



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 properties to include.
- 4) The legislators pass a resolution to adopt the agricultural district.
- 5) A report is sent to the Commissioner of Agriculture and Markets, along with a tax parcel list of all properties to be included in the district.
- 6) The Commissioner determines if the district is predominantly viable and active farmland.
- 7) The Commissioner certifies the agricultural district.



WHO QUALIFIES

Farmers who have active agricultural lands benefit from the agricultural district legislation. However, non-farming properties may be included in an agricultural district.

WHO BENEFITS

THE FARMER has several incentives for staying in business:

- 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.

THE COMMUNITY

- direct access to local food sources.
- conservation of open landscape, with limited detriment to natural resources.
- protect the rural character of the community.

AGRICULTURAL DISTRICTS

- An agricultural district is a land designation within a geographic location, intended for farmland protection.
- 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 in an agricultural district, property stays in until the district is modified, typically on an eight-year cycle.
- Farmers 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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NEW YORK STATE FARMLAND PROTECTION



**AGRICULTURAL
DISTRICTS**