

## OTHER FREQUENTLY ASKED QUESTIONS

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### **I am not a farmer nor do I rent any of my land to farmers, why is my property enrolled in the Agricultural District Program?**

Considerable amounts of land in Agricultural Districts are owned by non-farmers whose lands were once part of a farm operation in an agricultural district because County policy has been to maintain all land in the District unless directed otherwise by the property owner during a review period. For these landowners, there may be no advantages to remaining in the District, and lateral water restrictions may still apply to new non-agricultural uses.

### **Is the Agricultural District Program zoning?**

No. The Agricultural District program should not be confused with agricultural zoning, which is established by towns and imposes mandatory land use regulations on the use of farmland.

### **What are the necessary steps to enroll, withdraw, or remain enrolled in the Agricultural District Program?**

During a District's eight-year review period, a worksheet is mailed to all landowners enrolled in the District. This worksheet primarily provides a means through which landowners can enroll or withdraw their property. It also asks landowners for their contact information and some basic information regarding their land. This information is later compiled and reported to the State for the District as a whole in order to assess the District's future viability.

Inquiry letters are also mailed to all landowners with Agricultural Tax Exemptions within the boundaries of the District in case they may want to enroll these properties. Interested landowners may also contact the Genesee County Department of Planning in order to enroll.

### **How can I find out the enrollment status of my property?**

The official district enrollment list is maintained by the Genesee County Department of Planning. Hours of operation: Monday - Friday, 8:30 AM - 5:00 PM. Contact information is provided.

For additional information on the Agricultural District Program, please contact the sources listed below.

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#### **Sources:**

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#### **Cornell Cooperative Extension of Genesee County**

Website: [genesee.cce.cornell.edu](http://genesee.cce.cornell.edu)

#### **New York State Dept. of Agriculture & Markets**

Website: [agriculture.ny.gov](http://agriculture.ny.gov)

#### **Cornell University** Website: [www.cornell.edu](http://www.cornell.edu)

#### **Genesee/Finger Lakes Regional Planning Council**

Website: [www.gflrpc.org](http://www.gflrpc.org)

#### **New York Rural Water Association**

Website: [nyruralwater.org](http://nyruralwater.org)

#### **American Farmland Trust**

Website: [www.farmland.org](http://www.farmland.org)

## AGRICULTURAL DISTRICTS IN GENESEE COUNTY

### PROTECTING FARMLAND

### INFORMATION AND FREQUENTLY ASKED QUESTIONS



## WHAT ARE AGRICULTURAL DISTRICTS?

New York State's Agricultural District Law was enacted in 1971 as Article 25-AA of the Agriculture and Markets Law. It is intended to conserve and protect agricultural land as it recognizes that viable agricultural land is one of the State's most important and irreplaceable environmental and economic resources.

Under this Law, land can be designated as an agricultural district. The process of creating an Agricultural District is initiated with a proposal by interested landowners to the Genesee County Legislature. The Law requires that steps be taken to determine that the district consists predominantly of viable agricultural land and is consistent with State, County and local comprehensive plans, policies, and objectives. The Agricultural District must be approved by the County Legislature for participation in the State program.

Once a District is designated, participating farmers within it can receive relief from nuisance claims and certain forms of local regulation. There are four Agricultural Districts in Genesee County. Enrollment is free and voluntary.

Agricultural District Law mandates that Agricultural Districts be periodically reviewed by the County Legislature and recertified by the State. In Genesee County, Agricultural District Reviews occur every eight years from the district's creation date. This process is undertaken on behalf of the Genesee County Legislature by the County Department of Planning. During review, landowners within the district boundaries may enroll or withdraw property from the district. Only entire parcels may be included or excluded.

## WHAT ARE THE ADVANTAGES? \*\*

### **Agricultural Districts provide farmers with protection against nuisance lawsuits.**

If you are purchasing property that lies within an agricultural district, the seller must provide you with a disclosure statement informing you that such farming activities may include, but are not limited to, activities that cause noise, dust and odors.

Prospective residents are also informed that the location of the property within an agricultural district may impact the ability to access public water and/or sewer services for new non-agricultural development.

### **Agricultural Districts provide farmers with protection against unfair local regulations.**

Local governments shall not unreasonably restrict or regulate farm operations within agricultural districts when exercising their powers to enact or administer comprehensive plans and local land use laws, ordinances, rules and regulations unless it can be shown that the public health or safety is threatened.

### **Agricultural Districts minimize impacts of benefit assessments, special levies, rates or fees imposed on farmers as a result of improvement districts**

Farmers in Agricultural Districts are only responsible for paying benefit assessments, special levies, rates or fees imposed as a result of improvement districts (such as sewer, water, lighting, non-farm drainage, and solid waste disposal) on areas not exceeding half an acre surrounding any dwelling or non-farm structure located in enrolled property. Farm structures are only subject to these if they benefit directly from the service of such improvements.

### **Exemptions can reduce property taxes for farmers.**

Agricultural Tax Exemptions (also referred to as Agricultural Assessments) are part of Agricultural District Law, but are handled separately from the Agricultural District Program. **A farmer does not need to be in an Agricultural District to get this special assessment.** This benefit must be applied for annually through your local assessor.

Landowners of seven or more acres, which have generated gross farm product sales averaging at least \$10,000 per year over the preceding two years, can apply for an agricultural tax exemption. This program is designed to provide a partial exemption from taxation for farmland where the market value

of the land (therefore the assessment) exceeds the value of the land in agricultural production. Farm operators with fewer than seven acres could apply if yearly sales are \$50,000 or more.

Qualifying landowners receive an agricultural assessment, which has the effect of a tax exemption. Agricultural assessments apply only to land; farm buildings, residences, and other improvements are not included. If land receiving the agricultural tax exemption is converted to a nonagricultural use, the law provides for collection of back taxes saved by the landowner. If you have any questions regarding agricultural tax exemptions and your property, please contact your local assessor or Real Property Tax Services in the Genesee County Treasurer's Office.

## WHAT ARE THE DISADVANTAGES? \*\*

### **Agricultural Districts may impact the ability to access public water and/or sewer services for new non-agricultural uses.**

In order to discourage the irreversible conversion of prime agricultural farmland into other uses and to satisfy NYS Dept. of Agriculture & Markets, the local municipalities of Genesee County may place lateral restrictions on hook-ups to public water and sewer by non-agricultural uses that occur after the placement of such public services within Agricultural Districts.

Also affecting access to public water is the Genesee County Smart Growth Plan. This Plan restricts access to the County-wide Water System to development in place prior to the adoption of the Plan, and new development located within County Development Areas. To find out whether you are subject to Smart Growth restrictions, please contact the Genesee County Department of Planning, or visit the Department's Smart Growth web site at [co.genesee.ny.us/departments/planning/smartgrowth.php](http://co.genesee.ny.us/departments/planning/smartgrowth.php)

**\*\*Please Note: Landowners must take into consideration their own plans and expectations for their property in order to make a decision regarding their future Agricultural District status.**