

# SCHUYLER COUNTY AGRICULTURAL DISTRICTS

Enacted in 1971, New York's Agricultural Districts Law (ADL) is a very effective tool for maintaining lands in agriculture, and ensuring New York's position as an outstanding agricultural state. The ADL recognizes that agricultural lands are important and irreplaceable resources, which are in jeopardy of being lost to 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. The ADL has two basic components, agricultural assessments for taxes and agricultural district creation and review.

## Ag District Overview

Schuyler County has long recognized the importance of agriculture. To place additional protection on our valuable agricultural lands, the first agricultural district was created in 1995 in Schuyler County. The County currently has 3 separate agricultural districts, which cover approximately 101,000 acres or about 46% of the County. These districts consist of viable agricultural lands, or, in other words, lands that are currently used for agriculture or may be used for agriculture in the future. Therefore, agricultural districts may include not just farm fields, but also residential, forested and commercial properties.

**Schuyler County Ag Districts**

Ag District	Municipalities
District 1	Hector, part of Montour
District 2	Dix, Orange, Reading, Tyrone
District 3	Catharine, Cayuta, and Montour

The agricultural districts are not permanent, but instead change through time. Every 8 years, the County reviews each district and the County Legislature decides whether to continue, terminate or modify the district. Individual parcels are also added and removed from the districts during this 8-year review process, so the districts better reflect current land use. Finally, property owners may request to have their parcels added to an agricultural district during the Annual Review, which takes place from January 15th to February 15th in Schuyler County. The Annual Review is open to any of the agricultural districts in the County, so the districts may change even on a yearly basis.

## Frequently Asked Questions

### **Q. What is an agricultural district?**

Answer: A geographic area which consists 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.

**Q. Is the agricultural district part of zoning?**

Answer: No. The agricultural district is not the same as zoning. The agricultural district does not affect your property class.

**Q. Does the agricultural district restrict me from doing certain things on my land?**

Answer: No. The agricultural district does not put any restrictions on what you can do to the land. They do not prevent you from developing your land into residential or commercial uses in the future. Their main goal is to provide protections for current and potential agricultural lands and to encourage agriculture to continue. You may build new structures on land in the agricultural district, following the same process as lands outside of the agricultural district.

**Q. Does the agricultural district impact taxes?**

Answer: No. The agricultural districts do not affect your taxes. Agricultural lands may qualify for a tax break through the agricultural value assessments program. Though agricultural value assessments and agricultural districts are governed by the same law, the process is completely independent. Your taxes are based on the current land use and are determined by your assessor independent of the agricultural district. Your taxes will not automatically increase if your property is removed from the district nor will your taxes decrease for being in the district.

**Q. Do agricultural districts prohibit selling land?**

Answer: No. Being in an agricultural district does not prohibit the selling of land. The AGRICULTURAL DISTRICT LAW does not restrict the transfer of real property. The AGRICULTURAL DISTRICT LAW does provide for a real estate transfer disclosure by the seller to the prospective purchaser. The disclosure states that the property is located within an agricultural district and that farming activities including noise, dust and odors occur within the district.

**Q. Where can I find out if my property is in an agricultural district?**

Answer: Right now, you will have to call Schuyler County Planning Department to determine if you are in an agricultural district or you may visit the NYS Ag and Markets website to see a general agricultural district map.

**Q. Does an Agricultural District preserve farmland?**

Answer: Agricultural Districts do not preserve farmland in the sense that the land is restricted for agricultural production forever. Rather, districts help to maintain farming as a viable economic activity, thereby maintaining land in active agricultural use.

**Q. Who benefits from an Agricultural District?**

Answer: Everyone. Besides its value for the production of food, agricultural land provides many environmental benefits that are important to the quality of life; clean groundwater recharge, open space, and scenic vistas are a few examples. Agriculture benefits local economies too, by providing jobs on farms and in supporting all the local and regional businesses tied to agriculture production. Keeping land in farming also helps to keep costs for public services lower than if the land was converted to residences. In this sense, an agriculture district may lower property taxes.

**Q. How does Schuyler County compare to the rest of New York State?**

Answer: As of January 2014, 224 agricultural districts existed statewide, containing approximately 24,130 farms and 8.8 million acres (about 30 percent of the State’s total land area).

- Schuyler County Agricultural District #1 was created in 1995 and reviewed in 2011, encompassing about 44,600 acres and 87 farms, primarily in the Town of Hector (one parcel is located in the Town of Montour).
- Schuyler County Agriculture District #2 was created in 1999 and reviewed in 2007, encompassing about 42,000 acres and 78 farms in the Towns of Dix, Orange, Reading, and Tyrone.
- Schuyler County Agriculture District #3 was created in 2000 and reviewed in 2008, encompassing about 14,500 acres and 80 farms in the Towns of Catherine, Cayuta, and Montour.

**Q. What is an agricultural district review?**

Answer: Districts are usually reviewed, or renewed, every 8 years. The County Legislators, after receiving the County Agricultural and Farmland Protection Board report and recommendations and after a public hearing, determines whether the district shall be continued, terminated or modified. During the review process, land may be added or deleted from the district. Counties are also required to designate an annual 30-day period when landowners may petition the County for inclusion of viable agricultural lands in an existing agricultural district. In Schuyler County, the annual review takes place from January 15th – February 15th each year. You can find an application on the county planning department website.

**Q. Do Agricultural Districts consist entirely of farmland?**

Answer: Districts must consist predominantly of viable agricultural land. Predominance has been interpreted as more than 50 percent of land in farms, but most districts have a higher percentage. The benefits and protections under the Agricultural District Law, however, apply only to farm operations and land used in agricultural production.

**Q. Can government acquire or condemn farmland within an Agricultural District against a landowner’s wishes?**

Answer: The Agricultural Districts Law does not supersede government’s right to acquire land for essential public facilities. However, it does require a process that assures a full evaluation of the effect of government sponsored acquisition projects on the retention and enhancement of agriculture and agricultural resources within a district.

**Q. What is the program’s relationship to State Environmental Quality Review (SEQR) regulations?**

Answer: Agricultural districting lowers the SEQR thresholds for review of proposed developments.

## **Q. What incentives and protections are provided for in the NYS Agricultural Districts Law?**

- **Eligibility for agricultural assessments.** Real property taxes can have a significant effect on farm profitability. An agricultural assessment is designed to protect farmers from excessive real property taxation by valuing farmland based solely on its productive capacity. Within an agricultural district, any owner of at least seven acres of land that produces a minimum of \$10,000 annually is eligible to receive an agricultural assessment. (Owners of land that lies outside an agricultural district and which satisfies the area and sales requirements may also qualify for an agricultural assessment.) Owners who convert benefited lands to non-farm use are liable for the payment of penalty taxes. The law also specifies that the governing boards of any fire, fire protection, or ambulance district may provide that the agricultural assessment determined pursuant to the law shall be used for the benefit assessment of such fire, fire protection, or ambulance district.
- **Encouragement of consistency with agricultural district program objectives by state agencies and policies.** From the Agricultural District Law regarding consistency: "It shall be the policy of all state agencies to encourage the maintenance of viable farming in agricultural districts and their administrative regulations and procedures shall be modified to this end insofar as is consistent with the promotion of public health and safety and with the provisions of any federal [requirements]."
- **Limitations on the exercise of eminent domain and other public acquisitions and on the advance of public funds; notice requirements on public actions, and the review of the effect of such actions on farming.** Government can have an effect on farms and agricultural resources through land acquisition, infrastructure development, and other types of construction. In recognition of this, the law requires that any agency of the state, any public benefit corporation or any local government which intends to acquire more than one acre of actively operated land from any farm within a district or more than ten acres in total from a district, must file a Notice of Intent (NOI) to that effect with the Commissioner of Agriculture and Markets, detailing the effects of the action on agriculture. The Commissioner may require that the action be delayed for sixty days following the initial determination. The Commissioner has no authority to disapprove, alter, or otherwise mitigate expected adverse impacts to agriculture. A local board may reject the Commissioner's recommendations if the rationale for doing so is explained. Local governments must submit a NOI to NYS Department of Agriculture and Markets prior to proceeding with certain infrastructure projects, including the establishment or expansion of sewer and water districts.
- **Restrictions on benefit assessments, special ad valorem levies or other rates or fees in certain improvement districts or benefit areas to one-half acre surrounding any dwelling or non-farm structure.** Benefit assessments or special ad valorem levies for local improvements are generally calculated on the basis of the value, acreage, or frontage of the properties benefited. Since agricultural operations, by their nature, involve large tracts of land and multiple structures, they are usually subject to higher assessments. The Agricultural Districts Law, therefore, restricts assessments for local improvements, such as water and sewer, to a lot not exceeding one-half acre surrounding any dwelling or non-farm structure located on land used in agricultural production in an agricultural district, and to farm structures that are directly benefited. (Fees or levies imposed prior to the formation of an agricultural district can continue.)
- **Four-year property tax exemptions for the portions of existing orchards or vineyards that are used solely for the purpose of replanting or crop expansion.** This provision was added to the law in 1995 as an incentive for orchards and vineyard to replant or extend crops.

- **Promotion of the coordination of local planning and land use decision making with the agricultural district program.** The Agricultural Districts Law specifies that local governments, when exercising their powers to enact and administer comprehensive plans and local laws, ordinances, rules, or regulations, shall exercise these powers in such manner as may realize the policy and goals of the agricultural districts law and shall not unreasonably restrict or regulate farm operations within agricultural districts in contravention of the purposes of the law unless it can be shown the public health or safety is threatened.
- **Requirement for Agricultural Data Statements to accompany applications for approval of site plans, subdivisions, variances, and special use permits (if such approvals are required by the municipality).** This provision of the law is part of the promotion of the coordination of local planning and land use decision-making. In Towns or Villages that require such approvals by a municipal board, applications for a special permit, site plan approval, subdivision approval, or variance for properties on or near a farm operation must be accompanied by an agricultural data statement that contains the applicant's name and address, a description of the proposed project, the name and address of any owner of land in the district having farming operations which is located within 500 feet from the boundary of property upon which the project is proposed, and a map showing the relation of the proposed project from the farming operations identified in the data statement. Municipal boards are required to take this information in consideration.
- **Provides a limited defense from public nuisance lawsuits against sound agricultural practices ("right to farm").** According to the Agricultural Districts Law "an agricultural practice shall not constitute a private nuisance, when an action is brought by a person, provided such agricultural practice constitutes a sound agricultural practice pursuant to an opinion issued upon request by the Commissioner." [Nothing in the law shall be construed to prohibit an aggrieved party from recovering damages for personal injury or wrongful death.]
- **Prior to purchasing land in an agricultural district, buyers are to be informed that their property is in the district and that certain activities, smells, and sounds are to be expected.**  
This is the notice requirement straight from the Agricultural Districts Law: Prior to the sale, purchase, or exchange of real property located partially or wholly within an agricultural district, the prospective grantor shall deliver to the prospective grantee a 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 notice is to inform prospective residents that the property they are about to acquire lies partially or wholly within the district. Such farming activities may include, but not be limited to, activities that cause noise, dust, and odors."

*[Source: NYS Ag. Districts law as of February 21, 2005; materials produced by the New York State Department of Agriculture and Markets, Schuylers County Planning Department, Wyoming County Soil and Water Conservation District]*

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