

CHAPTER 4: RECOMMENDED ACTIONS

Introduction

Throughout this planning process, landowners have voiced strong concern over the challenges of keeping land open due to rising land values, taxes, and other financial burdens of property ownership. Every effort to ensure that landowners that want to conserve open space lands, whether they are in agriculture, forest, floodplains, or other resources, should be pursued. Planning for open space will require sound investment of finances and efforts by many partners, but it will ultimately provide extensive benefits to the community's environment, economy, and quality of life.

This chapter provides a summary of the actions recommended for the town to achieve its open space vision. The central feature of this action program is a town-sponsored resource conservation program that will oversee financing, planning, landowner and public outreach efforts, among other necessary activities. Recommendations are provided for the immediate, short-term, and long-term. Following the recommendations is a more detailed discussion of the recommended financing strategy.

Creating a Resource Conservation Program

The resource conservation program is the foundation for implementing LaGrange's open space vision. It provides the tools, administrative support, and outreach necessary for proactive conservation of priority open space lands in LaGrange. Program administration might include a dedicated committee or board to make funding recommendations and achieve other key tasks such as community outreach. It might also include professional assistance with tasks such as landowner outreach and resource-specific conservation plans, or other technical tasks such as appraisals, drafting of legislation for tax or zoning incentives, or writing grant applications.

The goal of the **resource conservation program** would be to implement the Open Space Vision Map, working with willing landowners on a voluntary basis. The implementation "toolbox" would include a suite of options that would meet various landowners' needs. These tools have been discussed in Chapter 3, but may include, at a minimum, the conservation tools listed below.

Conservation Tools

- Term Easement or other Local Tax Incentive
- Purchase of Development Rights (PDR)
- Estate Planning for Landowners (would include options such as Installment Purchase Agreements, limited development plans, life estate)
- Fee Simple Purchase of Land
- Zoning Incentives for Resource/Land Conservation

Town of LaGrange Open Space Plan

Advancing the resource conservation program will require its own set of actions, which will evolve through time and will likely include the following:

- Identify a committee/entity to oversee the resource conservation program.
- Develop program guidelines and project selection criteria to ensure that funding decisions are made equitably. These guidelines would identify program goals; list program partners and their roles; identify criteria for selecting projects; outline conservation tools; and formalize a process for landowner outreach and transactions.
- Develop a list of priority parcels (based on the results of resource rating in this plan and other important criteria such as those identified in Chapter 3) and conduct landowner outreach to identify interest in conservation. Landowners who have previously expressed interest, through the town-wide survey and landowner meetings held for this planning process, should be evaluated.
- Provide a dedicated landowner outreach process, which would include identifying and discussing various conservation tools and options with landowners.
- Develop a diverse set of conservation tools such as tax incentives, purchase of development rights, estate planning, and installment purchase agreements. Continue to refine the tools as landowner needs evolve.
- Work with landowners to develop and implement projects, which might include (for example), obtaining appraisals for land conservation projects or identifying and applying for matching grant funds.
- Provide outreach on the program's goals and successes to the community.

Summary of Recommendations:

Immediate:

1. **Identify an entity to coordinate and oversee implementation of the open space plan and development of the comprehensive resource conservation program (an implementation committee).** This open space plan was developed for the town by consultants, with leadership and oversight by the town's open space committee. The town board, planning board, CAC, planning staff, and others have participated in plan development, with the open space committee leading the process. The same type of leadership will be required for implementation of the plan. Ideally, the town would appoint a dedicated committee to begin to develop the comprehensive resource conservation program discussed in the beginning of this chapter.
2. **Identify an individual or individuals (committee, consultant, or town staff person) to serve as a dedicated contact for landowners.** This person should be available to discuss concerns, opportunities, and potential tools with landowners on a regular basis. He/she should also be knowledgeable of existing and future resource conservation tools and be understanding of landowner concerns and issues.
3. **Develop tax incentives that help landowners retain farmlands** and other important open space resources, including a local term easement (including abatement of fire taxes) for agricultural land owners. This is a critical factor in ensuring that the town's agricultural landowners can continue to keep their lands in farming.
4. **Continue to implement open space goals within the development review process.** The town planning board currently reviews existing development proposals to identify trail and open space opportunities. This plan provides more detail on the town's vision and goals for open space conservation that can be used to evaluate projects. Prioritize the conservation of open space resources and public access opportunities in the growing western part of town.
5. **Explore the opportunity to develop an intermunicipal agreement for Sprout Creek,** working with the adjacent towns of East Fishkill and Pleasant Valley to establish goals and standards for the corridor's conservation (such as flood protection/mitigation, agricultural retention, etc.).
6. **Meet with area land trusts to share the town's open space vision and goals, and vice-versa.** Land trusts will most likely become key partners in land conservation projects and should be aware of the town's goals and actions. As area land trusts may eventually hold easements for town conservation lands, it is also important that organizational requirements and processes for land

Town of LaGrange Open Space Plan

transactions, stewardship, fundraising, and other activities are understood by the town.

7. **Designate a dedicated committee or entity to explore the costs and benefits of conservation financing options and develop a long-term financing strategy** that includes the appropriate balance of options for LaGrange. Financing options are discussed further in this chapter. Ideally, this financing strategy could be combined with the build out/fiscal analysis (see short-term recommendation #3) to identify the ideal balance of development and conservation for town taxpayers.

Short-Term:

1. **Explore the option of creating a town agricultural council** (or developing representation on existing boards). The agricultural council would serve as a town liaison for regional agricultural efforts, such as agri-tourism, business development, and promotion. The town agricultural council could also provide guidance in future planning and zoning activities.
2. **Develop a conservation analysis process and development design guidelines to guide conservation development.** The open space vision map and the recommendations in this plan can be used as a framework for creating a connected system of open space resources in LaGrange, specifically as the planning board considers open space lands under its conservation subdivision regulations. A process is needed to assist landowners/developers in using this plan information. A conservation analysis guidebook would outline a process for identifying and evaluating open space resources and for laying roads, lot lines, and houses to protect the most important resources both on-site and in the context of the town's open space vision.

Development design guidelines could also be created with this guidebook to assist landowners and developers in designing with sensitivity to open space resources. Many of the town's existing zoning districts require design guidelines for urban form; the same approach can be used to ensure that development conforms to principles and goals for the natural environment. Topics that might be explored include the following: reducing habitat fragmentation and other effects of development on wildlife, designing for wildlife connectivity, reduction of impervious surfaces, clearing and grading practices, and landscape planting practices. As an example, the Town of Wappinger, working with partners such as the DEC and the Wappinger Creek Intermunicipal Watershed Council, recently created *Recommended Model Development Principles* to serve as guidance for developers.

3. **Conduct a build-out analysis of the town under existing zoning regulations and examine the fiscal impacts on town residents.** A build-out analysis is a depiction of the future development capacity of the town, typically expressed by a quantity of new residential units as well as total commercial square footage.

Town of LaGrange Open Space Plan

The study would identify fiscal impacts to town taxpayers (for example increased level of services in roads, schools, and fire district) as well as fiscal benefits (for example increased revenue through commercial build-out). Other impacts on town residents, such as those on traffic, water quality, housing affordability, and quality of living, should also be explored.

The build-out study can be used as a guide for evaluating the appropriate balance of land use types in the town and could ultimately direct future local land use and conservation laws (such as the creation of a transfer of development rights program or incentive zoning regulations), in the context of a Generic Environmental Impact Statement. The build-out analysis can also be used as a public information tool, helping to inform town residents of the long-term cost effectiveness of conservation on taxes as well as on quality of life.

4. **Continue to work with landowners to refine projects, apply for grants, develop conservation tools, and finance projects (create a “greenprint” for the town).** Essentially, this is the development of a “greenprint” that will identify specific projects for conservation. The costs of financing the package of projects in the greenprint could then be analyzed (and compared with the costs of not implementing the package) and the greenprint could be presented to the community for approval in a financing campaign.
5. **Conduct additional open space and trail planning projects as opportunities arise (for example, as grant funds are available to support projects).** In addition to implementing land conservation projects, several planning studies are recommended in this plan, including the following:
 - Sprout Creek master plan
 - Freedom Plains open space and trail planning
 - Additional trail corridor studies such as for identifying alternative alignment options where obstacles to completing the Wappinger Creek Greenway exist

Long-term:

1. **Develop an outreach program to share the goals and successes of the resource conservation program with community residents.** As the program is first established, this might include a brochure or materials on the town website informing community members about the program. As the open space plan is implemented, successes should be celebrated publicly, through press releases and other outreach methods. As an example, the Town of Clifton Park (in Saratoga County, NY) recently created an “open space report card” brochure that highlighted the town’s progress towards reaching its conservation goals. In other areas, signs are erected to inform the community that lands are permanently protected through purchase of development rights.

Town of LaGrange Open Space Plan

2. **Develop promotional materials to help community members experience open space resources.** Projects towards this end will likely be catalyzed by community interest, but could include the following:
 - A scenic road/historic driving tour
 - A guide to local/regional farm products and other agri-tourism opportunities
 - A trail map or guide to completed trails
 - A series of interpretive/educational signs along the Wappinger Creek Greenway or Sprout Creek Greenway

3. **Conduct an agricultural zoning audit as part of the town's next comprehensive plan update.** Periodically audit and update existing zoning regulations with respect to the needs of the agricultural community. Zoning regulations should foster flexibility and profitability for agricultural land owners. Involve landowners in the discussion to ensure that their needs are balanced with the desires and concerns of the broader community. The agricultural advisory committee could help to guide this process (see short-term recommendation #1).

Financing Open Space Conservation

LaGrange community members have expressed strong support for conservation throughout this open space planning process. Community survey results have indicated that open space conservation is important to the community. LaGrange residents support open space conservation as part of the town's fiscal health, and they are willing to pay for some level of conservation.

Financing open space conservation in LaGrange will require a partnership approach. The more partnerships the town is able to build, the more the town's funds will be leveraged. This will not only help the town to advance conservation goals quickly, but it will ultimately help to reduce costs to town taxpayers.

The primary partners in land conservation projects are the landowners – without them there would be no project. Partners in conservation financing include all levels of government, including Dutchess County, New York State and the federal government. Partners also include land trusts and conservation organizations, which can help to develop and implement conservation projects, and often hold and steward easements. Lastly, developers can be key partners in conservation projects, both by helping to preserve land through development and also by preserving resources through conservation design.

There are many sources of funding available for implementing the town's open space plan. For example, the town may apply to federal grant programs such as the USDA Farmland Ranchland Protection Program or the New York State Farmland Protection Program for farmland projects. The Dutchess County Open Space and Farmland Protection Matching Grant Program is also a potential source of funds for both agricultural and open space protection. The Dutchess County grant program also provides municipal planning grants for open space planning and land use and zoning modifications, among other activities. Other grant programs established in the federal Land and Water Conservation Fund and the state Environmental Protection Fund provide funds for parklands and other conservation actions. The state Recreational Trails Program provides funding for trail development. New York State's Quality Communities Grant Program also provides funding for open space planning and other innovative activities such as intermunicipal resource planning.

Community Survey Supports Open Space Conservation

- 82% said it was very important to conserve rural character and open space resource in LaGrange.
- 89% said that the town should protect open space resources as an investment in keeping the Town of LaGrange fiscally healthy and affordable.
- 81% said they would feel comfortable spending \$15 or more per year for an average household for a local open space program. Of the 81%; 54% would be comfortable spending \$31 or more.

Town of LaGrange Open Space Plan

Land trusts and other conservation organizations such as the Dutchess Land Conservancy, Open Space Institute, the Glynwood Center, and Scenic Hudson are also primary partners in conservation. They provide invaluable assistance in working with landowners, providing community outreach, developing grant applications, holding and monitoring easements, and long-term stewardship of the land. In order to build successful long-term projects, conservation organizations should be considered part of the team from the project start.

Landowners and developers are also important partners in conservation. For example, landowners can donate property or provide a bargain sale towards a conservation easement, which is factored into the financing equation. Developers can also help to achieve the green infrastructure vision by conserving quality open space, or by constructing desired trail connections on future projects.

This partnership of public and private investment can go a long way towards implementing the goals of the town's open space plan. However, in order for grant projects to be truly competitive, they should be significantly leveraged with local dollars. State, federal, and county programs are not meant to be a sole source of funding for local projects, and they simply do not have enough money available to fund every project that comes through the door. In fact, for every dollar awarded under the state farmland protection program, four dollars go unfunded. In fiscal years 04-05 and 05-06, the New York State Farmland Protection Program received approximately \$130 million in requests for \$26 million in funds. A similar situation exists for federal funding sources.

Local governments are increasingly investing in open space conservation, and they are doing this through a variety of ways. Some communities are setting up capital reserve funds or setting aside recreation fees to implement open space projects. Other communities have developed creative solutions to financing open space. For example, the Town of Clifton Park (Saratoga County, NY) recently adopted open space incentive zoning, which provides a density bonus incentive to landowners in exchange for open space amenities. For single-family residential increases under the incentive zoning, each bonus dwelling unit requires the preservation of three acres of open space or payment of \$30,000.

In addition, a significant number of communities in the Hudson Valley have brought conservation financing ballot initiatives to voters, asking them to approve funds for open space conservation. According to the Trust for Public Land's Landvote database, which keeps track of conservation finance ballot initiatives across the country, New York State voters approved \$781 million in conservation measures in November 2006, with a 100% approval rating. Most of the conservation measures approved in November 2006 were in the Hudson Valley, including one measure in Dutchess County (City of Beacon), three measures in neighboring Ulster County (Towns of Marbletown, New Paltz and Gardiner), and one measure in both Orange and Putnam Counties (Towns of Warwick and Southeast). Conservation measures have been approved by voters in Dutchess County in previous years, as well. For example, the Town of Red Hook passed a \$3.5 million bond in 2003 and the Town of Beekman passed a \$3 million bond in 2005.

Town of LaGrange Open Space Plan

This plan recommends the establishment of a significant local funding source for resource conservation, so that the town can implement the open space plan. Ideally, the financing program will include a diversity of options from the recommended financing sources listed below. Please note that the sources below are *in addition* to all other opportunities for partnership with state, county and federal governments, landowners, conservation organizations, developers, and other private entities.

Annual Budget Allocations

The town can continue to allocate funds from its annual budget to implement open space conservation. Funds from the town budget can be used for soft costs such as additional planning or administration of conservation projects, as well as hard costs such as land acquisition or trail development. The town can also establish a capital reserve fund for open space projects. Funds could accrue over time and be used as needed to fund open space land or easement purchase.

Municipal Bond/Installment Purchase

The town can purchase lands and conservation easements with a municipal bond. This allows the town to stretch out principal and interest payments (like a mortgage). This is activated by the town through a permissive referendum process. Installment purchase agreements can be arranged in a similar manner.

As discussed previously in the chapter, many communities in the Hudson Valley, as well as New York and the rest of the nation, have asked voters to weigh in on conservation financing initiatives during elections. Placing a municipal bond referendum on the ballot allows voters to decide if they want to pay for open space conservation. Conducting a successful conservation campaign includes research, such as a community poll, to understand how much voters are comfortable spending, what types of resources they want to protect, and how the funds should be overseen.

Recreation/special Fees

The town already collects a recreation fee (in lieu of parkland) which can be used to support open space conservation efforts. In the future, the amount collected should be evaluated to confirm adequacy toward meeting the recreational needs of the town as it grows.

Real Estate Transfer Fee

Local governments can request the permission of the governor and state legislature for authorizing legislation, then local voters, to impose up to a 2% fee on real estate transactions to fund agricultural and open space conservation, recreational opportunities, and other important environmental benefits.

This option is interesting to local governments because it is a way to generate open space funds without charging the taxpayer. First-time homebuyers and purchases below the median home value in the town would be exempt from the tax. This strategy has been successfully implemented by five towns in the Peconic Bay, on the eastern side of Long

Town of LaGrange Open Space Plan

Island, in the early 1990s, with a 2% real estate transfer fee. More recently, voters in the Town of Warwick supported a ¾ % transfer fee for the purpose of land conservation in the November 2006 election.

Development Mitigation Fees

Mitigation costs can be developed through a comprehensive Generic Environmental Impact Statement (GEIS) process under a town-wide build-out. This process would help to identify impacts of the full build-out of the town and create measures to mitigate such impacts. Several communities are using the tools developed through such a process to obtain funds for land conservation through the private (development) sector.

Open Space Incentive Zoning

Incentive zoning (or amenity zoning) allows a landowner or developer to work with a municipality to obtain specific incentives in exchange for providing desired community amenities such as open space conservation. Incentives may include modifications to density, allowed uses, setbacks, or other zoning controls. The landowner or developer may provide, in exchange, dedicated open space, trail access, park land, or potentially cash (in lieu of land) to contribute to a PDR program.

Private Fund Raising

Many communities have successfully raised funds to support conservation efforts through private fund raising events such as dinners, concerts, festivals, and other events. Partnerships with local land trusts and other organizations can be a successful way to raise funds through private sources.

Summary of Conservation Goals and Priorities

Goals for conservation of each resource category identified in the open space vision map were introduced in the previous chapter. This section summarizes these goals and provides direction towards priorities or catalyst projects to achieve these goals.

A. Core Farm Areas

Important Resources: All farms in core farm areas.

Top Priority: Northwest core area (because of its size, soils, number of active farms, and relative isolation from development).

Next Step: Create a local tax abatement/term easement program.

Catalyst Project: Permanent conservation of a priority farm working with a willing landowner and other conservation and funding partners.

Town of LaGrange Open Space Plan

Future Actions: Develop a local funding source and create necessary tools for conservation of farmlands in core areas (comprehensive resource conservation program).

5-year Conservation Goal: Conserve 500 additional acres of land in the core farm areas.

Long-term Vision: Preserve core areas of working farms in LaGrange, working on a voluntary basis with willing landowners.

B. Greenway Corridors

Important Resources: Lands that are within, adjacent to, or integral to the natural function of greenway corridors.

Top Priorities: Sprout Creek; Wappinger Creek.

Next Step: Explore the development of an inter-municipal agreement for Sprout Creek.

Catalyst Project: Develop a conservation master plan for Sprout Creek.

Future Actions: Develop a local funding source and create necessary tools for conservation of greenway lands (comprehensive resource conservation program).

5-year Conservation Goal: Conserve 250 additional acres of land along major greenways.

Long-term Vision: Preserve linear greenbelt systems in the town and work with neighboring communities to do the same.

C. Natural Areas

Important Resources: Lands within the priority natural areas, specifically those that are of importance for species or habitat preservation or those that maintain larger areas of resource conservation.

Top Priorities: Freedom Plains; Overlook Preserve; lands within the Taconic Ridge; Wappinger Creek floodplains.

Next Steps: Conservation analysis guidebook and open space development design guidelines.

Catalyst Project: Master plan for preserving Freedom Plains open space resources.

Town of LaGrange Open Space Plan

Future Actions: Develop a local funding source and create necessary tools for conservation of resources and lands within natural areas (comprehensive resource conservation program).

5-year Conservation Goal: Conserve 500 additional acres of land in priority natural areas.

Long-term Vision: Conserve the function of the natural systems in LaGrange (this means balancing conservation of lands within natural areas with development that preserves the function of the natural systems).

D. Trails

Important Resources: All priority trail connections.

Top Priorities: Wappinger Creek Trail, Freedom Plains loop trail (both provide opportunities for populated portion of town to experience natural resources).

Next Steps: Form trails committee/sub-committee of CAC.

Catalyst Projects: Master plan for Freedom Plains Loop Trail (could be conducted jointly with master plan for preserving Freedom Plains open space resources).

Future Actions: Trail easement acquisition, planning studies and construction, as process unfolds.

5-year Conservation Goal: Develop or secure easements for 5 new miles of trail (excluding Dutchess Rail-Trail).

Long-term Vision: Create a system of trails in LaGrange that connects residents to open space resources, links open space resources and other destinations together, and provides diverse recreational and educational opportunities for residents.

E. Scenic Roads and Views

Important Resources: All scenic views and roads in town.

Top Priorities: Views of farmlands and rural areas; views of the Taconic Ridge.

Next Steps: Adopt scenic roads map in town zoning law.

Catalyst Projects: Conservation analysis guidebook and open space development design guidelines (will help to foster design that preserves scenic views).

Town of LaGrange Open Space Plan

Future Actions: Develop a local funding source and create necessary tools for conservation of resources and lands within natural areas (comprehensive resource conservation program) – conservation of other priority resources will help to preserve scenic resources.

5-year Conservation Goal: N/A.

Long-term Vision: Preserve whole landscapes and other scenic views that contribute to the town's scenic, aesthetic, and rural character.

Summary of Conservation Goals

This plan sets a short-term (5-year) goal for conservation of 1,250 acres of land and development of 5 miles of trail. This would more than double the town's existing protected land acreage, from 1,400 to 2,650 and would result in 10% of the town's land area in permanent conservation. The goal of 1,250 acres was established as an interim goal, based on the town's existing and future capacity for conservation (fiscally and organizationally). Further analysis of the land use and fiscal balance of the community, as recommended in this plan, will help to identify long-term goals for land conservation. This goal of 1,250 acres is the first step in that direction.

Opportunities for Regional Collaboration

As discussed in the plan introduction (Chapter 1), identifying and fostering regional opportunities is important to the community and town officials. Regional efforts are cost effective and make sense from a resource perspective. For example, maintaining the health of Sprout Creek locally requires maintaining the health of its entire watershed. Likewise, trail connections that do not end at the town boundaries are desirable to community members (who often do not know where town lines begin and end). Preservation efforts of core farm areas at the edge of the town will be greatly enhanced if the efforts extend beyond LaGrange (farmers also rent lands in adjacent communities so this makes sense for many reasons). Regional opportunities have been discussed throughout this plan. In addition to those major regional initiatives already under way (such as the Dutchess Rail Trail and the Taconic State Parkway Scenic Byway) some of these opportunities include the following:

- Develop an intermunicipal agreement for Sprout Creek, which forms the border of neighboring Towns of Wappinger and East Fishkill, and continues into the Towns of Union Vale and Washington (headwaters), and whose watershed drains all of these towns. This effort would help to address many significant intermunicipal resources, including the farmlands at the southern border of LaGrange, East Fishkill, and Wappinger, as well as the very large forest block at the northern border of LaGrange with Union Vale (this is one of the largest unfragmented forest blocks in the region).

Town of LaGrange Open Space Plan

- Continue to work with the Town of Pleasant Valley towards implementing the Wappinger Creek Greenway trail.
- Participate in regional efforts for business development, agri-tourism, and promotion of agricultural products.
- Jointly (with the Town of Union Vale) explore the proposed trail connection between Freedom Park and other town-owned land in LaGrange and into Union Vale.

Conclusion

This chapter has introduced a set of recommendations that would create a comprehensive resource protection program for the town, develop financing for the program and ultimately help to implement the program. The process will not happen overnight – it will take time, partnership, and support from community members, landowners, and government. But the investment will no doubt reap exponential rewards. The community's most important resources can continue to provide environmental and economic benefits for town residents – any they will persist for future generations to enjoy.