

Intermunicipal Approaches



Intermunicipal land-use cooperation recognizes that natural resources are often shared by two or more municipalities. In New York, municipalities may work together to share financial resources, promote economic growth, and protect natural resources. Municipalities in the Hudson Valley have worked together to promote tourism, attract business, protect watersheds, and study traffic (Pace University Land Use Law Center 2002).

Planning intermunicipally does not take away the ability of an individual municipality to govern its own land use, but instead allows a shared vision to guide each town's actions in ways that benefit a larger area. This allows for consistent protections across a shared resource while protecting home rule.

How Can Intermunicipal Land Use Cooperation Be Used to Protect Natural Areas and Wildlife?

Natural features and wildlife do not follow municipal boundaries and habitats generally span more than a single town. For example, the Shawangunk Ridge in Ulster County in New York is in parts of eleven towns and one village. The Albany Pine Bush straddles two towns, two cities, and one village. Intermunicipal land-use cooperation allows for coordination of conservation efforts, which is more effective at protecting shared resources.

Smart Growth Strategies

Intermunicipal land-use cooperation for natural areas and wildlife should be based on shared natural features, such as large wetland complexes, watersheds, or important ecological landscapes. Municipal leaders can work together informally or draft and sign an intermunicipal agreement. Cooperation can involve two or more counties, towns, cities, or villages. It may also make sense to work with school districts, sewer districts, and for those communities in the New York City Watershed, the New York City Department of Environmental Protection. A municipality can be part of more than one intermunicipal effort.

Counties

County government is the most basic level of intermunicipal cooperation. Biological resources can be identified at the county level and that information and conservation advice can be shared with municipalities as they update comprehensive plans or create watershed or open space plans. If authorized by the county legislature, county planning boards can review development proposals. If the county planning board recommends against a proposal, the local legislature needs a supermajority to approve the project.

Sharing Information

Neighboring communities will often inventory their resources without knowing what their neighbor has done. A neighboring municipality's effort to identify habitat may shed light on your efforts, by identifying shared habitats or by learning about another municipality's innovative approaches to conservation. Municipalities that are just beginning to conserve habitat can learn from towns that have well-established conservation programs. Towns, cities, and villages might even work together to identify habitats, as has been done in partnership with the Wildlife Conservation Society in the Hudson Valley. Coordination can be as simple as using the same map legends, so habitat maps can be used by residents in both towns.

Complementary Ordinances

Shared natural resources will not be conserved if only one town adopts conservation measures. Adjacent towns can adopt similar or identical ordinances to protect a shared resource. Overlay zones are a good type of ordinance to develop with neighboring communities because they can be applied over any base zone. Another benefit of this approach is that enforcement costs can be shared among towns.

Joint Boards

Forming joint boards is another way to integrate conservation efforts. Neighboring municipalities could develop intermunicipal planning, zoning, or subdivision review boards; conservation advisory councils (CACs); or open space committees. Natural-resource information can be combined, and development impacts could be considered across municipal boundaries. If forming

joint boards is not feasible, consider holding periodic joint meetings to discuss environmental issues that are common to the communities.

Joint Planning or Studies

Local governments can work together to develop local plans or study local resources. This may be especially useful in rural towns that have fewer resources for consultants. Incorporated villages have cooperated with the towns they are in to develop comprehensive and open space plans. Intermunicipal watershed plans are becoming increasingly common in the Hudson Valley as concern over clean water is growing. Adjacent municipalities on the Hudson River may want to develop intermunicipal local waterfront revitalization plans.

Intermunicipal Agreements

Formal intermunicipal agreements are drafted by

committee and then adopted by majority vote of the legislature of the individual municipalities. Included in the document are clearly stated responsibilities of municipalities, approach to implementation, organization of the council, who will represent the municipalities on the council, resources members will commit to the council, insurance, dispute resolution, and the logistics, duration, review, amendment process, extensions, and termination. Agreements can include specific implementation actions so member communities have a roadmap for achieving their goals. Upon signing, a municipality commits to achieving those goals. Examples of natural-area goals might be to conserve 500 acres of land that protects habitat and water quality, develop a voluntary riparian planting program, adopt a wetland and watercourse ordinance, encourage voluntary land-conservation agreements, collect more biological

Watershed Planning

Engaging municipalities through community-based watershed groups is an excellent way of making sure there is enough clean water for drinking, boating, and fishing in the Hudson River Valley. Working intermunicipally makes sense for watersheds because any land use in upstream communities affects downstream communities and land-use and groundwater withdrawals affect the entire watershed, not just a stream. Watershed planning can also support natural area and wildlife conservation, considering the impacts of land use on important water and wildlife resources. In addition, activities that protect terrestrial and aquatic habitat also protect water resources. Increasingly, local watershed groups have been including natural area and wildlife into watershed plans.

Watershed Plan Steering Committee

A watershed steering committee or advisory group of key stakeholders should be established to help guide the development of the watershed conservation and management plan. Watershed steering committees can include representatives from diverse watershed and natural-resource interests, including but not limited to, local, state, and federal government agencies; elected officials; environmental and conservation groups, sportsmen federations; private citizens; scientists; students performing stream monitoring; academia; and forestry, agriculture, and construction businesses.

Although a steering committee is a good way to incorporate public/stakeholder support for the watershed plan, the group can continue after completion of the plan. Continuing a watershed partnership beyond the scope of planning creates a long-term partnership committed to watershed restoration and protection with diverse support and resources.

Watershed Plan Components

Watershed plans typically include three major parts: (1) a characterization of water and land resources; (2) an inventory of stresses or threats to the natural resources; and (3) conservation and management strategies to improve or

protect the watershed. Living resources can be added to the watershed plan in a similar way by characterizing the known wildlife and habitats of the watershed, identifying the threats, and developing strategies to address those threats. This is the same process by which an individual town can identify its habitat resources, just on a broader scale. Pay particular attention to aquatic habitats and land habitats that depend on or affect water resources: wetlands, forests, and stream corridors. Refer to Chapter 4 for help in identifying important natural areas and wildlife connections in a watershed.

Some watershed organizations complete an ordinance review of their municipal partners to determine if local laws adequately protect water quality and quantity. Though many of the laws reviewed also help protect habitat (e.g., erosion and sedimentation), reviewing laws and policies that have natural-area and wildlife impacts can make the review more comprehensive.

Public Input and Outreach

Public outreach and input are important parts of watershed planning. Soliciting public comment is a good way to identify issues, ideas, and strategies during the planning process. Public meetings in watershed towns should be held once a draft plan is complete. Engaging the community and including stakeholders in decision-making may help ensure long-term success of the plan (see Chapter 6). If a community-based watershed group exists, it could lead the public outreach effort. Public education is important because everyone has a potential impact on our water resources. Landowners and land-use decision-makers alike can do something to keep our water clean and abundant.

For more information about watershed planning, contact the New York State Department of Environmental Conservation Hudson River Estuary Program.

information, or any of the other techniques described in this handbook.

Summary of Benefits

By working together to conserve natural areas and wildlife, municipalities can prevent duplication of conservation efforts; combine financial and material resources for cost-effective planning, implementation, and enforcement; and promote a greater diversity of programs and opportunities to address conservation issues. Intermunicipal efforts can also be more effective at attracting technical assistance and funding from state, federal, and private sources.

Local Examples

Shawangunk Regional Open Space Plan

Eleven municipalities have joined forces in the Shawangunk region of Ulster and Orange Counties to protect the character of the rural landscape and promote tourism to the region. The communities worked together in the past to develop a management plan for the Shawangunk Scenic Byway that included natural resources. The municipalities are working together to identify the regionally important open spaces that support the regional quality of life, including those that support natural areas and wildlife.



Eastern Westchester Biotic Corridor

The Towns of Lewisboro, North Salem, and Pound Ridge created an intermunicipal agreement in 2005. The important habitats in those towns were described in the Eastern Westchester Biotic Corridor report by the Wildlife Conservation Society. In the agreement, the first in New York State created solely to protect biological resources, the towns stated the “desire to cooperate to protect wildlife habitat and biodiversity and reduce the impact of development on animals and plants in a connected swath running through Lewisboro, Pound Ridge, and North Salem.” Further, they vowed to review town plans and codes in order to develop a plan to “protect the biotic corridor, adopt conservation overlay zoning, and create incentives to development that protect biodiversity.” The first task is to develop an intermunicipal conservation overlay district. For more information, contact one of the three towns involved at www.lewisborogov.com, www.townofpoundridge.com, www.northsalemny.org.

Creating Complimentary Ordinances

The Rockland Riverfront Communities Council, an intermunicipal council in Rockland County developed to promote natural, historic, and cultural resources, comprises eleven towns and villages that border the Hudson River plus the county and the Palisades Interstate Park Commission. The council has been authorized by resolution of the member municipalities to draft model ridgeline and steep-slope laws. The laws will help each municipality to protect the Palisades’ scenery and prevent erosion. Once complete, the ordinances will need to be adopted by each municipality. The model ordinances will also be part of Rockland’s Greenway compact plan, now in development. In the future, the council is considering developing complimentary wetlands and tree-preservation ordinances. For more information, contact the Rockland County Planning Department, 845 364-3434.

Adopting Goals Intermunicipally

The Wappinger Creek watershed comprises approximately 210 square miles, covering parts of nine towns in Dutchess County. A watershed plan was developed due to concerns about flooding, the degraded water quality of Wappinger Lake, and dependence on limited groundwater in the rapidly growing southern part of the watershed.

The Wappinger Creek Watershed Intermunicipal Council was created once the plan was complete. The council collectively developed goals to improve water quality in the watershed. All but one of the watershed’s municipalities have committed to achieving the goals. For more information, visit counties.cce.cornell.edu/Dutchess.

Resources

- ZeZula, T. [ed.] 2003. Intermunicipal Land Use Cooperation. *Starting Ground Series*. Pace University Land Use Law Center. White Plains, N.Y. To order, call Center at 914 422-4262. www.law.pace.edu/landuse
- Kunsler, J. 2003. Wetlands and Watershed Management: A Guide for Local Governments. *Publication No. 28*. Institute for Wetland Science and Public Policy of the Association of State Wetland Managers. Berne, N.Y. Available for free download at www.aswm.org.
- Pace University Land Use Law Center. 2002. *A Report from the Intermunicipal Land Use Councils in the Hudson River Region*. Hudson River Valley Greenway. Albany, N.Y.
- New York State Department of State. 1998. Intergovernmental Cooperation. *James A. Coon Local Government Technical Series*. New York State Department of State. Albany, N.Y. www.dos.state.ny.us/lgss/.