

Town of Canandaigua

OPEN SPACE PROTECTION POLICY & PROCEDURES

Effective: May 20, 2024 via Resolution 2024-145

A. PURPOSE

The preservation of undeveloped land with natural landcover, often called “open space,” provides a myriad of ecological, economical, and cultural benefits to a community. The most obvious benefits are the protection of a wide variety of wildlife habitat and places of natural and scenic beauty or local cultural importance – all these things boost the local economy by attracting people and businesses to our area.

Open space conservation protects surface and ground water resources by filtering out pollutants before they enter our wetlands, streams, and lake. Finally, open space also benefits the environment and its inhabitants by providing erosion control during increasingly common, large rain events, and attenuating noise, wind, and temperatures for adjacent residences.

The Town of Canandaigua has done extensive planning in the areas of natural resources and open spaces and has identified the need to proactively conserve open spaces to the extent practicable, for all the reasons stated here [see Appendix B. “REFERENCE MATERIALS”]. Open space fosters healthy lifestyles and a quality of life for residents.

The intent of this policy is to provide a framework for land protection and conservation that will provide clearly defined avenues for the Town to acquire and protect land from development as well as providing standards of measurement and methods for project approval by the Town of Canandaigua Town Board. The policy will also educate and inform landowners interested in preserving their land.

B. IDENTIFYING PARCELS TO PROTECT

The town has many tools at its disposal to identify land that is a good candidate for protection. Recommendations for acquisition will be dependent on individual parcel analysis that will weigh heavily on the resources available to the Town including the Town’s own planning documents [see Appendix B. “REFERENCE MATERIALS” for list of resources and links], reference materials, guidance from experts such as a Land Trust or NY DEC, and Town staff.

Opportunities for open space land acquisition will present in a variety of ways:

- Development applications
- MLS listings of properties available for purchase
- direct contact to Town Officials from landowners interested in preservation
- direct contact to Town Officials from Land Trusts or other entities
- contact from Town Officials to landowners of target parcels

Additional opportunities may arise from solicitation by the Town to groups of targeted landowners, such as in the case of the Farmland Protection Implementation Grants through the New York State Department of Agriculture and Markets [see “Outside Funding”].

C. METHODS OF PROTECTION

Open space land can be preserved by a conveyance of ownership (either through purchase, donation, or bequest) or by utilizing conservation easements, which place legal restrictions on a property for a defined amount of time (often perpetual, in the case of land protection) [see Appendix A.a.i “CONSERVATION EASEMENT”]. The process for both methods is laid out below.

C.1. Conservation Easements

- A conservation easement may be donated by or purchased from a willing landowner
- A conservation easement can be held by the Town or by another entity (such as a land trust or state/national government) that will be responsible for upholding the terms of the easement.
 - Examples
 - Canandaigua Vista Preserve includes both land owned by the Finger Lakes Land Trust and permanent conservation easements held by them on privately owned land.
 - The Town holds a permanent conservation easement on Sand Hill Road on privately owned farmland.
- Town required easements must be held by the Town of Canandaigua, a Land Trust, or other entity approved by the Town Board.
- Conservation subdivisions – [Town code § 174-16 Conservation subdivisions](#), especially sections D.(5) and I. The Town of Canandaigua can hold easements on the open spaces in conservation subdivisions and can require public access to the open space.
 - Example
 - Pierce Brook open space area will be permanently protected with a conservation easement and will allow for public use of the trails.

Public Access

The land on which the conservation easement is placed may or may not be open to the public for recreational use. Access will be determined by the legal language in the conservation easement and will be decided on a case-by-case basis with all involved parties (landowner and easement holder) coming to an agreement prior to the easement closing.

The Town’s Comprehensive Plan Update 2021 states that the Parks and Recreation goal of the Town is to improve and expand active and passive recreational resources within the Town. Therefore, public access would be preferred wherever practicable.

Town Expenditures

When a conservation easement is acquired through established state and federal programs [see “Outside Funding”], the Town Board may make a contribution and has in the past approved a donation of \$50 per protected acre.

For conservation easements on open space held by the town, acquisition costs, if any, will be determined on a case-by-case basis by the Town Board.

C.2. Conveyance of Property, Fee Simple

- The Town may purchase land or provide funding towards the purchase of land by another entity such as a Land Trust or another government entity.
 - Example:
 - The Town purchased a forested parcel of land adjacent to McJannett park that will be protected and used for passive recreation only (hiking, picnicking, wildlife viewing, etc.)
- Arrange “right of first refusal” agreements with landowners of parcels that have been identified as worthy of protection to retain the right to purchase if the property owners decide to sell.
- The Town may receive donated land, including bequests of property.

Public Access

Land purchased by the Town of Canandaigua may be publicly accessible if so determined by the Town Board. The type of landcover on the parcel and the intended level of protection will impact decisions related to the type of public use of the land.

Town Expenditures

Purchase cost for land will be determined on a case-by-case basis by the Town Board, the original landowner(s), and other involved parties and will be based on:

- Assessed value
- Appraisals

D. APPROVALS AND DECISIONS

The Town Board makes the ultimate decisions on whether to move forward with parcel acquisition via a resolution at a Town Board meeting.

The Open Space Team or stakeholders, the Planning Board, and/or Town Officials will make a recommendation to the Town Board based on the processes described herein for identifying and procuring parcels of interest.

E. FUNDING SOURCES

E.1 Town Expenditures for open space land acquisition, regardless of method of protection used, may be paid from one of the following town funds depending on the type of property, intended use of such property, and in accordance with to the rules set forth by the New York State Comptroller’s office for the respective funds:

- a. Open Space Reserve Fund
- b. Parks Fund
- c. Uptown Parks Fund

E.2. Outside Funding – Conservation Easements

Outside funding for costs associated with conservation easements is regularly available from many different local, state, and federal entities. Funding is typically offered annually or biannually in the form of grant programs that are usually competitive in nature, meaning funding is not guaranteed. With outside funding comes rules and regulations from the funding entity. Examples include:

- NY DEC Community Forest Conservation Program – funding for purchasing land or placing a conservation easement on privately owned land of 10 acres or more in size that is at least 75% forested. Land must be open to the public after the transaction is complete.
- NY Department of Agriculture and Markets Farmland Protection Implementation Grant Program – funding for purchasing a perpetual conservation easement on privately owned eligible farmland; funding is up to 75% of the easement value, which is determined by an appraisal.
- USDA-NRCS Agricultural Conservation Easement Program – Agricultural Land Easements - funding for purchasing a perpetual conservation easement on privately owned eligible farmland; funding is up to 50% of the easement value, which is determined by an appraisal.
- Other programs that may become available.
- Outside funding can also come in the form of financial assistance, donations from individuals or entities with an interest in the project (land trusts, state or federal agencies, non-profits, etc.), or bequests.

E.3. Outside Funding – Fee Simple

Outside funding for the purchase of land is regularly available from many different local, state, and federal entities. Funding is typically offered annually or biennially in the form of grant programs that are usually competitive. With outside funding comes rules and regulations from the funding entity. Examples of existing programs include:

- Water Quality Improvement Project (WQIP) -The WQIP is a competitive, reimbursement grant program that funds projects that directly improve water quality or aquatic habitat, or protect a drinking water source. Land Acquisition for Source Water Protection is an eligible project.
- NY DEC Community Forest Conservation Program – funding for purchasing land or placing a conservation easement on privately owned land of 10 acres or more in size that is at least 75% forested. Land must be open to the public after the transaction is complete.
- Other programs that may become available.
- Outside funding can also come in the form of financial assistance and/or donations from individuals or entities with an interest in the project (land trusts, state or federal agencies, non-profits, etc.)

APPENDICES

A. DEFINITIONS

- a. Applicable definitions for terms used in this policy can be found in the Town of Canandaigua Town Code: <https://ecode360.com/CA0614> and in resources listed in Appendix B.

B. REFERENCE MATERIALS

a. Town Planning Documents

- i. [Comprehensive Plan Update, 2021](#)
- ii. [Natural Resources Inventory Update, 2020](#)
- iii. [Open Space, Conservation, and Scenic Views Master Plan, 2018](#)
- iv. [Agricultural Enhancement Plan, 2016](#)
- v. [Padelford Brook Greenway Plan, 2015](#)
- vi. [Sustainable Stormwater Management for Sucker Brook Watershed, 2015](#)

b. Town Maps

- i. [Strategic Farmland Protection Area Map, 2016](#)
- ii. [Protected Agricultural Lands Map, 2021](#)
- iii. [Strategic Forest Protection Area Map, 2018](#)
- iv. Agricultural Protection Overlay District
- v. [Lands of Conservation Value Map, 2018](#)
- vi. [Natural Resources Parcel Rating Map, 2016](#)
- vii. [Wildlife Corridors Map, 2020](#)
- viii. [Scenic Viewshed Map and targeted view locations \(see Open Space plan\) 2018](#)

First Adopted:

May 20, 2024

Resolution No. 2024-145

Subsequent Adoptions and Amendments: