

RESOLUTION NO. 2015059

RE: ADOPTING THE DUTCHESS COUNTY AGRICULTURAL AND FARMLAND PROTECTION PLAN DEVELOPED BY THE DUTCHESS COUNTY AGRICULTURAL AND FARMLAND PROTECTION BOARD AND SUBMISSION THEREOF TO THE NEW YORK STATE COMMISSIONER OF AGRICULTURE AND MARKETS FOR APPROVAL.

Legislators MICCIO, PULVER, HORTON, HUTCHINGS, SAGLIANO, WEISS, FARLEY, and STRAWINSKI offer the following and move its adoption:

WHEREAS, the Dutchess County Agricultural and Farmland Protection Board ("the Board") is authorized and empowered by Article 25-AAA Section 324-a of the New York State Agriculture and Markets Law to develop a county Agricultural and Farmland Protection Board; and

WHEREAS, in 1998, the Board developed an Agricultural and Farmland Protection Plan, which upon completion was presented to and adopted by the Dutchess County Legislature (Resolution No. 980039) and consequently certified by the New York State Commissioner of Agriculture; and

WHEREAS, in 2013, Dutchess County was awarded a Farmland Protection Planning Grant by the New York State Department of Agriculture and Markets to complete an update to the 1998 Agricultural and Farmland Protection Plan; and

WHEREAS, the Board subsequently has worked to develop the updated Dutchess County Agricultural and Farmland Protection Plan; and

WHEREAS, on December 22, 2014, the Board approved a Resolution requesting that the updated Dutchess County Agricultural and Farmland Protection Plan be adopted by the Dutchess County Legislature and submitted to the Commissioner of Agriculture and Markets for approval under the provisions of the Agriculture and Markets Law; and

WHEREAS, the Dutchess County Planning Board has recommended adoption of the Agricultural and Farmland Protection Plan in Resolution 01/2015; and

WHEREAS, the Board has conducted public meetings and held a public hearing on the proposed Plan, a copy of which is attached hereto and now submits such for approval, and

WHEREAS, adoption of this Plan shall not be construed as a financial commitment on the part of Dutchess County to any program or position, and

WHEREAS, approval of the Plan by Dutchess County and subsequent approval by the Commissioner of the New York State Department of Agriculture and Markets will make Dutchess County eligible for State Agricultural Protection Grants to implement Plan strategies, now, therefore be it

RESOLVED, that the Plan submitted by the Board is approved, and, be it further

RESOLVED, that the Plan be submitted to State Commissioner of Agriculture and Markets for approval.

CA-047-15

EW/JMF/kvh

G-1624

Fiscal Impact: See attached statement

STATE OF NEW YORK

ss:

COUNTY OF DUTCHESS

This is to certify that I, the undersigned Clerk of the Legislature of the County of Dutchess have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 9th day of March 2015, and that the same is a true and correct transcript of said original resolution and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of said Legislature this 9th day of March 2015.

CAROLYN MORRIS, CLERK OF THE LEGISLATURE

FISCAL IMPACT STATEMENT

NO FISCAL IMPACT PROJECTED

APPROPRIATION RESOLUTIONS (To be completed by requesting department)

Total Current Year Cost \$ 0

Total Current Year Revenue \$ 0
and Source

Source of County Funds (check one): Existing Appropriations, Contingency,
 Transfer of Existing Appropriations, Additional Appropriations, Other (explain).

Identify Line Items(s):

Related Expenses: Amount \$ _____

Nature/Reason:

Anticipated Savings to County: _____

Net County Cost (this year): _____
Over Five Years: _____

Additional Comments/Explanation:

Adoption of the plan results in no commitment of funds by the County.

Prepared by: Eoin Wrafter

Prepared On: 2/17/15

McKinney's Consolidated Laws of New York Annotated
Agriculture and Markets Law (Refs & Annos)
Chapter 69. Of the Consolidated Laws
Article 25-Aaa. Agricultural and Farmland Protection Programs

McKinney's Agriculture and Markets Law § 324-a

§ 324-a. Municipal agricultural and farmland protection plans

Effective: February 12, 2006

Currentness

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.

Credits

(Added L.2005, c. 527, § 3, eff. Feb. 12, 2006.)

McKinney's Consolidated Laws of New York Annotated Agriculture and Markets Law (Refs & Annos) Chapter 69. Of the Consolidated Laws Article 1. Short Title; Definitions; Matters of Public Interest (Refs & Annos)
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McKinney's Agriculture and Markets Law § 2

§ 2. Definitions

Currentness

When used in this chapter, unless otherwise expressly stated, or unless the context or subject matter otherwise requires:

1. "Department" means the state department of agriculture and markets;
2. "Commissioner" means the commissioner of agriculture and markets.
3. The terms "food" and food "products," shall include all articles of food, drink, confectionery or condiment, whether simple, mixed or compound, used or intended for use by man or animals, and shall also include all substances or ingredients to be added to food for any purpose;
4. The production of foods means the producing of food upon the farm or elsewhere by the tillage of the soil, the commercial raising, shearing, feeding and management of animals or other agricultural, horticultural, ranching or dairying processes and shall also include the manufacture of foods.
5. "Farm product" means any agricultural, dairy or horticultural product, or any product designed for food manufactured or prepared principally from an agricultural, dairy or horticultural product and the commercial raising, shearing, feeding and management of animals on a ranch.

Credits

(L.1922, c. 48. Amended L.1927, c. 207; L.1929, c. 207; L.1935, c. 16, § 2; L.1983, c. 124, § 2.)

Notes of Decisions (1)

McKinney's Agriculture and Markets Law § 2, NY AGRI & MKTS § 2
Current through L.2014, chapters 1 to 552.