

**Appendix B: County Resolution Approving Continuance and
Modification of Orange County Agricultural District #1**

ORANGE COUNTY LEGISLATURE

Committees: Education and Economic Development; Rules, Enactments and Intergovernmental Relations

Sponsors: Bonelli, Cheney

Co-Sponsor:

Agenda No. 3

RESOLUTION NO. 232 OF 2020**RESOLUTION OF THE ORANGE COUNTY LEGISLATURE ADOPTING A PLAN FOR MODIFICATION, CONSOLIDATION AND CONTINUANCE OF ORANGE COUNTY AGRICULTURAL DISTRICTS NO. 1 AND NO. 2, PURSUANT TO SECTION 303-a OF THE NEW YORK STATE AGRICULTURE AND MARKETS LAW.**

WHEREAS, on May 11, 1973, the Orange County Legislature adopted Resolution No. 121 of 1973, approving the plan for the creation of agricultural districts in Orange County and on November 20, 1972, the Orange County Legislature formed Orange County Agricultural Districts Nos. 1 and 2; and

WHEREAS, Article 25AA of the Agriculture and Markets Law authorizes the continuance and modification of agricultural districts within the County of Orange, in accordance with the procedures set forth therein; and

WHEREAS, in accordance with NYS Agricultural & Markets Law Section 303-a, a comprehensive review of Orange County's agricultural districts was conducted in 1980, 1988 and 1996, 2005, and were most recently reviewed and approved to be continued as modified in 2013; and

WHEREAS, each year thereafter, the Orange County Legislature conducted an annual review of said agricultural districts, entertained applications for inclusion of lands by individual landowners and modified the agricultural districts accordingly.

WHEREAS, on January 25 and 26, 2020, the Clerk of the Legislature received a notification from the New York State Department of Agriculture and Markets to cause an eight year review by the Orange County Legislature of the Orange County Agricultural Districts Nos. 1 and 2; and

WHEREAS, by Resolution No. 45 of 2020, this Legislature caused the Clerk of the Legislature to publish a Notice of the Eight Year Review of said Agricultural Districts. The County Legislature also accepted individual requests for inclusion of lands based upon the annual review of said districts in accordance with NYS Agricultural and Markets Law section 303-b; and

WHEREAS, the notification for review was referred to the Orange County Planning Department and the Orange County Agricultural and Farmland Protection Board in accordance with Agriculture and Markets Law section 303; and

WHEREAS, the Orange County Department of Planning and Office of Real Property Tax Services notified the local municipalities of the proposed modifications and invited their input. Some but not all municipalities submitted their comments to the proposed modifications; and

WHEREAS, this Legislature received the proposed maps and Report of the County Agricultural and Farmland Protection Board (the "Report") and the County Planning Board concerning the review

of Orange County Agricultural Districts Nos. 1 and 2, which maps and Report contain recommendations on the district program including proposed modification, consolidation and continuation of the districts; and

WHEREAS, a public hearing on the proposal for the continuation and modification of the said Districts was held by this Legislature on September 3, at 3:15 p.m., after notice thereof was duly given in accordance with the provisions of Section 303-a & b, of the Agriculture and Markets Law, at which time, all parties in interest were given an opportunity to be heard; and

WHEREAS, Orange County Agricultural District Nos. 1 and 2 are proposed to be modified, consolidated and continued in accordance with landowner requests, municipal comments, reviews by County staff, the County Planning Board, and the Report of the County Agricultural and Farmland Protection Board; and

WHEREAS, as of 2019, there were 68,176 acres in district #1 and 94,683 acres in district #2. The 2020 review process has resulted in modifications that propose a 12% decrease in the acreage of agricultural districts, as demonstrated in Figure 3 of the Report; and

WHEREAS, an agricultural district review environmental assessment form has been prepared and no significant adverse environmental impacts are expected from this action; and

WHEREAS, the adoption of the plan for modification, consolidation and continuation of Orange County Agricultural Districts Nos. 1 and 2, as recommended by the Orange County Agricultural and Farmland Protection Board is consistent with, and in furtherance of, the legislative findings and intent of Article 25AA of the Agriculture and Markets Law.

NOW THEREFORE, BE IT, HEREBY

RESOLVED, that this Legislature assumes lead agency status and has determined that this action (Agricultural District Eight Year Review: modification, consolidation and continuation of said district(s)) will not have a significant adverse environmental impact; and be it further

RESOLVED, that this Legislature accepts the Report of the Orange County Agricultural and Farmland Protection Board and finds:

1. that Orange County Agricultural District No. 1 and 2 shall be modified, consolidated to be now known as "Orange County Agricultural District No. 1," and continued; and
2. that this determination is in accordance with landowner requests, municipal comments, reviews by County staff and the County Agricultural and Farmland Protection Board as set forth in the Report; and be it further

RESOLVED, that, the Commissioner of the Department of Planning, with the assistance of the Clerk of the Orange County Legislature, is directed to assemble and submit the district review plan along with all reports, pertinent resolutions, notices and public hearing records to the New York State Commissioner of Agriculture and Markets for certification; and be it further

RESOLVED, that, following certification, the Commissioner of the Department of Planning is directed to prepare and file the updated official maps of "newly consolidated" Agricultural District No. 1 with the State of New York in the manner specified by the New York State Commissioner of Agriculture and Markets; and be it further

RESOLVED, that following certification of Orange County Agricultural District No. 1, the Commissioner of Planning is directed to:

1. provide each municipality within the district a map depicting agricultural district lands within that municipality; and
2. file a listing of all tax parcels within Agricultural District No. 1 with the Orange County Real Property Tax Director for integration with the real property tax records of those said parcels; and be further

RESOLVED, that the Clerk of the Orange County Legislature is hereby directed to distribute copies of this resolution to the County Agricultural and Farmland Protection Board, County Planning Board, all municipalities in the County, the Commissioner of the Department of Planning and the Orange County Real Property Tax Director.

ADOPTED BY THE FOLLOWING VOTE:
Ayes 21; Noes 0

APPROVED: NOVEMBER 5, 2020



STEFAN "STEVEN" M. NEUHAUS, COUNTY EXECUTIVE

**STATE OF NEW YORK
COUNTY OF ORANGE**

THIS IS TO CERTIFY THAT I, JEAN M. RAMPEN, Clerk of the County Legislature of said County of Orange, have compared the foregoing copy of resolution with the original resolution now on file in my office and which was passed by the County Legislature of said County of Orange on the 5th day of November, 2020 and that the same is a correct and true transcript of such original resolution and the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and the official seal of said County Legislature this 6th day of November, 2020.



Clerk of the County Legislature of the County of Orange