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**New York State**  
**Department of Agriculture and Markets**  
**10B Airline Drive**  
**Albany, New York 12235**  
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**CIRCULAR 1500**

**ARTICLE 25AAA -- AGRICULTURAL AND FARMLAND PROTECTION PROGRAMS**

**AGRICULTURE AND MARKETS LAW**  
**AS AMENDED by Chapter 527 of the Laws of 2005,**  
**effective on February 12, 2006**

## **ARTICLE 25AAA - AGRICULTURAL AND FARMLAND PROTECTION PROGRAMS**

Sec.

- 321. Statement of legislative findings and intent
- 322. Definitions
- 323. State agricultural and farmland protection program
- 324. County agricultural and farmland protection plans
- 324-a. Municipal agricultural and farmland protection plans
- 325. Agricultural protection
- 326. Promulgation of rules and regulations

### **321. Statement of legislative findings and intent**

It is hereby found and declared that agricultural lands are irreplaceable state assets. In an effort to maintain the economic viability, and environmental and landscape preservation values associated with agriculture, the state must explore ways to sustain the state's valuable farm economy and the land base associated with it. External pressures on farm stability such as population growth in non-metropolitan areas and public infrastructure development pose a significant threat to farm operations, yet are the pressures over which farmers have the least control. Local initiatives in agricultural protection policy, facilitated by the agricultural districts program established in article twenty-five-AA of this chapter, have proved effective as a basic step in addressing these pressures. In an effort to encourage further development of agricultural and farmland protection programs, and to recognize both the crucial role that local government plays in developing these strategies, plus the state constitutional directive to the legislature to provide for the protection of agricultural lands, it is therefore declared the policy of the state to promote local initiatives for agricultural and farmland protection.

### **322. Definitions**

When used in this article:

- 1. "Agricultural and farmland protection" means the preservation, conservation, management or improvement of lands which are part of viable farming operations, for the purpose of encouraging such lands to remain in agricultural production.
- 2. "Plan" means the county and municipal agricultural and farmland protection plan as provided for in this article.
- 3. "Program" means the state agricultural and farmland protection program created pursuant to the provisions of this article.

### **323. State agricultural and farmland protection program**

The commissioner shall initiate and maintain a state agricultural and farmland protection program to provide financial and technical assistance, within funds available, to counties and municipalities for their agricultural and farmland protection efforts. Activities to be conducted by the commissioner shall include, but not be limited to:

1. developing guidelines for the creation by counties and municipalities of agricultural and farmland protection plans;
2. providing technical assistance to county agricultural and farmland protection boards, as established in article twenty-five-AA of this chapter, and municipalities;
3. administering state assistance payments to county agricultural and farmland protection boards and municipalities;
4. disseminating information to county and municipal governments, owners of agricultural lands and other agricultural interests about the state agricultural and farmland protection program established pursuant to this article;
5. reporting biennially to the governor and the legislature regarding the activities of the commissioner, the types of technical assistance rendered to county agricultural and farmland protection boards and municipalities, and the need to protect the state's agricultural economy and land resources.

#### **324. County agricultural and farmland protection plans**

1. County agricultural and farmland protection boards may develop plans, in cooperation with the local soil and water conservation district and soil conservation service, which shall include, but not be limited to:
  - a) the location of any land or areas proposed to be protected;
  - b) an analysis of the following factors concerning any areas and lands proposed to be protected:
    - i) value to the agricultural economy of the county;
    - ii) open space value;
    - iii) consequences of possible conversion; and
    - iv) level of conversion pressure on the lands or areas proposed to be protected; and
  - c) a description of the activities, programs and strategies intended to be used by the county to promote continued agricultural use.
2. The county agricultural and farmland protection board shall conduct at least one public hearing for public input regarding such agricultural and farmland protection plan, and shall thereafter submit such plan to the county legislative body for its approval.
3. The county agricultural protection plan must be submitted by the county to the commissioner for approval.

#### **324-a. Municipal agricultural and farmland protection plans**

1. Municipalities may develop agricultural and farmland protection plans, in cooperation with cooperative extension and other organizations, including local farmers. These plans shall include, but not be limited to:
  - a) the location of any land or areas proposed to be protected;

- b) an analysis of the following factors concerning any areas and lands proposed to be protected;
    - i) value to the agricultural economy of the municipality;
    - ii) open space value;
    - iii) consequences of possible conversion; and
    - iv) level of conversion pressure on the lands or areas proposed to be protected; and
  - c) a description of activities, programs and strategies intended to be used by the municipality to promote continued agricultural use, which may include but not be limited to revisions to the municipality's comprehensive plan pursuant to paragraph (a) of subdivision two of section two hundred seventy-two-a of the town law and land use regulations as defined in paragraph (b) of subdivision two of section two hundred seventy-two-a of the town law as appropriate.
2. The municipality shall conduct at least one public hearing for public input regarding such agricultural and farmland protection plan, and shall thereafter submit such plan to the municipal legislative body and the county agricultural farmland protection board for approval.
  3. The municipal agricultural and farmland protection plan must be submitted by the municipality to the commissioner for approval.

### **325. Agricultural protection**

1. Subject to the availability of funds, a program is hereby established to finance through state assistance payments the state share of the costs of county and municipal agricultural and farmland protection activities. State assistance payments for planning activities shall not exceed fifty thousand dollars to each county agricultural and farmland protection board or one hundred thousand dollars to two such boards applying jointly, and shall not exceed fifty percent of the cost of preparing an agricultural and farmland protection plan. State assistance payments for planning activities shall not exceed twenty-five thousand dollars to each municipality other than a county or fifty thousand dollars to two such municipalities applying jointly, and shall not exceed seventy-five percent of the cost of preparing an agricultural and farmland protection plan. State assistance payments for implementation of approved agricultural and farmland protection plans may fund up to seventy-five percent of the cost of implementing the county plan or a portion of the plan for which state assistance payments are requested.
2. a) A county agricultural and farmland protection board, two such boards acting jointly, a municipality or two such municipalities acting jointly shall make application to the commissioner in such manner as the commissioner may prescribe. Application for state assistance payments for planning activities may be made at any time after the county agricultural and farmland protection board has formed and has elected a chairperson. A county agricultural and farmland protection board may make application for state assistance payments for plan implementation at any time after the commissioner has approved a county agricultural and farmland protection plan pursuant to section three hundred twenty-four of this article. Application made jointly by two county agricultural and

farmland protection boards may be made after such agricultural and farmland protection plan is approved by each county pursuant to the provisions of section three hundred twenty-four of this article.

- b) Within a county, a municipality which has in place a local farmland protection plan may apply and shall be eligible for agricultural protection state assistance payments to implement its plan, or a portion of its plan, provided the proposed project is endorsed for funding by the agricultural and farmland protection board for the county in which the municipality is located and that any plan developed on or after January first, two thousand six complies with section three hundred twenty-four-a of this article. State assistance payments to such municipalities shall not exceed seventy-five percent of the cost of implementing the local plan or portion of the plan for which state assistance has been requested. The commissioner may require such information or additional planning as he or she deems necessary to evaluate such a request for state assistance.
  - c) In evaluating applications for funding, the commissioner shall give priority to projects intended to preserve viable agricultural land as defined in section three hundred one of this chapter; that are in areas facing significant development pressure; and that serve as a buffer for a significant natural public resource containing important ecosystem or habitat characteristics.
3. Upon receipt of a request for state assistance, the commissioner shall review the request, consult with the advisory council on agriculture and, within ninety days from the receipt of a complete application, shall make a determination as to whether or not such projects shall receive state assistance.

### **326. Promulgation of rules and regulations**

The commissioner is empowered to promulgate such rules and regulations and to prescribe such forms as he or she deems necessary to effectuate the purposes of this article.