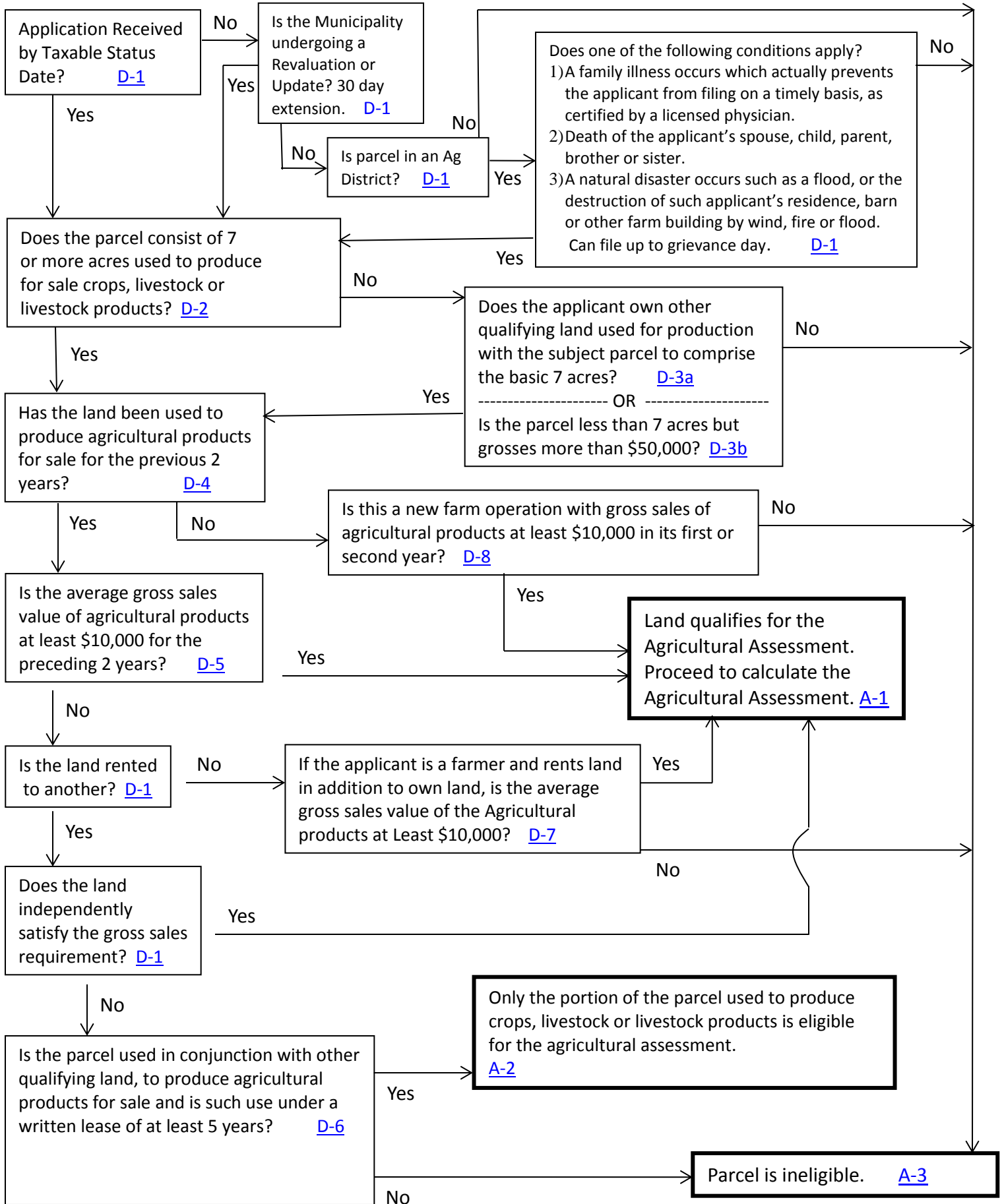


Agricultural Assessment Decision Charts

The following chart is a guide for the determination of eligibility for an Agricultural Assessment. The chart and descriptions are for informational purposes only and do not constitute legal advice, the local assessor makes the decision for the approval or denial of an agricultural assessment

[**Agricultural Assessment Chart**](#)

DETERMINING ELIGIBILITY FOR AGRICULTURAL ASSESSMENT



EXPLANATORY MATERIAL FOR DETERMINING AGRICULTURAL ASSESSMENTS

Background

The agricultural assessment program allows eligible farmland located both within and outside agricultural districts to be taxed at its agricultural assessment, rather than at its fair market value.

An agricultural district delineates viable agricultural lands and should not be confused with a municipality's zoning map or law. Agricultural district boundaries are often irregular and not necessarily contiguous. Maps outlining agricultural districts are filed at the county clerk's office. Planning departments and Cornell Cooperative Extension offices usually have copies of the maps for reference. Assessment rolls should indicate parcels that are within an agricultural district.

The agricultural assessment value establishes an "upper limit" for taxable assessments on eligible farmland. Any assessed value which exceeds the equalized agricultural assessment on the land is exempt from real property taxation.

D-1 Application received by taxable status date?

No agricultural assessment can be granted unless the owner files an application on or before taxable status date. Only an owner of property can apply for an agricultural assessment.

The landowner's first step in applying for an agricultural assessment is to go to the local Soil and Water Conservation District (SWCD) office. All farmland to be enrolled in the program is classified by soil productivity. A district technician plots each tax parcel of the farm on a soil map, and calculates the acreage in each soil group. The landowner should work with the technician to outline woodland areas and ineligible areas. The landowner may exclude any area from the program and this area should be clearly defined. The technician records the information on a Soil Group Worksheet, form APD-1 (formerly RA-100). The landowner may be charged a fee by SWCD to cover the cost of this service.

In the event that there is an excessive workload at the Soil and Water Conservation District Office to prepare soil group worksheets for all applicants, the soil group worksheet may be submitted after taxable status date as long as all other forms are filed by taxable status date.

The landowner, in turn, transfers this soils information to the Agricultural Assessment Application, RP-305 (EA-305), and indicates any farm woodland on the parcel. The landowner must complete an application form for each separately assessed parcel.

For the initial application, the landowner submits the completed RP-305 form(s) along with copies of the completed APD-1 form and the soil map to the assessor by taxable status date. The assessor will keep the soil group worksheet on file for subsequent years.

The filing date is extended to the 30th day prior to the tentative roll filing date, if the municipality is undergoing an update or reassessment.

The filing date is also extended to the last date for filing a complaint on an assessment, if the property is located within an agricultural district and one of the following conditions apply:

- 1) A family illness occurs which actually prevents the applicant from filing on a timely basis, as certified by a licensed physician.

- 2) Death of the applicant's spouse, child, parent, brother or sister.
- 3) A natural disaster occurs such as a flood, or the destruction of such applicant's residence, barn or other farm building by wind, fire or flood.

D-2 Does the parcel consist of 7 or more acres used to produce for sale crops, livestock or livestock products?

Land used in agricultural production means not less than 7 acres of land used as a single operation* in the preceding two years for the production for sale of crops, livestock or livestock products. Land used in agricultural production shall also include:

- a. *Rented land which independently otherwise satisfies the requirements for eligibility for an agricultural assessment.*
- b. *Land of not less than 7 acres used as a single operation for the production for sale of crops, livestock or livestock products, exclusive of woodland products, which does not independently satisfy the gross sales value requirement, where such land was used in such production for the preceding two years and currently is being so used under a written rental arrangement of five or more years in conjunction with land which qualifies for an agricultural assessment.*
- c. *Land used in support of a farm operation or land used in agricultural production, constituting a portion of a parcel, as identified on the assessment roll, which also contains land qualified for an agricultural assessment.*
- d. *Farm woodland which is part of a parcel which is qualified for an agricultural assessment provided however, that such farm woodland attributable to any separately described and assessed parcel shall not exceed fifty acres.*
- e. *Land set aside through participation in a federal conservation program pursuant to title one of the federal food security act of nineteen hundred eighty-five or any subsequent federal programs established for the purposes of replenishing highly erodible land which has been depleted by continuous tilling or reducing national surpluses of agricultural commodities.*
- f. *Land of not less than 7 acres used as a single operation in the preceding two years for the production for sale of crops, livestock or livestock products of an average gross sales value of ten thousand dollars or more, or land of less than 7 acres used as a single operation in the preceding two years for the production for sale of crops, livestock or livestock products of an average gross sales value of fifty thousand dollars or more.*
- g. *Land of not less than 7 acres used to support a commercial horse boarding operation or a commercial equine operation during the past two years.*

**Single Operation* means land used in agricultural production, whether owned or rented, that as a group comprises one distinct agricultural business enterprise. It is not required that the lands be contiguous nor in the same assessing unit.

Land actually used to produce crops, livestock or livestock products may include cropland, muck, orchards, Vineyards, pasture and managed silvopasture.. For this purpose crops, livestock and livestock products include, but are not limited to, the following: field crops, fruits, vegetables, horticultural specialties, Christmas trees, cattle, horses, poultry, ratites, wool bearing animals such as alpacas and llamas, milk, eggs, furs, maple sap or syrup, honey, beeswax, royal jelly, bee pollen, propolis, package bees, nucs, queens, aquacultural products and woody biomass.

Lands that are idle due to participation in federal farm programs for the purposes of reducing national surpluses or for conservation are considered land used in agricultural production

If 7 acres or more of the subject parcel(s) were actually used as a single operation in the preceding 2 years to produce for sale crops, livestock or livestock products, then the 7-acre minimum is met.

Newly planted orchards, vineyards or Christmas trees of a newly established farm operation. Land of not less than seven acres used solely by a newly-established farm operation for new orchards or vineyards may qualify for an agricultural assessment for four years after planting, notwithstanding the fact that no crops are produced for sale. Land of not less than seven acres used solely by such a farm operation for new Christmas trees may qualify for an agricultural assessment for five years after planting, notwithstanding the fact that no trees are harvested for sale. Eligible fruit trees, grape vines, or Christmas trees may be planted in the new farm's first or second year of operation.

Support land is not included in meeting the 7-acre minimum. This acreage may receive an agricultural assessment if the subject parcel qualifies, but this acreage does not contribute toward meeting the 7-acre requirement.

Support land means land constituting a portion of a parcel, as identified on an assessment roll, which also contains land qualified to receive an agricultural assessment. Examples of this type of land include, but are not limited to farm ponds, swamps used for drainage, land used for erosion control, hedgerows, access roads, land under farm buildings, dikes and levies used for flood protection, drainage ditches and land used for farm waste management. Support land may also include any other minor acreage that is located amid, between or on the perimeter of cropland, orchards, vineyards and land used to pasture livestock, so long as the land is not farm woodland or nonagricultural land. Support land further may include a buffer area owned and maintained by an apiary products operation between the operation and adjacent landowners. (The total area of an apiary products operation, including support land, may not exceed ten acres.) Support land does not include land used under agricultural amusements.

Support land also includes any other *spatially integrated* land that constitutes a minor portion of a parcel, where such land is located amid, between, or on the perimeter of the cropland, orchards, vineyards, land that is actually used for pasturing livestock, managed Christmas tree plantations and sugarbushes, and does not constitute farm woodland or nonagricultural land.

Farm woodland means land used for the production of woodland products, intended for sale, including but not limited to logs, lumber, posts and firewood. Such land must have a forest growth of suitable character and distribution as to give assurance that a stand of merchantable timber will be developed within a reasonable time.

Farm woodland must be part of land otherwise qualified for an agricultural assessment and contiguous with croplands, orchards, vineyards, pasture, managed Christmas tree plantations, or sugarbush. Land bisected by federal, state, county or town roads, energy transmission corridors and similar facilities will be considered contiguous.

Farm woodland does not include land used as silvopasture as long as the silvopasture acreage limit is not exceeded, but if there is any silvopasture acreage over the limit, the excess acreage should be treated as farm woodland. Silvopasturing is defined as the intentional combination of trees, forages and livestock managed as a single integrated practice for the collective benefit of each, including the planting of appropriate grasses and legume forages among trees for sound grazing and livestock husbandry. Land used in silvopasturing is limited to up to ten fenced acres per large livestock (including cattle, horses and camelids) and up to five fenced acres per small livestock (such as sheep, hogs, goats and poultry).

Note: Where there exists more than 50 acres of farm woodland in a separately assessed parcel, the excess farm woodland will receive a regular assessment. It is at the landowner's discretion to determine where the excess woodland is located on the parcel. The map must show the precise location of the excess farm woodland. Since this excess woodland area will not be receiving an agricultural assessment, it will not be liable for payments if conversion to a nonagricultural use occurs.

It is also the right of the landowner to use his/her discretion in selecting which lands will be entered in the agricultural assessment program. If the landowner chooses to withdraw or keep certain portions of a parcel

out of this program, he/she may do so and such portion should be clearly designated on the soil group worksheet, and the location understood by the assessor. The portion of a parcel which has not benefitted from an agricultural assessment will not be subject to payments for converting land to a nonagricultural use.

D-3a Does the applicant own other qualifying land used for production with the subject parcel to comprise the basic 7 acres?

Frequently, farm operations are made up of more than one parcel. Therefore, land in other separately assessed parcels owned by the applicant and used together with the subject parcel may be added together to meet the 7-acre minimum. The term "single operation" defined above in section D-2 guides the assessor to look at the entire farm operation ignoring parcel, town or county boundaries. Only land actually used to produce for sale crops, livestock, or livestock products counts toward meeting the 7-acre minimum; support land, farm woodland, and nonagricultural land are not counted.

----- **OR** -----

D-3b Is the Parcel Less Than 7 Acres But Grosses More Than \$50,000?

As of 1995, agricultural land consisting of less than 7 acres is eligible for an agricultural assessment. Such land must meet all other eligibility requirements and have produced for sale, in the preceding two years, crops, livestock or livestock products of an average gross sales value of \$50,000 or more.

D-4 Has the land been used to produce agricultural products for sale for the previous two years?

To be eligible to receive an agricultural assessment, the land must have been actively used for the production of crops, livestock, or livestock products for the previous two years.

It is not necessary for the land to have been under the current ownership for two years to qualify. The two-year use requirement does not stipulate that the property had to be owned by the same individual for the two years.

D-5 Is the average gross sales value of agricultural products at least \$10,000 for the preceding two years?

To be eligible to receive an agricultural assessment, the land must have produced crops, livestock, or livestock products of an average gross sales value of at least \$10,000 for the two years preceding an application. Where farm operations consist of more than one tax parcel, this requirement may be satisfied by including the agricultural products produced on other parcels owned or rented by the applicant, and used together with the subject parcel. Determine the average gross receipts from the sale of agricultural products produced in the last two years by adding the actual gross receipts from all qualified lands for each year and dividing the sum by two. If the result is greater than \$10,000, then this eligibility requirement is satisfied.

Up to \$2,000 per year of the \$10,000 average gross sales requirement may come from the sale of woodland products (logs, lumber, firewood, etc.) produced on farm woodlands (not to exceed 50 acres for any separately described and assessed parcel) eligible to receive an agricultural assessment.

Gross sale value means the proceeds from the sale of:

- a. Crops, livestock and livestock products produced on land used in agricultural production provided that whenever a crop is processed for sale, proceeds shall be based upon the market value of such crop in its unprocessed state;
- b. Woodland products from farm woodland eligible to receive an agricultural assessment, not to exceed two thousand dollars annually;
- c. Honey and beeswax produced by bees in hives located on an otherwise qualified farm operation but which does not independently satisfy the gross sales requirement;

- d. Maple syrup processed from maple sap produced on land used in agricultural production in conjunction with the same or an otherwise qualified farm operation.
- e. Payments received by reason of land set aside pursuant to participation in certain federal farm programs for the purposes of reducing national surpluses or for conservation.
- f. Payments received by thoroughbred breeders pursuant to section two hundred fifty-four of the racing, pari-mutuel wagering and breeding law.
- g. Compost, mulch or other organic biomass crops produced on land used in agricultural production, not to exceed five thousand dollars annually.

Whenever a crop grown on the applicant's land or land the applicant rents from another is processed on the farm before sale, the law permits the applicant to include the market value of the unprocessed crop for purposes of satisfying the average gross sales value requirement. The applicant should list the average market value of the crop for each of the preceding two years in which such crops were harvested. Published sources may be used to substantiate the market value of crops in their unprocessed state. The market value may be determined using published price information from the New York State Agricultural Statistics Service or other verifiable sources. The quantity of production prior to processing should be substantiated by the applicant in a manner acceptable to the assessor.

An exception to the average gross sales requirement may be made in instances where acts of God, natural disasters, or continued adverse weather conditions have destroyed a substantial amount of agricultural production so that the minimum \$10,000 average gross sales value cannot be met. In these situations the land may still qualify for an agricultural assessment. The application along with form RP-305-b , *Application for Exception from Minimum Average Sales Value Requirement of Article 25-AA of the Agriculture and Markets Law* is necessary. Form RP-305-b requires the applicant to substantiate the loss and to certify that the land is normally capable of producing agricultural products of an average gross sales value of at least \$10,000.

D-6 Is the parcel used to produce agricultural products for sale under a written lease of at least five years in conjunction with other qualifying land?

When the applicant rents his/her land to another person, any portion of the subject parcel that was used as a single operation in the preceding two years to produce agricultural products, exclusive of woodland products, may be eligible. There must be at least 7 acres of agricultural land to qualify for the agricultural assessment. The number of years that the rental arrangement covers should be recorded on the application. The land must be subject to a rental agreement for a term of at least five years.

A *rental arrangement* is defined as a written lease signed by both of the parties to the agreement. An applicant must substantiate the term and existence of the rental arrangement by filing with the assessor either a copy of the lease or an affidavit attesting to the existence of a written lease for RP-305-C, *Written Lease Affidavit For Rented Land*.

Land under a rental arrangement must be used together with other land which qualifies for an agricultural assessment. An applicant must supply pertinent information on the parcels with which the subject parcel is farmed.

This information is necessary for the assessor to determine whether this other land indeed qualifies for an agricultural assessment.

When the assessor is satisfied that the requirements are met, the rented land is eligible for an agricultural assessment. However, rented land that qualifies under these circumstances may receive an agricultural assessment only on land that is actually used to produce crop, livestock or livestock products. Farm woodland and support land cannot receive an agricultural assessment.

D-7 If the applicant is a farmer and rents land in addition to own land, is the average gross sales value of the agricultural products at least \$10,000?

An applicant may combine the proceeds from the sale of agricultural products produced on land he/she rents and his/her own land to satisfy the gross sales requirement.

D-8 Is this a new farm operation with gross sales of agricultural products at least \$10,000 in its first or second year?

If The land used in agricultural production is a newly-established farm operation and has annual gross sales of \$10,000 and seven or more acres in agricultural production, or annual gross sales of \$50,000 and less than seven such acres, in the first or second year of production, and meets the other eligibility requirements does not have to meet the two year use requirement. If the newly-established farm is a commercial horse boarding operation, no less than seven acres must be used to support the horse boarding operation, at least ten horses must be boarded, and the operation must have annual gross receipts of \$10,000 or more.

A-1 Land qualifies for an agricultural assessment. Proceed to calculate the agricultural assessment.

To compute the agricultural assessment the assessor needs to refer to the appropriate final certified agricultural assessment per acre for each soil group or subdivision thereof, and for farm woodland, published every year by the Office of Real Property Tax Services. The assessor should then multiply the acreage totals, or the modified acreage total, by the certified agricultural assessment per acre.

The total certified agricultural assessment should then be multiplied by the latest state equalization rate or special equalization rate. The result of the computation is the total agricultural assessment.

Not all the land in every parcel is eligible for an agricultural assessment. In addition, improvements are not eligible, except for fruit and tree/vine support structures not qualified for a Real Property Tax Law Section 483 exemption.

Subtract the total agricultural assessment of eligible land from the total assessment attributable to the eligible land.

If there is any excess amount, this is the exempt portion. If there is no excess amount, there is no exempt amount to be entered on the assessment roll.

A-2 Land qualifies for an agricultural assessment. Only the portion of the parcel used to produce crops, livestock, or livestock products qualifies for the agricultural assessment.

In the situation where rented land meets all eligibility requirements with the exception of the gross sales requirement and the land is being used under a written rental arrangement for a term of five or more years with other land that qualifies for an agricultural assessment, only the land actually being used will be eligible for the agricultural assessment. Farm woodland and support land cannot receive an agricultural assessment.

A-3 Parcel is ineligible.

If the RP-305 or RP-305-r application is not received by taxable status date with any supplemental forms necessary and the applicable soil map and soil group worksheet in the initial year, the parcel cannot be considered for an agricultural assessment and possible exemption. Consideration would have to be postponed until the next assessment cycle.

If the parcel does not consist of at least 7 acres used to produce for sale crops, livestock or livestock products and if the applicant does not own enough other qualifying land used in a single operation with the subject parcel to make up the basic 7 acres, then the parcel does not qualify for the agricultural assessment. (The only exception to the 7-acre minimum is when the land grosses \$50,000 or more per year.) If less than 7 acres have been used for agricultural production for sale, land contained in separately assessed parcels, owned by the applicant and used in conjunction with the subject parcel may be considered part of the applicant's farm unit for

purposes of meeting the 7-acre minimum. If the 7-acre minimum is not satisfied, the application must be denied unless a two-year average gross sales value of \$50,000 can be proven.

The land of the subject parcel must have been actually used as a part of a single operation in the preceding two years to produce crops, livestock, or livestock products. If the two-year requirement is not met, the application must be denied.

Land not meeting all of the above criteria is not eligible for the agricultural assessment.

In addition, to qualify for an agricultural assessment, the landowner must show that the crops, livestock, or livestock products produced for sale in the preceding two years on the land for which application is being made had an average gross sales value of at least ten thousand dollars or the land for which the application is being made was rented to a qualified farm operation under the requirements noted below.

Gross sales value can include sales of agricultural products produced on (1) agricultural land described in the application; (2) other parcels owned by the applicant and used in conjunction with subject parcel; and (3) land rented by the applicant from another person and used in conjunction with the subject parcel.

Rented Land:

There are two categories of rented land that are eligible for an agricultural assessment:

- (1) Rented land which independently satisfies the requirements for eligibility for an agricultural assessment and is rented to a person who farms it rather than being farmed by the owner. Other eligible land may include support land and farm woodland (not to exceed 50 acres for a separately described and assessed parcel).
- (2) Rented land may be used by a lessee to produce an intermediate agricultural product that is not actually sold or processed for sale. In this instance, rented land that is rented for an agricultural use but fails to satisfy the gross sales requirement may nevertheless be eligible to receive an agricultural assessment if all requirements are satisfied with the exception of the gross sales value requirement. A common example is rented land used by a lessee to produce corn or hay that is fed to the lessee's livestock, rather than actually sold.

In this second case, only the land actually used to produce for sale crops, livestock, or livestock products is eligible. Land not used for production and farm woodland is not eligible to receive an agricultural assessment. The land must be used under a written rental arrangement of five or more years together with land which has been determined to qualify for an agricultural assessment. The applicant may substantiate the term of a rental arrangement by filing with the assessor either a copy of the lease or an affidavit form RP-305-c signed by the applicant and lessee.

Rented land not meeting the criteria outlined above is ineligible for an agricultural assessment.

Nonagricultural land is never eligible to receive an agricultural assessment.