



Preserving
MILTON'S
Character and Quality of Life

2014 Leadership ICMA Consulting
and Peer Assistance Project

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INTRODUCTION

Scope of work

To help preserve your community's character and quality of life, the 2014 Leadership ICMA Consultant Team is excited to present this playbook of applicable land preservation tools for the City of Milton, GA. This project also considers financial strategies and the need for public engagement.

Incorporated in 2006, Milton is a fairly new city. Its passion surrounding preservation of open space, however, isn't.

The Milton community is deeply rooted in protecting and preserving its beloved rural character.

Meanwhile, Milton's beauty

and strong sense of community are attracting more and more homebuyers to town, increasing the development pressure.

Most of Milton (85 percent) is zoned for one house per acre, and property owners have the right to develop.

While it looks and feels like there is a lot of green open space in Milton, only four percent is actually protected.

The key is to find a balance between growth and preservation.

Our process included:

Phase I – Finalize scope of

project with client.

Phase II – Initial research, including identification of potential land preservation tools.

Phase III – Onsite visit with key staff, elected officials and community members, as well as tours of the City.

Phase IV – Research and draft playbook of tools.

Phase V – Follow up with Milton staff.

Phase VI – Refine playbook of tools.

Phase VII – Deliver final project.

Your Team

Jason Glidden – Team Lead

Jason served as the team lead, outlining project schedules and deliverable dates. He ensured tasks were completed as scheduled and also oversaw final reports.

Jason currently serves as the Economic Development Proj-

ect Manager in Park City, UT.

He has participated in a variety of projects that include strategic planning, economic development incentives, organizational development, budget preparations, etc.

He holds a B.A. in Business Management from University of Evansville, and a M.B.A. from the University

of Montana.

Andrew P. Flanagan – Project Support (Financial)

Andrew served as project support for research and performed applicable financial analysis. Andrew currently serves as the Deputy Town Manager in the Town of Arlington, MA. Andrew

has formerly served as the Director of Policy & Administration in the City of Newburyport, MA; Coordinator of Municipal Services for the Metropolitan Area Planning Council in Boston, MA; and as the Assistant to the Town Manager in Winthrop, MA.

His current responsibilities include developmental oversight and implementation of both the operating and capital budgets.

He holds a B.A. in Public Administration from Stonehill College, and a M.P.A. from Northeastern University.

**Autumn Monahan –
Project Support
(Civic Engagement)**

Autumn served as the lead on community engagement, writing and presentation materials. She also helped with research.

Autumn currently serves as

Communications Manager for the City of Issaquah, WA.

Based in the Mayor's Office, she manages all forms of the City's communications, and serves as a strategic advisor to the City's leadership team.

Before joining the City, Autumn worked as an Account Executive for MWW Group – one of the five largest independent public relations firms in the world.

She holds a B.A. in Journalism and Political Science from the University of Washington.

**Mark Rothert -
Project Support
(Policy/Project Research)**

Mark took the lead on researching policy, programs and practices in preservation.

Mark currently serves as the Assistant County Administra-

tor for Economic Development in Peoria County, IL. His efforts span the scope of business development and attraction in both urban and rural parts of Peoria County.

Previously, Mark spent over six years as executive director of the Spoon River Partnership for Economic Development located in rural Canton, IL and was responsible for several initiatives that included the creation of Canton Main Street, completion of the city's comprehensive plan, securing nearly \$5 million in federal and state grants, brownfield redevelopment, and making Canton a finalist for the 2010 All-America City Awards.

Mark, a certified Professional Community and Economic Developer (PCED), holds a B.A. in Political Science from Western Illinois University and a M.P.A. from the University of Kansas.



IMMEDIATE TOOLS

Conservation Easement

What is It?

A conservation easement is a legal instrument that gives a landowner the ability to protect his or her property's conservation value while maintaining ownership.

Landowners retain certain uses of their land (such as recreation, agriculture, use of existing buildings, etc.) but transfer other uses or rights such as building new structures, subdivision, mining and timber harvest.

Conservation easements are voluntary legal agreements between a landowner and a qualified entity to ensure that lands are kept in perpetual conservation.

A qualified entity may include a local, state or federal governments – or even a tax-exempt organization recognized under Section 501(c)3 of the Internal Revenue Code.

Conservation easements may cover all or portions of a parcel.

How Could Milton Use This Tool?

Milton is already partially

using this tool as part of its Transfer of Development Rights (TDR) process.

More marketing of the availability of TDRs could directly increase the use of conservation easements.

This tool could also be proactively expanded to property owners who are simply interested in conservation, and taking advantage of the Georgia state income tax credits.

Since this tool is voluntary, it provides flexibility to the property owner to opt-in or not.

Moreover, property owners can choose the amount of property they want to conserve through an easement.

Timing

This tool could be used fairly quickly, as long as there were willing and interested property owners in Milton.

Case Study

Conservation easements are extremely common, both in Georgia and throughout the country.



PHOTO CREDIT: CITY OF MILTON

According to the Georgia Land Conservation Program, more than 1,000 properties and 300,000 acres of land are under conservation easements in Georgia.

Financial Impact

Examples of tax incentives related to conservation easements can be found [online](#).

Sources

Georgia Land Conservation Program. "[Conservation Easements](#)."

Tree Ordinance

What is It?

The City of Milton's tree ordinance helps preserve the community's beloved tree canopy.

These laws could be amended to further the City's commitment to open space preservation.

How Could Milton Use This Tool?

Milton could make two major changes to its tree ordinance to increase the amount of its open space.

First, when calculating tree density, Milton's ordinance includes trees located inside its buffers.

Instead, the ordinance could change how tree density is calculated – by removing any buffer trees from the equation.

Second, the City's fees for its Reforestation Fund can currently be used for "the acquiring of wooded property which shall remain in a naturalistic state for the benefit of the community."

These fees could be increased, and used for more proactive open space purchases in the City of Milton.



PHOTO CREDIT: CITY OF MILTON

Timing

It's recognized that Milton recently underwent a significant process to update its current tree ordinance in 2010. These ideas, however, could be implemented in the short term, as long as there was support to amend the ordinance again.

Case Study

The City of Issaquah, located in Washington state, utilizes a tree ordinance that calculates its tree retention requirements for development or redevelopment based on only developable areas – buffers don't count.

Thanks to the ordinance,

along with other open space preservation efforts, Issaquah has successfully increased the number of trees that were preserved or replaced during development.

Financial Impact

If Milton increases its Tree Restoration Fees, it would have more revenue to use toward open space preservation.

Sources

City of Milton, GA. [Tree Preservation Ordinance](#), Chapter 60, Article 2.

City of Issaquah, WA. [Issaquah Municipal Code](#). 18.12.1385.

Public / Private Partnerships

What is It?

Public/private partnerships (PPPs) are agreements between government agencies and private sector entities to provide public infrastructure or service.

These partnerships provide benefits to the general public, as well as the private entity. PPPs can be used as a land preservation tool when a private organization is willing to dedicate a land parcel for public use.

In these types of partnerships, the local government will take over maintenance of the land, which could include enhancing the land parcel with creation of trails, benches or other recreational items.

How Could Milton Use This Tool?

Milton could search out these types of partnerships with local organizations.

These organizations would need to have undeveloped parcels of land that they would be willing to use in such a program.

Timing

PPPs can take some time



PHOTO CREDIT: CITY OF MILTON

to negotiate but could be considered an immediate option.

Depending on the terms negotiated in the contract between the parties, partnerships could be a long-term solution as well.

Case Study

In Saratoga Springs, NY, the city has begun a public/private partnership to create the Greenbelt Trail system.

The city has partnered with the Saratoga YMCA and a design firm to create a connective trail system throughout the city that will allow residents to run, walk or bike to wherever they need to go.

The project is still in the planning process, but hopes to move forward in the com-

ing year.

The city of Saratoga Springs is holding meetings to receive feedback and solicit additional private sponsors for the project.

Financial Impact

PPPs usually require that both entities provide some financial funding toward the effort.

Government agencies may agree to cover the costs of developing (trails, benches, etc.) and maintaining green space in exchange for the private entity providing the green space.

Funding Options

Depending of the financial requirements worked out in the partnership, government agencies could utilize resources from the general fund, dedicate specific tax revenue or use a bond measure.

Sources

[The National Council for Public Private Partnerships.](#)

[The World Bank.](#)

[Saratoga Springs Greenbelt Tail System.](#)

Form-Based Code

What is It?

Form-based codes hold that design is paramount over land use. Form-based codes address design of a development, as well as the relationship between private and public spaces, such as the interaction among streets, sidewalks, and a structure's form, scale, massing and frontage use. Although sometimes compared to design guidelines, form-based codes are more regulatory and prescriptive. The goal of using form-based codes is to create a more predictably-built environment with standards for the design of streets and open spaces and focusing on the physical form of development, with less attention

on building use found in conventional zoning.

How Could Milton Use This Tool?

Milton already used this tool during the development of the Crabapple and Deerfield neighborhoods. This tool is difficult, however, to implement throughout Milton, since the City does not have an extensive sewer system.

Timing

This tool could be implemented immediately in other areas of Milton, provided sewer is not an issue.

Case Study

Lee County, FL, uses [form-](#)

[based code](#) to concentrate development rights and preserve agricultural and environmental lands through a TDR mechanism.

This code was the winner of the Form-Based Codes Institute's 2011 Driehaus Form-Based Codes Award.

Financial Impact

Administrative costs may vary, depending upon the complexity of the review process adopted for the form-based code, and the capacity of City of Milton staff for administering the new code.

Sources

[Form-Based Codes Institute.](#)



Mandatory Dedication of Open Space

What is It?

Mandatory dedication of open space (green space) can occur as part of changes to planning codes or guidelines designed and approved by the local government.

These mandates are normally calculated based on a ratio of buildable square footage for a development. Many of these mandates contain a possible “buy out,” which could allow for a developer to pay the local government agency to become exempt to the mandate.

These funds are normally put into a land preservation fund that can be used to purchase new land or maintain land that has already been preserved.

How Could Milton Use This Tool?

Milton could make changes to their planning code to include mandatory dedication of open space. By including the “buy out” option in the code, the city could raise funds to purchase land that could be preserved as open space.

Timing

This tool can have an immediate impact on the preserva-



PHOTO CREDIT: CITY OF MILTON

tion of open space. While all development already approved prior to code changes would not have to comply, any new proposed development would have to conform to code or “buy out” of the required code.

Case Study

Park City, Utah, has utilized this tool by including it in its Municipal Code and Land Management Code. The code requires that all Master Plan Developments (MPD) must contain a minimum of 60 percent open space.

This can include gardens, pathways and other landscaped areas. Developers can receive additional density if

the MPD contains more than 80 percent open space.

If the MPD is located in certain historic or commercial zones, than only 30 percent of the plan must be made up of open space.

Again, developers can gain additional density if they are to show that additional open space can be gained.

Financial Impact

The city could see an increase in green space funding with the “buy out” option.

Sources

[Park City Municipal Corporation.](#)

SHORT-TERM TOOLS

Overlay Districts



What is It?

Overlay Districts are utilized to protect and preserve areas of a community that have been identified as possessing unique visual qualities, worthy of protecting from encroachment of development.

Areas for protection include sensitive natural areas like farmland, wetlands, steep slopes, woodlands, flood plains, watercourses and areas of habitat diversity that support various flora and fauna and that allow movement of these species without being endangered.

Additional review and regu-

lation is added to the other zoning provisions in these districts.

How Could Milton Use This Tool?

Milton is currently in the process of implementing an overlay district.

Without education, new zoning provisions for the overlay zone may be confusing to the public.

Fairness of this tool will be judged on whether properties within the zone are treated equally and the criteria for establishing the zone are simple and reasonable.

Timing

Overlay Districts could be implemented in a short timeframe. Time for public involvement, however, should be factored in.

Case Study

Georgia's Fulton County successfully created the [Cedar Grove Agricultural Overlay District](#) in 2008 to "protect the natural areas and ensure responsibly planned economic and social growth."

Meanwhile, Michigan's Macomb County's [Overlay District Policy](#) has become a model for other jurisdictions forming similar overlays.

Financial Impact

The cost to establish a district should be similar to the cost to amend and administer the existing city code.

Sources

Fulton County, GA. [Cedar Grove Agricultural Overlay District](#). 2008.

Macomb County, MI. [Model Environmental Ordinances](#).

American Planning Association. [Property Topics and Concepts](#).

Priority Funding Areas

What is It?

Several state legislatures have created their own “priority funding areas” – which are defined on a map – that are then used to rank priorities for state capital investments. These geographic areas are often identified at the local level first, and then receive priority for state infrastructure investments.

Similar to transfer of development rights (TDRs), the goal of priority funding areas is to focus/shift growth to pre-identified areas, in order to prevent other lands from being developed. Unlike TDRs, however, priority funding areas are based on the state’s funding to help direct where development occurs. This tool does not prevent developers from building in areas outside of priority funding areas. However, it does make those areas potentially more expensive to develop.

How Could Milton Use This Tool?

First and foremost, local jurisdictions would have to lobby the state Legislature to create Priority Funding Areas in Georgia using direct city and county feedback.

If implemented, and Milton was identified as a priority area, state funding could be used to install sewer systems for the long term. A community visioning process could help identify areas where sewer should be installed, versus areas that should remain on septic (and, in theory, remain more rural).

It’s important to note that areas with septic could still be developed, but they would become more expensive for developers. Meanwhile, land with sewer would be able to accommodate more growth with less cost.

Timing

Priority Funding Areas would take some time to develop, both at the state level, and through a local process to decide how and where sewer is built in Milton.

Case Study

In 1997, the state of Maryland passed the Priority Funding Areas Act as a part of its “Smart Growth” initiative.

The state then uses these predefined areas, with some success, to focus its funding for infrastructure investments, including transpor-

tation, sewer and water projects, among others.

However, some research, including an analysis of [Prince George’s County’s](#) development patterns since the implementation of the state’s Priority Funding Areas, shows that both population growth and the amount of housing were still growing outside of the priority areas. It’s a good precaution to consider – this tool isn’t regulatory, but more of an incentive.

Financial Impact

If Georgia is successful in creating Priority Funding Areas, and Milton is identified as a priority, the financial impact could be extremely positive for Milton. State money could then be used to further develop sewer systems in the City without relying on local funds.

Sources

Maret, Michael. “[Priority Funding Area Effectiveness Within Prince George’s County, Maryland.](#)” Date unknown.

ICMA. “[Putting Smart Growth to Work in Rural Areas.](#)” 2010.

State of Maryland. “[Priority Funding Areas.](#)”



What is It?

A conservation subdivision is a development where residences are grouped together in a portion of a site, while the remainder of the site is permanently protected as open space. Conservation subdivision development lends itself to great flexibility in design to fit site-specific resource protection needs. In utilizing smaller house lots, conservation design allows for an equal number of residences under current zoning and subdivision regu-

lations, but maintains open space. Cost savings can be gained from lesser road surface, grading, site preparation and smaller utility runs. The shared and preserved open space achieved through conservation design may be owned and managed by a homeowners association, a land trust or a municipality.

How Could Milton Use This Tool?

The City of Milton currently owns land in the northwest quadrant of the city that it

could develop into a model conservation subdivision to show the community and other developers how it can successfully be implemented. The City could then use proceeds from the sale of parcels in this subdivision to purchase land in other parts of the City to be used for recreation or conservation.

At present, homes in Milton, old and new, are heavily reliant on septic tank systems to treat waste. Conservation subdivisions require smaller

lots that cannot accommodate septic tanks. Therefore, an alternative to using the traditional septic tank is required.

Options might include extending sewer lines to new developments; using a community septic tank, owned and operated by any homeowners association put in place to manage the open space created in conservation subdivision; or providing each property owner with enough easement onto the shared community open space (i.e. behind the property owner's home) to place a septic tank and its alternate replacement area.

Each option requires further analysis to determine cost, benefit, and regulatory oversight.

Timing

A model subdivision could be built in the short term, but extra time should be factored in to research sewer/septic options.

Case Study

In 1998, Cherokee County, GA, passed a simple conservation subdivision ordinance that allowed for greater densities in every residential zone, with maximum densities being determined by underlying zoning and availability of sewer service. Open space within any conservation subdivision could be owned by the county, a land trust or homeowners association. The county did not place a limit on the amount of open space that must be preserved.

The Town of Caledonia, WI, also adopted a conservation subdivision ordinance that required all new developments to up to 50 percent of their total area as green space in order to maintain the rural character of the community. Specific program goals include protecting open space, sensitive natural resources, significant archaeological sites and historic buildings as

well as provide stormwater management, floodwater storage, groundwater recharge, buffers between residential and nonresidential uses and areas for passive and active recreation.

Financial Impact

This tool is driven by the market and developers. It does not require public expenditure of funds in its administration, but may require additional staff time for site design review and working with the developer. There may also be costs associated with septic/sewer options, depending on Milton's decision on next steps.

Sources

Arent, Randall G. (1996) Conservation Design for Subdivisions: A Practical Guide to Creating Open Space Networks. Washington, D.C.: Island Press.

Seth Wenger and Laurie Fowler (2001) Conservation Subdivision Ordinances. Atlanta, GA: Atlanta Regional Commission.



Preservation Easements

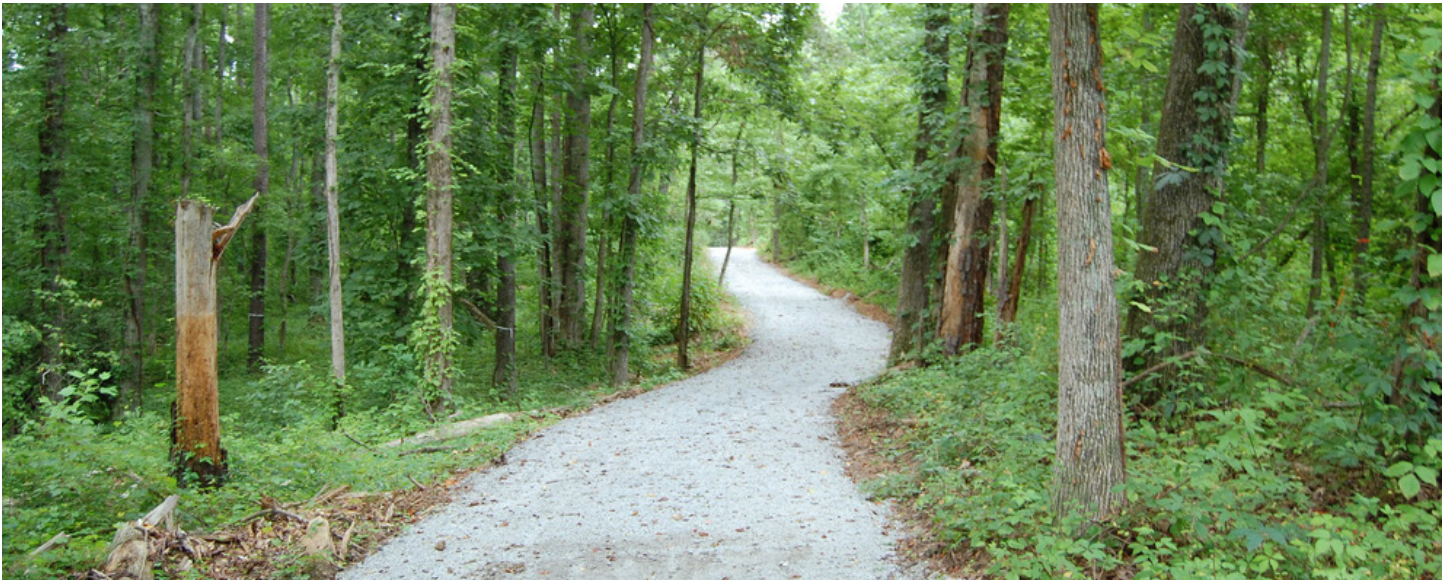


PHOTO CREDIT: CITY OF MILTON

What is It?

Preservation easements are a tool that can be used to protect both historic structures, but also land that has historic significance.

Preservation easements act similar to conservation easements in placing restrictions on the property that prevents additional building or disruption of the natural landscape.

In addition, preservation easements can impose that properties be maintained to certain standards.

How Could Milton Use This Tool?

The town of Milton contains a large number of “iconic” farms. Milton could choose to work with the owners of

these farms to place preservation easements on the property to ensure that the farm remains in perpetuity.

Timing

Preservation easements can take a few years to draft and sign. But once the easement is in place, the property will be protected in perpetuity.

Case Study

There are hundreds of cases throughout the United States where preservation easements have been used. In Walton County, GA, a man who raised cattle on his 168 acre farm wanted to preserve the land for agricultural use. The man had no children and other relatives had expressed some interest in

selling some part of the farm if they inherited it. The man decided that the best thing to do was to put a preservation easement on the farm in order to protect it.

Many other case studies can be found on the [Land Trust Alliance website](#).

Financial Impact

There are potential tax incentives for property owners that enter into a historic preservation easements. These could result in possible foregone tax revenue to Milton.

Sources

National Trust for Historic Preservation. [Preservation Easements](#).

[Land Trust Alliance](#).

First Right of Refusal

What is It?

Using first right of refusal as a land preservation tool allows for local government agencies to set up agreements with local land owners to ensure that they are given the right to purchase the land before any other entity.

These agreements do not prevent the land owner from selling the property to another party if the local government agency declines to purchase the property. This tool also allows for land owners to receive fair market value for their property.

How Could Milton Use This Tool?

Currently, developers are contacting property owners whose properties are not on the market to see if they have an interest in selling. Milton could identify list of properties that they would have an interest in acquiring. Property owners would be contacted to investigate if they would have an interest in entering into a first right of refusal agreement with the city. It would be important for the city to educate property owners on why the property holds environmental or recreational value to both the city and the community, and by using this tool, the prop-

erty owner could protect the land for future generations while still being compensated at market value for the land.

Timing

The timing of this tool depends on when the land owner is ready to sell the property and if the local government agency has the resources to purchase the land.

Case Study

The town of Townsend, Okla., negotiated the first right of refusal on a 19-acre property that was ecologically significant to the area.

When the owners were ready to sell, they contacted the city. The city then transferred their rights to

a land conservation group who purchased the land at fair market value. A developer had planned to try and buy the property and develop it, but since it was under a conservation easement, it will be enjoyed by future generations.

Financial Impact

A funding source would have to be established prior to this tool being utilized. Funds would have to be available in a relative short amount of time once the private owner decided to sell the land.

Sources

[Townsend OKs sale of 19-acre parcel for conservation](#). Lowell Sun Newspaper. April 13, 2014.



Land Exchange

What is It?

Land swaps allow for government agencies to exchange parcels of land owned by the agency for land that is owned by a private entity.

These exchanges can be used to consolidate the agency's landholdings, or to protect land that is high in natural resources or vital to the local eco system.

How Could Milton Use This Tool?

The city owns a large amount of land in the northwest corner of the city limits. Land exchanges could be utilized by Milton to acquire land that is viewed as higher priority based on location or the natural resources that are present.

The city could also look to purchase land outside of Milton and look to exchange this land when targeted land inside city limits becomes available.

Timing

Land exchanges can have an immediate impact, depending on the time required to work out the terms of the deal.

Case Study

The Bear Ranch Exchange is a three-party exchange that involves the Bear Ranch, which is a cattle ranch in Gunnison, Colo.

In the terms of the exchange, the National Forest Service will receive land that is adjacent to Curecanti National Recreation Area and land adjacent to Dino-

saur National Park, both owned by the Bear Ranch. The Bear Ranch will receive land that is adjacent to their Gunnison, Colorado ranch.

The exchange will help the ranch to make its cattle operations more efficient.

Financial Impact

Land swaps use the monetary value of the land versus the number of acres of land.

If the government agency is exchanging for land that has a higher monetary value, then additional financial compensation would be needed to complete/purchase the land exchange.

Sources

[Bear Ranch Land Exchange.](#)



PHOTO CREDIT: CITY OF MILTON

Agricultural Protection Zoning

What is It?

Agricultural Protection Zoning, also known as an Agricultural District, is generally used by local governments to protect areas of contiguous farmland and activities that foster local farming.

The goal of agricultural preservation zoning is to preserve a community's rural character without preventing new development.

How Could Milton Use This Tool?

Milton could incorporate Agricultural Protection Zoning into its existing zoning code. Regulations may be established to set large minimum lot sizes (i.e. lots greater than 10 acres), as well as design and review standards.

It is easy to administer and can be combined with a transfer of development rights program.

Milton may have to specifically define types of agriculture to include the raising, breeding and pasturing of horses.

A potential impact may be that some developers and landowners may oppose new

restrictions on development potential of their properties. In addition, if lot sizes are not large enough, sprawl could result.

Without education, new zoning provisions for Agricultural Preservation Zoning may also be confusing to the public.

Timing

Agricultural Protection Zoning could be implemented in a short timeframe.

Time for public involvement, however, should be factored in.

Case Study

Many of Georgia's counties have zoning or land use ordinances related to agricultural uses.

However, most of these zoning ordinances run a risk of being ineffective at preserving agricultural land if they are based on a small minimum lot size, which will not sustain long-term agricultural operations.

Minimum lot sizes over 10 acres are recommended to adequately preserve farmland and agriculture.

Some jurisdictions in Geor-

gia have taken a more aggressive approach to protecting agricultural land.

For example, both Lee and Dougherty counties have limited the density of residential development in agricultural zones.

Lee County requires a minimum lot size of 25 acres.

Dougherty County alternatively prohibits the subdivision of agriculturally zoned parcels over 10 acres.

With parcels less than 10 acres, Dougherty County permits the subdivision of lots to as little as two acres only.

Both methods, equally applicable to municipalities, have been successful in limiting sprawl to maintain a community's rural character.

Financial Impact

The cost to establish and implement Agricultural Protection Zoning should be similar to the cost to amend and administer the existing city code.

Sources

Agricultural Protection Zoning. ConservationTools.org.

Intergovernmental Collaboration

What is It?

Successful preservation of Milton's rural character may rely on the abilities of local governments to work together to achieve common goals and mutual interests. This can be achieved through intergovernmental collaboration and the sharing of information, resources and in capitalizing on opportunities for growth and land preservation. The benefits of collaboration include:

- Cost savings from gained efficiencies.
- Greater understanding and trust between local governments
- Early discovery of potential issues.
- A fostering of a regional approach to problems.
- Better service to citizens.

How Could Milton Use This Tool?

For the City of Milton, there may be several opportunities for collaboration with neighboring or overlapping jurisdictions. For example, Milton might pursue working with Forsyth County, which is developing up to Milton's eastern border.

The two communities might benefit from jointly plan-



ning this area, discussing issues arising from development and working toward solutions. Milton might also collaborate with the Fulton County Department of Health & Wellness over the regulation of community septic tank systems that could be allowed in any conservation design subdivisions. As sprawl becomes more and more an issue with other communities, Milton might convene a group to lead the discussion with other cities about this issue.

Timing

Implementation will take a few years in the short term to build the relationships and develop shared visions.

Case Study

As a launch pad for their "Leadership Collaborative," Newton County, GA and its municipalities used their

comprehensive planning process to create a forum where local governments met regularly to discuss community-wide issues.

In this forum they would work to come to consensus on solutions and ensure the implementation of their comprehensive plan. The Leadership Collaborative yielded Newton County economic growth and designation as a WaterFirst community for their preservation and management of water resources.

Financial Impact

Costs may vary depending upon the complexity of intergovernmental agreements or civic engagement processes.

Sources

[The Center: Facilitating Community Preservation and Planning.](#)

What is It?

The SmartCode is a form-based code that guides the design of the built environment to resemble traditional neighborhoods, towns and villages. Built environments are compact, walkable and include mixed-uses within the neighborhood. It concurrently preserves the form of urbanism and open space.

The Smart Code is also considered to be transect-based, meaning that it organizes the natural, rural, suburban and urban landscape into different categories of density, complexity and intensity. The foundational principle is that certain forms only belong in certain environments (e.g. a ranch house in a rural setting and a commercial building in a more urban one). Instead of one-size-fits-all development as seen through traditional zoning, the SmartCode allows for different types of development in different transects of the community. The SmartCode is intended to be law, precise, technical and administered professionally.

How Could Milton Use This Tool?

Whereas Milton's Form Based Code is currently limited to its major commercial



PHOTO CREDIT: TRANSECT.ORG

centers, the SmartCode could cover the same commercial areas or be adopted citywide. It could also be adopted as a parallel option to the existing conventional code. In either case, the SmartCode would allow Milton to define its various transects throughout the community and help preserve its rurally-defined character.

Timing

The SmartCode could be implemented in a short timeframe. Time for public involvement, however, should be factored in.

Case Study

There are hundreds of communities across the United States implementing some form of the SmartCode. Communities are using the SmartCode in various ways to:

- Create distinct and attractive places.
- Create various housing opportunities.
- Create walkable neigh-

borhoods.

- Create land uses with various mixes.
- Preserve and protect open spaces and farmland.

In Georgia, the following communities have implemented the SmartCode:

- Woodstock
- Cherokee County
- Cobb County

Communities use the SmartCode for specific districts like downtowns or neighborhoods. Others are implementing on a community-wide basis.

Financial Impact

Administrative costs may vary, depending upon the complexity of the review process adopted for the new SmartCode and the capacity of staff for administering the new code.

Sources

[Centers for Applied Transect Studies.](#)

LONG-TERM TOOLS

Present-Use Value Program



What is It?

A Present Use Value Program (PUVP) allows a county to assess agricultural land, horticultural land or forest land at its present use value, rather than its market value. The present use value is the value of the land in its current use and is generally far less than the market value, which is the estimated price at which property would change hands between a willing buyer and a willing seller. In order to apply, a tract of land must meet ownership, size, income and sound management requirements. These requirements could be tailored to the land preservation objectives of the City of Milton.

How Could Milton Use This Tool?

A PUVP could serve as a tax

incentive for land owners to preserve open space on their property. If the open space portion of their land was assessed based on present use value rather than market value, they would realize some relief in their annual property tax assessment.

The question would remain of whether or not the tax incentive would be great enough to deter the property owner from the option of selling the land to a developer.

Timing

Implementing a PUVP could take some time. The City would have to ask the State Legislature to enact a statute that would enable counties or municipalities to offer a PUVP.

Case Study

North Carolina State Law allows for counties to offer

a PUVP. Providing that the homeowner agree to abide by all of the requirements of the program, the county agrees to provide the tax benefit and any other benefits offered by the program.

Financial Impact

By offering a PUVP, the taxing authority would realize a loss of revenue as a result of discounting the value of the land based on present use value rather than market value. The cost-benefit of a PUVP could be favorable to Milton, if it supports the City's land preservation efforts.

Sources

North Carolina Department of Revenue. "[Present Use Value Program Guide](#)." 2011

Henderson County, North Carolina. "[Present Use Value Deferment](#)."

Transfer of Development Rights (TDR)

What is It?

Transfer of Development Rights (TDRs) are land preservation programs created to allow land owners to sell the development rights to their land to developers who wish to transfer those rights to other building sites to increase the allowed density allowed in that area.

By selling the development rights, the land owner can help preserve the land (through a conservation easement) while still receiving some financial compensation.

Local government agencies that set up TDRs must identify “sending areas” (areas that can sell the development rights) and “receiving zones” where density bought can be built.

How Could Milton Use This Tool?

Milton currently has a TDR program set up but it is fairly new and is not being utilized. Milton could choose to increase the incentives associated with this program.

Timing

The results of a TDR depend on the demand that is present for additional density at the receiving zones.

If large amounts of density

are still available within the receiving zone, then TDRs will not be successful until that supply is diminished and demand increases.

Government agencies can speed up the process by increasing the incentives that both land owners and developers would receive if they participated in the program.

Case Study

Montgomery County, MD experienced immense sprawl during the 1960s and 1970s. In order for the county to protect some of the rural character, a TDR program was set up.

The county established a “sending zone” of more than 90,000 acres of land and rezoned this zone to allow only one unit per 25 acres. The county also established a “receiving zones.” These zones we identified by their ability to handle dense development due to the infrastructure (transit, water, sewer, etc.) that was already present.

The county also added incentives to the TDR program by allowing developers that participated in the program to receive seven units per acre, which was above the normal five units per acre. The TDR program in Montgomery County has preserved more



than 40,000 acres over its 30 year existence.

Meanwhile the City of Issaquah, WA, was successful in making it easier for developers to buy TDRs by allowing them to execute the transaction with the City, instead of individual private property owners. The City’s TDR bank adds a level of predictability and shortens the entitlement process.

Financial Impact

Milton would have forgone tax revenue.

Sources

[Transfer of Development Rights \(TDR\) Rural Case Study](#). Montgomery County, MD.

[Transfer of Development Rights \(TDR\) Case Study](#). McKenna Ridge Road Falmouth, MA.

[Natural Resource Defense Center](#).

City of Issaquah, WA. [Issaquah Municipal Code](#). 18.10.

FINANCING STRATEGIES

Pay-As-You-Go Funding

What is It?

“Pay-as-you-go” (PAYGO) is probably the most basic form of funding land preservation efforts. PAYGO relies on general fund revenues to purchase land for the purposes of preservation. In other words, land acquisition costs would be borne within the confines of the annual operating budget. This approach to funding eliminates interest and financing costs associated with debt service.

Potential Impact

While this approach may be worthy of exploring, the cap

on the City of Milton’s millage rate would make it difficult to build land preservation costs within the budget. The City would have to consider whether or not the public was interested in limiting services in exchange for appropriating funds for land preservation. Furthermore, PAYGO can limit long range open space planning.

The annual budget development process may constrain the City from purchasing a tract of land that unexpectedly became available.

For example, if the City expended its funds for land acquisition for a given fiscal



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year, that would eliminate its opportunity to acquire any other land until the following fiscal year.

Open Space Tax / Special Purpose Local Option Sales Tax

What is It?

With the approval of the State Legislature, a municipality or county could levy an open space tax. In New Jersey, 19 of the State’s 21 counties and 180 of its 566 municipalities had approved open space taxes. An open space tax earmarks revenue for the purposes of acquiring and preserving open space. The funds can be used to support a “pay-as-you-

go” strategy or to offset debt service costs incurred as a result of preserving land. There would be a multiple step process of implementing an open space tax. There would have to be a lobbying effort to the state Legislature in order to allow counties or municipalities to approve such a tax through a local referendum. At that point, implementing an open space tax would require approval of the local

electorate.

Another option would be to adopt a special purpose local option sales tax (SPLOST). A SPLOST is an optional 1 percent special purpose tax used to finance specific projects for a time period not to exceed five years. In order to implement a SPLOST, it must be adopted by local ordinance and approved at a referendum by county voters. Currently,

Georgia law is silent in regard to whether or not green space preservation is an applicable type of capital outlay to be funded by a SPLOST.

Potential Impact

An open space tax would represent an increase on the property tax; however, it could effectively generate

substantial funds for land preservation.

Depending on the amount of the tax, an open space tax could provide a reliable annual revenue source which in turn could inform the budget process.

The municipality would know the amount that could

be raised from the tax on an annual basis and budget accordingly. Similarly, a SPLOST would be an increase in the sales tax and would generate a consistent revenue stream for funding land preservation providing that land preservation is determined to be an appropriate type of capital outlay under Georgia law.

General Obligation Bond

What is It?

A municipality can issue general obligation bonds for the purposes of acquiring and preserving land and open space.

From bond proceeds, the City could acquire and thereby preserve a significant amount of space. Depending on the

amount the City would borrow, Milton would have to pass a bond referendum, and as a result seek voter approval.

Potential Impact

Borrowing allows a municipality to pay for an expensive asset over a long period of

time. Given that open space supports property values and provides for recreational opportunities, one could argue that its useful life is continual and into perpetuity. As a result, borrowing funds and paying down debt over time is an appropriate funding mechanism for land preservation.

Green Fund and Impact Fees

What is It?

The City could establish a Green Fund for the purposes of preserving land. The fund could be established as a revolving fund in which revenues generated and deposited into the fund must be expended for a similar purpose. Milton could consider funding the Green Fund from impact fees imposed on future development, providing that the

purpose of the impact fees is to preserve land. This would redirect the revenue from impact fees from the General Fund and into the Green Fund.

Potential Impact

The impact of establishing a Green Fund would depend on the rate of development if impact fees were in fact identified as a way to fund the

Green Fund. It is unlikely that revenues from a Green Fund would provide the opportunity to fund open space preservation on the same scale as an open space tax or general obligation bond would.

It could also be difficult to budget and plan for land acquisition because of the fact that the revenues would be dependent on impact fees from development.

Fundraising & Grants

What is It?

The City could work with local interest groups in order to raise funds for land preservation through grassroots fundraising. In addition to fundraising, the City could seek grants from land trusts and from the state and federal gov-

ernment in order to generate funds for land preservation.

Potential Impact

This approach would limit the financial burden on the City, however, would not allow Milton to plan their longer-term land preservation efforts. Raising enough funds for a comprehensive land preservation plan would take a significant amount of time and require

a great deal of coordination amongst the stakeholders.

A fundraising campaign as well as grants may be best suited to fund the acquisition for a particular and previously identified parcel or tract of land within the City limits. The lack of guaranteed funds would not allow the City to bond or plan for future acquisitions, but rather focus efforts on acquiring a particular parcel or tract of land.

Subdivision Exaction

What is It?

A subdivision exaction is an agreement between the City and the developer that requires the developer to dedicate a portion of the land they plan to develop for public use. The developer can meet their obligation by reserving a portion of land within the development or render a payment in lieu of land if there is no land within the development available for public use. Their payment in lieu of land could then be used to fund other

land preservation measures.

Potential Impact

Subdivision exactions would come at no cost to Milton. They could help the City generate funds to be used for land preservation or help them achieve setback requirements and avoid the appearance of a “cookie-cutter” subdivisions.

For example, the developer could increase setbacks from the street in order to meet the obligation required by the subdivision exaction.

COPs

What is It?

A Certificate of Participation (COP) is a lease-purchase arrangement that allows a government to pay for a property over time. This does not require a referendum, and does not impact a City’s debt limit.

Potential Impact

This would allow Milton to identify parcels of land worthy of preservation and pay for them over time.

It would most likely work best when paired with another funding mechanism that provides a consistent funding stream for land preservation.

For example, if the City adopted a local option tax or established a green fund, those funds could be used to fund the lease-purchase agreement with a particular property owner.

Sources

Atlanta Regional Commission. “[Green Infrastructure Toolkit](#).”

The Trust for Public Land, New Jersey Field Office. “A handbook for public financing of open space in New Jersey.” 2001.

COMMUNITY ENGAGEMENT

Define What Milton is Preserving

What's Next?

Now that the tools are identified – what's next?

Community engagement is an important next step. What does “rural character” mean to most citizens? What makes Milton so special that it should be preserved? Should land be preserved in perpetuity, or simply developed with some green space preservation in mind?

Simply put: What, exactly, is Milton preserving?

These questions could be answered through a community engagement process that includes both city and community involvement.

Groups including Preserve Rural Milton and Milton Grows Green can help the City start the dialogue.

By all communicating the same message – one of community involvement in visioning – the groups can help with this important outreach.

Reaching people in their daily lives – via social media or at a community event – is a great way to get a true gauge of public

sentiment.

Using visuals will be important during this outreach. For example, showing the green space preserved in a conservation subdivision vs. a typical development zoned for AG-1 would be a great way to start a community dialogue.

The outreach is not intended to identify specific areas in Milton to preserve – but instead provide City leaders with direction on how to successfully protect Milton's rural character and feeling.

Engaging the public early will also help if the city decides to proceed with an open space bond, or start proactive outreach to property owners who may want to preserve their land.

When it comes to citizens interested in conserving their land, effective community engagement is also extremely important.

The City of Milton can be prepared early for these opportunities by clearly and directly communicating the importance of preservation, and outlining how easy donations to the City could be.



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Conclusion

The tools provided in this playbook vary by difficulty, risk, time required and cost. They give Milton a great starting point to achieving one of the core strategies outlined in its Strategic Plan: “Protect and Preserve Open Space.”

Next steps include citizen engagement and a review of financial strategies moving forward.

Together, as a community, Milton can preserve its beloved character for generations to come.