

Agricultural Districts Status Report

Cattaraugus County, New York

A Report on the NYS Agricultural Districts Program in Cattaraugus County
and the Concepts, Procedures and Requirements of Agricultural Districts Law

Prepared for:

**Cattaraugus County Legislature
Cattaraugus County Planning Board
Cattaraugus County Agricultural & Farmland Protection Board**

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Overview

New York State certified Agricultural Districts are intended to protect the State's agricultural lands and prevent the loss of these lands to development pressures. These districts also provide certain protections for landowners who wish to keep their property in agricultural production. The Cattaraugus County Department of Economic Development, Planning & Tourism, under the authorization of the Cattaraugus County Legislature and the direction of the Cattaraugus County Agricultural and Farmland Protection Board is responsible for the administration of the New York State Agricultural Districts Program in Cattaraugus County.



The statutory authority for the creation of Agricultural Districts originates in Article 25-AA of the New York State Agriculture and Markets Law. Established in 1971, the Agricultural Districts Law is an initiative that focuses on striking a balance between property tax relief for farmland owners, farmland preservation, and the economic viability of farming in New York State. The Agricultural Districts Law is predicated on the fact that viable agricultural land is one of the State's most important and irreplaceable environmental and economic natural resources. The Law provides a locally initiated and voluntary mechanism for the protection and enhancement of agricultural land for both production and as a natural and ecological resource of statewide significance. The Agricultural Districts Law authorizes the creation of local Agricultural Districts pursuant to landowner initiative, preliminary county review, State certification, and county adoption. Agricultural Districts currently comprise approximately 30 percent of New York State's total land area.

Concepts & Benefits of Agricultural Districts

The purpose of the Agricultural Districts Law is to provide a means by which agricultural lands can be protected and enhanced as a viable segment of the economy. Agricultural districting is designed to encourage the continued use of farmland for agricultural production. The Agricultural Districts Program is based on a combination of landowner incentives and

protections, all of which are designed to hinder the conversion of farmland to non-agricultural uses. The benefits of having agricultural property included in an Agricultural District include:

- ❑ Special agricultural value assessments for property tax purposes;
- ❑ Protections against overly restrictive local laws relative to farm structures and normal farming operations and activities, unless such laws are related to public health or safety;
- ❑ Restrictions on public entities taking land in a district by eminent domain without special justification;
- ❑ Limitations are placed on the advancement of public funds for acquisition or construction projects in an agricultural district, including the extension of sewer and water services; and
- ❑ Protections against private nuisance suits involving agricultural practices. Under the Agricultural Districts Law, the Commissioner of the NYS Department of Agriculture and Markets is authorized to issue opinions, upon request, concerning the soundness of specific agricultural practices.

The agricultural value assessment for property taxes is one of the most important and visible benefits to farmers for having property in an Agricultural District. It provides farmland owners with the opportunity to receive real property assessments based on the value of their land for agricultural production rather than on its development value. In the event that land in an Agricultural District that is receiving an agricultural value assessment is converted to a non-agricultural use, the landowner must make a penalty payment equal to five times the taxes saved in the last year in which the land benefited from an agricultural assessment. In addition, the landowner is required to pay an interest payment of six percent per year compounded annually for each year in which an agricultural assessment was granted, not to exceed five years.

The limitation on government funded acquisition or construction projects is another very important provision of the Agricultural Districts Law. The Law mandates state agencies, local governments, and public benefit corporations to avoid or minimize adverse impacts to farm operations for projects occurring wholly or partially within the boundaries of State certified Agricultural Districts. In these instances, a Notice of Intent to undertake an action in an Agricultural District must be filed with the NYS Department of Agriculture and Markets by the project sponsors. The notice must contain information outlining a detailed description of the project, its impact on agriculture, and mitigation measures where adverse impacts on agriculture are identified. Government funded projects cannot proceed until the review process is complete and the Notice of Intent is approved by the State.

Cattaraugus County Agricultural Districts

Cattaraugus County’s first Agricultural District was formed in 1973 in the Town of Perrysburg and was comprised of 6,419 acres of land. The County currently has seven NYS certified Agricultural Districts. This number

Agricultural District Statistics: Cattaraugus County	
Number of Agricultural Districts in Cattaraugus County	7
Total Acreage in Agricultural Districts	234,044
Percentage of County Land Area in Agricultural Districts	27.7 %

has been reduced from ten due to the consolidation of six districts into three between 1991 and 1998. Cattaraugus County's seven Agricultural Districts encompass a total of 234,044 acres of land in 30 of the County's 32 towns. This acreage total represents approximately 27.7 percent of the County's total land area. The two towns without land in an Agricultural District are Red House and Carrollton, which comprise much of Allegany State Park. The following table contains current information on Cattaraugus County's seven Agricultural Districts. Each district is identified by name, the towns which comprise the districts, and the individual district acreage.

The most dense concentrations of Agricultural District parcels are in the northern portion of the County where the terrain is more conducive to agricultural practices. As indicated in the table at the right, the districts range widely in size from a low of 6,134 acres in the Persia

Agricultural Districts: Cattaraugus County		
Name	Towns	Acres
Ashford Meadows	Ashford, East Otto, Ellicottville, Franklinville, Machias	13,633
Farmersville - Freedom	Farmersville, Freedom, Franklinville, Ischua, Machias, Yorkshire, Lyndon	55,734
Perrysburg - Dayton - Leon	Perrysburg, Dayton, Leon	40,685
Persia	Persia, Perrysburg, New Albion, Dayton	6,234
South Branch	East Otto, Otto, Mansfield, New Albion	39,208
Southeast & Central	Great Valley, Ellicottville, Franklinville, Humphrey, Ischua, Hinsdale, Allegany, Olean, Portville	42,693
Southwest	Coldspring, Napoli, Conewango, Little Valley, Salamanca, South Valley, Randolph, Mansfield	35,957

Agricultural District to a high of 55,734 acres in the Farmersville-Freedom Agricultural District. Eight towns in Cattaraugus County have parcels in two different Agricultural Districts. These are Dayton, East Otto, Ellicottville, Franklinville, Ischua, Machias, Mansfield, New Albion and Perrysburg. One town, Franklinville, has parcels in three different Agricultural Districts. Click [here](#) to see a Composite Agricultural Districts Map showing all parcels in each of the County's seven Agricultural Districts.

Agricultural District Eight-Year Review Process

Agricultural Districts in Cattaraugus County are reviewed eight years after their creation and every eight years thereafter. The purpose of the eight-year review process is to determine the economic viability of the district, as well as to decide on boundary changes including the addition of viable agricultural land or the removal of non-agricultural land or areas targeted for development. There are three possible outcomes of an Agricultural District Eight-Year Review.

POSSIBLE RESULTS OF THE AGRICULTURAL DISTRICT EIGHT-YEAR REVIEW PROCESS

- 1) The district can be continued as originally adopted or as most recently approved;**
- 2) The district boundaries can be modified by the addition of parcels, the deletion of parcels, or a combination of both;**
- 3) The district can be terminated.**

The action, which is ultimately taken, must be certified by the NYS Department of Agriculture and Markets and approved by the Cattaraugus County Legislature. The eight-year review period is the only time during which participating landowners can opt out of the Agricultural Districts Program. Keep in mind that only a portion of the total land area included in Agricultural Districts is used for agricultural purposes. This is due to the fact that State law requires that only entire parcels, and not portions thereof, can be included in districts. Therefore, Agricultural Districts can contain woodland, wetlands, soil types, hillsides and other areas not suitable for agriculture. Residential, commercial and other land uses are also contained in Agricultural Districts, however; it is only the portion of the individual parcel used for agriculture that is eligible for the agricultural value assessment.



Until recently, the eight-year review period was also the only opportunity for landowners to join a district. Effective December 20, 2002, the New York State Agriculture and Markets Law, Section 303, was amended to allow landowners to submit proposals to the County Legislature for the inclusion of viable agricultural land within the boundaries of an existing certified Agricultural District prior to the established review period. Information on this amendment and the procedures involved is available from the Cattaraugus County Department of Economic Development, Planning & Tourism. The 300-day eight-year review process is outlined below.

AGRICULTURAL DISTRICT EIGHT-YEAR REVIEW PROCEDURE

- | | |
|--|---|
| <ol style="list-style-type: none"> 1) Receipt of 300-Day Eight-Year Review Notice 2) Begin 30-Day Public Review Period <ul style="list-style-type: none"> • Publish & Post Public Notice of Review 3) News Release on District Review <ul style="list-style-type: none"> • Local Newspapers • Cooperative Extension Newsletter • SWCD Newsletter 4) Input Request from Local Officials <ul style="list-style-type: none"> • Town Supervisors • Town Assessors • Town Planning Board Chairman • County SWCD • Cooperative Extension • County Real Property Tax Services • Farm Bureau • Agricultural and Farmland Protection Board Chair 5) Letter to District Landowners <ul style="list-style-type: none"> • Describe review process and options • Request input on possible changes • Ag. District Review Worksheets | <ol style="list-style-type: none"> 6) Complete District Review Economic Profile 7) Preliminary Mapping 8) Ag. & Farmland Protection Board Review <ul style="list-style-type: none"> • Preparation of Ag. Board Report 9) County Planning Board Review <ul style="list-style-type: none"> • Preparation of Planning Board Report 10) Public Hearing 11) Final Mapping 12) SEQR Review 13) Preparation of Final Report / Proposal on District Review 14) Presentation of Review Proposal to County Legislature for Approval 15) Upon Approval, Submit District Proposal to NYS Department of Agriculture and Markets for Review and State Certification |
|--|---|

The previous page identifies the major steps comprising the Agricultural District Eight-Year Review Process. Among the most important are the input from landowners and local officials through both correspondence and the public hearing. In addition, the district review and subsequent reports prepared by both the Agricultural and Farmland Board and the Planning Board are equally as integral to the process. Each of these County boards draw their conclusions and prepare their respective reports from differing perspectives as outlined below.

COUNTY BOARD AGRICULTURAL DISTRICT REVIEW CRITERIA

➤ Agricultural & Farmland Protection Board

- The nature of farming and farm resources within the district;**
- The overall status of farming, the farm economy and farm investment in the district as evidenced by information provided by farmers and other sources;**
- The extent to which the number of farms and farm acres in the district furthers the purposes for which the district was originally created;**
- The extent to which the district has achieved its original objectives;**
- Any county agricultural and farmland protection planning or implementation efforts pursuant to Article 25-AAA of the NYS Agriculture and Markets Law; and**
- Recommendations to continue, terminate or modify the district.**

➤ County Planning Board

- The effect of the district on county and local comprehensive plans, policies and objectives;**
- The impacts of non-agricultural development in the district;**
- The degree of coordination between local laws, ordinances, rules and regulations that apply to farm operations in the district and their influence on farming; and**
- Recommendations to continue, terminate or modify the district.**

Eight-Year Review History – Cattaraugus County

Since 1973, ten Agricultural Districts have been created in Cattaraugus County. As indicated previously, this number has been reduced to seven due to the consolidation of six districts into three. The first consolidation occurred in 1991 when the Otto-Mansfield District (No. 2) was combined with the East Otto District (No. 4) to form the South Branch Agricultural District. In 1997, the Perrysburg District (No. 1) was combined with the Dayton-Leon District (No. 9) to form the Perrysburg-Dayton-Leon Agricultural District. Finally, in 1998, the Beaver Meadows District (No. 8) was combined with the Ashford Hollow District (No. 6) and renamed the Ashford Meadows Agricultural District. The reasons behind combining districts include: consolidation of smaller contiguous districts improves district economic viability; and combining districts streamlines the eight-year review process for future reviews by reducing the burden on local and State



agencies participating in the review process. The table below contains information pertaining to the eight-year review history for each of Cattaraugus County's seven current Agricultural Districts. This table contains district creation dates, past review dates and acreages, the next review date and when that review will be initiated for each district. The eight-year review process for an Agricultural District is initiated 300 days prior to the eight-year anniversary date with the receipt of the 300-Day Eight-Year Review Notice from the NYS Department of Agriculture and Markets.

Cattaraugus County Agricultural District History						
District Name	Creation Date Acreage	1 st Review	2 nd Review	3 rd Review	Next Review	Review Initiation
		Acreage	Acreage	Acreage		
Perrysburg-Dayton-Leon	<u>7/12/73</u> 6,491	<u>1981</u> 15,451	<u>1989</u> 17,315	<u>1997</u> 40,685	2005	September 2004
Southwest	<u>4/10/75</u> 3,126	<u>1983</u> 5,586	<u>1991</u> 6,010	<u>1999</u> 35,957	2007	June 2006
South Branch	<u>8/27/75</u> 5,929	<u>1983</u> 8,697	<u>1991</u> 37,313	<u>1999</u> 39,208	2007	October 2006
Farmersville-Freedom	<u>7/10/77</u> 12,502	<u>1985</u> 14,621	<u>1992</u> 47,132	<u>2000</u> 55,734	2008	September 2007
Ashford Meadows	<u>7/18/82</u> 3,375	<u>1990</u> 8,542	<u>1998</u> 13,633	---	2006	September 2005
Southeast & Central	<u>12/12/83</u> 22,616	<u>1991</u> 24,575	<u>1999</u> 42,963	---	2007	February 2007
Persia	<u>1/25/95</u> 6,134	<u>2003</u> 6,234	---	---	2011	March 2010

The first eight-year review for the Persia Agricultural District was recently completed and certified by the Commissioner of Agriculture and Markets on February 28, 2003. The final report for this review, as well as the final report for the Farmersville-Freedom Agricultural District eight-year review, are available for examination and downloading at the Cattaraugus County website at www.cattco.org.

Agricultural Districts: Relationship to State and Local Laws

As indicated previously, one of the benefits of having agricultural property included in an Agricultural District is the protection against overly restrictive local laws relative to farm

structures and normal farming operations. Pursuant to Section 305-a of the New York State Agriculture and Markets Law, “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 set forth in this article [Article 25-AA of the Agriculture and Markets Law], and shall not unreasonably restrict or regulate farm operations within agricultural districts in contravention of the purposes of this article unless it can be shown that the public health or safety is threatened.”



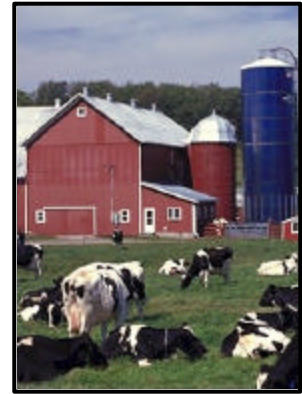
If a landowner in an Agricultural District feels that some aspect of his or her farming operation is or could be unreasonably restricted by a proposed or existing local municipal law or ordinance, that landowner has the right to request a review of the law in question by the Commissioner of Agriculture and Markets. A review procedure is currently in place to facilitate such a request. If it is determined by the Department of Agriculture and Markets that a local law or ordinance unreasonably restricts or regulates farm operations in an Agricultural District, the involved municipality is notified and an effort is made to reach a solution which addresses the concerns of both the State and the local municipality. If a resolution cannot be reached and the local municipality cannot demonstrate that the proposed or existing law or ordinance in question addresses a public health or safety threat, the Commissioner of Agriculture and Markets may bring an action in State Supreme Court to enforce Section 305-a. Conversely, the Commissioner may issue an order to the landowner to comply with the local law.

The Agriculture and Markets Law also has a provision for the coordination of local planning and land use decision making with the Agricultural Districts Program. This provision requires an Agricultural Data Statement for any application for a special use permit, site plan approval, use variance, or subdivision approval requiring municipal review when the action would occur on property within 500 feet of a farm operation located in a State certified Agricultural District. The local municipality must evaluate and consider the Agricultural Data Statement in its review of the action and consider the potential impacts of the proposed project upon the functioning of the farm operation. In addition, Section 283-a of NYS Town Law (Coordination with Agricultural Districts Program) necessitates that the clerk of the local municipal board must refer all applications requiring an Agricultural Data Statement to the County Planning Board for review as required by Sections 239-m and n of the NYS General Municipal Law. The County Planning Board is then required to evaluate and consider the Agricultural Data Statement in its review of the action.

Summary

While Cattaraugus County has a rich and varied history of productive agriculture, the erosion of the agricultural land base is inevitable due to development pressure and the uncertain economic conditions associated with the agricultural industry. It is important to the future of agriculture in Cattaraugus County that currently available tools for farmland protection be employed whenever practical. The Agricultural Districts Program is one such tool which has served the countywide effort toward farmland protection very well. While the actual acreage of land used for farming in the County has decreased by nearly five percent over the past decade, the land acreage in State

certified Agricultural Districts has increased steadily since the creation of the County's first district in 1973. This fact is clearly evidenced by the information contained in the table on Page 6 of this report. With a continued emphasis being placed on the integral role of agriculture in maintaining a strong and diversified economy in Cattaraugus County, participation in the Agricultural Districts Program has proven to be an important means by which this end can be achieved. Thousands of acres of viable farmland are no longer as vulnerable to conversion to non-farm uses due to landowner participation in this successful statewide program. As a land use of significant economic and ecological importance and as a major contributor to the tax base of Cattaraugus County, the preservation of agricultural land remains a priority for landowners and stakeholders in the farming community, as well as for County and local municipal officials. The expansion of local Agricultural Districts, which are enhanced by the landowner benefits and protections associated with the Agricultural Districts Program, have provided a foundation for the economic stability of farming in Cattaraugus County for years to come.



SOURCES OF INFORMATION FOR THE PREPARATION OF THIS REPORT:

- New York State Department of Agriculture and Markets
- New York State Department of State
- Documents and Maps Prepared by and/or on file with the Cattaraugus County Department of Economic Development, Planning & Tourism
- **Photo Credits:** New York State Department of Agriculture and Markets

If you have any questions or require additional information pertaining to either Agricultural Districts in Cattaraugus County or the New York State Agricultural Districts Program in general, please contact the Cattaraugus County Department of Economic Development, Planning & Tourism at 716-938-9111, Ext. 2320. Additional information regarding Agricultural Districts can be obtained by contacting the NYS Department of Agriculture and Markets, at 518-457-8887 or by logging on to their website www.agmkt.state.ny.us .