

Agriculture Districts

Agricultural Districts- What Are They?

Purpose

- To encourage the continued use of the farmland for Agricultural Production

Benefits

- Protection against overly restrictive local laws
- Protection against nuisance suits involving Ag practices
- Limitation on the Exercise of Eminent Domain and Other Public Acquisitions
- Agricultural Data Statement

Farms MUST still comply with local laws



MORE INFO:

www.agriculture.ny.gov/land-and-water/about-agricultural-districts

Agricultural Districts

- Farms located in an Agricultural District are exempt from some local and state regulations including some building codes and some exemptions to professionally stamped plans.
- Requirement that applications for certain planning and zoning actions impacting a designated farm operation within an ag district, or on lands within 500 ft of a farm operation within an ag district, provide an agricultural data statement (part of 239 Review)
- Ag District different than local zoning. Farm Operations in an Ag District are not exempt from local zoning, however review process if the zoning law is overly restrictive to agriculture...

Agricultural Districts

Section 305-a of the Agricultural Districts Law protects farmers against local laws which unreasonably restrict farm operations located within an agricultural district.

More info: www.agriculture.ny.gov/land-and-water/section-305-review-restrictive-laws

Reviewed on a case by case basis, based off NYSDAM Guidelines and Procedures.

**Public Safety is part of the Review Process
MUST be a FARM OPERATION and follow Sound Agricultural Practices!**

The Building Code defines an “AGRICULTURAL BUILDING” as

*A structure designed and constructed to **house farm implements, hay, grain, poultry, livestock or other horticultural products, excluding any structure designed, constructed or used, in whole or in part, for human habitation, as a place of employment where agricultural products are processed, treated or packaged, or as a place used by the public.***

Building Code Section, 101.2 Scope.

The provisions of this code shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures.

Exceptions:

Agricultural buildings, including barns, sheds, poultry houses and other buildings and equipment on the premises used directly and solely for agricultural purposes.

Fire Code Section 102 Applicability

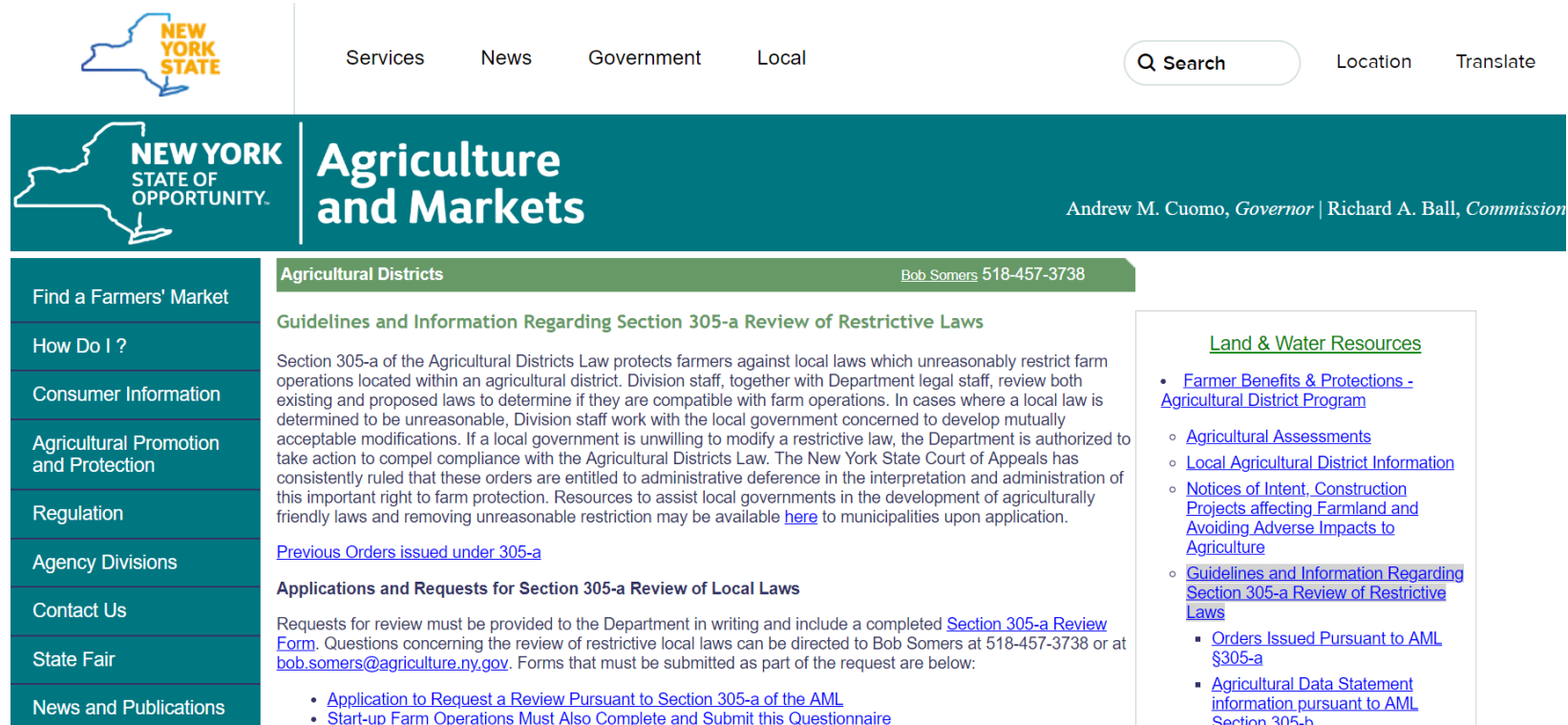
102.1.1 Construction and design provisions.

The construction and design provisions of this code shall apply to:

- 1. Structures, facilities and conditions arising after the adoption of this code.***
- 2. Existing structures, facilities and conditions not legally in existence at the time of adoption of this code.***
- 3. Existing structures, facilities and conditions when identified in specific sections of this code.***

Exception: Agricultural buildings, including barns, sheds, poultry houses and other buildings and equipment on the premises used directly and solely for agricultural purposes

Agricultural Districts



The screenshot shows the New York State Agriculture and Markets website. At the top left is the New York State logo. Navigation links for Services, News, Government, and Local are visible. A search bar and links for Location and Translate are on the right. The main header features the New York State logo and the text "NEW YORK STATE OF OPPORTUNITY. Agriculture and Markets" along with the names of Governor Andrew M. Cuomo and Commissioner Richard A. Ball. A left sidebar contains a menu with items like "Find a Farmers' Market", "How Do I?", "Consumer Information", "Agricultural Promotion and Protection", "Regulation", "Agency Divisions", "Contact Us", "State Fair", and "News and Publications". The main content area is titled "Agricultural Districts" with a contact number for Bob Somers (518-457-3738). The primary heading is "Guidelines and Information Regarding Section 305-a Review of Restrictive Laws". The text explains that Section 305-a protects farmers from unreasonable local laws. A link for "Previous Orders issued under 305-a" is provided. Below this, there is a section for "Applications and Requests for Section 305-a Review of Local Laws", which includes instructions on how to submit a request and a list of required forms: "Application to Request a Review Pursuant to Section 305-a of the AML" and "Start-up Farm Operations Must Also Complete and Submit this Questionnaire". On the right side, there is a "Land & Water Resources" section with a list of links: "Farmer Benefits & Protections - Agricultural District Program", "Agricultural Assessments", "Local Agricultural District Information", "Notices of Intent, Construction Projects affecting Farmland and Avoiding Adverse Impacts to Agriculture", "Guidelines and Information Regarding Section 305-a Review of Restrictive Laws", "Orders Issued Pursuant to AML §305-a", and "Agricultural Data Statement information pursuant to AML Section 305-b".

NEW YORK STATE OF OPPORTUNITY. Agriculture and Markets

Andrew M. Cuomo, Governor | Richard A. Ball, Commissioner

Agricultural Districts Bob Somers 518-457-3738

Guidelines and Information Regarding Section 305-a Review of Restrictive Laws

Section 305-a of the Agricultural Districts Law protects farmers against local laws which unreasonably restrict farm operations located within an agricultural district. Division staff, together with Department legal staff, review both existing and proposed laws to determine if they are compatible with farm operations. In cases where a local law is determined to be unreasonable, Division staff work with the local government concerned to develop mutually acceptable modifications. If a local government is unwilling to modify a restrictive law, the Department is authorized to take action to compel compliance with the Agricultural Districts Law. The New York State Court of Appeals has consistently ruled that these orders are entitled to administrative deference in the interpretation and administration of this important right to farm protection. Resources to assist local governments in the development of agriculturally friendly laws and removing unreasonable restriction may be available [here](#) to municipalities upon application.

[Previous Orders issued under 305-a](#)

Applications and Requests for Section 305-a Review of Local Laws

Requests for review must be provided to the Department in writing and include a completed [Section 305-a Review Form](#). Questions concerning the review of restrictive local laws can be directed to Bob Somers at 518-457-3738 or at bob.somers@agriculture.ny.gov. Forms that must be submitted as part of the request are below:

- [Application to Request a Review Pursuant to Section 305-a of the AML](#)
- [Start-up Farm Operations Must Also Complete and Submit this Questionnaire](#)

Land & Water Resources

- [Farmer Benefits & Protections - Agricultural District Program](#)
- [Agricultural Assessments](#)
- [Local Agricultural District Information](#)
- [Notices of Intent, Construction Projects affecting Farmland and Avoiding Adverse Impacts to Agriculture](#)
- [Guidelines and Information Regarding Section 305-a Review of Restrictive Laws](#)
 - [Orders Issued Pursuant to AML §305-a](#)
 - [Agricultural Data Statement information pursuant to AML Section 305-b](#)

<https://www.agriculture.ny.gov/ap/agservices/ag-restrictive-laws.html>

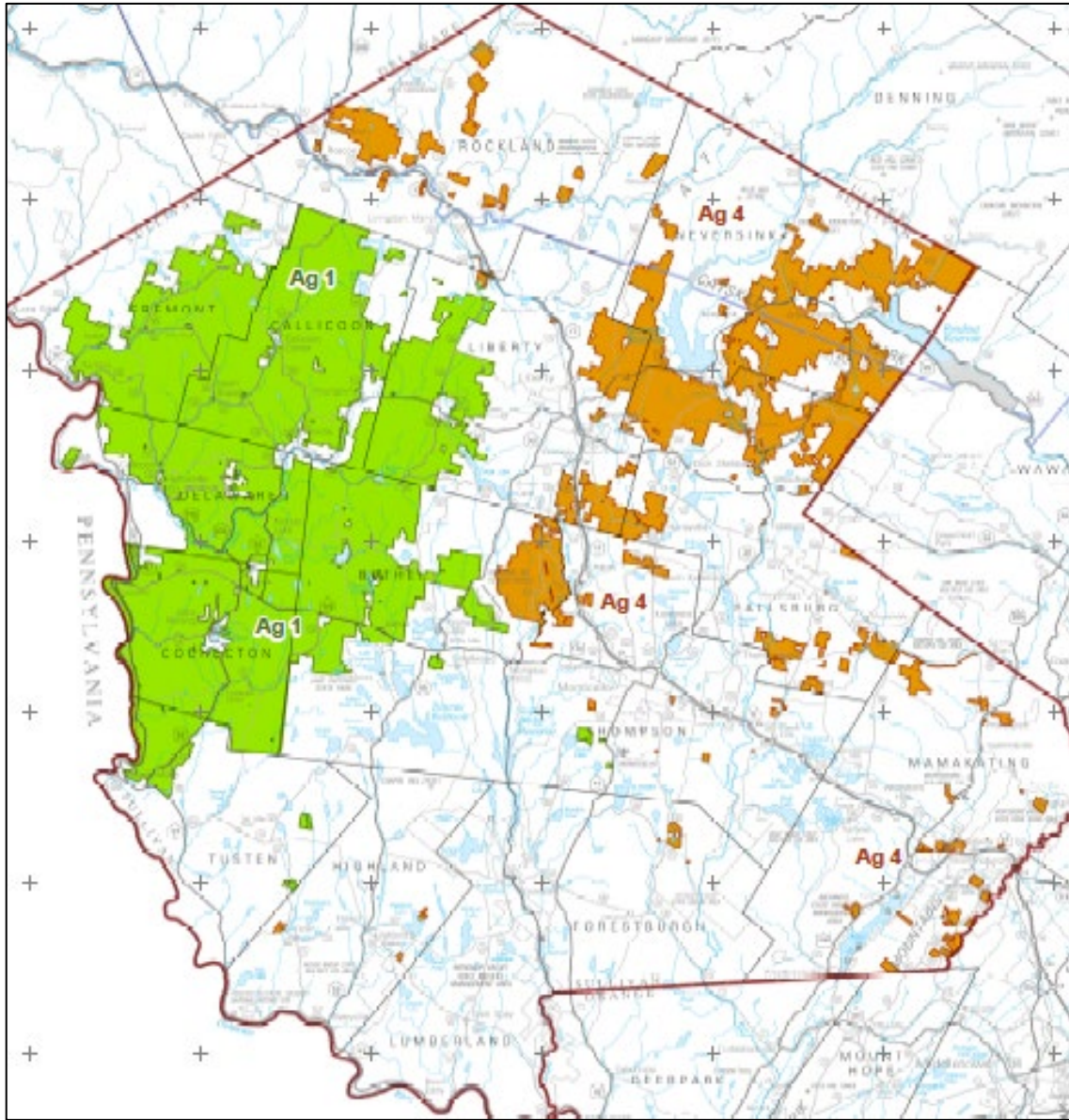
Guidance Documents for Local Govts.- Compliance with Section 305-a

NYS Ag and Markets has Guidance Documents to help define farm operations, best management practices for both farmers and municipalities, and general standards for different types of farming activities:

- Farm Marketing Activities – Standards farms and municipalities should use, ie farm stand, agri-tourism
- Control of Farm Animals
- On-Farm Composting
- Open Burning
- Nutrient Management Practices (Land Application of Animal Waste, Recognizable and Non-recognizable Food Waste, Sewage Sludge; Animal Waste Storage/Management)
- Wetlands
- Farm Worker Housing – May be different than regular housing. Does not include owner's housing

Guidance Documents- Cont'd.

- Greenhouses – Can be considered “Equipment”
- Zoning and Planning Laws – Standards used for municipalities, ie setbacks and site plan review
- Commercial Horse Boarding and Equine Operations - How many horse to be a farm operation
- Junk, Junkyards and Litter
- Small Wind Energy Production Facilities
- Nursery Operations
- Crops Grown to Support Distilleries, Breweries, Cideries and Wineries
- Farm Operation Defined
- Start-up Farm Defined



Where are they located in Sullivan County?

Cornell University Website:

<https://cugir.library.cornell.edu/catalog/cugir-007992>

CCE Sullivan Website:

<https://sullivancce.org/agriculture/farmland-protection-ag-districts-vs-assessments>

Two Ag Districts in Sullivan County

Ag District #1 (Green)

Ag District #2 (Orange)

Inclusion in Ag District Runs With the Land

Agricultural Districts- The Process

How to Enter:

- Open window once per year: April 1- April 30
- Contact CCE Sullivan for an application

County Ag Board/CCE Role:

- Notify municipalities of application
 - Any code violations? Is Ag permitted in zoning district?
- Gather information about property & do site visits.
- Review applications and make recommendations to County Legislature. Developed guidance on qualifications for “Viable Agricultural Land” and “Start Up Farm”
- Provide Report to County Legislature



Agricultural Districts- The Process

- Process generally takes 6-7 months. NYSDAM designates Timeline. Must follow SEQR process
- Public Hearing in July
 - All landowners, adjoining landowners and municipalities notified. Properties presented for review to Legislature.
- Vote by Legislature in August
- Submit to NYSDAM to certify ag district amendment
- Can only be removed from An Ag District every 8 years during annual Eight Year Review Period
 - Last Eight Year Reviews: AD #4 (2023) AD#1 (2021)



Cornell Cooperative Extension | Sullivan County

Questions?

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