

## What is an Agricultural District?

A geographic area consisting of predominantly viable agricultural land. Agricultural operations within the district are afforded benefits and protections to promote the continuation of farming and the preservation of agricultural land.

## Livingston County Agricultural Districts

Livingston County has three Agricultural Districts:

- **District #1:** Towns of Caledonia, Leicester and York, including the Villages of Caledonia and Leicester
- **District #2:** Towns of Avon, Conesus, Geneseo, Lima & Livonia, including the Villages of Avon, Geneseo, Lima and Livonia
- **District #3:** Towns of Mount Morris, North Dansville, Nunda, Ossian, Portage, Sparta, Springwater & West Sparta, including the Villages of Dansville, Nunda & Mount Morris

As of 2020, just over 211,500 acres were included in Livingston County's Agricultural Districts.

## How are agricultural districts reviewed?

Districts are usually renewed every 8 years. The Livingston County Board of Supervisors, after receiving the report and recommendation of the Livingston County Agricultural & Farmland Protection Board (AFPB) and after a public hearing, determines that the district will be continued and modified. During the review process, land may be added or deleted from the district.

In addition to the 8-year review, counties are also required by NYS Agriculture & Markets Law (AML) §303-b to designate an annual 30-day period when landowners may petition the county for inclusion of viable agricultural lands in an existing agricultural district. For Livingston County, that 30-day period occurs every year in September and is referred to as the 303-b process.

## Do Agricultural Districts consist entirely of farmland?

Districts must consist predominantly of viable agricultural land. Predominance has been interpreted as more than 50 percent of land in farms. On average, districts statewide contain approximately 70 percent farmland. The benefits and protections under the Agriculture & Markets Law, however, apply only to farm operations and land used in agricultural production.

## Does an agricultural district guarantee a farmer's "right to farm"?

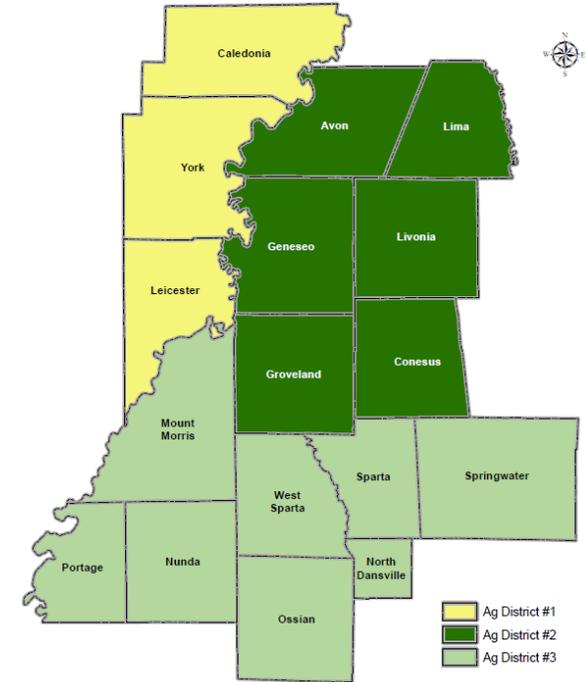
NYS AML protects farm operations within an Agricultural District from the enactment and administration of unreasonably restrictive local regulations unless it can be shown that public health or safety is threatened. The New York State Department of Agriculture and Markets (NYSDAM) evaluates the reasonableness of a specific requirement or process imposed on a farm operation on a case-by-case basis. The Commissioner may institute an action or compel a municipality to comply with this provision of the AML.

## Do Agricultural Districts prohibit selling land?

There is no restriction on the transfer of real property, but if parcel combination is planned, there may be a restriction on that combination in Livingston County. Livingston County does not allow the combination of land in Agricultural Districts with non-Agricultural District land.

The AML 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.

# Livingston County's Agricultural Districts



New York State Agriculture & Markets Law recognizes that agricultural lands are important and irreplaceable resources, which are in jeopardy of being lost as a result of development pressures and regulatory constraints. The creation and continuation of Agricultural Districts in Livingston County provide right-to-farm protections for active agricultural operations.

*Modified by the Livingston County Planning Department  
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## Limitation on Local Regulation

An increase in the number of non-farm residents in agricultural areas may result in new zoning and regulatory actions that can inhibit farming operations. To safeguard against this, §305-a of the NYS AML prohibits the local enactment and administration of comprehensive plans, laws, ordinances, rules or regulations that would unreasonably restrict or regulate farm operations within an agricultural district, unless it can be shown that the public health or safety is threatened.

The Commissioner of the New York State Department of Agriculture and Markets (NYSDAM) may independently or upon a complaint initiate a review of the enactment or administration of a local law. The Commissioner is authorized to bring an action or issue an order to enforce NYS AML §305-a.

NYSDAM has developed guidelines on the effect of §305-a on enactment and administration of local laws and regulations. More information can be found on the NYSDAM website at: <https://agriculture.ny.gov/land-and-water/section-305-review-restrictive-laws>

## Sound Agricultural Practices

The Commissioner of NYSDAM may, in consultation with the Advisory Council on Agriculture (ACA), issue opinions upon request as to whether a particular agricultural practice is sound (AML §308). A sound agricultural practice refers to the practices necessary for the on-farm production, preparation, and marketing of agricultural commodities. An agricultural practice conducted in an agricultural district or on land receiving an agricultural assessment shall not constitute a private nuisance provided that the practice is determined to be a sound agricultural practice pursuant to an opinion of the Commissioner. The Commissioner is also authorized, in consultation with the ACA, to issue advisory opinions on a case-by-case basis as to whether particular land uses are agricultural in nature.

## Public Actions Notice Requirements

Government actions may impact farms and agricultural resources through the acquisition of property interests or funding of infrastructure development. NYS AML (§305, subd. 4) requires that State agencies, local governments and public benefit corporations that intend to acquire more than one acre of land from any active farm within an agricultural district or more than 10 acres in total from a district, must file a notice of intent with the Commissioner at least 65 days prior to taking the action. Similarly, a notice must be filed for all actions where the government sponsor intends to advance a grant, loan, interest subsidy or other form of public funding for the construction of dwellings, commercial or industrial facilities, or water or sewer facilities to serve non-farm structures within an Agricultural District. The notice requirement does not apply in the case of an emergency project which is immediately necessary for the protection of life or property.

The notice requirement provides for a full evaluation of the potential impacts of a government-sponsored acquisition or construction project on farms and farm resources. The NYS AML and implementing regulations require a project sponsor to provide information essential to analyzing agricultural impacts along with a report justifying the proposed project.

Upon receipt of a Notice of Intent that has been determined by NYSDAM to be complete, the Commissioner has 45 days to determine the effect the action would have on agricultural operations within the district.

If it is determined that the proposed action would have an unreasonably adverse effect, the Commissioner may issue an order delaying the action for an additional period of 60 days. During this time, the Commissioner may conduct a public hearing, upon providing public notice, within or accessible to the area affected. On or before the expiration of the 60 days, the Commissioner must report his or her findings to the project sponsor, the public at large, and any public entity having the

power of review or approval of the action.

The Commissioner may propose that an alternative that minimizes or avoids adverse impacts be accepted. The project sponsor must provide a detailed evaluation and reasons if the proposed mitigation is rejected. At least 10 days prior to commencing the action, the project sponsor must certify to the Commissioner that adverse impacts will be minimized or avoided. The Commissioner may bring an action to enforce mitigation measures. He or she may also request that the Attorney General institute an action to compel compliance with these requirements.

**FOR FURTHER INFORMATION** on the benefits and protections Agricultural Districts provide, contact the Cornell Cooperative Extension of Livingston County at 585-991-5420, the Livingston County Planning Department, or the NYS Department of Agriculture and Markets at 1-800-554-4501, or visit the NYSDAM website at: <https://agriculture.ny.gov/land-and-water/agricultural-districts>

### **Acronyms used in this brochure:**

AML: Agriculture & Markets Law  
ACA: Advisory Council on Agriculture  
AFPB: Livingston County Agricultural & Farmland Protection Board  
NYS: New York State  
NYSDAM: New York State Department of Agriculture & Markets