

**RESOLUTION NO. 557 -2016, ADOPTING LOCAL LAW  
NO. 18 -2016, A LOCAL LAW TO IMPROVE AND  
STRENGTHEN THE COUNTY'S PURCHASE OF  
DEVELOPMENT RIGHTS PROGRAM**

**WHEREAS**, there was duly presented and introduced to this County Legislature at a meeting held on May 10, 2016, a proposed local law entitled, "**A LOCAL LAW TO IMPROVE AND STRENGTHEN THE COUNTY'S PURCHASE OF DEVELOPMENT RIGHTS PROGRAM**"; now, therefore be it

**RESOLVED**, that said local law be enacted in form as follows:

**LOCAL LAW NO. 18 -2016, SUFFOLK COUNTY, NEW YORK**

**A LOCAL LAW TO IMPROVE AND STRENGTHEN THE  
COUNTY'S PURCHASE OF DEVELOPMENT RIGHTS  
PROGRAM**

**BE IT ENACTED BY THE COUNTY LEGISLATURE OF THE COUNTY OF  
SUFFOLK**, as follows:

**Section 1. Legislative Intent.**

This Legislature hereby finds and determines that the County of Suffolk has a long history of agricultural production, dating back to the 17<sup>th</sup> Century.

This Legislature finds and determines that Suffolk County ranks third out of 62 counties in the State of New York in terms of value of agricultural products sold according to the Census of Agriculture of 2012.

This Legislature finds that the agricultural industry is an essential component of Suffolk County's current economy.

This Legislature determines that more than 39,000 acres of Suffolk County land is in active commercial agricultural production according to the 2015 Suffolk County Agricultural and Farmland Protection Plan.

This Legislature also finds that Suffolk County has a long and successful history of farmland preservation, evidenced by 10,665.6 acres of viable farmland permanently protected since 1974 through this nation's first purchase of development rights program.

This Legislature further finds that it continues to be in the best interests of the County and its residents to preserve farmlands under the Suffolk County Purchase of Development Rights Program.

This Legislature determines that the agricultural industry on Long Island has evolved since the inception of this program and it is necessary to modify the program's policies and procedures to streamline the County's acquisition of farmland development rights.

This Legislature further determines that the Purchase of Development Rights Program should be amended to (i) facilitate the preparation of a Comprehensive Master List of properties for proposed agricultural acquisitions and (ii) allow the Farmland Committee to review PDR applications on an ongoing basis as opposed to the current biannual basis.

Therefore, the purpose of this law is to amend Chapter 8 of the Suffolk County Code to strengthen the County's ability to conserve and protect viable farmlands and active agricultural operations for current and future generations of County residents.

## **Section 2. Amendments.**

Chapter 8 of the SUFFOLK COUNTY CODE is hereby amended as follows:

### **§ 8-5. Acquisition of development rights.**

A. Application [biannual] review process. [A biannual review period shall be designated in order to maximize the County's financial resources while preserving its valuable natural resources, including, but not limited to, its viable agricultural soils and sole-source aquifer.] The review process for the Purchase of Development Rights (PDR) of agricultural lands is initiated upon receipt of a complete application that shall be submitted to the Division at least two weeks before a meeting of the Suffolk County Farmland Committee, at which time the application will be eligible for consideration. Upon consideration and approval of the proposed PDR of agricultural land(s) by the Suffolk County Farmland Committee, Division staff is directed to seek a legislative resolution within five (5) business days of the Suffolk County Farmland Committee meeting to initiate the appraisal steps process.

(1) Review of new parcels.

(a) New parcels shall include those parcels that have never been reviewed by the Committee for inclusion in the Purchase of Development Rights Program; those parcels whose approval by the Suffolk County Legislature for planning/appraisal steps under the Purchase of Development Rights Program has expired; or those parcels that were denied by the Committee and/or the Suffolk County Legislature for inclusion in the Purchase of Development Rights Program but for which a substantive change in the preservation proposal has occurred, as determined by the Committee.

(b) Each landowner of a new parcel interested in participating in the Purchase of Development Rights Program shall submit an application to the Division at least two weeks before a meeting of the Suffolk County Farmland Committee in order to be considered for inclusion in the Program at that meeting.

[(c) Each complete application received by the Division by the last day of January shall be considered by the Committee at its March meeting or subsequent meeting held after March. Each complete application received by the Division by the last day of July shall be considered by the Committee at its September meeting or subsequent meeting held after September.]

[(d)](c) Within five years of rejecting the County's offer or expiration of the County's offer, the landowner may resubmit an application but the landowner must bear the expense incurred by the County associated with the application process, including, but not limited to: surveys, title searches, appraisals, and environmental assessments. Furthermore, the landowner will be required to follow the [biannual] review process in the same manner as a new parcel outlined in this section. After five years of rejecting the County's offer or expiration of the County's offer, the landowner can resubmit an application free of charge. [1] In the case of a landowner death, the surviving tenant by the entirety or devisee can resubmit a parcel application within the five-year window without bearing the expenses incurred by the County.

[(e) Applications may be considered by the Committee outside of the biannual review period if there is a necessity for review, such as estate concerns resulting from the sudden death of the landowner(s) or financial hardship resulting from crop failure or similar imperative, and if the proposed preservation is consistent with the applicable County, town and/or village comprehensive plans and/or agricultural and farmland protection plans. In addition, a referral made by a Suffolk County Legislator, a town or village within the County and/or a not-for-profit conservation organization may be considered outside of the biannual review period, provided that the proposed preservation is consistent with the applicable County, town and/or village comprehensive plans and/or agricultural and farmland protection plans.]

(2) Comprehensive M[aster L]ist [for farmland.] of Agricultural Lands

(a) [Every six months, the Committee shall establish a comprehensive master list that prioritizes all of the parcels the Committee recommends for inclusion in the Purchase of Development Rights Program.] The staff of the Division may prepare a Comprehensive Master List of Agricultural Lands for consideration by the Suffolk County Farmland Committee. It will not include parcels that are in negotiations, that are in contract or that have been approved for acquisition by resolution of the County Legislature.

(b) The Committee shall prioritize the parcels in a manner that maximizes the County's financial resources while protecting the County's most significant agricultural resources.

(c) Upon approval by the Suffolk County Farmland Committee, t[he] C[omprehensive M[aster L]ist of Agricultural Lands shall be recommended to the Suffolk County Executive and Suffolk County Legislature for adoption by legislative resolution. [following the Farmland Committee's March meeting or its subsequent meeting, as well as following the Farmland Committee's September meeting, or its subsequent meeting.]

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**Section 3. Applicability.**

This law shall apply to all actions occurring on or after the effective date of this law.

**Section 4. Severability.**

If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity, or

circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

**Section 5. SEQRA Determination.**

This Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this law constitutes a Type II action pursuant to Section 617.5(c)(20), (21), and/or (27) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the meaning of Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency administration, management and information collection. The Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this law.

**Section 6. Effective Date.**

This law shall take effect immediately upon its filing in the Office of the Secretary of State.

[ ] Brackets denote deletion of existing language  
\_\_\_ Underlining denotes addition of new language

DATED: June 21, 2016

APPROVED BY:

/s/ Steven Bellone  
County Executive of Suffolk County

Date: July 14, 2016

After a public hearing duly held on July 5, 2016  
Filed with the Secretary of State on August 3, 2016