

## PRESS RELEASE

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### **Tioga County Legislature announces its 2019 Annual Agricultural District Enrollment Period for farmers and rural landowners to include land in the NYS Agricultural Districts Program**

The Tioga County Legislature announces its 2019 annual agricultural district enrollment period, which will run from January 2<sup>nd</sup> – January 31<sup>st</sup>, according to Article 25AA, §303-B of the NYS Agriculture and Markets Law and Tioga County Legislature resolution 296-03. During this time, any agricultural property owner may request inclusion of viable agricultural land not already included in a certified NYS Agricultural District. Tioga County has three agricultural districts that are made up of individual parcels or properties, but organized by municipal boundaries. The North Tioga Agricultural District contains agricultural parcels in the Towns of Richford, Berkshire, Newark Valley and the Village of Newark Valley. The Spencer Agricultural District contains agricultural properties in the Towns of Spencer, Barton, Candor and Tioga. Third is the Owego / Nichols Agricultural District containing properties in those two towns.

Any agricultural property owner in any of these three districts may request to have their land included in these districts during this enrollment period. The property owner must demonstrate that the agricultural land is viable or actively farmed. The property owner must also supply the owner name and tax map number of the property and a description of the property, including the boundaries of the parcel. Only whole parcels are eligible for inclusion.

The Tioga County Legislature must hold a public hearing and officially adopt the land requested to be included in certified agricultural districts by the end of April 2019.

This opportunity is for inclusion only of land in agricultural districts. Requests from existing agricultural district property owners to remove land from an agricultural district can be addressed only during the regular eight-year review periods. The North Tioga Agricultural District is up for its eight-year review in September of this year. Therefore, request received from Richford, Newark Valley and Berkshire will be held and addressed in the full eight-year review process. Requests received from the other two Agricultural Districts described above will be addressed during this annual inclusion period.

There are many benefits to farmers to including active farmland in a certified NYS Agricultural District such as:

### **Right to Farm**

Probably the most beneficial and well known is the Right To Farm. Under this section of the law, the Commissioner of Agriculture and Markets will investigate nuisance complaints against a farming operation. If the Commissioner deems that the farming practice in question is sound, it is not considered a nuisance. The Commissioner investigates cases only for farm operations located within agricultural districts. Municipalities can also adopt their own right to farm local law.

### **Policy of Local Governments**

When town or village boards develop local laws, plans or ordinances, they must do so in a manner that supports the goals and policy of the Agricultural Districts law and does not unreasonably restrict or regulate farm operations with agricultural districts. The Commissioner of Agriculture and Markets will investigate complaints and is allowed to initiate legal action against local governments that do not adhere to this policy

### **Farmland Restoration from Natural Gas Development Activities**

NYS Department of Agriculture and Markets, Division of Agricultural Protection and Development can provide technical review and recommendations to participating landowners in the agricultural district program in attempt to avoid or minimize agricultural impacts associated with natural gas development such access roads, well pads, and pipeline construction activities. The review includes construction stage mitigation and restoration measures as well as post-construction (follow-up) recommendations on farmland impacts and corresponding rehabilitation measures.

### **Notice of Intent**

Another benefit is that any public agency proposing a publicly funded residential, commercial, industrial or infrastructure project on or to acquire land within an agricultural district is required to file a Notice of Intent with the Commissioner of Agriculture and Markets. The County Agricultural and Farmland Protection Board then has the responsibility to develop an Agricultural Data Statement which details adverse impacts on farming, including the loss of viable agricultural land.

### **Tax Incentives**

Finally, if agricultural land receiving an agricultural assessment is converted to a non-agricultural use, back taxes are owed for 8 years. However, if the land is enrolled in an agricultural district, only 5 years of back taxes are collected. Additionally town boards can adopt resolutions authorizing agricultural assessments to be used for the assessment value, instead of full real property assessment for properties within agricultural districts, in benefited areas such as fire districts, ambulance districts, etc.

The Tioga County Planning Department administers this Agricultural Districts program for NYS Department of Agriculture & Markets. Therefore, if you have any questions on this agricultural district enrollment period, please contact Elaine Jardine, County Planning Director at (607) 687-8257, email [jardinee@co.tioga.ny.us](mailto:jardinee@co.tioga.ny.us) for questions and information.

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