

STRICKEN AS OF END OF YEAR
AMENDED COPY AS OF 7/30/2013

Intro. Res. No. 1465-2013
Introduced by Legislators Krupski and Schneiderman

Laid on Table 6/4/2013

RESOLUTION NO. -2013, ADOPTING LOCAL LAW
NO. -2013, A CHARTER LAW TO STRENGTHEN
FARMLAND AND OPEN SPACE PRESERVATION IN
SUFFOLK COUNTY

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on June 4, 2013 a proposed local law entitled, "**A CHARTER LAW TO STRENGTHEN FARMLAND AND OPEN SPACE PRESERVATION IN SUFFOLK COUNTY**"; now, therefore be it

RESOLVED, that said local law be enacted in form as follows:

LOCAL LAW NO. -2013, SUFFOLK COUNTY, NEW YORK

A CHARTER LAW TO STRENGTHEN FARMLAND AND OPEN
SPACE PRESERVATION IN SUFFOLK COUNTY

BE IT ENACTED BY THE COUNTY LEGISLATURE OF THE COUNTY OF SUFFOLK, as follows:

Section 1. Legislative Intent.

This Legislature hereby finds and determines that Suffolk County's open space and farmland acquisition programs are among the most successful land preservation programs in the nation.

This Legislature further finds that during the past 50 years, Suffolk County has purchased upwards of 50,000 acres to preserve significant ecological areas, protect the underground aquifer and establish hamlet parks and other active recreation areas for the enjoyment of Suffolk County residents

This Legislature determines that Suffolk County's Farmland Preservation Program, by which the County purchases the development rights to agricultural lands, has successfully protected over 10,000 acres of farmland and helped preserve farming as a viable industry in our County.

This Legislature recognizes the enormous economic benefits associated with farming. A 2010 report of the State Comptroller found that Suffolk is the leading County in New York in total agricultural sales. Suffolk is the State's top producer of greenhouse, nursery, and floriculture products and is home to one-quarter of the State's wineries. Further, agriculture employs thousands of residents and is a critical component of the County's tourism industry.

The Legislature further determines that the County funding currently available for open space preservation and farmland protection is sharply limited and that the monies presently available should be spent on acquiring the highest quality open space for scenic

qualities, public access, watershed or wild life habitat protection, as well as the most productive soils.

This Legislature also finds that the Suffolk County Planning Department should be rating these parcels using the current system.

Therefore, the purpose of this law is to amend the Suffolk County Drinking Water Protection Program to ensure that only the most highly rated open space and farmland parcels are targeted for purchase by the County.

Section 2. Amendment.

Chapter 12 of the SUFFOLK COUNTY CHARTER is hereby amended as follows:

**Article XII.
SUFFOLK COUNTY DRINKING WATER PROTECTION PROGRAM**

* * * *

§ C12-2. Programmatic expenses.

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A. Specific environmental protection:

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(3) Beginning in 2014, only the parcels receiving the minimum ratings set forth below shall be eligible for Legislative consideration for acquisition, appraisal and environmental review under this program:

<u>Farmland Development Rights</u>	<u>11.25 points on a scale of 25</u>
<u>Open Space</u>	<u>45 points on a scale of 100</u>
<u>Wetlands, Woodlands, Pine Barrens and other lands suitable for passive recreation</u>	<u>45 points on a scale of 100</u>
<u>Hamlet greens, hamlet parks, pocket parks</u>	<u>45 points on a scale of 100</u>

Parcels receiving ratings lower than those set forth herein shall be eligible for acquisition only if the federal government, the State of New York, a town, village or other interested party agrees to provide a minimum of 50% of the parcel's acquisition costs.

* * * *

Section 3. Applicability.

This law shall apply to action occurring on or after the effective date of this law.

Section 4. Severability.

If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Section 5. SEQRA Determination.

This Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this law constitutes a Type II action pursuant to Section 617.5(c)(20), (21), and/or (27) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the meaning of Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency administration, management and information collection. The Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this law.

Section 6. Effective Date.

This law shall take effect on January 1, 2014.

___ Underlining denotes addition of new language.

DATED:

APPROVED BY:

County Executive of Suffolk County

Date:

29 July 2013

TO: Suffolk County Legislature
FROM: Herbert Strobel, Farmer, Center Moriches
SUBJECT: IR-1465



This letter is in support of IR-1465 which seeks to strengthen the County's Farmland Preservation Program. For over 40 years, Suffolk had been at the forefront of creating and implementing public policies that protect farmland from development. Indeed, County residents have continually supported the program by passage of various referenda that provide funding for development rights acquisition. Such support expresses the desire of residents to have access to locally grown food and the other benefits that come from maintaining a local agricultural base.

Suffolk County has an even longer record of preserving open space for water protection and recreation. Many thousands of acres provide for recharge of the sole source aquifer as well as passive and active recreational opportunities all across the County. The protection of open space helps maintain the quality of life for residents and enhances the experience of visitors to Suffolk.

There remains a need to continue preserving farmland and open space, but the economic challenges of the last five years have constrained the availability of funding; in such an economic climate, it is important to evaluate how limited resources can be most effectively used to continue preservation activities. Legislator Krupski recognizes this need, and IR-1465 is a common sense approach that will help sustain both aspects of the land preservation program. His legislation would help create greater parity between open space and farmland development rights acquisitions. In addition, IR-1465 further prioritizes acquisitions; such prioritization is important, especially when resources are limited.

It is important to note that farmland is a working landscape that directly contributes to the economic vitality of the County. Farmers pay taxes, create jobs, and purchase goods and services. There are also ancillary economic benefits derived from the tourism that is generated by visits to farms. In this light, strengthening the farmland preservation program has economic benefits, and so I urge the members of the Legislature to support IR-1465. It is a *reasonable* strategy that will promote continued land preservation.