-a, limitations on local authority in Town Law §283-a and Village Law §7-739 were enacted to ensure that agricultural interests are taken into consideration during the review of specific land use proposals. Town Law §283-a (1) and Village Law §7-739(1), as amended by Chapter 331 of the Laws of 2002, require local governments to "...exercise their powers to enact local laws, ordinances, rules or regulations that apply to farm operations in an agricultural district in a manner which does not unreasonably restrict or regulate farm operations in contravention of the purposes of article twenty-five- AA of the agriculture and markets law, unless it can be shown that the public health or safety is threatened." These amendments make the Town and Village Law provisions consistent with AML §305-a regarding showing a threat to the public health or safety. AML §305-a, subd.1 is not a stand-alone requirement for coordination of local planning and land use decision making with the agricultural districts program. Rather, it is one that is fully integrated with the comprehensive planning, zoning and land use review process.

Agricultural Districts Law and Property Ownership Disclosure

Section 310 of the Agricultural Districts Law requires that when any purchase and sale contract is presented for the sale, purchase, or exchange of real property located partially or wholly within an agricultural district, the prospective grantor shall present to the prospective grantee a disclosure notice which states the following:

"It is the policy of this state and this community to conserve, protect and encourage the development and improvement of agricultural land for the production of food, and other products, and also for its natural and ecological value. This disclosure notice is to inform prospective residents that the property they are about to acquire lies partially or wholly within an agricultural district and that farming activities occur within the district. Such farming activities may include, but not be limited to, activities that cause noise, dust and odors. Prospective residents are also informed that the location of property within an agricultural district may impact the ability to access local municipal water and/or sewer services for such property under certain circumstances."

Important Contact Information

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