



### THE INTENT OF THE LAW

In 1971 New York State Agricultural Districts Law 25AA – was adopted, stating:

“The socio-economic vitality of agriculture in this state is essential to the economic stability and growth of many local communities and the state as a whole. It is, therefore, the declared policy of the state to conserve, protect and encourage the development and improvement of its agricultural land for production of food and other agricultural products. It is also the declared policy of the state to conserve and protect agricultural lands as valued natural and ecological resources which provide needed open spaces for clean air sheds, as well as for aesthetic purposes.”

In 1992 the Right to Farm section 308 was added, requiring local governments to account for agricultural district intent when making land use decisions. The amendments also strengthened the local agricultural advisory committees. In 1998 a disclaimer was added to the law requiring that enrolled farmers adopt sound conservation practices.

### THE PROCESS

- 1) Landowners petition county legislature to be included in an existing district
- 2) The local Agricultural and Farmland Protection Board (AFPB) and county legislature solicit input from municipalities and residents.
- 3) The AFPB recommends, to the county legislature, which whole tax parcels to include.
- 4) The legislators pass a resolution to adopt the agricultural district.
- 5) The report and resolution is sent to the Commissioner of Agriculture and Markets, along with a tax parcel list and map of all properties to be included in the district.
- 6) The Commissioner determines if the district consists of predominantly viable agricultural land.
- 7) The Commissioner certifies the agricultural district.



### WHO QUALIFIES:

Farm operations and land used in agricultural production benefit from agricultural district legislation, however, non-farming properties may be included in an agricultural district.

### WHO BENEFITS: *EVERYONE*

#### Farm operation incentives:

- Right-To-Farm legislation.
- Local laws must not interfere with normal farming activities.
- Eminent domain acquisition of farmland is limited.
- Nuisance complaints cannot be brought against a farmer following good agricultural practices.

#### Community incentives:

- Direct access to local food sources.
- Conservation of open landscape, with limited detriment to natural resources.
- Protect the local character and economy.



# NEW YORK STATE FARMLAND PROTECTION



# AGRICULTURAL DISTRICTS

## AGRICULTURAL DISTRICTS

- An agricultural district is a geographic area within a county which consists of predominately viable agricultural land.
- An agricultural district is not zoning.
- It provides right-to-farm protections, including protection against unreasonably restrictive local laws.
- limits nuisance complaints, and limits the powers of eminent domain.
- Once included in a district, property stays in until the district is renewed or modified, typically every eight-years. Land can be added each year.
- Landowners volunteer to be in a district by petitioning the county legislature.

**NYS Dept of Agriculture and Markets:**  
<http://www.agriculture.ny.gov>

Contact your local Cornell Cooperative Extension office or county planner for more about agricultural districts in your area.

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