

III. BEST PRACTICES/POLICY ANALYSIS

The second most important tool in developing the Parks and Open Space Plan is an analysis of policies of other jurisdictions. Additionally, various national and state organizations, including The Conservation Fund, the USDA Forest Service, The Trust for Public Land, the American Planning Association, and the Virginia Department of Conservation and Recreation contribute information on best practices in parks and open space planning.

A. GREEN INFRASTRUCTURE AND OPEN SPACE PLANNING

The Conservation Fund and the USDA Forest Service sponsor www.greeninfrastructure.net, which provides the following definitions for green infrastructure:

Green infrastructure planning is a strategic approach to conservation that addresses the ecological, social and economic impacts of sprawl and the accelerated consumption and fragmentation of open land. Green Infrastructure is an interconnected network of protected land and water that supports native species, maintains natural ecological processes, sustains air and water resources and contributes to the health and quality of life for America's communities and people. Most land and water conservation initiatives in the United States are reactive not proactive; haphazard not systematic; piecemeal not holistic; single-scale not multi-scale, single-purpose not multi-functional. Current conservation efforts often focus on individual pieces of land, limiting their conservation benefits to the environment and human health.

A city, county or state would never build a road, water and electrical system piece by piece, with no advanced planning or coordination between different system components and jurisdictions. These built infrastructure systems are planned, designed and invested in far in advance of their actual use. We should plan, design and invest in our Green Infrastructure following the same principles and approaches that are used for built infrastructure. A large coalition of public and private organizations are advancing the concept of Green Infrastructure nationwide.¹

Other definitions from the Metropolitan Washington Council of Governments' green infrastructure web site:

Our Nation's natural life support system – an interconnected network of waterways, wetlands, woodlands, wildlife habitats, and other natural areas; greenways, parks and other conservation lands; working farms, ranches, and forests of conservation value; and wilderness and other open spaces that support native species, maintain natural ecological processes, sustain air and water resources and contribute to the health and quality of life for America's communities and people.
– President's Council on Sustainable Development

I think there's an opportunity to look at how we regenerate communities and ecologies by looking at green space as a form of infrastructure like roads, water lines, and sewers. When we talk about green infrastructure in the Washington [D.C.] area, we talk about everything from window boxes, to Rock Creek Park and in between: it's urban gardens, residential landscaping, pocket parks, landscaped portions of a development parcel, linear parks, riparian buffers, street trees, parkways, farms and large parks and reserves.
– Glenn Eugster, National Park Service - OMG Open Space Roundtable Philadelphia, 2001²

¹ <http://www.greeninfrastructure.net/>, sponsored by the Conservation Fund and the USDA Forest Service

² MWCOC, <http://www.mwcog.org/environment/green/>

As can be seen from these definitions there are many components to green infrastructure. One method of planning green infrastructure involves a process called greenprinting. Greenprinting, as defined by the Trust for the Public Land, is *n.* a smart growth strategy that emphasizes land conservation to ensure quality of life, clean air and water, recreation, and economic health; *v.* to employ a greenprinting strategy for growth. Greenprinting identifies lands important to a community's health, quality of life, and economic vitality. Using a geographic information system computer model the greenprinting methodology answers the question, "What land is the most important to protect?"

Alexandria, Virginia

Alexandria used a collaborative planning process that included monthly steering committee meetings and a city wide open space summit to identify 15 open space goals that form the overall framework of their open space plan. Each of the 15 goals have associated recommendations and implementation strategies. The goals include:

- Protecting and enriching existing parks
- Developing innovative opportunities for creating additional open space
- Completing implementation of the Potomac River Waterfront Plan
- Protecting and expanding stream valleys and other environmentally sensitive areas
- Creating an open space network, The Green Crescent, in new development areas
- Protecting and preserving institutional open space
- Maximizing use of public school open space areas to satisfy local needs
- Preserving and protecting cemeteries
- Creating public open space from vacant land
- Linking and expanding the pedestrian, bicycle and trail system
- Enhancing streetscapes and gateways
- Expanding citywide street tree program and protecting existing trees and woodland areas
- Encouraging the creation of Civic Parks and Metro Stations
- Beautifying interchanges and highway corridors
- Protecting privately-owned open space

To begin the planning process, open space opportunities were organized into 15 different categories. These categories include: parks and public open spaces; school sites; cemeteries and botanical gardens; institutional properties; large lot residential properties undeveloped areas with natural features, vacant land under development, vacant land, public ownership; vacant land, private ownership; open spaces to be delineated in future development areas; required common private open space; streetscapes; planted medians; wooded buffers. The overall objective of Alexandria's plan is to create connections between the County's open space opportunities. Key properties essential to achieving the goals of the open space plan were identified for easements, acquisitions or other methods of open space protection.

Alexandria created recommendations and implementation strategies for each of the 15 goals. Recognizing implementation would be a long term effort, goals were prioritized for implementation over a 10 year period and funding strategies were identified.

Washington County, Wisconsin

Washington County's open space planning efforts began in 1977 with the creation of a parks and open space plan that was adopted by the Regional Planning Commission. At that time the county identified existing and future parks and open space needs and recommended a large resource-oriented system of parks. In 1994, a request was made by Washington County for the Regional Planning Commission to prepare a new park and open space plan. Major points of that new plan, adopted in 1998 by the Regional Planning Commission, included 4 major new parks and 52 linear miles of trails. The most recent and current update was initiated by the Regional Planning Commission in June of 2001. The purpose of this update was to modify the plan based on information related to land use, population levels and distribution, anticipated growth and development, natural resources, and park and open space acquisition and development activities within Washington County. Furthermore, the new update allows the County to remain eligible to receive Federal and State funding to support their open space planning efforts.

The main component of Washington County's open space plan is an inventory of existing natural resources. The inventory included surface water resources, floodlands, wetlands, woodlands, natural areas, critical species habitat and geological sites. Areas that contained high concentrations of natural resources were identified as environmental corridors and given a high priority for preservation. Primary environmental corridors comprise a minimum area of 400 acres in size, two miles in length, and 200 feet in width. Secondary environmental corridors were identified as at least 100 acres in size and one mile in length. The protection of the primary and secondary environmental corridors from further destruction and degradation is one of the principal objectives of Washington County's open space planning program.

B. PARK ACQUISITION POLICIES

Fairfax County (from Fairfax County Park Policy Manual)

Park Acquisition:

15.0 acres of parkland per 1,000 population within a 15 to 20 minute drive, or 3 to 7 mile service area for combined development of Neighborhood, Community and District parks.

Park types:

Neighborhood – may be residential or urban

Residential – may be County or HOA; ½-mile service area; 3 to 10 acres in size

Urban – located in community business centers; plazas, miniparks, etc.

Community – 3 mile service area; 10 to 50 acres in size

District – 7 mile service area; 50 to 200 acres in size

Countywide – provide wide range of rec and ed experiences; consist of the following:

- Natural Resource

- Historic Sites/Archaeological

- Stream Valley

- Multiple Resource

- Special Purpose

Acreage of homeowner association common open space, developed with neighborhood park facilities, may be applied in determining the adequacy of park and recreation areas to serve that residential development.

Enhance existing recreation and resource protection opportunities through acquisition of adjacent lands wherever feasible.

Promote incentives for private landowners to preserve open space and protect ecological and cultural resources through the use of conservation easements, land-use valuation, and other programs designed to ameliorate pressures which force the conversion of real estate to more intensive uses.

As a matter of policy, the uniqueness and value of natural and cultural resources, as determined by adopted criteria, are the primary requisites for acquisition and appropriate development and use levels. Land proposed for donation is subject to the same standards and procedures for evaluation.

Facilities Programming:

Balance the delivery of programs for stewardship of the public lands and provision of recreation services.

Suitability for development and management of the site is in accordance with the Fairfax County Park Authority Park Classification System, Program Criteria and Standards and current Needs Assessments.

Facility and site planning and development shall incorporate energy efficiency, functionality and flexibility to accommodate changing recreation trends to the greatest extent possible.

Planning for infrastructure and facility development shall be predicated on the responsible stewardship of all natural, archaeological and built resources within the Fairfax County Park Authority's park system.

Loudon County

Park Acquisition:

CIP Team made up of County staff from different agencies determines best location for public facilities. The Park Planner also requests land dedications/donations through development proffers.

Park Types:

Regional	1/75,000 population	200+ acres
District	1/25,000 population	75+ acres
Community	1/10,000 population	30+ acres

The Loudon County Parks & Recreation Department does not currently have any written policies regarding parkland acquisition and or facility programming (i.e. master planning). Staff is currently in the process of developing a master planning process.

City of Virginia Beach

Park Acquisition:

10.0 acres of parkland per 1,000 population

Park Types:

Neighborhood – 3 acres/1,000 population; 1 to 19 acres in size

Community – 3 acres/1,000 population; 20 to 49 acres in size

District – 4 acres/1,000 population; 50 acres or larger

Natural Areas – undesignated

Land acquisitions are sought based on the following criteria: Economic considerations (do the sites have potential for joint use, are they a good value, will they support/enhance commercial and/or economic development opportunities, etc.); Quality of Life (will the property yield uses that are needed, is it a site preferred/recommended by citizens, is the site located in a needed service area, etc.); and Planning Standards (does the property protect environmental/cultural resources, is it located in a high need area, is located in close proximity to other recreational resources, etc.).

Priorities are for building upon the City's parks and recreation system and for the protection of open space to protect drinking water, clean air and natural ecosystems. In addition, the City seeks to increase the number of park, recreation and open space land holding as a means of increasing property values within the City. The City views parks, recreation and open space parcels under its jurisdiction to be an investment in providing for the quality of life of the City's residents as well as promoting the City's own economic growth.

Facilities Programming:

The City of Virginia Beach focuses on providing for the core active recreational fields/uses and courts within their Neighborhood, Community and District parks. Those core active uses consist of baseball and softball fields, tennis courts, football and soccer fields, and basketball courts. The City also includes in its inventory school playground areas and fields and quasi-public areas owned by homeowner associations.

When developing a program plan for new sites, the City relies on focus groups, telephone surveys and public meetings. New program plans are evaluated on the same criteria as land acquisitions (i.e. Economic Considerations, Quality of Life, and Planning Standards).

C. OPEN SPACE PROTECTION TOOLS

Transfer Of Development Rights

Transfer of development rights (TDR) programs use market forces to protect open space, agricultural land, environmentally sensitive areas, historic landmarks and/or any other places that are important to a community while encouraging smart growth in developed and developing sections of a community.

The owners of properties located within identified protection areas (known as "sending areas") may sell the development potential of their property to owners of property located in areas more suitable for development (known as "receiving areas"). The sending area property owner maintains ownership of the underlying land, but must agree to record a conservation easement on the property that protects the resource and restricts future development of the property. The owner of the receiving area property may then increase the permitted density on his property in an amount equal to what would have otherwise been built on the sending area property, thereby "transferring" the development potential from the sending area to the receiving area. Market forces determine the price of the transferred development right.

Currently in Virginia, there is no state enabling legislation for a Transfer of Development Rights (TDR) program to be established in a locality.

This program has been very successful in preserving large portions of rural land in Montgomery County, Maryland. Agricultural activities occupy about one-third of Montgomery County's land area. Over half of the 93,000-acre agriculture reserve is preserved through transfer of development rights or easement purchase initiatives.

The County's diverse agricultural industry consists of 577 farms and 350 horticultural enterprises producing more than \$250 million in economic contribution from farm products and operations. The majority of Montgomery County farms are family-run operations, many reaching back several generations, which employ more than 10,000 residents. The County has 577 farmers, of which 50 percent of them work full time in farming.

During the past 25 years, the Horticultural Sector has grown dramatically. The 350 horticultural businesses employ more than 7,000 of the people working in agriculture. With gross sales of \$125 million annually, horticulture is one of the largest sector in agriculture and includes nurseries and landscaping companies, arborists, sod farms and lawn care firms, and green house businesses.

Twenty percent of the horticultural industry in Maryland is in Montgomery County and the County ranks second in the State in total number of horticultural firms.

Horses have become a major component of the agricultural industry in Montgomery County, numbering over 12,000 horses. Horses represent a tremendous opportunity for farmers in terms of the supplies, services and products needed to support the horse population, which exceeds the population of all other livestock combined. The growing hay industry in Montgomery County is directly proportional to the growing number of horses. High quality veterinarians that provide services to horses are now available for other livestock operations in the County.

Montgomery County Farmland Preservation (as of June 30, 2005)	Acres Protected
Montgomery County Agricultural Easement Program (AEP)	6,799
Montgomery County Transfer of Development Rights (TDR)	48,584
Maryland Environmental Trust (MET)	2,086
Maryland Agricultural Land Preservation Foundation (MALPF)	3,594
Rural Legacy Program (RLP)	3,935
Total	64,998

Montgomery County's local Transferable Development Rights (TDR) program, established by the functional Master Plan for the Preservation of Agriculture and Rural Open Space, accounts for the major portion of the County's preserved land. The program, administered by the Maryland-National Capital Park and Planning Commission (M-NCPPC), allows up-county landowners to transfer development rights from the 93,000-acre Agricultural Reserve, in the western and northern portions of the County, at the rate of one TDR per five acres, to developers with projects in areas that can accept the higher development density, designated as "TDR receiving areas." The County takes title to the TDRs and those TDRs become an asset the County may sell to developers in TDR receiving areas at some point in the future. Revenues generated from the future sale of these TDRs are placed in the Agricultural Land Preservation Fund for additional easement purchases.

Purchase Of Development Rights

Essentially with Purchase of Development Rights program, a government agency buys the landowner's rights to develop the property, paying the landowner the money they're not getting by refraining from selling it to developers.

A good example of this in Virginia is the City of Virginia Beach Agricultural Reserve Program (ARP). This is a voluntary program funded by dedicated property tax and other general fund revenue whose objective is to support the agricultural community by helping to keep the land base available for farming, therefore minimizing the impact of residential development in agricultural areas.

The Agricultural Reserve Program (ARP) is Virginia Beach's primary tool for preserving farmland by purchasing development rights from landowners, and holding them in perpetuity. It is a completely voluntary program in which a landowner may offer to sell an easement to the City, while holding fee simple title to the land and continuing to farm. The property owner may sell the farm if he or she chooses but the easement, which restricts residential, commercial and industrial development, runs with the land. The program also benefits unique natural areas, and has a cultural and historical component.

The City is using annual revenues to finance development rights acquisition with long-term installment-purchase agreements. The agreements allow the City to leverage available revenues over 25 years and provide potential tax benefits to participants. The goal of the program is to promote and enhance agriculture as an important local industry that is part of a diverse local economy. To accomplish this goal, the City intends to purchase development rights over a resource base of farmland large enough to sustain and economically viable local industry. Acreage covered by acquired development rights will be a function of available revenues as well as cost and pace of acquisition. The City hopes to purchase development rights on as much as 20,000 acres in the southern portion of the City.

Although numerous state and local governments have instituted development rights purchase programs, the City hopes that the program's success will make it a model for other farmland preservation efforts across Virginia. The Program was approved by City Council in May of 1995 and will be active for about 20 years or until a critical resource base is preserved.

To date, over 7,000 acres have been enrolled in the program, with an additional 683 acres currently under consideration by the City.

The criteria and requirements for inclusion in the program are as follows:

- The parcel shall be no less than 10 acres in area, or be included in a batch application in which the combined area of contiguous parcels is no less than 10 acres.
- The parcel shall be wholly situated within a Residential Zoning district, an AG-1 or AG-2 Agricultural District or a P-1 Preservation District.
- The parcel shall be capable of being subdivided or developed for non-agricultural uses without the approval of the City Council.
- The parcel shall be located in that portion of the City lying below the Green Line as delineated in the Comprehensive Plan.

- The parcel shall not be under the ownership or control of the United States of America or the Commonwealth of Virginia, or an agency or instrumentality thereof.
- The parcel shall not contain any land required to be reserved or set aside for open space, recreation or similar purposes pursuant to the provisions of a conditional use permit, conditional zoning agreement, subdivision variance, other action by the City Council or any ordinance or regulation.
- No uses of structures, other than those permitted by preservation easements, shall be located upon the parcel.

The advantages of the program to a property owner are as follows:

- Semi-annual interest paid on the purchase price is exempt from federal, state, and local income taxes.
- Pursuant to the Internal Revenue Code of 1986, property owners entering into installment-purchase agreements for the sale of development rights may, in certain circumstance, defer recognition of capital gain until they actually receive the principal amount of such purchases.
- A property owner may not transfer his or her installment purchase agreement for a period of one year from closing. Thereafter, the installment-purchase agreement is a negotiable instrument and property owners are permitted to securitize and sell their interest in the installment-purchase agreements.
- Because installment purchase agreements can be transferred after one year, they offer flexibility in estate planning. Additionally, separating the development rights from the land and making the agreement transferable allows the property owner's heirs to sell their interest in the agreement rather than in the land in order to pay estate taxes.

Open Space Agreements

In Loudoun County owners of properties that adjoin a Virginia Byway or State Scenic River and that meet certain criteria may enter into a voluntary open space agreement with the County in order to receive a reduced tax assessment. The open space agreement is a seven to ten year commitment that requires the landowner to maintain the property in a manner that does not obstruct public views of the scenic area. The agreement prohibits the removal of trees and vegetation within the scenic viewsheds and limits subdivision and new construction on the property. The current requirements, which include stipulations for minimal acreage and/or river frontage, could be relaxed to protect more areas that currently do not qualify. Also, the County could more actively promote the program to increase community awareness of the benefits of preserving open space.

Scenic Rivers

The Virginia Scenic Rivers Act, passed in 1970, is intended to protect and preserve certain rivers or sections thereof possessing natural or pastoral beauty. This program establishes an advisory committee comprised of citizens appointed by the Governor to provide local governments a greater voice in federal or state projects which may impact designated rivers.

Some localities in Virginia have adopted local ordinances to protect their scenic streams or rivers. Albemarle County, for example, has adopted a Scenic Streams Overlay District in its zoning ordinance. This overlay district prohibits cutting of any living tree over six inches in caliber, prohibits more than 25 percent clearing of the canopy and provides for a 65 foot setback from mean annual flow for any development.

Highway Corridor Overlay Districts

Highway corridor overlay districts have yet to be widely adopted by Virginia localities. Leesburg was one of the first localities to enact such an ordinance. Albemarle County and the City of Lexington passed similar legislation following Leesburg. Likewise, Williamsburg protects some of the highways leading into the historical area. Prince William County's highway corridor overlay districts require increased building and parking lot setbacks and buffer areas along roadways. These buffer areas can contain trails.

Forest Stand Quantitative And Qualitative Analysis

The Virginia Department of Forestry conducts such analysis on large tracts of forested areas outside of the urban developing areas. The County could undertake such an analysis using satellite imagery and aerial photos to assess quantity and changes to forest cover over time.

D. OPEN SPACE FUNDING

Federal Funding Sources

Land and Water Conservation Fund

The Land and Water Conservation fund is the largest source of federal money for park, wildlife, and open space land acquisition. The program's funding comes primarily from

offshore oil and gas drilling receipts, with an authorized expenditure of \$900 million each year. Cities, counties, state agencies and school districts are eligible for LWCF monies. These funds can be used for outdoor recreation projects, including acquisition, renovation and development. Projects require a 50% match. (www.nps.gov/lwcf)

Urban Park and Recreation Recovery

Provides direct federal assistance to urban localities for the rehabilitation of recreational facilities while encouraging the continuing operations and maintenance of recreational programs. (www.nps.gov/phso/uparr.htm)

Farmland Protection Program

The Farm and Ranch Lands Protection Program (FRPP) is a voluntary program that helps farmers and ranchers keep their land in agriculture and prevents conversion of agricultural land to non-agricultural uses. The program provides matching funds to State, Tribal, and local governments and nongovernmental organizations with existing farmland protection programs to purchase conservation easements. These entities purchase easements from landowners in exchange for a lump sum payment, not to exceed the appraised fair market value of the land's development rights. The easements are perpetual easements. (<http://www.nrcs.usda.gov/programs/frpp>)

Rivers, Trails and Conservation Assistance Program

The Rivers, Trails, and Conservation Assistance Program, also known as the Rivers & Trails Program or RTCA, is a community resource of the National Park Service. RTCA staff provide technical assistance to community groups and local, State, and federal government agencies so they can conserve rivers, preserve open space, and develop trails and greenways. (www.nps.gov/rtca)

Wetlands Reserve Program

The Wetlands Reserve Program is administered through the Department of Agriculture's Natural Resource Conservation Service. This program provides landowners with financial incentives to restore and protect wetlands in exchange for retiring marginal agricultural land. Landowners may sell a permanent or a 30 year conservation easement, or they may enter into a cost-share restoration agreement for a minimum of 10 years. Participating landowners voluntarily limit future agricultural use of the land. They continue to own and control access to the land, and they may lease the land for recreational activities. (<http://www.nrcs.usda.gov/programs/wrp>)

The North American Wetlands Conservation Act

Encourages voluntary, public-private partnerships to conserve wetland ecosystems. Acquired or restored habitat can be owned by any federal, state, or nonprofit organization involved in land management. (<http://www.fws.gov/birdhabitat/NAWCA/grants.htm>)

Forest Legacy

Provides state funding to assist in securing conservation easement on forest lands threatened with conversion. Participation in Forest Legacy is limited to private forest landowners. To qualify, landowners are required to prepare a multiple resource

management plan as part of the conservation easement acquisition. The federal government may fund up to 75% of program costs, with at least 25% coming from private, state or local sources. In addition to gains associated with the sale or donation of property rights, many landowners also benefit from reduced taxes associated with limits placed on land use. (<http://www.fs.fed.us/spf/coop/programs/loa/flp.shtml>)

Transportation Equity Act For The 21st Century

The Transportation Enhancements Program of TEA-21 is a federal reimbursement grant program for historic preservation projects; rehabilitation and operation of historic transportation buildings, structures or facilities; establishment of transportation-related museums; and acquisition of scenic easements and scenic historic sites. The program provides federal reimbursement for non-traditional projects that have a transportation theme or are directly related to a transportation project. Sponsors from a municipality, state agency, or non-profit entity generally submit the applications.

Prince William County has received TEA-21 grants for Brentsville Courthouse Historic Centre, Ben Lomond, and Rippon Lodge totaling \$475,000. A grant was awarded for Rippon Lodge this year for \$25,000.

State Funding Sources

Virginia Land Conservation Foundation

The Virginia Land Conservation Foundation establishes, administers, and makes expenditures and allocations from the Virginia Land Conservation Fund, which is special, non-reverting money in the state treasury. One major function of the foundation is to make matching grants to holders and public bodies for:

- purchasing fee simple title to or other rights, interests or privileges in property for the protection or preservation of ecological, cultural or historical resources
- lands for recreational purposes
- lands for threatened or endangered species, fish and wildlife habitat
- natural areas
- and agricultural and forestal lands and open space.

(<http://www.dcr.virginia.gov/vlcf/index.htm>)

Virginia Outdoors Fund Grant Program

The Department of Conservation and Recreation administers a grant-in-aid program for the acquisition and development for public outdoor recreation areas and facilities. Grants are for public bodies only. Towns, cities, counties, regional park authorities and state agencies may apply for 50 percent matching fund assistance from the Virginia Outdoors Fund (VOF). These funds are provided through state general fund appropriations, when available, and from federal apportionment from the Land and Water Conservation Fund (L&WCF) that are available for the acquisition and/or development of outdoor recreation areas. (<http://www.dcr.virginia.gov/prr/vof.htm>)

Virginia Recreational Trails Fund Program

The Virginia Recreational Trails Fund Program is a grant program established for the purposes of providing and maintaining recreational trails and trails-related facilities. It is funded through the Federal Highway Administration (FHWA), which establishes a program for allocating funds to the States for recreational trails and trail-related projects. Grant funding may be provided to private organizations, city governments, county governments, or other government entities, but must consider guidance from the DCR Trails Board. Additionally, federal government entities may be eligible to participate if teamed with private trail groups and organizations.

(<http://www.dcr.virginia.gov/prr/trailfnd.htm>)

Conservation Reserve Enhancement Program

The CREP aims to improve Virginia's water quality and wildlife habitat by offering rental payments to farmers who voluntarily restore riparian buffers, filter strips and wetlands through the installation of approved conservation practices. Another CREP goal is to establish 8,000 acres of perpetual conservation or open space easement statewide. State cost-share payments are administered through local Soil and Water Conservation District (SWCD) offices. The state will reimburse up to 25 percent, not to exceed \$200 per acre of restored buffer or wetland, of conservation practice costs deemed eligible by the local soil and water conservation district. There is also a 25 percent state income tax credit for out-of-pocket expenses, thus further reducing the landowner's cost. Federal reimbursement is made through the Farm Service Agency (FSA) for up to 50 percent of a participant's eligible expenses for implementing best management practices (BMP), such as fencing or alternative watering systems. (www.dcr.virginia.gov/sw/crep.htm)

American Battlefield Protection Program

This program provides funding for battlefield preservation projects. Individual project funding has ranged from \$1,000 to more than \$115,000. The average grant is about \$25,000. Although not required, the ABPP encourages matching funds or in-kind services. The program supports partnership projects that lead to the protection of battlefield land and sites associated with battlefields. The ABPP does not fund land acquisition or capital improvement projects. (<http://www2.cr.nps.gov/abpp/funding.htm>)

Local Government Funding Sources

General Obligation Bonds

Cities, counties and service districts generally are able to issue general obligation (G.O.) bonds that are secured by the full faith and credit of the issuing entity. In this case, the local government issuing the bonds pledges to raise its property taxes, or use any other sources of revenue, to generate sufficient revenues to make the debt service payments on the bond.

Monroe County, PA passed a \$25 million open space bond in 1998 to fund the acquisition of land and implementation of a county-wide open space and greenways program. Seven counties in eastern Pennsylvania have recently bonded an estimated \$384 million in support of open space and greenway initiatives since 1993.

Impact Fees

Impact fees are typically collected from developers or property owners at the time of building permit issuance to pay for capital improvements that provide capacity to serve new growth. The intent of these fees is to avoid burdening existing customers with the costs of providing capacity to serve new growth. Factors used to determine an appropriate impact fee amount can include: lot size, number of occupants, types of subdivision improvements and other applicable measures.

Developer Dedications

A developer dedication requires new subdivisions to set aside a portion of the site as open space. Development approval is conditional upon the site plan preserving the requisite amount of undeveloped space

In-Lieu-Of Fees

As an alternative to requiring developers to dedicate open space that would serve their development, some communities provide developers a choice of paying a front-end charge for off-site open space protection, as opposed to requiring the developer to dedicate the land on-site.

Sales Tax

Dedicated sales taxes can generate considerable sums of money for open space projects.

Property Tax

Property taxes are assessments charged to real property owners based on a percentage (millage rate) of the assessed property value

E. CULTURAL RESOURCES

Fauquier County - Summary

Approximately 90 percent of Fauquier County is zoned as either Rural Agriculture or Rural Conservation. Within the both zones development density is limited and a sliding scale is used to determine the development density and open space requirements. Some key open space elements are listed below:

- 35 acre or greater development must preserve 85% of the land in non-common open space
- at least 20% of the open space shall be land other than floodplain
- in cluster subdivision open space shall be contiguous
- open space requirements above five acres, shall have a minimum of three acres located in areas usable and in a configuration suitable for active recreation

- open space is looking to preserve the following resources - prime agricultural lands, prime forest lands, floodplains, steep areas, highly erodible soils, rock outcrops and seasonally wet areas, areas critical to the existence of important flora and/or fauna, and historic resources (those listed in the Comprehensive Plan) (Fauquier 2005, and Personal Communication Kristin Slawter).

Currently, Fauquier County has no historic districts but they have hired a consultant to prepare historic district nominations and they expect to complete approximately three nominations annually.

Loudoun County

Loudoun County's Conservation Design is the primary method for incorporating preservation of cultural resources into Loudoun County's Green Infrastructure. Because the Conservation Design method is implemented during rezone development it is reactive to development pressures during the rezoning of land. In effect, open space areas are identified for conservation during the development process. "The Conservation Design process protects primary conservation areas namely, the River and Stream Corridor Resources, Mountain Side Soils, Steep Slopes, and Limestone Conglomerate Bedrock and other resources required to be protected by federal and state regulations."

Unfortunately, only Steep Slope areas were not thrown out by a recent Virginia Supreme Court ruling. According to Heidi Siebentritt, Planner for Loudoun County, priority is given to establishing open space that contains among other things significant cultural resources, including cemeteries (Personal Communication September 2005). Loudoun County also has the authority to purchase development rights on a land parcel, however, this program is not currently funded or is underfunded.

By-right development is the least restrictive in regards to conservation of open space. Loudoun County has no legal authority to request environmental or cultural identification studies, and no authority to request open space dedication or set-aside.

Albemarle County

Open space resources in Albemarle County include natural scenic, and historic resources. All three are recognized in both the Rural Area and the Development Areas, designated in their Comprehensive Plan. Preservation of historic resources is generally considered to be a component of rural conservation areas. Until 1980 most preservation techniques were voluntary. After the adoption of the Rural Areas zoning district, open space or protection of the rural context was more directed. This regulation indirectly helps protect the cultural resources by restricting residential density, and requiring open space. This is similar to Fauquier County's Rural Agriculture and Rural Conservation zones.

Even with the Rural Areas zoning district, the local historic district zoning ordinance is Albemarle's primary means of cultural resource preservation. However, it may not address all of their open space needs since their districts focus on the built environment.

Their secondary means is the purchase of development rights and acquisition of conservation easements.