

RESOLUTION NO. 2016131

RE: ESTABLISHING A PUBLIC HEARING PURSUANT TO AGRICULTURE AND MARKET LAW SECTION 303-b, TO CONSIDER RECOMMENDATIONS OF THE AGRICULTURE AND FARMLAND PROTECTION BOARD TO CONSIDER REQUESTS THAT PROPERTY OWNERS BE INCLUDED WITHIN DUTCHESS COUNTY CERTIFIED AGRICULTURE DISTRICTS 20, 21, 22 AND 23

Legislators FORMAN, MICCIO, STRAWINSKI, WASHBURN, PULVER, HORTON, and TRUITT offer the following and move its adoption:

WHEREAS, in accordance with New York State Agriculture and Markets Law Section 303-b, the Dutchess County Legislature pursuant to Resolution No. 204098 established an annual thirty (30) day period in which landowners may submit requests to the County Legislature to include predominantly and viable Agriculture land within an existing Certified Agricultural District, and

WHEREAS, a notice to all owners of viable farmland in Dutchess County was publicized, and

WHEREAS, the requests by property owners for inclusion of their property within an existing Agricultural District were referred to the Agriculture and Farmland Protection Board, and

WHEREAS, the Agriculture and Farmland Protection Board has issued a report containing recommendations as to the requests of individual property owners for inclusion of their property in an existing Agricultural District, and

WHEREAS, the County Legislature is required to adopt or reject the proposed inclusion of land in an existing Agricultural District following a Public Hearing pursuant to Agriculture and Markets Law Section 303-b, now, therefore, be it

RESOLVED, that the Dutchess County Legislature hereby establishes July 11, 2016, as the date for a Public Hearing pursuant to the recommendations of the Agriculture and Farmland Protection Board at 7:00 o'clock P.M. and that the Clerk of the County Legislature hereby is directed to publish a Notice of Public Hearing in accordance with the provisions of Subdivision 3 of the Section 303-b of the Agriculture and Markets Law and that written notice of the Public Hearing be given directly to those municipalities whose territory encompasses the lands which are proposed to be included in an Agricultural District and a notice shall also be sent to the Commissioner of the New York State Department of Agriculture and Markets.

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 13th day of June 2016, 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 13th day of June 2016.

CAROLYN MORRIS, CLERK OF THE LEGISLATURE

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

McKinney's Agriculture and Markets Law § 303-b

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

Effective: September 17, 2003

Currentness

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.

Credits

(Added L.2003, c. 523, § 1, eff. Sept. 17, 2003.)

McKinney's Agriculture and Markets Law § 303-b, NY AGRI & MKTS § 303-b
Current through L.2016, chapters 1 to 34, 50 to 60.

Environment and Community Development
Amended 4-1-04

RESOLUTION NO. 204098

RE: DESIGNATING AN ANNUAL THIRTY (30) DAY PERIOD FROM
MAY 3 THROUGH JUNE 1 WITHIN WHICH LANDOWNERS
MAY REQUEST THEIR PROPERTY BE INCLUDED WITHIN
DUTCHESS COUNTY CERTIFIED AGRICULTURAL
DISTRICTS 20, 21, 22 OR 23

Legislators MOLINARO, HORTON, HUTCHINGS, KELLY, COOPER,
REILLY, SEARS, SWARTZ, and FETTES offer the following and move its adoption:

WHEREAS, there are four (4) certified agricultural districts within Dutchess County –
Dutchess County Agricultural District 20, 21, 22 and 23, and

WHEREAS, recent amendments to NYS Agriculture and Markets Law Section 303-b,
require each County to establish an annual thirty (30) day period during which landowners may
submit requests to that county's legislative body, to include their predominately viable
agricultural land within an existing certified agricultural district, and

WHEREAS, after the annual thirty (30) day period, the legislative body refers those
requests to the Agricultural and Farmland Protection Board, which in turn, within thirty days of
such referral, submits its report and recommendations thereon to the legislative body, and

WHEREAS, thereafter, but not later than one hundred twenty (120) days after the close
of the annual thirty (30) day period, the legislative body, upon public notice, holds a public
hearing to consider if it should adopt or reject those requests and takes action thereon, and

WHEREAS, promptly thereafter, the legislative body submits its resolution together with
the report and recommendations of the 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 of Agriculture and Markets, and

WHEREAS, within thirty (30) days after receipt of such resolution, the Commissioner of
Agriculture and Markets certifies to the legislative body whether the inclusion of predominately
viable agricultural land as proposed, is feasible, and shall serve the public interest in assisting
and maintaining a viable agricultural industry within the district, and

WHEREAS, immediately upon certification the affected land becomes a part of the
designated agricultural district, now, therefore, be it

RESOLVED, that the Dutchess County Legislature hereby establishes an annual thirty (30) day period commencing on May 3, 2004 and terminating on June 1, 2004 during which period landowners may submit requests to this Legislature to include their predominately viable agricultural land in an existing certified agricultural district, all as set forth above, and as further required by law, and be it further

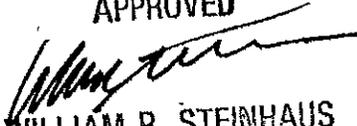
RESOLVED, that for all calendar years subsequent to 2004 that the Dutchess County Legislature hereby establishes an annual thirty (30) day period commencing on April 15 and terminating on May 14 during which period landowners may submit requests to this Legislature to include their predominately viable agricultural land in an existing certified agricultural district, all as set forth above, and as further required by law, and be it further

RESOLVED, any such requests shall be submitted to the Clerk of the Dutchess County Legislature at her offices at 22 Market Street, Poughkeepsie, New York and shall identify the agricultural district into the 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, and be it further

RESOLVED, any land to be included within the Agricultural District, shall consist of whole tax parcels only.

CA-57-04
G-1063-B Agricultural Districts/Designation
ADR:dt/ca
3/15/04
Fiscal Impact: See attached statement

APPROVED

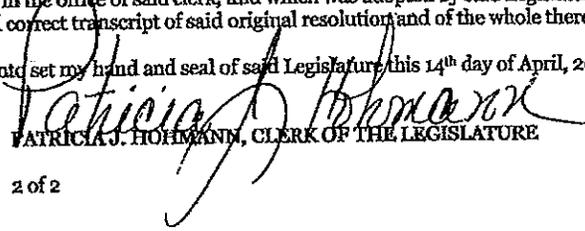

WILLIAM R. STEINHAUS
COUNTY EXECUTIVE

Date 4/22 2004

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 14th day of April, 2004, 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 14th day of April, 2004.


PATRICIA J. HOHMANN, CLERK OF THE LEGISLATURE