

**A RESOLUTION SUBMITTED BY
LEGISLATOR BASKIN**

Re: Eight-Year Review and Recertification and Consolidation of Agricultural Districts 5 (Marilla), 12 (Wales), and 13 (Elma)

WHEREAS, the Marilla Agricultural District 5 was initially created on December 4, 1973 pursuant to New York State Agriculture and Markets Law (“Agriculture and Markets Law”) Section 303; and

WHEREAS, the Wales Agricultural District 12 was initially created on November 9, 1979 pursuant to New York State Agricultural and Markets Law Section 303; and

WHEREAS, the Elma Agricultural District 13 was initially created on June 20, 1979 pursuant to New York State Agricultural and Markets Law section 303; and

WHEREAS, pursuant to Article 25AA of the New York State Agriculture and Markets Law, the Erie County Legislature is required to review Agriculture Districts every eight years; and

WHEREAS, pursuant to Agriculture and Markets Law Sections 303-a (2) the Erie County Legislature gave the required public notice, directed the Erie County Agricultural and Farmland Protection Board to prepare a report on the district and set and held a public hearing on July 15, 2021; and

WHEREAS, pursuant to Agriculture and Markets Law Section 303-a (2) (a) the Erie County Legislature published a public notice and hearing notice in a newspaper having a general circulation within the district; and

WHEREAS, pursuant to Agriculture and Markets Law Section 303-a (2) (b) the Erie County Agricultural and Farmland Protection Board reviewed the district, prepared a report to the Erie County Legislature and voted unanimously on June 24, 2021 to recommend that these districts be continued with the proposed modifications; and

WHEREAS, pursuant to Agriculture and Markets Law Section 303-a (2) (c) on July 15, 2021 at 6:00 pm a public hearing was held at Dard Hunter Hall, 40 South Grove Street, East Aurora, New York to consider recertification of the district; and

WHEREAS, the district has been reviewed in accordance with the New York State Environmental Quality Review Act of 1975 and adopted review procedures and the criteria set forth in Part 617; and

WHEREAS, it has been determined that the continuation of the district will not have a significant effect on the environment; and

WHEREAS, Erie County has established a timeline for the consolidation of the County’s fourteen Agricultural Districts into four; and

WHEREAS, this is the third consolidation, with Agricultural Districts No. 5, No. 12, and No. 13 proposed to be consolidated into the Marilla Agricultural District No. 5; and

WHEREAS, the Erie County Agricultural and Farmland Protection Board reviewed the proposed consolidation, prepared a report to the Erie County Legislature and voted unanimously on June 24, 2021 to recommend that the aforementioned districts be consolidated into the Central Agricultural District (Consolidated Central Agricultural District No. 5).

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature finds that Marilla Agricultural District No. 5, Wales Agricultural District No. 12, and Wales Agricultural District 13 should be continued with proposed modifications as recommended by the Erie County Agricultural and Farmland Protection Board; and be it further

RESOLVED, that the Erie County Legislature finds that Marilla Agricultural District No. 5, Wales Agricultural District No. 12, and Elma Agricultural District 13 should be consolidated into the Central Agricultural District No. 5; and

RESOLVED, that certified copies of this resolution be forwarded to the County Executive, the Commissioner of Environment and Planning, the Director of Real Property Tax Services and the Town Supervisors of Marilla, Wales, Elma, Wales, Orchard Park, and Aurora; and be it further

RESOLVED, that the Commissioner of Environment and Planning send a certified copy of this resolution to the Commissioner of New York State Department of Agriculture and Markets for recertification.

Fiscal Impact: None.