

Annual Enrollment Period Orange County Agricultural Districts 1 & 2

Orange County has specified each March as the period during which landowners may request inclusion in its NYS Agricultural Districts. This annual process is the result of a 2002 amendment to the NYS Agricultural Districts law (the relevant section of which is shown on the following pages). During this process, parcels of land may be added; no land can be removed. The only time that lands may be removed is during the programmatic eight-year review of the districts. [The last eight year review was completed by the County in early 2013. The next time that lands could be removed would be in 2020.]

The process is straightforward. During the thirty day period, from March 1 to March 30 each year, landowners may ask to be included by sending or giving a written request to the Clerk of the Orange County Legislature (at 15 Matthews Street, Goshen, NY 10924). The minimum information to be included in the request is the following:

- 1. The Agricultural District into which the land is proposed to be included [Orange County has two districts, separated by NYS Route 17 (future I-86). District #1 is north of 17; District #2 is south of 17.]**
- 2. A description of the land to be included.**
- 3. The tax map identification number(s) of the parcel(s) to be included.**
- 4. A copy of the portion of the tax map showing the parcel(s).**

At the end of the thirty day period, requests are sent to the Orange County Agricultural and Farmland Protection Board (AFPB). The AFPB has thirty days to review the requests and make recommendations to the Orange County Legislature. The two criteria used by the AFPB in its review are whether the land(s) are “viable agricultural land” (as defined in the State Agricultural Districts law) and whether the inclusion “would serve the public interest by assisting in maintaining a viable agricultural industry within the district”. The County Legislature then holds a public hearing and acts on the request(s).

According to the NYS Agricultural Districts law “viable agricultural land” means land highly suitable for agricultural production and which will continue to be economically feasible for such use if real property taxes, farm use restrictions, and speculative activities are limited to levels approximating those in commercial agricultural areas not influenced by the proximity of non-agricultural development.

Please contact the Orange County Planning Department at 845-615-3840 if there are any questions about this process or about the Agricultural Districts in general. The Clerk of the Legislature will receive requests at the address above and may also be contacted by phone at 845-291-4800.

Excerpt from NYS Agricultural District Law regarding annual enrollment period (Article 25-AA of the NYS Agriculture and Markets Law):

303-b. Agricultural districts; inclusion of viable agricultural land

1. The legislative body of any county containing a certified agricultural district shall designate an annual thirty-day period within which a land owner may submit to such body a request for inclusion of land which is predominantly viable agricultural land within a certified agricultural district prior to the county established review period. Such request shall identify the agricultural district into which the land is proposed to be included, describe such land, and include the tax map identification number and relevant portion of the tax map for each parcel of land to be included.

2. Upon the termination of such thirty-day period, if any requests are submitted, the county legislative body shall:

a. refer such request or requests to the county agricultural and farmland protection board, which shall, within thirty days report to the county legislative body its recommendations as to whether the land to be included in the agricultural district consists predominantly of “viable agricultural land” as defined in subdivision seven of section three hundred one of this article and the inclusion of such land would serve the public interest by assisting in maintaining a viable agricultural industry within the district; and

b. publish a notice of public hearing in accordance with subdivision three of this section.

3. The county legislative body shall hold a public hearing upon giving notice in the following manner:

a. The notice of public hearing shall contain a statement that one or more requests for inclusion of predominantly viable agricultural land within a certified agricultural district have been filed with the county legislative body pursuant to this section; identify the land, generally, proposed to be included; indicate the time, date and place of the public hearing, which shall occur after receipt of the report of the county agricultural and farmland protection board; and include a statement that the hearing shall be held to consider the request or requests and recommendations of the county agricultural and farmland protection board.

b. The notice shall be published in a newspaper having a general circulation within the county and shall be given in writing directly to those municipalities whose territory encompasses the lands which are proposed to be included in an agricultural district and to the commissioner.

4. After the public hearing, the county legislative body shall adopt or reject the inclusion of the land requested to be included within an existing certified agricultural district. Such action shall be taken no later than one hundred twenty days from the termination of the thirty day period described in subdivision one of this section. Any land to be added shall consist of whole tax parcels only. Upon the adoption of a resolution to include predominantly viable agricultural land, in whole or in part, within an existing certified agricultural district, the county legislative body shall submit the resolution, together with the report of the county agricultural and farmland protection board and the tax map identification numbers and tax maps for each parcel of land to be included in an agricultural district to the commissioner.

5. Within thirty days after receipt of a resolution to include land within a district, the commissioner shall certify to the county legislative body whether the inclusion of predominantly viable agricultural land as proposed is feasible and shall serve the public interest by assisting in maintaining a viable agricultural industry within the district or districts.

6. If the commissioner certifies that the proposed inclusion of predominantly viable agricultural land within a district is feasible and in the public interest, the land shall become part of the district immediately upon such certification.