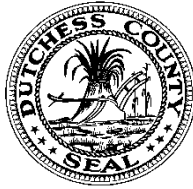


# Dutchess County Partnership for Manageable Growth (PMG) Program 2022 Application Guidelines



## **Program Overview**

The Dutchess County Partnership for Manageable Growth Program (“the Program”) is designed to assist the County and its municipalities in implementing the recommendations of adopted planning documents including *Directions: The Plan for Dutchess County*, the *Dutchess County Agricultural and Farmland Protection Plan*, *Greenway Connections*, and the *Dutchess County Water and Wastewater Plan*. The Program was adopted by the County Legislature in December 1999 and revised most recently in April 2018. To date, the Program has focused on protecting important agricultural and open space resources and has leveraged Federal, New York State, municipal and non-profit partnerships to preserve 5,632 acres of farmland and 689.3 acres of open space, through completed or pending PMG projects.

The Program has three broad categories: 1) Open Space and Farmland Protection Grants; 2) Municipal Planning Grants; and 3) Water and Wastewater Facility Planning and Development Grants.

**We are only seeking applications for Open Space and Farmland Protection Grants in 2022, based on \$1 million of existing authorized PMG funding.**

### ***Open Space Protection***

The program for open space protection will provide a matching portion of fee simple, or development rights/conservation easement purchase price up to 50% of the total project cost (land value, transaction costs and stewardship endowment). Preference is given to acquisitions that require a lower County share of total cost.

Bargain sales for a portion of up to the full 50% are eligible.

Projects that were previously acquired are not eligible for retroactive funding.

All municipal open space acquisitions will require municipal funding support. Project sponsors may include Cities, Town, and Villages. In order to be eligible to receive open space funds, municipalities must participate in the Greenway Compact. Municipalities may partner with other entities but will be considered the lead applicant for acquisitions of property it intends to own.

**Please note that a new type of municipal open space acquisition project, Pocket Parks, is being considered this year. These projects would partially fund the acquisition of small parcels of land (0.5-2.5 acres) in existing centers to provide areas of passive recreation within walking distance of local residents. The pocket parks would have to be acquired by the involved municipality and be able to demonstrate community support for the desired programming of the space and associated improvements.**

Property acquired with PMG funds must be designated as parkland and accessible to all Dutchess County residents for passive recreational uses only. Passive recreation refers to activities that do not require prepared facilities like sports fields or pavilions. Passive recreational activities place minimal stress on a site's resources; as a result, they can provide ecosystem service benefits and are highly compatible with natural resource protection.

Not-for-profit organizations may act as lead applicants for the fee title acquisition of property in the Open Space category (**except for Pocket Parks projects**) that will be privately owned and maintained, provided the acquired private property is accessible to the public for passive recreational uses.

Dutchess County's match shall be based on land interest only (not including buildings) and shall be based on current appraised value as determined by a qualified appraiser. The effective date of the appraisal must be within three years of closing on the conservation easement; otherwise, a letter of update from the appraiser will be required by Dutchess County. Dutchess County may also require an update if it determines that market conditions have changed within the three-year time frame.

The County will require a conservation easement or an equivalent between the County and a recipient of PMG funds that will:

- Document the County's financial interest in the property and provide for reimbursement of County funds if the property is sold for uses other than public recreation or enforce the requirement that equivalent parkland be provided for public recreation.
- Give the County authority to monitor permitted uses of the property.
- Describe the terms of the funding agreement including the requirement that the acreage remain undeveloped except for passive recreation-related uses specifically included in the agreement, and that the acreage be accessible to all County residents for passive recreational purposes.

### ***Farmland Protection***

Farmland Protection projects involve purchase of the development rights (PDR)/ conservation easement on farmland, thereby placing restrictions on the landowners' future use of the property to preserve the property for agricultural uses as defined in an agricultural conservation easement. The Property will remain in private ownership and remain on the tax rolls. The sale of development rights will be entirely voluntary.

Projects that were previously acquired through purchase of development rights are not eligible for funding, although applications for additional purchase of development rights funding to protect farmland owned by a former recipient, but not previously protected, are permitted.

The program for farmland protection will provide a matching portion of development rights or conservation easement purchase price up to 50% of the total project cost.

County agents such as the Agricultural and Farmland Protection Board, the Soil and Water Conservation District, and the Environmental Management Council, and not for profit organizations including land conservancies may serve as lead applicants for the purchase of development rights on farmland and/or may sponsor farmland protection applications in cooperation with landowners. Municipal endorsement of a farmland protection proposal is desirable but not required.

Municipal sponsors may include Cities, Town, and Villages. Municipalities may partner with other entities but will be considered the lead applicant. Municipal funding is not mandatory for consideration of farmland protection projects, but greater weight will be given to applications that include municipal funding. To be eligible to receive farmland protection funds, municipalities must participate in the Greenway Compact.

## **Application Components**

### **Traditional Open Space and Farmland**

Applications must include all the following items. The County Planning Board may request additional information as needed.

#### **A. Cover Sheet**

This is a fillable PDF. Please submit one electronic application (original pdf, not scanned) copy to [sfrangk@dutchessny.gov](mailto:sfrangk@dutchessny.gov) by 4:00 p.m. Thursday September 1, 2022. Also print a copy and place it at the front of your printed application packet.

#### **B. Project Summary**

- Description of property and current use(s)
- Describe the Property's local and regional importance as an open space and/or agricultural resource:
  - a. How does it meet priorities established in the municipality's Comprehensive Plan?
  - b. Is it identified in the [NYS Open Space Plan](#)?
  - c. Is it included in a municipal, county, or regional trail system?
  - d. Is it designated a vista of a designated scenic road?
  - e. Describe the soil quality of the property. Include percentages of prime & statewide significant soils.
  - f. Describe the economic viability of the farm operation; does it qualify for [Agricultural Value Assessment](#)?
  - g. Is it located in or near a critical mass of production farmland?
  - h. Is the property identified in an Agricultural Priority Area identified in the [2015 Agricultural and Farmland Protection Plan](#)?
  - i. Does it provide continuity for a farm operation?
  - j. Is it included in an [Agricultural District](#)?
  - k. Is there agriculture-related business on site?
  - l. Describe the steps taken to secure private and/or public funding.
- Describe the property's value towards resource protection

- a. Is it in a key gateway area?
  - b. Does it provide watershed or aquifer protection?
  - c. Does it have wildlife habitat?
  - d. Historic resource?
  - e. Recreational value/public access?
- Describe the development pressures or imminent threats to the resource:
    - a. Importance to rural character of municipality
    - b. Accelerated residential growth
    - c. Commercial expansion on key roadways
    - d. Imminent threat
  - Compliance with municipal planning documents including comprehensive plans, open space or resource protection plans and Local Waterfront Revitalization Plans (LWRPs).
  - Compliance with County plans including Directions, the [2015 Agricultural and Farmland Protection Plan](#) and the [Greenway Compact Program](#).
  - Describe how PMG funding would support success of the farm business. Provide a specific description of what the PMG funding would be used for. Provide summary financial information when feasible.
- C. Maps and visual documentation** (if these are included in an application submitted for primary funding, indicate application page #):
- Location map
  - Tax parcel map
  - Topographic map
  - Soils map of farmland
  - Photographs including existing structures
  - Aerial photographs if available
- D. Budget detailing the total estimated cost of completed project including the following items**
- Land acquisition: estimated cost per acre and total. (Appraisals are not required at this time but will be required if matching funds are awarded.)
  - Property survey
  - Baseline mapping and documentation
  - Title search and insurance
  - Administrative costs including negotiation of contracts
  - Stewardship/Monitoring program costs
- E. Documentation of funding awards/applications including amounts, program requirements, and anticipated timetable for receipt of funds.**
- Include copies of all successful and pending applications for primary funding with this application as well as documentation of confirmed awards.
- F. Environmental Assessment Form (EAF), Part One**
- The Dutchess County Legislature will act as Lead Agency in a coordinated environmental review of each recommended proposal pursuant to SEQRA, where a review is required. (Changes to SEQRA implemented in Jan. of 2019 make the acquisition of a Conservation Easement by a

Municipality a Type II Action.) The applicant will complete an [EAF Part 1 form](#) which will be reviewed by the County Planning and Development Department.

**G. Stewardship/Monitoring Plan**

Describe plans and a corresponding budget to ensure compliance with terms of the easement/purchase. Identify the organization or municipality responsible for ongoing monitoring.

**H. Letters of Support**

Municipal endorsement of farm and open space acquisition proposals is desirable but will not be required.

**Open Space Pocket Parks**

Applications must include all the following items. The County Planning Board may request additional information as needed.

**A. Cover Sheet**

This is a fillable PDF. Please submit one electronic application (original pdf, not scanned) copy to [sfrangk@dutchessny.gov](mailto:sfrangk@dutchessny.gov) by 4:00 p.m. Thursday September 1, 2022. Also print a copy and place it at the front of your printed application packet.

**B. Project Summary**

- Description of property and current use(s)
- Describe the Property's local importance as an open space and/or agricultural resource:
  - a. How does it meet priorities established in the municipality's Comprehensive Plan?
  - b. Is the property located in an existing municipal center on the [County's Centers and Greenspaces Map](#).
  - c. Is it included in or adjacent to a municipal, county, or regional trail system?
  - d. Is the parcel served by an existing sidewalk network?
  - e. Describe planned programming or development for site.
  - f. Demonstrate community support efforts or involved organizations.
  - g. Describe the steps taken to secure private and/or public funding.
  - h. Demonstrate municipality's support for the project and willingness to own site.
- Describe the property's value towards providing passive recreation opportunities to an underserved community.
  - a. Is it in an area accessible by 500-1,000 residents?
  - b. Does it provide a balance of access to sunlight and shade?
  - c. Does it have any natural resources that can be highlighted or preserved?
  - d. Is it a historic resource?
  - e. Sustainable recreational/public programming planned?
- Describe the development pressures or imminent threats to the resource:
  - a. Importance to underserved community.
  - b. Lack of pervious surfaces in area.
  - c. Imminent threat of development.
  - d. Compliance with municipal planning documents including comprehensive plans, open space or resource protection plans and Local Waterfront Revitalization Plans

(LWRPs).

- e. Compliance with County plans including Directions and the [Greenway Compact Program](#).
- f. Describe how PMG funding would support success of the pocket park. Provide a specific description of what the PMG funding would be used for. Provide summary financial information when feasible.

**C. Maps and visual documentation** (if these are included in an application submitted for primary funding, indicate application page #):

- Location map
- Tax parcel map
- Topographic map
- Photographs including existing structures
- Aerial photographs if available

**D. Budget detailing the total estimated cost of completed project including the following items**

- Land acquisition: estimated cost per acre and total. (Appraisals are not required at this time but will be required if matching funds are awarded.)
- Property survey
- Baseline mapping and documentation
- Title search and insurance
- Administrative costs including negotiation of contracts
- Stewardship/Monitoring program costs (including planned developments and maintenance)

**E. Documentation of funding awards/applications including amounts, program requirements, and anticipated timetable for receipt of funds.**

Include copies of all successful and pending applications for primary funding with this application as well as documentation of confirmed awards.

**F. Environmental Assessment Form (EAF), Part One**

The Dutchess County Legislature will act as Lead Agency in a coordinated environmental review of each recommended proposal pursuant to SEQRA, where a review is required. (Changes to SEQRA implemented in Jan. of 2019 make the acquisition of a Conservation Easement by a Municipality a Type II Action.) The applicant will complete an [EAF Part 1 form](#) which will be reviewed by the County Planning and Development Department.

**G. Stewardship/Monitoring Plan**

Describe plans and a corresponding budget to ensure compliance with terms of the easement/purchase. Identify the organization or municipality responsible for ongoing monitoring.

**H. Letters of Support**

Municipal endorsement of pocket parks proposals is required, including a commitment to own property. Letters of support should be provided from any local or non-profit organization that intends to provide programming or maintenance for the site.

### **Application Review and Award Process**

Preliminary Review Opportunity:

- Potential applicants for Open Space and Farmland Protection may meet with the Department of Planning and Development staff to assess proposals in relation to established PMG criteria. Based on staff recommendations, the Planning Board may conduct an informal review of the proposal prior to submission of a complete application.

### **Pre-Application Site Visit (Open Space and Farmland Projects Only)**

On or about July 13, 2022, the Dutchess County Planning Board will conduct a site visit of each proposed open space or farmland protection project. The applicant and sponsor should be prepared to host the board and staff (15-20) people for a 20-minute presentation and 10 minutes of questions.

By July 1, 2022, applicants must submit an email to Shelby Frangk ([sfrangk@dutchessny.gov](mailto:sfrangk@dutchessny.gov)) indicating the name and address of the project that you are applying for. She will then schedule a specific time for the visit by July 6<sup>th</sup>.

All Open Space and Farmland Protection applications will be reviewed by the Dutchess County Planning Board. The Planning Board will forward its recommendations to the Dutchess County Executive who will make the final funding decisions.

Applicants for Open Space and Farmland Protection will have secured the remainder of funding needed to complete the project from public or private sources and must be identified at the time of application for County funds or provide proof that a credible application is pending with another funding source for the remainder of the funding. If an applicant requires documentation that County funds are available to be considered for funding from the State or other primary funding sources, the Planning Board has the option to approve a contingent resolution in support of funding a project when primary funding is confirmed.

The County Planning Board will review applications and select projects based upon established criteria. The recommended amount of grant funds shall be determined at the discretion of the Board. Preference will be given to acquisitions that require a lower County share of total cost.

An implementation team will be established for each project recommended by the Dutchess County Planning Board. Team members will include key stakeholder organizations, the County Attorney's Office, the Department of Planning and Development, and the sponsoring organization or municipality.

A project-specific contract defining all project terms, conditions and responsibilities of the applicant and other involved parties will be developed and will specify information which must be supplied by the grantee to access County funding awards, including but not limited to:

- Detailed budget report.
- Appraisal by a New York State Certified General Real Estate Appraiser.
- Title policy insuring, at a minimum, the County's interest in the property or property rights being acquired.

- Approved conservation easement when applicable.
- Approved monitoring or stewardship plan designating the responsible organization(s).

Upon agreement by the applicant and the County to the provisions of the contract, it will be submitted for approval to the Dutchess County Legislature (and to primary funding organization(s) as required). Dutchess County will serve as Lead Agency under the New York State Environmental Quality Review Act for Open Space or Farmland Protection Grants, where a SEQRA review is required.

**Maintenance and Monitoring of Acquisition (Open Space and Farmland Protection Only)**

The terms of each matching grant award will depend on several factors, including the requirements imposed by the primary funding organization. Where appropriate, the County's interest in the grant property may include a third-party enforcement right to insure that the terms of its contract with the applicant will continue to be met and may also include the right to share in the pro rata proceeds of any easement that is extinguished and the right to authorize any amendment of the conservation easement that furthers or is not inconsistent with the purposes of the conservation easement.

Dutchess County will not assume responsibility for maintenance or monitoring of easements. Applicants must submit a maintenance and/or monitoring plan and include associated costs in the detailed budget. In the case of collaborative efforts (i.e. between land trusts and municipalities), specific responsibilities for oversight must be defined.

In the case of fee simple acquisition of property by a land trust, the land trust would assume responsibility for maintenance, monitoring, and liability. In the case of fee simple acquisition by a municipality, the maintenance, monitoring, and liability would be the responsibility of the municipality.

In cases of conservation easements on open space and/or agricultural land, the County or a municipality may enter into a contract with a land trust to monitor compliance with the terms of the easement. Associated expenses will be paid from a stewardship endowment established at the time of the property closing. Interest from the endowment would cover the following activities:

- Annual monitoring (fly-over, site visit, etc.)
- Annual compliance report to County
- Discussion of any violations with landowner
- Notifying County of failure to resolve problems cited
- Monitoring change of ownership and meeting with new owner



**Application submission**

In order to facilitate pre-application site visits to each of the potential involved sites, by **July 1, 2022** applicants must submit an email to Shelby Frangk indicating the name and address of the project being applied for. She will then schedule a specific time for the July 13<sup>th</sup> pre-application site visit by July 6, 2022.

Applications must include all required information; incomplete applications will not be reviewed.

**Applications must be submitted on or before 4:00 PM Wednesday, September 1, 2022.** Submit one electronic (PDF) copy and fifteen (15) paper copies of applications to:

**Dutchess County Planning Board  
c/o Dutchess County Planning and Development  
85 Civic Center Plaza, Suite 107  
Poughkeepsie, NY 12601**

For more information, contact Shelby Frangk at [sfrangk@dutchessny.gov](mailto:sfrangk@dutchessny.gov) or (845) 486-3619.