

CHAPTER IV

Recommended Actions

The recommendations that follow address specific Orange County government actions and roles that should be taken to address open space needs through 2009. These recommendations are an outcome of a full year of research and analysis. Recommended actions are presented in six (6) categories (see attached maps):

1. County-wide / General
2. Water Resources
3. Agriculture
4. Recreation
5. Landforms & Landmarks
6. Biological Diversity

All recommended actions also include reference to two (2) indicators to guide County leaders in application and priorities:

- a. Recommended priority – ranging from highest to lowest – with highest equaling action within one year and lowest within the next five years.
- b. Relative cost – from high cost to low cost.

Also included may be reference to Priority Growth Areas (PGA) from County Comprehensive Plan. Where no reference is made, recommendation is equally important inside and outside of PGA's.

1. County-wide Recommended Actions

The following actions are recommended for general application countywide:

A. Continue Monitoring of Land Use Trends. Highest Priority / Low – No Cost

In cooperation with Department of Real Property and Water Authority, the Planning Department should maintain an inventory of municipal land use and development permits to monitor open space and related needs. This includes use of New York State General Municipal Law §239 reviews by the County Planning Department to ensure that the County's open space priorities are considered in municipal planning and zoning approvals.

B. Technical Assistance to Municipalities. Highest Priority / Low Cost

The Planning Department and Water Authority should continue to provide direct technical assistance to municipal leaders upon request.

C. Amend County Land Procurement/Disbursement Policies.

Highest Priority / Low Cost

The County must review its current policies for the acquisition, management and disbursement of real property to ensure that open space priorities are met when possible.

D. Establish an OPEN SPACE DEDICATED FUND.

Highest Priority / High Cost

An open space fund, keyed to the priorities of this Plan, should be established using County general revenue in support of general obligation bonds. The goal of such a Fund is to provide critical matching funds to municipalities and/or qualified conservation organizations, both working with willing sellers, to acquire open space or conservation easements consistent with the priorities of this Plan.

This Fund could be initiated with a meaningful investment from the Orange County Water Fund targeted to the first priority of this Plan – the protection of water supply watersheds and wellhead protection areas. Additional funding for all open space priorities would rely on the County's significant bonding authority and would be subject to Legislative approval. After review and approval of annual applications, the County would issue general obligation bonds at an amount needed to fund approved applications keyed to any borrowing ca established by the Legislature. This fund should offer matching funds. Up to 50% County share is recommended with potentially larger County contribution where land protection specifically targets water resource priorities. Any transaction would require willing seller participation as well as municipal sponsorship and/or review. Funding for water resource priorities and recreation priorities would be targeted to resources also outlined in the Plan, with emphasis on sites outside of priority growth areas.

Optional use of a portion of such County Fund might include establishing a County Transfer of Development Rights (TDR) Bank for purchasing development rights when and where a municipal TDR program exists. The Fund could then be used only when a municipality does not have a purchaser for the TDR credits that have been locally authorized for an important open space property.

When setting a Fund commitment, the County should consider the following guidance. Based on national research by the Trust for Public Land, public support for open space protection funding is consistently strong, but wanes as the annual cost for such protection approaches \$30 per household per year. With 114,788 households in Orange County (2000 US Census), such a threshold translates to Fund costs of no more than approximately \$3.5 million per year.

E. Municipal Assistance for Land Transactions.

Highest Priority / Moderate Cost

Using a portion of the Fund (see above) and/or an annual appropriation, the County should provide matching funds towards transaction and closing costs for municipally-

sponsored open space protection. This could include and/or be modeled from prior financial support to the Orange County Land Trust (currently \$100,000/year) for such transactions.

F. Municipal Planning Grants.
Highest Priority / Moderate Cost

Starting in 2003 an annual appropriation (ranging from \$75,000 to \$100,000) has been made to the Planning Department to allow municipalities to apply for small matching funds in support of local planning efforts. This should continue and include the opportunity to support municipal open space planning projects.

G. Pursue a Hudson Valley Greenway Compact.
High Priority / Low – No Cost

The Hudson Valley Greenway is a State agency that provides financial and technical incentives for Counties to form “compacts” with municipalities in addressing the goals of the Greenway. Orange County should pursue such a compact, working with a set of willing municipalities that share interest in the priorities of this Open Space Plan.

H. Adopt a County Official Map.
High Priority / No Cost

New York State General Municipal Law § 239-e allows a County to adopt an “official map” to “facilitate the planning and development of roads and drainage systems and sites for public development.” Learning from Rockland County experiences, Orange County should adopt such an official map showing drainages, trails, rights-of-way and other lead open space resources of intercommunity significance.

2. Water Resources

County support for the protection of water resources, notably land actions to protect public surface- and ground-water supplies, is recommended as the number one priority of this open space plan. Additionally, priority should be given to land protection efforts that help to alleviate water quality problems on twenty (20) rivers or lakes listed as “priority water bodies” in the accepted 2002 County Water Quality Strategy.

A. Implement the County Water Quality Strategy.
Highest Priority/Moderate Cost

This 2002 document, prepared cooperatively by a series of agencies led by the Orange County Soil & Water Conservation Service, calls for a group of activities addressing surface waters with existing water quality problems.

B. New / Updated Municipal Watershed Rules.

Highest Priority/ No-Low Cost

New York State statutes provide all municipalities with the ability to have watershed rules and regulations addressing appropriate and inappropriate land uses in proximity to their public water supply sources. Prior to enactment, the County and the State Health Departments must approve the rules and regulations. While several Orange County municipalities have decade-old rules, more recent attempts to update and/or establish new rules by any municipality have been stalled by New York State. A partnership between the County Departments of Health and Planning should offer municipalities with technical assistance including a model watershed protection rule and regulation keyed to NYS requirements. The County should also advocate to State officials support for municipal partners to advance new or updated rules.

C. Permanent Protection of County Reservoir Lands.

Highest Priority/ Low Cost

A primary feature of prior County actions to expand public water sources was the acquisition of nearly 4,000 acres for possible reservoir purposes. This Open Space Plan, consistent with the 2000 County Park Master Plan, recommends the permanent protection of the majority of those lands for open space, park, and water supply purposes only. Lead options for such protection include either transference of this acreage to the County Parks Department, and/or donation of conservation easements on this acreage to municipalities or a qualified conservation organization.

D. Matching Funds for Resource Protection.

Highest Priority/High Cost,

See 1(d) above.

3. Agriculture

Farmland is the foundation of a vital sector of Orange County's economy and is a commercial land use that can concurrently provide open space, recreational opportunities, watershed protection, and biodiversity protection and enhancement. Lands with agricultural use can also be used to help balance public revenues and expenditures. But for a farmer to stay on the land in the business of farming, he or she must be able to generate sufficient income from the farm operation and not have overwhelming economic disincentives related to agricultural markets, high land values or taxation that force the sale of the farm. If the County is to successfully institute policies to keep substantial areas of land as working farmland, it will be necessary to address both farmland preservation and agricultural economic development through appropriate means.

To preserve critical areas of farmland, the Orange County Open Space Plan recommends the following actions be taken at the County level – focused specifically on lands outside of the County Comprehensive Plan's Priority Growth Areas:

A. Support Farm-Friendly Land Use Policies.

Highest Priority/Low Cost

Ensure that all County policies and programs at the County and municipal levels remain *farm friendly*. This can be accomplished by the following actions:

1. Improve interjurisdictional planning efforts to avoid unintended cross-jurisdictional effects such as development spillover, orphaned water and sewer improvements.
2. Improve coordination in the development of regionally significant infrastructure improvements and review compatibility of current infrastructure plans in relationship to their potential impact on the agricultural industry.
3. Reach out to towns during the agricultural district renewal process to inform them about the Agricultural Economic Development Strategy as well as the benefits and requirements of the Agricultural District Law.
4. Develop a mailing list of all district landowners and notify them (perhaps with a newsletter) of their district status, in order to gather information about the current district properties, educate landowners about agricultural exemption eligibility and business development opportunities available to them, and build a constituency to support the district should it ever face a significant challenge at review time. This is particularly important in Orange County where 16% of farmed acres are tenanted.
5. Enhance the statewide "Farm Link" program to reflect regionally significant trends such as the entry of non-traditional populations into farming.
6. Examine alternative funding sources and financing structures for county and local purchase of development rights programs including the use of innovative program structures, such as installment purchase agreements.
7. Support the requirement of buffers and other site design measures as strategies for reducing farmer/non-farm neighbor conflicts.

B. Implement the 2004 Agricultural Economic Development Strategy.

Highest Priority/Moderate Cost

With March 2004 acceptance of this Strategy and on-going support to the County Agriculture and Farmland Protection Board, the County Legislature has initiated this implementation.

C. Invest in Purchase of Development Rights (PDR) and/or Term Easements

Highest Priority/High Cost/Targeted to Outside Priority Growth Areas
See 1(d) above with additional note.

1. County funding should continue to provide matching funds working with willing sellers. However, in this category only, funds could be made directly to property owner / farm owner.
2. The county should develop a matching grants PDR program that provides up to 50% of the funding required to purchase conservation easements on productive farmland.
3. A special committee of Orange County officials, farmers, conservationists and others should be developed to oversee the PDR program with Orange County Department of Planning providing staff support and assistance.
4. The county should select farmland conservation targets; with proposed 10-year goals of 5,000, 10,000 or 20,000 acres.
5. Ranking criteria should be finalized to focus county resources on protecting the most valuable farmland for long-term agricultural use.
6. An Orange County PDR program should compliment existing farmland protection efforts by towns and land trusts within the county. Partnerships with other local, state or federal partners can leverage the county's funding and maximize farmland protection efforts within the county.
7. Significant efforts should be made to educate local officials and agricultural landowners about the PDR program and conservation easements to maximize participation and reduce the likelihood of misperceptions about the program.
8. The Agricultural and Farmland Protection Board should also examine the development of a term oriented affirmative agriculture use covenant to assist local planning efforts. This temporary covenant may include a right of first refusal for purchase of the property in cases where the farm may transition to another agricultural use. The value paid for the covenant may count toward a PDR match.

4. Recreation

Countywide recreation priorities include the expansion and completion of trails and recreation corridors, the preservation of rail rights-of-way for recreation purposes, and the buffering of existing public parkland, and improvements to the in-fill of smaller parks in village and city settings. Additionally, Orange County should improve the deficiency of our limited public access to water for recreation, notably access to rivers and lakes. Finally, as shown on the attached existing land use map, the distribution of parks in the County is unbalanced, with some areas well served and some under served, given the dominance of open space lands in the far southeastern portion of the County.

A. Continue Implementation of County Park Master Plan.

Highest Priority/Moderate Cost

The accepted 2000 Orange County Park Master Plan includes, but is not limited to the following "open space recommendations": connect hiking and biking trails; develop canoe/water trails; transfer to parks of appropriate existing county-owned lands; negotiate recreation use rights on existing State-owned lands; and balance park distribution across Orange County.

B. Expand Trail and Rail-to-Trail Systems.

High Priority/Moderate Cost, see 4(a) above.

Expansion and development of trails and rail-to-trail systems should recognize a variety of users within a multi-use setting. The users may include, but are not limited to, pedestrians, bicyclists and equestrian riders.

C. Use County Reviews to Encourage Access to Water and City/Village Park In-fill.

Moderate Priority/No Cost

Under New York State General Municipal Law §239 the County Planning Department should use its planning and zoning permit review authority to support improved public access to water where development proposals offer potential access.

D. Evaluate Current County Holdings for Recreation.

High Priority/Low Cost

At any given time, the County inventory of real property may include lands suitable for meeting recreation needs. A policy and protocol should be defined to ensure that this inventory is periodically reviewed for such needs. See 1(c) above.

E. Extension of NYS Recreational Rivers.

Moderate Priority/ Low Cost

Both the Ramapo River (Rockland County) and the Shawangunk Kill (Ulster County) have been designated as NYS Wild, Scenic and Recreational Rivers through NYS DEC.

Working with affected municipalities, the County should consider extending those designations into the Orange County contiguous, segments of these two rivers.

5. Landforms and Landmarks

This open space resource category includes the following priorities: buffers to existing historic districts and cultural sites, scenic areas/byways/river corridors identified from State or Federal listings, and certain scenic landscapes originally defined in the 1988 Amendment of the County Comprehensive Plan titled "Preserving Scenic Qualities in Orange County."

A. Scenic Byway Expansion. Highest Priority/Low Cost

Adding to the existing inventory of scenic roads/byways in the County, efforts are underway with County support to gain scenic byway designation for certain routes near the Shawangunk Ridge and in the Moodna Valley. The County should continue technical and, whenever possible, financial support for these designations.

B. Technical Assistance – Development Site Design. High Priority/Low Cost See 1 (a) & (b) above.

C. Municipal Planning Grants. High Priority/Moderate Cost See 1 (f) above.

A portion of these mini-grant funds should be used to help municipalities identify and protect locally important landforms and landmarks.

6. Biological Diversity

The crucial issues of water quality, water quantity, rural aesthetics, and human health are all closely tied to biodiversity (plants, animals and their habitats). If these ecological services are lost, replacing them with human-made substitutes requires the enormous cost of designing, building, maintaining and improving these services - and the outcome is typically less efficient than its natural counterpart. The protection and promotion of biological diversity can be achieved through cooperative initiatives and local planning to regulate impacts on habitats and protect irreplaceable plant and animal life, ultimately maintaining and enhancing the diverse natural landscape of Orange County. A biologically diverse landscape is resistant and resilient to both land

use and natural changes and provides ecological services to our communities, now and into the future.

To preserve areas critical to the continued survival of unique and threatened plants, animals and their habitats, the Orange County Open Space Plan recommends the following actions be taken at the County level:

A. Safeguard Core Biological Diversity Areas

Highest Priority / Low Cost

Core Biological Diversity Areas were established in this Plan in recognition of the significant biological diversity they possess as well as their proportion of natural land cover. The County should strive to safeguard these Areas by:

1. protecting areas with noteworthy biological diversity within and adjacent to these Areas,
2. discouraging intense development within these Areas,
3. requiring the completion of a thorough biological inventory and species impact analysis before site design,
4. requiring that any development in the Area be designed so that the project has a minimal impact on the biological resources of the Area.

B. Protect and Enhance Priority Aquatic Systems

Highest Priority / High Cost

Priority Aquatic Systems are streams and rivers that are notable for both their distinctness and their relative ecosystem health (uniqueness supercedes health in some cases). The County should encourage municipalities that border or contain any of the designated Priority Aquatic Systems to act by:

1. putting conservation easements along the river corridor, as well as its tributaries, to prevent development on or disturbance of the riverbank and floodplain,
2. enacting setbacks from the waterway to prevent bank erosion, destruction of habitat in the river corridor, and water quality degradation,
3. requiring vegetative buffers between land uses that generate non-point source pollution (golf courses, some agriculture, etc) and the riverbank of the Priority Aquatic System or an immediate tributary, while justly and adequately compensating all land owners and/or farmers whose land is involved,
4. partnering with other organizations and governmental agencies (such as the Walkill River National Wildlife Refuge) to complement and augment efforts along Priority Aquatic Systems,
5. participating in Watershed Plans that include biological diversity components.

C. Promote Biologically-sensitive Land Use Planning

Highest Priority / No Cost

The County should promote land use policies and programs at the federal, state, county and municipal levels that are compatible with the conservation of sensitive or significant biological resources. This can be done by:

1. educating land use decision makers, mainly at the local level, about biodiversity values and planning tools,
2. hosting seminars on biological diversity planning,
3. offering guidance or assistance in biological assessments and inventories,
4. supplying biological diversity language for master plans or open space plans,
5. providing guidelines for inclusion of biological diversity issues in municipal open space planning,
6. providing recommended standards for natural resource surveys,
7. working with and promoting NYS DEC's Hudson River Estuary Program to make more use of Biodiversity Technical Assistance programs and partners,
8. encouraging the application of "Best Management Practices" and "Best Development Practices" that can help to reduce impacts to biological diversity.

D. Foster linkages between Core Biological Diversity Areas

High Priority / Low Cost

Areas within the Potential Wildlife Corridors have a unique opportunity to enhance the biological diversity of the County's most significant biological areas (i.e. Core Biological Diversity Areas). The County should foster the creation of natural habitat linkages between tracts of protected open space by encouraging municipalities to:

1. negotiate with developers to design the development in a manner that provides a habitat linkage, possibly by utilizing conservation subdivision design standards,
2. protect key pieces of land within the Potential Wildlife Corridors,
3. communicate with neighboring towns or villages to coordinate efforts.

E. Increase Biological Research

High Priority / Low Cost / Outside Priority Growth Areas

The County should promote and support biological research and inventory in areas of the County where sufficient research has not taken place or where more research is needed in order to better assess biological conservation needs. Such areas include:

1. the western highland region of the County (Deerpark, Greenville, Mt. Hope) and the Walkkill River Valley,
2. areas at lower elevations that support farming and early successional habitats,
3. county-owned reservoir lands (Dwaar Kill, Indigot Creek, Black Meadow Creek)

F. Maintain Active Farmland

Moderate Priority/ Low Cost / Outside Priority Growth Areas

The County should promote policies and practices that sustain farms and agricultural practices that are known to contribute to the County's biological diversity.