

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



September 26, 2016

Program Overview

The [Partnership for Manageable Growth Program](#) (“the Program”) was a proposal from the County Executive to implement the 1998 Dutchess County Agriculture and Farmland Protection Plan and to protect important agricultural and open space resources. The Program was adopted by the County Legislature in December 1999 and revised in 2001, 2006, and most recently in July 2015. To date, the Program has leveraged Federal, New York State, municipal and non-profit partnerships to preserve 2,863 acres of farmland and 500 acres of open space. In anticipation of future funding, we are soliciting for potential 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.

For 2016 Dutchess County is only seeking applications for Open Space and Farmland Protection Grants or Water and Wastewater Facility Planning and Development Grants.

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.

Property acquired with PMGP 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 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 PMGP funds that will:

- Document the County's financial interest in the property and provide for reimbursement of County funds in the event that 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 in order 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. In order to be eligible to receive farmland protection funds, municipalities must participate in the Greenway Compact.

Water and Wastewater Facility Planning and Development Grants

The Water and Wastewater Facility Planning and Development Program will provide grant funding for construction of community systems. Proposals for planning or feasibility studies are not being accepted for the current funding cycle.

Projects receiving construction grants from Dutchess County shall be owned and operated by the Dutchess County Water and Wastewater Authority (DCWWA).

Greenway Compact municipalities may apply to the DCWWA for up to 25% of the cost of construction projects, provided that maximum community, district, and other available financial resources have been fully explored and committed.

The County may receive pro-rated reimbursement for any funded study receiving reimbursement from another funding source. Any funded community and/or district shall include study costs in construction financing requests/applications where applicable and appropriate.

Applications shall be reviewed for consideration and recommendation by the DCWWA staff and Board of Directors.

Grants from the Water and Wastewater Facility Planning and Development program shall be used to reduce capital costs of municipal water and wastewater systems or to purchase future capacity in said system in order to provide service at affordable rates as determined by the State Comptroller. No monies will be provided for system maintenance, operation, or repair.

In order to be eligible to receive grants under the Water and Wastewater Facility Planning and Development Program, municipalities must participate as Greenway Compact municipalities.

Funding Priorities will be subject to annual review by the Board of Directors of the DCWWA in consultation with the Dutchess County Planning Board.

Open Space and Farmland Application Components

Applications must include all of 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 bkehoe@dutchessny.gov by 4:00 p.m. Monday, December 5, 2016. 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 [Agriculture 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. The applicant will complete an [EAF Part 1 form](#) which will be reviewed by the County Planning Department.

G. Stewardship/Monitoring Plan

Describe plans and a corresponding budget to insure 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.

Water and Wastewater Facility Planning and Development Grants Application Components

Applications must include all of the following items. The DCWWA may request additional information as needed.

A. Cover Letter

Include primary contact information for Applicant, Applicant’s Engineer, and Applicant’s Attorney. Advise if there is presently an advisory committee/group, formal or ad hoc, recognized by the municipality and associated with the intended Project. If so, provide the primary contact information for the committee/group.

B. Project Summary

Provide overall description of Project.

- Describe the need/purpose for the Project.
- Is Project required to address a local, state or federal regulatory compliance matter? If so, describe the issue. Provide copies of pertinent correspondence from the regulatory authority related to the compliance matter.
- Describe what area(s) of municipality will be served by Project.
- Will Project encourage future development within the intended service area? If so, what type of development is anticipated – commercial, residential (single and/or multi-family), industrial?
- Provide the total estimated project cost.

C. Engineering Report/Feasibility Study

Provide a copy of an Engineering Report or Feasibility Study prepared by a qualified, licensed Engineer outlining the basis for and scope of the Project. The Study shall include a detailed project cost estimate. The Study/Report shall have been prepared for the Applicant within the past five years of the date of this Program grant application.

D. Maps and visual documentation (if not included in the Engineering Report/Study)

- Location map
- Tax parcel map showing proposed service area
- Topographic map

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

- Describe the steps taken to secure private and/or public funding for the Project and how 75% of the Project cost is expected to be funded should a grant under this Program for 25% of the Project cost be approved.
- Include copies of all successful and pending applications for primary funding with this application as well as documentation of confirmed awards for this Project.

F. Environmental Assessment Form (EAF), Part One

- The DCWWA will act as Lead Agency in a coordinated environmental review of each recommended proposal pursuant to SEQRA. The applicant will complete a [Short EAF Part 1](#) form which will be reviewed by the DCWWA.

G. Letters of Support

- Provide a copy of the municipal endorsement (in form of a resolution) of Applicant's willingness and intent to work with the DCWWA on the intended Project and for the DCWWA to later own and operate the newly constructed facilities to be funded in part by this Program grant.

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 PMGP criteria. Based on staff recommendations, the Planning Board may conduct an informal review of the proposal prior to submission of a complete application.
- Potential applicants for Water and Wastewater applications may meet with DCWWA staff to assess potential applications in relation to established PMGP criteria. Based on staff recommendations, the Authority Board may conduct an informal review of the proposal prior to submission of a complete application.

All Open Space and Farmland Protection applications will be reviewed by the Dutchess County Planning Board. All Water and Wastewater applications will be reviewed by the Dutchess County Water and Wastewater Authority. Both agencies will forward their 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 in order 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 particular project if and 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, DCWWA (as applicable), 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 in order 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. The DCWWA will serve as Lead Agency under the New York State Environmental Quality Review Act for Water and Wastewater Facility Planning and Development grant projects.

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

The particular 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 land owner
- Notifying County of failure to resolve problems cited
- Monitoring change of ownership, meeting with new owner

Application submission

Open Space and Farmland Protection

Applications must include all required information. Incomplete applications will not be reviewed. Applications must be submitted on or before 4:00 PM Monday December 5, 2016. Submit one original and fourteen additional copies of applications to:

**Dutchess County Planning Board
27 High Street
Poughkeepsie, NY 12601**

Water and Wastewater Facility Planning and Development

Applications must include all required information. Incomplete applications will not be reviewed. Submit one original and two paper copies of the complete application, including the feasibility/engineer's report. In addition, please submit an electronic copy in pdf file format, and the feasibility/engineer's report in pdf file format. Both pdfs (separate files) should be submitted on one CD in a CD envelope, box or jewel case. Applications must be submitted on or before 4:00 PM December 5, 2016 to:

**Dutchess County Water and Wastewater Authority
Attention: Bridget Barclay, Executive Director
27 High Street
Poughkeepsie, NY 12601**

For questions about Open Space and Farmland Protection, contact Brian Kehoe bkehoe@dutchessny.gov (845) 486-3600.

For questions about Water and Wastewater Facility Development contact Ed Mills emills@dutchessny.gov (845) 486-3601.