



Ulster County 2021 Climate Smart Communities Recertification Documentation

6.19 Preserve Natural Areas Through Zoning or Other Regulations

4 POINTS DOCUMENTED

Background: Ulster County has a long history of open space protection. Our Shawangunk Ridge and “forever wild” Catskill Forest Preserve are two of the most significant open spaces in the Hudson Valley.

Each community in the county has valuable open space resources. Abundant and critical water resources, rich biodiversity, renowned recreational and historic sites, and valuable, productive agricultural lands are all part of Ulster County’s open space landscape. These contribute to the well-being of the region’s environment, economy and quality of life.

Open Space Plan (2007): The Ulster County Open Space Plan is the result of input from stakeholder groups throughout the County. It is founded on an understanding of sound resource management and planning policies that reflect the needs and values of the people, places, and existing natural resources of the County. It was brought to fruition through the joint efforts of the Environmental Management Council and the County Planning Board.

Capital Improvement Program (2020 – 2025): The Program includes \$3,129,000 for the Open Space & Recreation Fund:

- **Project Description:** The County’s adopted Open Space Plan (2007) calls for the creation of an Open Space Fund that would provide matching funds for open space protection consistent with the recommendations in the Plan. The fund would be used to leverage federal, state and private funding for open space preservation through purchase of easements or acquisition of title. The County will develop a funding application managed by the Planning Department and Department of Environment. Eligible applicants include municipalities and non-profit organizations, and all projects must document local support and willing landowners. The Agricultural and Farmland Protection Board’s support will be required for all farmland preservation projects. In addition to open space preservation, the capital program may also be used to implement the Ulster County Transportation Council’s Non-Motorized Transportation Plan (NMT) by filling gaps in the County’s multi-use trail system. Funding for trail maintenance is not eligible.
- **Project Detail & Status:** This program will provide matching funds for open space protection, farmland preservation, and expansion of public recreational opportunities consistent with the County’s adopted Open Space Plan. Matching funds will be used for conservation easements, property acquisition, and filling of gaps in the County’s multi-use trail system.

Documentation:

- Resolution No. 424 of 2007 “Adopting The Ulster County Open Space Plan As An Element Of Ulster County’s Comprehensive Plan Pursuant To Article 12-b Of General Municipal Law – Planning” *
 - <https://legislature.ulstercountyny.gov/sites/default/files/documents/424-07.pdf>
- Open Space Plan:
 - <https://ulstercountyny.gov/planning/open-space-plan>



- Executive Summary*

- 2020 - 2025 Capital Improvement Program:
 - <https://ulstercountyny.gov/sites/default/files/Adopted%20Capital%20Program%202020-2025.pdf>
 - Open Space & Recreation Fund project description (p. 83) *

**included in documentation*

Adopting The Ulster County Open Space Plan As An Element Of Ulster County's Comprehensive Plan Pursuant To Article 12-b Of General Municipal Law – Planning

The Economic Development, Housing, Planning and Transit Committee (Chairman Rodriguez and Legislators Berardi, Gregorius, Loughran, Sheeley, Alfonso and Roberti), the Environmental Committee (Chairman Shapiro and Legislators Bartels, Distel, R.A. Parete, Rodriguez, Fabiano and McAfee) and Legislators Bischoff, Cahill, Dart, Donaldson, Kraft, Liepmann, Lomita, R.S. Parete, Provenzano, Stoeckeler, Terpening and Zimet offer the following:

WHEREAS, the Ulster County Legislature finds that preserving open space, creating new recreational opportunities and accommodating growth in appropriate areas is essential to protecting the environment, preserving community character, and strengthening the economy so that present and future generations can enjoy and benefit from the County's scenic, recreational and natural resources, and

WHEREAS, pursuant to Resolution No. 84, dated February 12, 2004, the Ulster County Environmental Management Council and the Ulster County Planning Board have completed a proposed Ulster County Open Space Plan and have recommended its adoption to the Ulster County Legislature, and

WHEREAS, pursuant to Resolution No. 259, dated July 12, 2006, the Ulster County Legislature determined that the adoption of the Ulster County Open Space Plan was a Type I Action under 6 NYCRR Part 617 State Environmental Quality Review Act (SEQRA), established that it was the only involved agency, declared itself lead agency for the purposes of conducting the necessary environmental review, provided for notices to be circulated consistent with both SEQRA and Article 12-b of General Municipal Law, and directed that public informational sessions on the Ulster County Open Space Plan be conducted around the County, and

WHEREAS, the Ulster County Legislature has conducted the necessary public hearing prior to considering the Ulster County Open Space Plan for adoption, and

WHEREAS, appropriate referrals of the Ulster County Open Space Plan were made to the Ulster County Planning Board, municipal planning boards and officials, and

WHEREAS, the Ulster County Planning Board has recommended that the Ulster County Open Space Plan as modified with respect to public comments and filed with the Clerk of the Ulster County Legislature be adopted, and

WHEREAS, the Ulster County Legislature has conducted the necessary environmental review of the proposed plan under SEQRA, and issued a negative declaration concerning the adoption of the Ulster County Open Space Plan, and

Resolution No. 424 December 12, 2007

Adopting The Ulster County Open Space Plan As An Element Of Ulster County's Comprehensive Plan Pursuant To Article 12-b Of General Municipal Law – Planning

WHEREAS, the Economic Development, Housing, Planning and Transit Committee has met and reviewed said request with a majority of the members voting approval, and

WHEREAS, the Environmental Committee has met and reviewed said request with a majority of the members voting approval.

RESOLVED, that the Ulster County Legislature hereby adopts the Ulster County Open Space Plan as an element to Ulster County's Comprehensive Plan pursuant to Article 12-b of General Municipal Law Section 239-d, and

FURTHER RESOLVED, that the Clerk of the Ulster County Legislature is directed to file a copy of the Ulster County Open Space Plan with the Ulster County Planning Board, the New York State Secretary of State, and with the Clerk of each municipality in the County, and

FURTHER RESOLVED, that the Ulster County Open Space Plan shall be updated every five years in accordance with the responsibilities and procedures set forth in the Ulster County Charter for the development and update of a Comprehensive Plan, and

FURTHER RESOLVED, that the Ulster County Open Space Plan shall be updated every five years,
and moves its adoption.

ADOPTED BY THE FOLLOWING VOTE:

AYES: 20 NOES: 7
(NOES: Legislators Alfonso, Busick, Cummings,
Gerentine, Harris, McAfee and Noonan)
(Absent: Legislators Aiello, Every, Fabiano,
Felicello, Roberti and Stoeckeler)

FINANCIAL IMPACT:
NONE
1234

Resource Strategies

1. Protected Open Space

Identify, permanently protect, and manage critical open space resources and systems

2. Water Resources

Protect and manage water resources

3. Working Landscapes

Enhance the viability and protection of working landscapes

4. Landforms and Natural Features

Protect the County's valuable landforms and natural features

5. Ecological Communities

Develop priority biodiversity areas and ensure that land use decisions incorporate habitat protection and species diversity

6. Historic and Cultural Resources

Promote stewardship of historic and cultural resources

7. Recreation Resources

Create, preserve, enhance and provide managed access to parks, hiking trails, active and passive recreation facilities, and historic resources

Ulster County Open Space Plan

Executive Summary

Ulster County has a long history of open space protection.

The environmental conservation movement has its roots here. With our "forever wild" Catskill Forest Preserve and Minnewaska State Park we have two of the most significant open spaces in the region.

Each community in the county has valuable open space resources. Abundant and critical water resources, rich biodiversity, renowned recreational and historic sites, and valuable, productive agricultural lands are all part of Ulster County's open space landscape. These contribute to the well-being of the region's environment, economy and quality of life.



Spring Clove, G. Steve Jordan

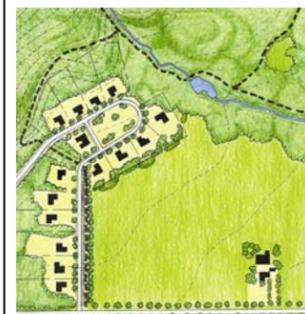
However, these resources are still at risk.

Much is already protected, but current development activity and existing regulatory controls foster a pattern of intrusion into our open spaces. Limited availability of water and sewer infrastructure is also a barrier in preventing a more compact land use pattern. These issues have become increasingly important as development proposals continue to accelerate in Ulster County.

We need to face the future with a **pro-active regional approach** – one that embraces scientific, legal, financial, and participatory tools to determine where and how we grow. Overwhelming evidence points to the benefits of preserving open space and growing "smart." Communities that plan ahead to protect open spaces, preserve their natural resources while creating a vision for accommodating sustainable and compact development are likeliest to succeed economically.



The postwar development pattern of sprawl has negative impacts the protection of open space (above).

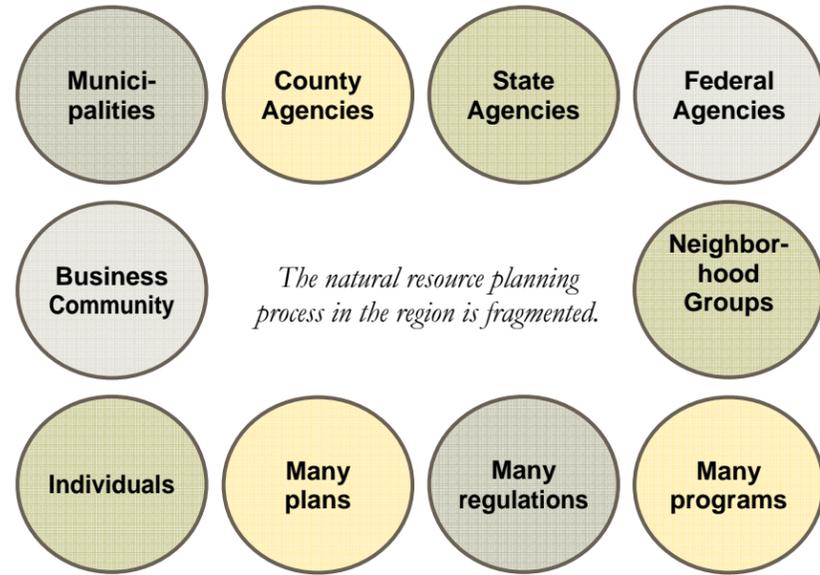


Alternative patterns exist, even for rural development, such as the example provided by Dutchess County's Greenway Connections (right).

The Ulster County Open Space Plan (2007) was developed collaboratively by the Ulster County Environmental Management Council and the Ulster County Planning Board. For more information about the Plan, contact (845)340-3340 or planning@co.ulster.ny.us or visit the Plan website at: www.co.ulster.ny.us/planning/ospace.shtml

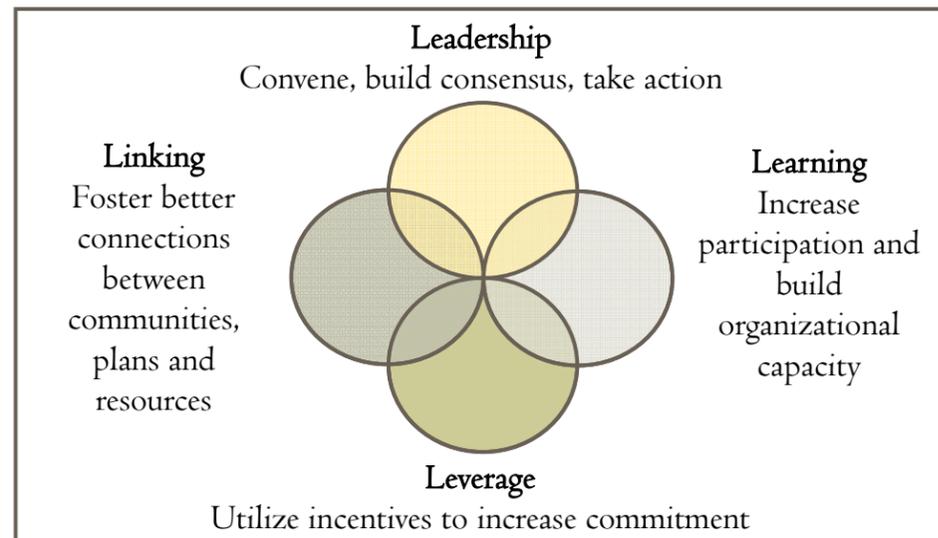
The current planning environment

Ulster County is nearly the size of Rhode Island. Within it are 20 towns, 3 villages, and one city. “Home Rule” in New York State, makes each municipality responsible for its own land use future. There are numerous non-profit organizations with missions to protect natural, cultural, and historic resources. Finally, dozens of State and Federal programs and regulations exist to protect particular segments of the environment. These entities and the public, all compete for access, funding, and consideration of their issues in land use decisions. This backdrop presents an extremely **fragmented planning process**, as well as one that is often contentious.



How can the County help?

The focus of this Plan is a framework for coordinated management and protection of natural resources. By putting the power of existing organizations together, we can focus our financial and human resources to protect our open spaces as we grow. The Plan recommends that the County use this management framework to coordinate and supporting the many efforts to protect open space resources in Ulster County. The key recommendations of the Plan are presented in the pages that follow.



This plan recommends a strategic approach to open space resource management

Leadership:

Convene, build consensus, and take action

We have already begun this process, which involves bringing together stakeholders—including government, agriculture/forestry groups, environmental groups, land trusts, economic development organizations, community organizations, and educational organization—to identify open space issues and areas of concern in Ulster County.

The Plan establishes an ongoing partnership with these stakeholders. In this leadership role, we will work together to recommend policies and actions to protect open space in the County, educate the public regarding open space protection, report regularly to County leaders, coordinate open space protection activities at the municipal, County and State levels, and establish cooperative relationships with all interest groups.

Linking:

Foster better connections between communities, organizations, plans and resources

To improve coordination of the many initiatives and open space resources in the county, the plan recommends creating linkages by:

- Continuing to convene stakeholders throughout the county to identify county-wide priorities for open space protection and work with communities to coordinate plans, provide technical assistance for capacity building and planning.
- Developing an open space database and clearinghouse with information and maps about the county’s natural resources inventory, grants, regulations, and planning tools and concepts.
- Supporting “inter-municipal agreements” between communities to plan and implement shared open space goals

Learning:

Increase participation and build organizational capacity

To implement the goals of this plan, we will:

- Build capacity of our own staff and decision-makers to manage an open space protection program.
- Foster stewardship of the County’s own sites, such as a County parks plan.
- Create an educational program to help municipalities strengthen their own planning and stewardship efforts.

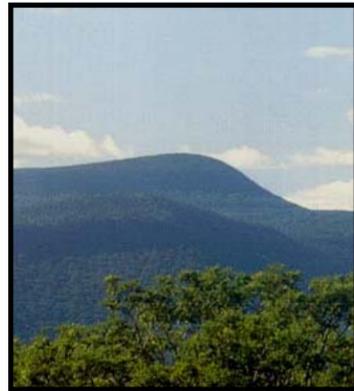
Leverage:

Utilize incentives to increase commitment to open space goals and policies

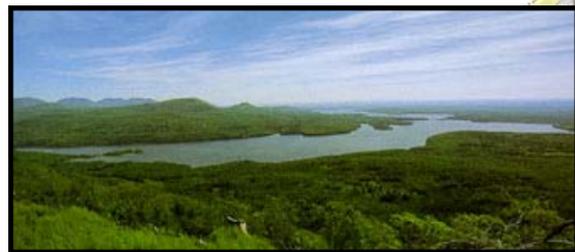
This strategy asks recipients to match the County support to show their commitment to the plan by:

- Working with the Hudson Valley Greenway program and Ulster County municipalities to become a “Greenway Compact” county. This offers incentives to communities in the form of funds and technical assistance for planning in accordance with Greenway Principles, which this plan supports.
- Creating a dedicated Open Space Fund which requires commitments from its beneficiaries in order to leverage those funds.

Ulster County Open Space Resources



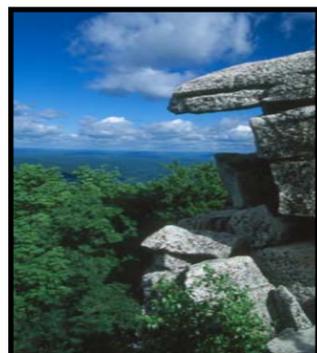
I. Protected Open Space:
 areas already legally protected (e.g., Catskill Forest Preserve)



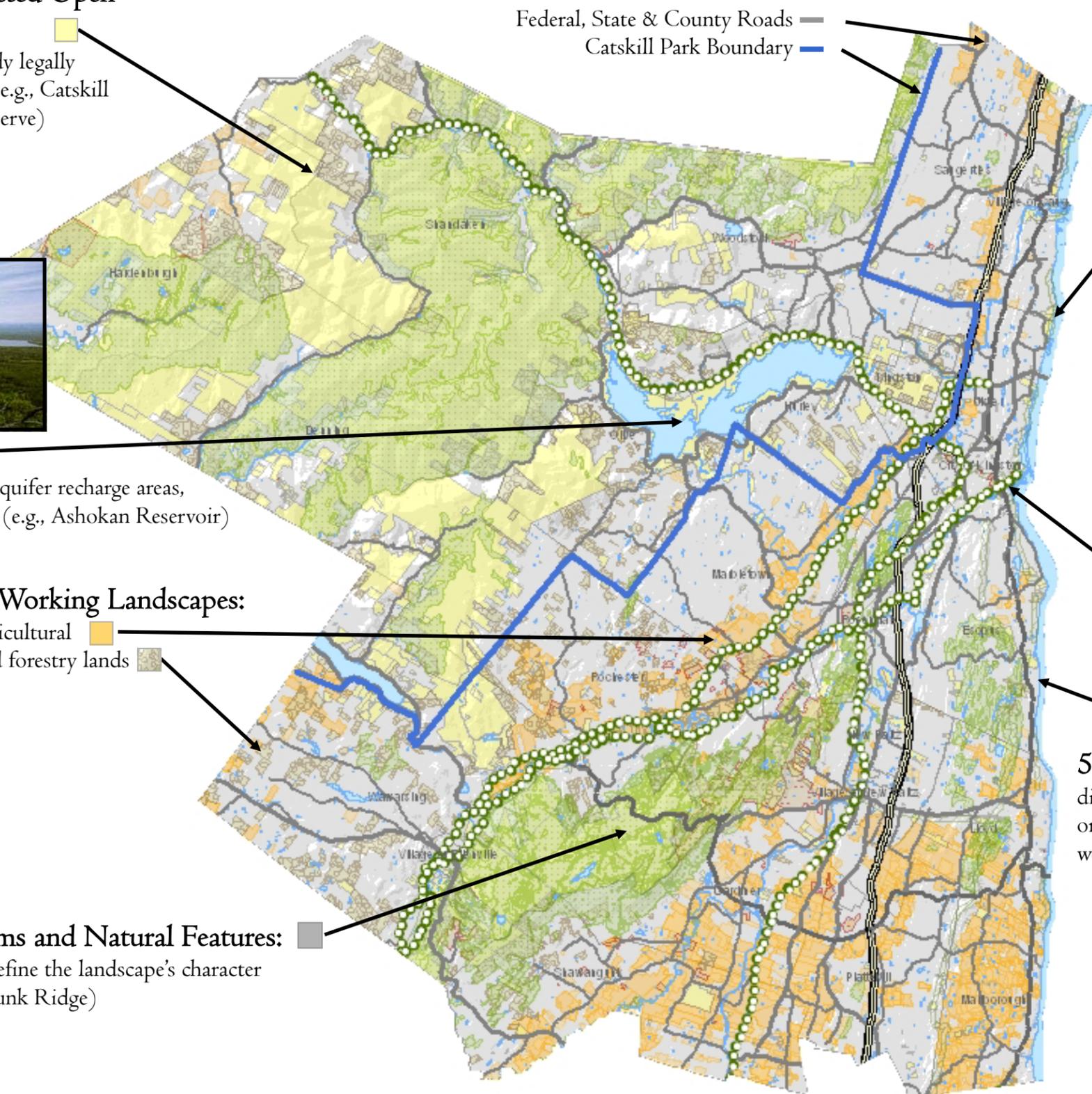
2. Water Resources:
 surface, ground, watersheds, aquifers, aquifer recharge areas, floodplains, wetlands and vernal pools (e.g., Ashokan Reservoir)



3. Working Landscapes:
 agricultural and forestry lands



4. Landforms and Natural Features:
 features that define the landscape's character (e.g., Shawangunk Ridge)



7. Recreation Resources:
 rural and urban parks, shorelines, fishing and hunting, trails, and tourism sites (e.g., Ulster Landing Park)

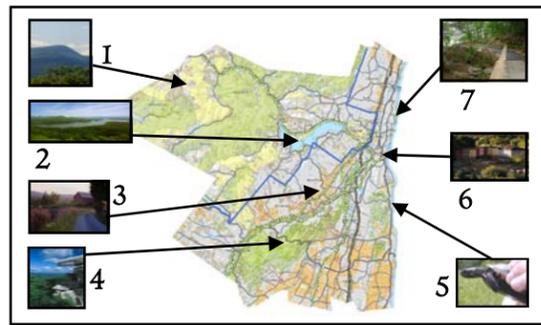


6. Cultural and Historic Resources
 Federal, State and locally designated structures, sites and districts (e.g., Kingston Rondout Waterfront District)

5. Ecological Communities:
 diversity of species and ecosystems, exceptional forest or plant community, unique and wildlife habitats, wetlands, shorelines (e.g., Black Creek)

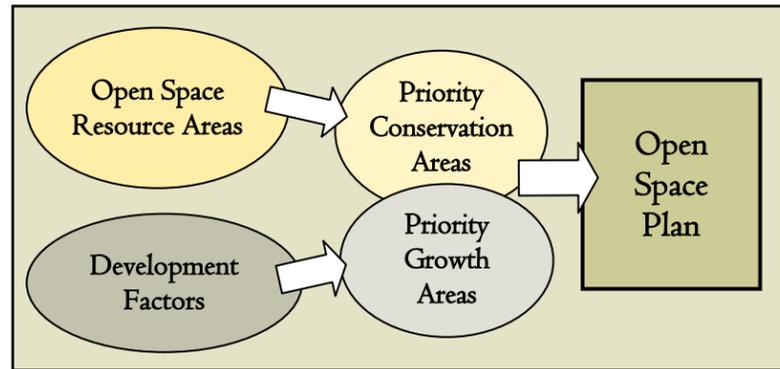


What are we protecting?



See previous page for details on the seven resource areas of the Plan.

What is Integrated Planning for Open Space?



See next page for integrated planning strategies.

Principles of the Open Space Plan

The recommendations of the plan are based upon the following principles:

- 1: Identify critical natural resource “systems.”
- 2: Preserve and protect open space, unique natural areas and heritage areas and sites, wetlands, water and woodland resources, scenic views, areas of natural beauty, and the rural character of Ulster County.
- 3: Integrate and link planning, development and environmental goals and efforts by creating a coordinated policy and management framework.
- 4: Integrate considerations of community well-being, economic prosperity, and ecological integrity.
- 5: Protect water resources and the critical watershed areas of the county.
- 6: Enhance the viability of existing farming operations and agricultural businesses, and encourage new ones to be formed.
- 7: Protect and enhance the County’s most valuable open space landforms and natural features with coordinated planning and safeguard policies.
- 8: Safeguard priority biological diversity areas by promoting biologically-sensitive land use and increasing research and understanding.
- 9: Create, preserve, enhance and provide managed access to parks, hiking trails, active and passive recreation facilities, and historic resources.
- 10: Balance consideration of present and future generations through sustainable development (i.e., development that meets the needs of the present without compromising the ability of future generations to meet their own needs.)

Integrated Planning Strategies for Open Space Protection

Natural Resources Inventory (NRI)

The EMC and Planning are compiling an extensive NRI for Ulster County that contains the locations and extent of natural resources including protected open space, water resources such as wetlands and aquifers, agricultural land, landforms and natural features, historic and cultural resources, and recreation areas. An NRI allows us to utilize sound scientific data, tools, and techniques in the decision making process.

Identify “Priority Conservation Areas”

Priority Conservation Areas contain high concentrations of natural resources and/or indicate development limitations for public safety reasons (flood plains, potential water resource contamination, steep slopes with unstable soils, etc). Priority Conservation Areas are identified by comparing where critical natural resources are mapped.



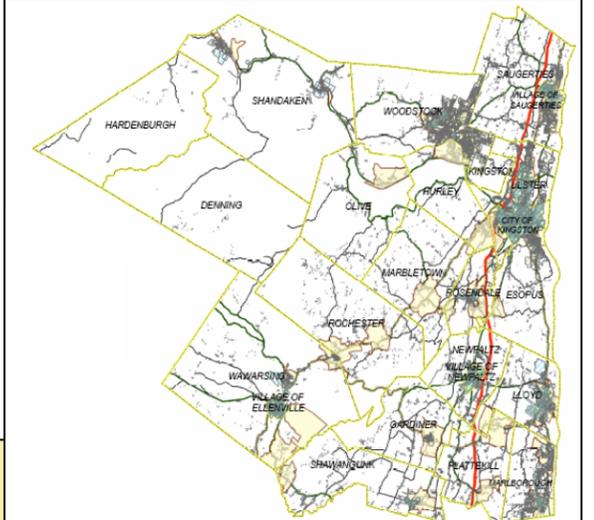
This map showing water resources and protected open space demonstrates how examining different resources together helps identify areas that may be a priority for conservation and protection.

Open Space Database and Clearinghouse

The Planning Board has compiled extensive information on planning tools, concepts, financial and legal resources, and “Best Management Practices” for open space protection. By linking this set of tools to a capacity building and educational program for individuals, communities, and decision-makers, the County will provide access to more consistent, standardized methods for a coordinated approach for development and conservation among our communities. This “toolbox” will provide guidance to local leaders and others for decisions regarding development that supports “Priority Growth Areas” while protecting open space.

Identify “Priority Growth Areas”

“Priority Growth Areas” are places where the community identifies potential for focused development in and around existing centers, rather than encouraging new construction on outlying open space or farmland. Priority Growth Areas also help us take best advantage of existing infrastructure. They are identified by mapping where development potential is most feasible based on infrastructure, zoning, population densities, and vacant parcels.



This map identifies development in and around existing centers to help make decisions about achieving a more compact land-use pattern.

2020 - 2025 CAPITAL IMPROVEMENT PROGRAM



Project Name: **Open Space & Recreation Fund**
 Project Type: Other
 Project Purpose: Recreation/Environment
 New (Y/N): N
 Routine (Y/N): Y
 Estimated Start Date: 1/2019
 Estimated Completion Date: 12/2025
 Estimated Total Cost: **\$3,129,000**

Planning

Open Space & Recreation Fund

Project Description

This program will provide matching funds for open space protection, farmland preservation, and expansion of public recreational opportunities consistent with the County's adopted Open Space Plan. Matching funds will be used for conservation easements, property acquisition, and filling of gaps in the County's multi-use trail system.

Project Detail and Status

The County's adopted Open Space Plan (2007) calls for the creation of an Open Space Fund that would provide matching funds for open space protection consistent with the recommendations in the Plan. The fund would be used to leverage federal, state and private funding for open space preservation through purchase of easements or acquisition of title. The County will develop a funding application managed by the Planning Department and Department of Environment. Eligible applicants include municipalities and non-profit organizations, and all projects must document local support and willing landowners. The Agricultural and Farmland Protection Board's support will be required for all farmland preservation projects. In addition to open space preservation, the capital program may also be used to implement the Ulster County Transportation Council's Non-Motorized Transportation Plan (NMT) by filling gaps in the County's multi-use trail system. Funding for trail maintenance is not eligible.

Phase Description	Start Date	Completion Date	Cost
Design			
Construction			
Acquisition	1/2019	12/2025	\$ 3,129,000
Total Cost			\$ 3,129,000
Summary			
Prior Years			\$ 129,000
2020			\$ 500,000
2021			\$ 500,000
2022			\$ 500,000
2023			\$ 500,000
2024			\$ 500,000
2025			\$ 500,000
After 2025			
Total Cost (must be the same as total of phases above)			\$ 3,129,000

Costs	
Capital Fund	\$ 3,129,000
Operating Budget	
Other	
Total	\$ 3,129,000

Funding	
Federal	
State	
Operating Budget	
Other	
Serial Bonds Authorized	
Total Funded	-
Unfunded County Share	3,129,000
Total	\$ 3,129,000



6.19 Preserve Natural Areas Through Zoning or Other Regulations

4 Points

6 Points

***PLEASE NOTE: This action will only be available for points on an application submitted before [July 2, 2021](#). After this date, the action may be removed from the program or replaced with an updated version.

A. Why is this action important?

Natural areas (including forests, wetlands, rivers, lakes, floodplains, and coastal shorelines) play an essential role in communities. They provide clean air and water, stormwater regulation, food and forestry products, scenic areas, outdoor recreation opportunities, and protect important ecological functions. In addition, natural areas often represent a chunk of stored carbon that, if developed, would enter the atmosphere and contribute to greenhouse gas emissions. Functioning ecosystems also sequester carbon and can help to mitigate a community's greenhouse gas emissions. For these reasons, the Climate Smart Communities (CSC) program encourages local governments to use their land-use authority to preserve natural areas.

B. How to implement this action

There are several techniques that can be used to focus development into areas best suited for development and preserve open space through local zoning or regulations:

- **Conservation or cluster development zoning** – allows for flexible lot sizes and calls for an analysis of the land's conservation value to determine the area most suitable for building and for conservation.
- **Overlay zoning** – applies a common set of standards to a designated area that may cross other conventional zoning districts. This allows local governments to protect several larger areas that may encompass several underlying zoning districts.
- **Performance standard zoning** – establishes zones which are based on an allowable environmental impact to the resources of an area opposed to a specific allowable use.
- **Incentive zoning** - provides for a trading agreement between a developer and a local government. In return for maximizing open space a developer is given a bonus, such as increased density on the site.
- **Special use permits** - outlined in the zoning ordinance, the jurisdiction establishes zones that require a special permit to develop to allow for more discretionary review of individual proposals.
- **Subdivision regulations** – govern the manner by which land is divided into smaller parcels. They can include provisions that help to accomplish natural area conservation, such as explicitly protecting wetlands, steep slopes, or floodplains.
- **Site plan review** – may be enacted by separate local law and involves a review of the design for a proposed development on a particular parcel of land. It ensures that the site design meets established criteria, which may include natural resource considerations.
- **Critical Environmental Area (CEA) designation** – is an opportunity available under SEQRA for the protection of natural areas. Local governments may establish CEAs for specific geographic areas within the community containing sensitive or unique features that require protection. Under SEQRA, the potential impact of a Type 1 or unlisted action on the CEA must be evaluated in the determination of significance, ensuring that the resource is specifically addressed during review.

A local government must determine which of these techniques works best for its specific situation. Using a natural resources inventory or other planning effort is highly recommended to determine where zoning ordinances or other regulations may need to be applied. Some local governments may also choose to address these issues as part of the development of a local waterfront revitalization plan. Whichever strategies the local government chooses, it is advised to seek the counsel of the local government attorney. In addition, local governments should present information, using

geospatial software, to local planning boards and to the public to help them visualize the need to conserve existing natural areas and to increase open space where important.

C. Timeframe, project costs, and resource needs

This action can be implemented with assistance from a professional planner on staff. For many communities, changes in zoning ordinances and other regulations can take up to a year to conduct background research, review existing ordinance language, draft new language, consult with a local government attorney and pass new or revised legislation. Consultants and Cooperative Extensions are very helpful resources in crafting the language and determining the most appropriate policy changes to accomplish local goals.

D. Which local governments implement this action? Which departments within the local government are most likely to have responsibility for this?

This action is relevant to any local government. The planning department or planning board and local government attorney are the primary stakeholders responsible for this action. Municipal committees, such as CSC task force, conservation advisory councils or environmental conservation committees may also be involved.

E. How to obtain points for this action

To obtain points for this action, the local government must update the local zoning ordinance or appropriate regulations to protect natural areas.

	POSSIBLE POINTS
Develop and implement a local zoning ordinance that helps to conserve natural areas	4
Base local ordinance on strategic conservation of high value areas identified in a natural resource inventory	2

F. What to submit

Local governments should submit the zoning amendment, ordinance, or other policy that preserves open space. The updated zoning or policy may have been passed at any time prior to the application date.

***PLEASE NOTE: This action will only be available for points on an application submitted before [July 2, 2021](#). After this date, the action may be removed from the program or replaced with an updated version.

All CSC action documentation is available for public viewing after an action is approved. Action submittals should not include any information or documents that are not intended to be viewed by the public.

G. Links to additional resources or best practices

- [DEC, 2013 Open Space Conservation Plan Revision:](#)
- [National Lands Trust, Preserving Open Space](#)
- [DEC, Conserving Natural Areas and Wildlife in Your Community](#)
- [DEC, Open Space Protection: Putting Local Plans Into Action](#)

H. Recertification requirements

The recertification requirements are the same as the initial certification requirements.