

WITHDRAWN AS OF 5/4/2012
AMENDED COPY AS OF 3/12/2012

Intro. Res. No. 1197-2012
Introduced by Legislator Hahn

Laid on Table 2/7/2012

**RESOLUTION NO. -2012, ADOPTING LOCAL LAW
NO. -2012, A LOCAL LAW TO STRENGTHEN THE LAND
PRESERVATION PROGRAM AND MAXIMIZE
ENVIRONMENTAL PROTECTION**

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on _____, 2012, a proposed local law entitled, "**A LOCAL LAW TO STRENGTHEN THE LAND PRESERVATION PROGRAM AND MAXIMIZE ENVIRONMENTAL PROTECTION;**" now, therefore be it

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

LOCAL LAW NO. -2012, SUFFOLK COUNTY, NEW YORK

**A LOCAL LAW TO STRENGTHEN THE LAND PRESERVATION
PROGRAM AND MAXIMIZE ENVIRONMENTAL PROTECTION**

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 the County of Suffolk has preserved thousands of acres of land for open space, agricultural use, and drinking water protection purposes under multiple programs in the past forty years.

This Legislature also finds and determines that for several years, the County accelerated its land preservation efforts under the ¼% Drinking Water Protection program, borrowing against future program revenues to preserve parcels under threat of immediate development.

This Legislature further finds and determines that acquisitions made during this period were typically evaluated and acquired on a "first-in, first-out" basis.

This Legislature determines that the County will now resume purchasing land on a "pay-go" basis, which may significantly reduce the number of parcels that can be purchased in the next few years.

This Legislature also finds that this is the right time for the County to re-evaluate its land preservation program and develop a more comprehensive approach to guide the evaluation and acquisition of land and farmland development rights.

This Legislature further finds that the County must review properties already approved for planning steps, as well as parcels included on the County's "Master List", and establish a priority ranking system to help guide future land acquisition decisions.

Therefore, the purpose of this law is to allow, authorize and direct the Planning Department and the Division of Real Property Acquisition and Management to undertake a rigorous and comprehensive review of all parcels presently targeted for acquisition by the County and to establish a priority ranking system to guide the County's land preservation decisions, thereby maximizing limited public resources and strengthening environmental protection.

Section 2. Ninety Day Action Plan to Review and Prioritize County's Land Acquisitions.

- A. The Planning Division and the Division of Real Property Acquisition and Management, within the Department of Economic Development and Planning, are hereby directed to review the County's Master List and make recommendations to the County Executive and the County Legislature as to which parcels should be removed from the list. The review and update of the Master List shall be completed within ninety (90) days of the effective date of this law.
- B. The Planning Division and the Division of Real Property Acquisition and Management are hereby directed to establish an advisory priority ranking system for proposed acquisitions based on objective criteria including, but not limited to a parcel's environmental significance and the ability to leverage other public or private funding for an acquisition. All parcels on the updated Master List and all parcels for which planning steps have been approved shall be evaluated and ranked under these criteria to determine the order in which parcels should be preserved and a priority list shall be established within ninety (90) days of the effective date of this law.
- C. The Planning Division and the Division of Real Property Acquisition and Management shall take no action to advance planning steps (i.e., prepare rating sheets, conduct surveys or appraisals, make offers to purchase) on any parcel for ninety (90) days following the effective date of this law or until such time as the Master List update and the priority acquisition list are completed in accordance with the requirements of paragraphs (A) and (B) of this section, whichever occurs earlier, notwithstanding a parcel's inclusion on the County's Master List or any prior legislative resolution authorizing planning steps. This provision shall not apply to any parcel for which the County of Suffolk has made an offer to acquire to its owners, for a specific dollar amount, prior to the effective date of this law.
- D. No resolution approving planning steps for the acquisition of land or development rights shall be discharged from the legislative committee to which it has been assigned, or be approved by the full Legislature for a period of ninety (90) days following the effective date of this law or until such time as the Master List update and the priority acquisition list are completed in accordance with the requirements of paragraphs (A) and (B) of this section, whichever occurs earlier.

Section 3. Applicability.

This law shall apply to all actions 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 immediately upon filing in the Office of the Secretary of State.

DATED:

APPROVED BY:

County Executive of Suffolk County

Date: