

FACT SHEET

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

Effective September 17, 2003, Agriculture and Markets Law (AML) 303-b was enacted to provide for the designation of an annual 30-day period during which landowners may submit requests for inclusion of predominantly viable agricultural land within an existing certified agricultural district. 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 predominantly viable agricultural lands into NYS Certified Agricultural Districts.

The Lewis County Board of Legislators has designated their 30-day annual inclusion period beginning November 15 through December 15 each year. This designation was made on August 3, 2004, with Resolution # 285-2004 being passed by the Lewis County Legislature. The County Legislature does not need to create a new resolution each year as long as it keeps the same annual thirty-day period. During this period, landowners must submit written requests for inclusion into the Agricultural District. Parcels requesting inclusion must meet the definition of "viable agricultural land" as defined in Agriculture and Markets Law § 301, subdivision 7. Lands already included in the District need not submit a request. Parcel owners must include a written description of the land, the tax map identification number, and a copy of the relevant portion of a tax map depicting the location of the property to be included in the Agricultural District.

The Lewis County Planning Department has been designated as the recipient of these requests. After the thirty-day 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 the Ag District. After the review, the AFPB forwards its recommendation to the Agricultural Legislative Committee, requesting that parcels be accepted by the Legislature for inclusion into the Agricultural District. After review by the Agricultural Legislative Committee, the recommendation is forwarded to the County Legislature for a public hearing.

Following the public hearing, the Legislature votes via resolution to accept the recommendation made by the AFPB. The County Legislature then sends the resolution to include the new parcel(s) into the existing Agricultural District 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 tax numbers. Upon receipt of these documents, the Commissioner of Agriculture and Markets has thirty days to certify the inclusion of lands or not. If the Commissioner certifies the inclusion of the parcel(s), the land becomes part of the District immediately.

The County must still conduct full Agricultural District reviews every eight years. During this review, parcels may be added or removed from the District.

Why ask to be included in the 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 that 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 the NYS Certified Agricultural District. If you are not sure, please contact the Lewis County Planning Department and ask by calling (315) 376-5423 or e-mail megankrokowski@lewiscounty.ny.gov. Inclusion in a NYS Certified Agricultural District is not the same as having an agricultural tax assessment or being in an agricultural zoning district.