



County Legislature

L. Stephen Brescia, Chairman
Jean M. Ramppen, Clerk
COUNTY GOVERNMENT CENTER
255 Main Street
Goshen, NY 10924

Tel: (845) 291-4800 ☎ Fax: (845) 378-2375

August 6, 2020

Dear Landowner:

As you may know, Orange County has historically had two agricultural districts that were established in 1972 to enhance and protect farming in the County. As required by New York State Agriculture and Markets Law §303-A, the districts undergo an Eight-Year Review to determine if modification is needed. While this Review is an act of the County Legislature, the Commissioner of Agriculture and Markets makes the final determination on the district modifications.

This year, Orange County has undertaken an extensive review of the districts and is recommending the following:

1. **Removal** of parcels that are no longer in agricultural use and/or are not viable for farming
2. **Addition** of parcels that are in agricultural use and may (or may not) be receiving an agricultural tax exemption
3. **Consolidation** of the two districts into one district called Orange County Agricultural District No. 1

You are receiving this letter because you own property that has been recommended by the County for modification; your property has been recommended to be changed from District No. 2 to District No. 1.

For more information about this Review process and to learn how you can provide comments, please see the reverse public notice or visit <https://www.orangecountygov.com/268/Eight-Year-Review>. If you have further questions, you can contact Jennifer MacLeod (jmacleod@orangecountygov.com) or Kelly Morris (kdmorris@orangecountygov.com) at the Orange County Planning Department (845) 615-3840. You can also mail written comments to the Department at 124 Main Street, Goshen, NY 10924.

As noted on the reverse, there will be a public hearing on the district modifications at 3:15PM on Thursday, September 3rd in the County Government Center. We welcome your participation at this hearing. However, with the thousands of parcels involved, and in an effort make it easier for you to respond, it would be very helpful to receive public comments before the hearing.

It is important to note that the County Agricultural Districts are *not* zoning districts – changes to the County Agricultural districts will not change your town, city or village zoning. There is also no impact on property tax valuations or assessments. (If you are a farmer, an agricultural value assessment may be applied for annually and is available whether a property is in or out of a County Agricultural District). For more information visit the New York State Department of Agriculture & Markets website: <https://agriculture.ny.gov/land-and-water/agricultural-districts>.

Please do not hesitate to contact my office or the Planning Department if you have questions about this letter or the proposed modifications.

Sincerely,

L. Stephen Brescia

L. Stephen Brescia, Chairman
Orange County Legislature

NOTICE OF PUBLIC HEARING

FOR THE ANNUAL AND EIGHT YEAR REVIEW AND PROPOSED MODIFICATIONS AND CONSOLIDATION OF ORANGE COUNTY AGRICULTURAL DISTRICTS NOS. 1 AND 2 IN ACCORDANCE WITH NEW YORK STATE AGRICULTURAL AND MARKETS LAW SECTIONS 303-a AND 303-b.

NOTICE IS HEREBY GIVEN, that the Orange County Legislature and members of the Department of Planning will meet at the Chambers of the Orange County Legislature, in the Orange County Government Center, 255 Main Street, Goshen, New York, or due to the COVID-19 pandemic, the meeting will be held remotely, with the public participating via teleconference call at 3:15 p.m. (EDST) on the 3rd day of September, 2020, for the purpose of holding a public hearing and to solicit comments from the public with respect to the proposed modifications and consolidation of Agricultural Districts Nos. 1 and 2.

In 1972, Orange County created two Agricultural Districts. Orange County Agricultural District No. 1 is located northeast of NYS Route 17 (future Interstate 86) and encompasses all or parts of the Towns of Blooming Grove, Chester, Cornwall, Crawford, Goshen, Hamptonburgh, Monroe, Montgomery, Newburgh, New Windsor, Palm Tree, Wallkill and Woodbury and all or parts of the Villages of Chester, Kiryas Joel, Maybrook, Montgomery, South Blooming Grove and Washingtonville. Agricultural District No. 2 is located southwest of NYS Route 17 and encompasses all or parts of the Towns of Blooming Grove, Chester, Deerpark, Greenville, Goshen, Minisink, Monroe, Mount Hope, Wallkill, Warwick and Wawayanda and all or parts of the Villages of Chester, Florida, Goshen and Warwick. The Districts were last reviewed, renewed and modified by the Orange County Legislature in 2012 and were certified by the New York Department of Agriculture and Markets in 2013.

The Orange County Planning Department prepared a draft report, description and map of the proposed modifications and consolidation of the agricultural districts for review and approval by the Orange County Legislature. The proposed modifications and consolidation are based upon specific landowner requests, municipal comments and review by the staff of the Orange County Planning Department and Office of Real Property Tax Services. The draft report incorporates review and recommendations of the Orange County Agricultural and Farmland Protection Board.

NOTICE IS FURTHER GIVEN that the County Legislature, will hold a public hearing at the Legislative Chambers, unless the Governor's Executive Order 202.1 allowing public meetings to be held remotely by conference call or similar service is extended, in which case the Legislature may hold the public hearing via videoconferencing in order to ensure compliance with all applicable social distancing and public assemble limitations. Members of the public are invited to participate *via teleconference* by calling the telephone number and access code listed on the Orange County website under "Important documents - Notice of Public Hearing." Please call in at 3:00 p.m. on the day of the public hearing to register to speak or send written comments to the Clerk of the Legislature at JRamppen@orangecountygov.com. To the extent the public hearing is held at the Legislative Chambers, all persons attending will be required to wear a mask and to have their temperature taken for admission. The public may view the public hearing via livestreaming. Please go to the Orange County website at www.orangecountygov.com/Legislature/legislative_calendar for the link.

The Difference Between.....

Agricultural District

The State Legislature enacted the New York Agricultural Districts Law in 1971 to protect and promote the availability of land for farming purposes. Subsequent amendments have broadened its scope. The law provides a locally initiated mechanism for creating agricultural districts. Forming agricultural districts is intended to counteract the impact that non-farm development can have upon the continuation of farm businesses.

The Orange County Agricultural Districts contain agricultural land that has been recognized by the County and the New York State (NYS) Department of Agriculture and Markets as containing viable farmland that has been designated for protection from non-agricultural uses.

County Agricultural Districts 1 and 2 were created in November 1972 to encourage agricultural activities to continue on agriculturally viable land. These two districts are updated annually, with applications for enrollment due the end of every March. There is also an eight year review period, when all parcels located within a County Agricultural District are reviewed to determine if they should remain in the district or be added to the district.

Agricultural districts also provide the framework to:

- *limit unreasonable local regulation on farm practices*
- *modify public agencies' ability to acquire farmland through eminent domain*
- *modify the right to advance public funds to construct facilities that encourage development*
- *require state agencies to modify administrative regulations and procedures to encourage continuing farm businesses*
- *provide Right to Farm provisions for protection from private nuisance suits for land in agricultural districts and parcels receiving agricultural assessments outside districts*

Agricultural Assessment

Agricultural assessment is the potential for property tax reduction for land utilized for agricultural production. The main qualifier is that the farm has gross income above \$10,000 per year and the farm is more than 7A in size OR grossing \$50,000 on less than 7A. Since it is the same law that makes this assessment feasible as the Ag District Law, there is a connection but land may be outside of a district and still qualify for the assessment. Eligibility and requirements for the reduction are complicated and can be found here: https://www.tax.ny.gov/research/property/assess/valuation/ag_overview.htm

Also, benefit assessment, special ad valorem levies, or other rates and fees for the finance of improvements such as water, sewer or nonfarm drainage may not be imposed upon land used in agricultural production and within an agricultural district unless such charges were imposed prior to forming the agricultural district.

Agricultural Zoning

The agricultural district is not the same as zoning. Zoning is local land use regulations describing how a particular area can be utilized. Land zoned A (agricultural) may also be zoned for commercial or residential use and may or may not be in an agricultural district. Land in a certified agricultural district is in a New York State program to encourage the use of land for farming and is likely zoned for farming but not necessarily.

Source(s):

https://www.tax.ny.gov/research/property/assess/valuation/ag_overview.htm

Cornell Cooperative Extension | Orange County

18 Seward Ave., Suite 300

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845-344-1234

CCEOrangeCounty.org

Cornell Cooperative Extension is an employer and educator recognized for valuing AA/EEO, Protected Veterans, and Individuals with disabilities and provides equal program and employment opportunities. Please contact our office if you have special needs.

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NOTICE IS FURTHER GIVEN that all documents referenced in this Notice and relating to modifications and consolidation of said agricultural districts are available on the Orange County Planning Department's and Legislature's websites at www.orangecountygov.com. Hard copies of said documents are available at the Office of the Clerk of said County Legislature, 255 Main Street, 2nd Floor, in the Orange County Government Center, Goshen, New York, where they may be inspected or procured by any interested person during usual business hours.

BY ORDER OF THE ORANGE COUNTY LEGISLATURE

Jean M. Ramppen, Clerk

Dated: August 7, 2020