

Local Greenprinting *for Growth* Workbook



*Using Land Conservation to Guide Growth
and Preserve the Character of Our Communities*

VOLUME IV:
HOW TO ACQUIRE AND MANAGE
PARK AND CONSERVATION LANDS



The Trust for Public Land

The Trust for Public Land conserves land for people to improve the quality of life in our communities and to protect our natural and historic resources for future generations.

This is a publication of TPL's Center for Land and People. TPL's Center for Land and People is dedicated to exploring, understanding, and celebrating the connection between land and people and the importance of that connection to the spirit, health, economic vitality, and quality of life in all communities.

National Association of Counties

Founded in 1935, the National Association of Counties (NACo) is the only national organization in the country that represents county governments. With headquarters on Capitol Hill in Washington, D.C., NACo's primary mission is to ensure that the county government message is heard and understood in the White House and the halls of Congress. NACo's purpose and objectives are to

- ◆ Serve as a liaison with other levels of government
- ◆ Improve public understanding of counties
- ◆ Act as a national advocate for counties, and
- ◆ Help counties find innovative methods for meeting the challenges they face.

Through its research arm, the National Association of Counties Research Foundation, NACo provides county officials with a wealth of expertise and services in a broad range of subject areas, including job training, environmental programs, human services, welfare-to-work initiatives, housing, county governance, and community infrastructure.

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On the cover: West Side community garden in New York. Photo by Ken Sherman

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the Henry M. Jackson Foundation
and the Environmental Protection Agency

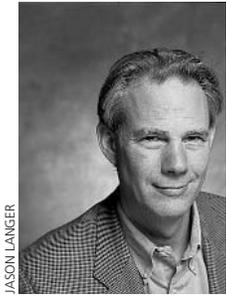


Conserving Land for People



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Will Rogers



Judge Robert Eckels

Dear Local Government Official:

A vision for future growth and a plan to protect important natural resources—that’s what greenprinting is about. From drinking water sources to recreational lands to floodplains and open spaces, greenprinting is designed to preserve a community’s most important natural land, steer growth toward existing infrastructure, and help communities achieve smart growth. When open space protection is used strategically, economic, environmental, and quality-of-life benefits ensue.

This report is part four in a series on local greenprinting. Previous volumes discussed the process of defining a conservation vision and securing funding at the federal, state, local, and private levels. In this report, the nuts and bolts of conservation are covered—including program administration, land transactions, land management, and more. With careful attention to these steps, local leaders can realize their conservation vision and create more livable and healthier communities.

The Trust for Public Land and the National Association of Counties are committed to supporting local greenprinting. We welcome your questions and comments and wish you luck in your smart growth and land conservation endeavors. Check our web site at www.tpl.org/greenprinting for more information and to order additional copies of the reports in this series.

Sincerely,

A handwritten signature in black ink, appearing to read 'R Eckels'.

The Honorable Robert Eckels
Chair, NACo Environment, Energy
and Land Use Steering Committee

A handwritten signature in black ink, appearing to read 'Will Rogers'.

Will Rogers
President
The Trust for Public Land

Local Greenprinting for Growth Advisory Panel

Chair

The Honorable Robert Eckels
County Judge
Harris County, Texas

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- | | |
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for sharing their time and expertise on the Greenprinting publications.

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Introduction

Greenprinting (grēn'prīnt'ing) *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

Growth may be inevitable, but sprawl is not. Faced with increasing growth-related challenges, communities across the country are rejecting low-density, single-use, auto-dependent development patterns for a more sensible, smart growth approach.

Smart growth strategies and initiatives help communities plan for and accommodate growth in a way that meets environmental and economic objectives. Communities are made attractive and livable, with walkable neighborhoods, a variety of transportation and housing choices, distinctive characters, and permanently protected open space, farmland, and sensitive water resource areas.

Why is the protection of open space an integral part of a smart growth strategy? In a nutshell, land conservation promotes smart growth goals by creating more healthy, livable, economically sound communities. How? By attracting home buyers and businesses, protecting public health and the environment, preventing costly flood damage, and preserving places that people value. By redirecting growth and redeveloping brownfields, this approach also helps to revitalize older communities. Clearly land conservation—when used strategically—becomes a smart investment that protects both the quality of life and the bottom line for communities new and old.

A variety of techniques can be used to protect open space, including a process known as greenprinting. Greenprinting is a voluntary, proactive approach to land conservation that is designed to steer growth toward existing infrastructure and away from a community's most sensitive land and water resources. Open space and development rights are acquired from willing sellers, and conservation becomes a powerful and cost-effective tool for managing growth—an equal partner with zoning and regulation.

The traditional approach to land conservation has been reactive and piecemeal: individual pieces of property are protected in order to prevent development, often without consideration for a larger conservation and growth vision. Greenprinting puts planning front and center in the land conservation process; a community plans for open space in the same way it plans for other aspects of its infrastructure—transportation and communication networks, schools, hospitals, utilities, and so on. And a community integrates conservation with other development and landuse plans. The result is an interconnected network of parks, open space, greenways, and natural lands that allows for growth where growth makes sense.

The Trust for Public Land (TPL) and the National Association of Counties (NACo), with support from the Henry M. Jackson Foundation,



Miami River Commission member Ernie Martin helps restore Spring Garden Point Park.

Poorly planned growth can threaten natural resources and quality of life. Communities use greenprinting to determine which land can accommodate growth and which land deserves permanent protection.



SCOTT AREMAN

NATIONAL SUPPORT FOR SMART GROWTH

Smart growth development boosts the economy, protects the environment, and enhances community vitality. Recognizing the need to support smart growth in communities across the country, the Smart Growth Network was formed in 1996 as a collaboration of the U.S. Environmental Protection Agency and members of the nonprofit, professional, historic preservation, development and real estate, and state and local government communities. The network's first step was to develop the following ten smart growth principles—the defining characteristics of healthy, vibrant, diverse communities:

- ◆ Create a range of housing opportunities and choices
- ◆ Create walkable neighborhoods
- ◆ Encourage community and stakeholder collaboration
- ◆ Foster distinctive, attractive areas with a strong sense of place
- ◆ Make development decisions predictable, fair, and cost effective
- ◆ Mix landuses
- ◆ Preserve open spaces, farmland, natural beauty, and critical environmental choices
- ◆ Provide a variety of transportation choices
- ◆ Strengthen and direct building toward existing communities
- ◆ Take advantage of compact building design

For more information about the Smart Growth Network and how it can help your community design a smart growth plan, check the web at www.smartgrowth.org.

the Surdna Foundation, and the U.S. Environmental Protection Agency, are publishing a series of in-depth reports that are intended to help counties, cities, and towns explore greenprinting as an approach to land conservation. An advisory panel of local public officials—landuse experts from communities across the country—has also been created to advise this greenprinting series and provide case studies. TPL and NACo resources are available to public officials, legislators and staff, community advocates, land-trust professionals, and other local leaders embarking on the greenprinting-for-growth process.

As developed by TPL, a national nonprofit land conservation organization, a greenprint follows these steps:

- ◆ *Step 1. Defining a conservation vision:* Developing a land protection plan that reflects a community's smart growth goals and enjoys public support
- ◆ *Step 2. Securing conservation funds:* Identifying and obtaining funds to implement the vision
- ◆ *Step 3. Acquiring and managing park and conservation lands:* Administering the greenprint program, completing transactions, and managing protected lands

CHECKLIST: ACQUIRING AND MANAGING PARK AND CONSERVATION LANDS

1. Manage the Greenprinting Process

- ◆ Determine a departmental structure most appropriate for the program and the local government.
- ◆ Determine the number of staff needed to implement the program by examining other communities and considering staff-to-acreage estimates. Carefully define roles and responsibilities.
- ◆ Develop a fair and public process for identifying and prioritizing land that reflects a community's greenprinting goals. Consider nominations from the public, cities and towns, advisory committee members, and staff.

2. Acquire the Land

- ◆ Determine which acquisition options are best suited for the protection of targeted lands.
- ◆ Explore partnerships with nonprofit organizations and land trusts. These groups can assist with timing,

assembling and splitting parcels, negotiations, and funding.

- ◆ Make sure that the status of protected land cannot be easily changed.
- ◆ Blend regulatory tools with land conservation.

3. Manage the Land

- ◆ Stabilize the site to provide immediate protection.
- ◆ Conduct an inventory and evaluation of the property. GIS mapping can help determine the best uses and most appropriate management techniques.
- ◆ Develop short- and long-term management plans for the property.
- ◆ Explore how intergovernmental and nonprofit partners and volunteers can help with land management.
- ◆ Carefully assess management costs and secure sufficient funding.

With a vision and funding in place, communities turn to the acquisition and management of targeted lands—the topics of this report. To begin, local officials must create an effective organizational structure to implement the greenprinting program. Staff must also be given the resources and flexibility to acquire targeted lands and conservation easements from willing sellers. Once acquired, land management decisions must be made that balance natural

resource protection with recreational demands while ensuring public safety.

Every community faces unique implementation challenges, and a greenprinting program will likely grow and evolve over time. Yet careful and early preparation is also essential. The advice from experienced communities: create a simple and straightforward acquisition process that facilitates public participation and secures the necessary financial and human resources early.

How to Manage the Greenprinting Process

WHY THIS IS IMPORTANT:

The implementation of a greenprinting plan can be complex and unpredictable. Communities should recognize the dynamic nature of the land acquisition process, remain flexible, and take advantage of opportunities that reflect greenprinting goals.

Early in the greenprinting process, communities define how to grow wisely and protect significant natural, cultural, and historic places. Many aspects of this visioning process are objective and scientific; communities use natural resource inventories, geographic information survey maps, public opinion polls, and biological and demographic data to formulate a greenprinting plan.

When the work turns to implementation, the dynamic often changes. Difficult decisions must be made about where to best spend limited resources. Projects come and go for a variety of reasons without regard to a community's greenprinting goals and targets. And once acquired, land management decisions must balance the demands of public access and natural resource protection.

The uncertainty of the implementation process can be attributed in part to the complex and unpredictable nature of acquiring land. Maintaining the negotiating room and flexibility necessary to seize acquisition opportunities is critical. Counties should allocate funds to properties targeted in the planning process and/or properties that reflect established goals and criteria, while considering variables such as availability, price, and other market fluctuations. These factors can help determine priorities among targeted lands. Resources should be also leveraged throughout the acquisition process; the availability of matching funds, bargain sales, partial donations, and other options may move a property up the priority list. These types of financial incentives and the level of development pressure can also be included in a community's

formal greenprinting criteria, which is designed during the visioning process. Such visioning work should incorporate conservation planning with economic development, transportation planning, or master planning. (See *Local Greenprinting for Growth Workbook, Volume II: How to Define a Conservation Vision* for more details.)

In 1989 and 1990, officials in Dane County, Wisconsin, conducted a countywide inventory that identified natural resources systems and recreational opportunities. Targeted areas were defined and studied and individual project plans drafted. Where plans have yet to be completed, staff have the flexibility to make connections with landowners. The county has used different methodologies to help set acquisition priorities within targeted areas, but it often comes down to opportunity—what's for sale and what's affordable within defined boundaries.

So how do communities identify potential land or easements for acquisition? Often, specific properties are named during the visioning process and ranked according to defined criteria. This approach provides the public and county officials with a clear understanding of acquisition priorities. In other cases, potential properties located within a protection area are identified and evaluated according to established criteria after funding and a plan are secured. This approach may prevent inflation of land prices by property owners whose land is explicitly targeted by a local government.

Typically, the county initiates the acquisition of identified properties or properties within targeted areas and a public process is established whereby private citizens, nonprofit organiza-



The Open Space program in Jefferson County, Colorado, has acquired more than 45,000 acres of land over three decades.

tions, and public agencies are allowed to submit nominations for consideration by staff, advisory committees, and the legislative body. In Pima County, Arizona, a citizens committee and staff from the Parks Department took several years to target protection areas and potential parcels within those areas. These properties were then identified and named in a bond measure, as required by law. Since the bond language named far more properties than were affordable, land was prioritized by a citizens open space acquisition review committee. Today, when properties become available that were not initially targeted, the committee uses a public process to review lands and adopt changes if necessary.

Whatever the approach, it takes the right people in the right place to manage the land conservation process successfully. There are a variety of organizational considerations:

- ◆ Should land conservation be handled by existing departments, or should a new department be created?
- ◆ What staff, consultants, or public-private partnerships are needed to implement the program?
- ◆ What role should a citizens advisory committee play?
- ◆ What will it all cost?

The answers depend on the financial resources of the community, the structure of the government, and the goals of the greenprinting program.

Some successful communities take a multi-departmental approach to conservation in which staff from several departments work together to protect and manage land. In Palm Beach County, Florida, several teams collaborate to acquire and manage land: nonprofit organizations negotiate acquisitions on behalf of the county; county attorneys review proposals; the property department oversees title work; the Environmental Resources Management (ERM) department conducts environmental audits; and survey work is done by the engineering department. The ERM also makes

THE NATIONAL ASSOCIATION OF COUNTY PARK AND RECREATION OFFICIALS (NACPRO)

Organization Provides Support for Local County Park Professionals

NACPRO is an independent organization, affiliated with the National Association of Counties, that serves county park administrators and professionals throughout the United States. NACPRO provides technical assistance to park and recreation professionals, information about national trends, policies and funding, news and reports from county park systems, and networking opportunities. Members can also post Request for Information items on the Information Kiosk page of the NACPRO web site. For more information, check the NACPRO web site at www.nacpro.org.



Public agencies, community groups, and nonprofit organizations are working in partnership to create a greenway along the Miami River that will improve public access, water quality, and the local economy.

FLORIDA CONSERVATION PROGRAM REFINES LAND PRIORITIZATION PROCESS

When it was established in 1979, Florida's Conservation and Recreation Lands (CARL) program used its dedicated funding source to protect a broad range of lands, including native species habitat, critical ecosystems, recreational lands, and open space. The main vehicle for identifying and ranking projects through CARL was the Florida Natural Areas Inventory (FNAI), which was developed by the nonprofit The Nature Conservancy.

For many years, projects were ranked numerically and adjusted annually based on what was bought, what was newly available, and so on. Typically the top ten projects still to be acquired remained the same from year to year.

With the establishment of Florida's landmark Preservation 2000 program in 1990, the CARL program enjoyed an infusion of new money—up from roughly \$40 million to \$150 million a year. One unexpected

result was an increasing amount of unspent money at the end of each year. The realities of acquiring large tracts of land and staffing simply did not keep pace with the growing program.

By the time the state renewed its commitment to conservation with its Florida Forever program in 1999, CARL's prioritization process had been revised. Rather than specific numerical rankings, projects are now ranked in two categories. Staff work on any project within Group A (a list of 20 or so) commences without regard to placement on a list. No acquisition occurs immediately on Group B projects, yet a committee can move the project to the priority category if there is a persuasive enough argument, such as a bargain sale. The new system has streamlined the acquisition process by providing staff with greater flexibility and more options among its targeted projects.

acquisition recommendations to the citizens advisory committee. Once acquired, the ERM manages the 28,000 acres of Environmentally Sensitive Land and the Facilities Development and Operations Department manages leases on the 2,000 acres of agricultural land. The Natural Areas Management Advisory Committee also reviews draft management plans, holds public meetings, and evaluates whether management goals are being met.

In other cases, distinct park and open space departments are established to oversee everything from planning to acquisition to management. This approach is being taken in Jefferson County, Colorado, where 90 employees of the Department of Open Space acquire and manage more than 45,000 acres of land and 150 miles of trails, and provide the general public with historical and environmental education.

Staff responsibilities commonly include planning, acquisition, design and development, administrative support, and land management (park and trail maintenance, resource protection,

public safety, and so on). In some communities, the number of staff grows slowly to meet the evolving needs of a program. Elsewhere staff and management costs are determined by formula. To guide the Wildlife, Mountains, and Historic Places program in Santa Fe County, New Mexico, planners studied greenprints in several Southwest and Rocky Mountain region counties and determined that a minimum of \$100 per acre is needed for staff salaries and equipment costs. Salaries are assumed to be \$40,000 per full-time employee (FTE) for planning, maintenance, legal, patrol and enforcement, volunteer coordination, and real estate transactions. This figure does not include funding for the actual acquisition or improvement of land. According to this formula, at least two FTEs and \$100,000 are needed for every 1,000 acres of land acquired. (This estimate is conservative. Counties studied spent an average of \$149 per acre and have two or three fulltime staff managing 1,000 acres.) At the height of the summer season in Suffolk County, New York,



An old railroad line west of Orlando, Florida, was converted into a popular 16-mile recreational trail.

there are 150 full time/permanent and 450 seasonal employees to manage extensive park and recreation lands. This breaks down to roughly four permanent staff per 1,000 acres protected.

Of course, the level of staffing will depend on a variety of factors, including the type and uses of the land, available funds, and so on. According to the National Recreation and Park

Association (NRPA), there are two essential factors needed to calculate staffing and maintenance needs for parks or other grounds areas: The first is the type of area to be maintained and the tasks associated with that maintenance; the second is the amount of care to be provided, or the level of attention to be paid, to the grounds area. The NRPA has developed a set of matrices to illustrate staffing levels and the amount of time dedicated to a maintenance task. These levels range from special, high-visibility areas that require maintenance beyond the norm (level one) to natural areas that are not developed (level six). Tasks include irrigation, litter control, repairs, pruning, and so on.¹ A complete set of staffing and maintenance matrices can be found in *Operational Guidelines for Grounds Management*. Publication information is located in this report's appendix.

Outside government, there are a variety of other potential players in the land acquisition and management process. A citizens advisory committee can assume a multitude of tasks—designing program guidelines, reviewing land nominations, and recommending properties for protection. Successful committees attract diverse membership, such as neighborhood leaders, local land trust representatives, recreation enthusiasts, business leaders, and so on.

GLOSSARY OF CONSERVATION TERMS

Greenprinting—a smart growth strategy that emphasizes land conservation to ensure quality of life, clean air and water, recreation, and economic health

Open space—a broad term for land largely free of residential, commercial, and industrial development (including formerly developed brownfield sites) that can provide wildlife habitat, access to recreation, scenic viewscapes, and so on

Greenways—corridors of open space that connect people and places, provide recreational opportunities, protect natural habitat, improve water quality, and reduce the impacts of flooding

Conservation land—open space with critical natural resources protected by federal, state, or local governments, land trusts, conservation organizations, and other concerned groups

BEST PRACTICES

- ▶ Wait until there is funding and a defined process before accepting applications.
- ▶ Ensure that applications are handled equally and consistently.
- ▶ Consider financial incentives and degree of existing threat to the land.

Land acquisition and management tasks may also be handled by outside contractors and non-profit partners. (More on the topic of forging land management partnerships is on pages 19 and 28.) To evaluate the benefits of contracting out, a public agency can compare its costs (direct and indirect) and assess such issues as staffing roles, consultant services, level of control required, and so on.²

Some communities find nonprofit acquisition partnerships to be a cost-effective method of protecting targeted lands, saving money on staff and the price of the land. Even for counties with established conservation programs, a local

land trust can be an invaluable partner. On Long Island, Suffolk County and its towns are working with the Peconic Land Trust to protect scenic vistas, water quality, and productive farmland. The partnership took off in 1998 when voters approved two major conservation-funding measures—a \$62 million countywide bond and 2 percent real estate transfer taxes in each of Suffolk’s five East End towns. With a steady stream of land acquisition funds, the local governments came to rely on the land trust to negotiate with landowners and facilitate the acquisition of land and conservation easements.

Finally, federal and state agencies, other local

UNDERSTANDING THE LAND CONSERVATION PROCESS— FROM NOMINATION TO ACQUISITION

The process of identifying, prioritizing, and acquiring land varies. Communities generally target specific parcels and/or protection areas during the planning stage. When implementation work begins, a public nomination process can help determine the priorities for spending limited resources. A typical land acquisition scenario is outlined below.

- ◆ Proposals or nominations are accepted from landowners, individuals, or organizations. Alternatively, public officials, staff, or advisory board members initiate the process.
- ◆ Staff review the nomination to determine compatibility with the greenprinting program’s preservation goals.
- ◆ Eligible parcels are prioritized according to specific criteria or ranking factors, and recommendations are forwarded to the advisory committee at a public meeting. If a proposal is within another jurisdiction (a city or recreation district, for example), it is referred to the appropriate agency for review.
- ◆ Advisory committee establishes a working list of priority nominations.
- ◆ Advisory committee, subcommittee, and staff visit the property, meet with landowners, confer with applicants and community representatives, hold public hearings, and evaluate the projects based on the previously determined criteria.
- ◆ Staff obtains additional information on the priority nominations, including municipal approvals, environmental audits, and appraisal reports. A professional appraisal is obtained to determine the market value of the property.
- ◆ Advisory committee conducts final review of the nominations, taking into account the preliminary rankings, appraised values, and any cost-sharing, restoration, and/or property-management issues.
- ◆ Advisory committee presents recommendations to the legislative body. If approved, staff proceeds with the acquisition of the property.

Sources: This information was adapted from several local conservation plans, including Jefferson County, Colorado; Ocean County, New Jersey; Santa Fe County, New Mexico; and Colorado Springs, Colorado.



THE FACTS

Location:

Jefferson County, Colorado

Type:

Suburban, rural

Population:

527,056 (2000)

Area:

774 square miles

Staff Contact:

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Open Space director

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Open Space Department Oversees County's Vast Conservation Program

The open space program in Jefferson County, Colorado, was established in 1972 when voters approved a one-half percent sales tax. Funds are used for planning, acquisition, maintenance, and preservation of open space, and park and recreational capital improvements. All planning, land acquisition, and management activities are handled by the Department of Open Space. A summary of department divisions and responsibilities follows.

- ◆ *Planning.* Open Space Planning is responsible for drafting and reviewing the Open Space Master Plan, including soliciting input and review by cities, recreation districts, and state and other county departments. The land acquisition process begins here with an evaluation of proposed projects according to master plan goals. Planners forward appropriate projects to an open space advisory committee for review and recommendation to the Board of County Commissioners.
- ◆ *Acquisitions.* Once a property is approved, the acquisitions division initiates due diligence and negotiations. This section handles all county acquisitions on behalf of Open Space and some acquired on behalf of the cities and recreation districts within the county. Staff includes a manager of acquisitions, an administrative assistant, a survey technician, a land surveyor, and two acquisitions specialists.
- ◆ *Design & Development.* This team oversees the creation of regional and community parks, trails, and other recreational capital improvements. Staff handle the physical aspects of designing and constructing facilities, such as landscaping and architecture. The division includes a project management specialist, two planners, and a division manager.
- ◆ *Administration & Education.* This division provides administrative support to the program in the areas of budgeting, computerization, GIS services, local grant programs with cities and recreation districts, a volunteer services program, and environmental and cultural education programs. Staff include nature center and museum administrators, a programmer/analyst, a network administrator, a micro-computer specialist, an account clerk, and a volunteer coordinator.
- ◆ *Park Services.* Park services provide the maintenance and management necessary for the prudent stewardship of resources. Subsections of park services include natural resources management (forestry, wildlife, native plants), building maintenance and construction (property facilities), visitor/resource protection (park rangers), trails (building and maintenance), and park maintenance.
- ◆ *Citizen Outreach.* This section is designed to handle the day-to-day communications with the public through special events, reception services, brochures and publications, web site, internal communications, and media relations. Staff work cooperatively and in concert with the county public information office.©



THE FACTS

Location:

Suffolk County, New York

Type:

Suburban

Population:

1,419,369

Area:

914 square miles

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Pioneering Programs Help Protect Land and Water Resources

Located at the eastern end of Long Island, an area rich in ecological importance and scenic beauty, Suffolk County and its towns have pioneered local land conservation efforts for more than 25 years. During this time, the county has spent roughly \$283 million protecting approximately 24,000 acres of land and established the nation's first purchase of development rights program to preserve farmland. Suffolk County voters have also embraced every conservation spending measure placed before them by county and state governments, including a \$1.9 billion environmental bond act that was rejected statewide in recessionary 1990. Now the county is in the midst of the biggest conservation push in Long Island history: in the past few years, millions of dollars have flooded county coffers from various voter-approved spending measures and legislative authorizations.

The county has distinct programs to preserve agricultural lands, watershed areas, open space, and greenways. Recommendations for acquisitions come from several sources: letters from interested sellers; requests from towns, civic groups, and environmental groups; the county planning department; and county executive and legislators offices. The system of prioritizing lands depends on the program; some programs have established very specific targeted acquisition areas and criteria while others define the parameters more broadly. Different advisory boards work with county staff on the acquisition process (a farmland committee oversees agricultural lands and an open space committee oversees open space protection). In most cases, the department of planning oversees the acquisition process, determining if property meets established criteria and bringing recommended parcels to the legislature for approval. The real estate division of the planning department handles appraisals, title, and negotiation for fee simple or lesser interests such as easements. Once acquired, the department of parks, recreation, and natural resources takes over the management of acquired lands according to the guidelines of the particular program. The Peconic Land Trust and The Nature Conservancy are also close acquisition partners.

Through its Land Preservation Partnership program, the county provides incentives and encourages partnerships with its municipalities. The program splits costs 50/50 between the county and its towns to pay for various land acquisition projects, not including active recreation. Criteria established through each of the county's acquisition programs must be reviewed by the appropriate oversight bodies. Land can then be divided or held in common ownership.

A review of the county's land protection programs follows:

Farmland Protection. The County Farmland Committee oversees the protection of agricultural lands, using the following criteria to assess potential properties: contiguity, vistas, soils, cost, development pressure, adjustments. The committee also oversees the acquisition process and the approval process for new farm structures.

Open Space Protection. The Suffolk County Open Space Program was created in 1986 to acquire those lands under development pressure that cannot be clustered, rezoned, or partially developed. Lands are generally managed as passive open space. Funding for the program has primarily been general obligation bonds.

Criteria for the Open Space Protection program are very general: natural and undisturbed areas linked to public land are targeted. Parks Trustees review recommendations and prioritize properties, which are then decided upon by the legislature. Parcels that are recommended in the New York State Open Space Plan are considered for joint acquisition and management with the state. The state's County Land Preservation Program provides counties with 50/50 matching funds.

Drinking Water Protection. In the 1980s, concern about the protection of groundwater led to the creation of the Suffolk County Drinking Water Protection Program. Funded with one-quarter cent of the sales tax, the program acquires watershed lands, primarily in the CORE Area of the Central Pine Barrens as defined by the Long Island Pine Barrens Protection Act. This act is a national model for groundwater protection that created a 100,000-acre preserve above the deep-aquifer-drinking-water-recharge area, effectively eliminating development in the 50,000-acre CORE area and setting aside the other half, the Compatible Growth Area, for limited use. Various landuse and zoning tools are used to accomplish the preservation goals of the Act, including transfer of development rights, cluster zoning, and conservation easements.

To acquire land under the drinking water protection program, parcels are first recommended by the County Planning Department, the state/local Central Pine Barrens Joint Planning Program, or other county or municipal stakeholders. These recommendations are then approved by the County Parks Trustees and subsequently authorized for acquisition by the legislature. Any one of the following criteria is used to determine eligibility: location in deep flow recharge areas; proximity to groundwater divide; local source supply groundwater aquifer; proximity to existing well site; or zone of influence of any proposed or existing well sites.

Greenways and Recreation. Sixty-two million dollars in bonds were approved by voters in 1998 for the Suffolk County Community Greenways Fund. This program funds open space, farmland, and active recreation programs. A list of priority lands was developed and approved by the legislature after the program was created. For active recreation, towns, villages, or community groups are allowed to design, build, and maintain the recreation improvements on county land. The process for acquisition includes reviews of the municipality or user groups plans by the parks department, parks trustees, and the county's council on environmental quality. Once approved, the town or community organization is cleared to design, build, and manage the facility. ☺

How to Acquire Land

WHY THIS IS IMPORTANT: Land transactions are often complex and time-consuming. It is important to understand the acquisition process and partner with experts whenever possible.

Greenprinting involves the acquisition of targeted land or conservation easements from willing sellers. Each property protected should reflect defined conservation criteria, and each dollar spent should move a community closer to its greenprinting and smart growth goals.

This section is designed to familiarize readers with the basics of real estate transactions and acquiring land and conservation easements. It is a complex process that requires technical and legal expertise every step of the way. The Land Trust Alliance, local land trusts, and real estate and legal experts at the Trust for Public Land can provide information and partnerships opportunities. TPL and the Land Trust Alliance have also co-published *Doing Deals: A Guide to Buying Land for Conservation*, a detailed guide to acquiring land. (Publications information can be found in the appendix.)

ASSESS PROTECTION OPTIONS

Communities often use a combination of acquisition methods to protect different types of land. When determining the most appropriate approach, it is important to consider land management needs, public access requirements or advantages, interests the owner is willing to sell, and relevant administrative issues.³

If purchased and managed effectively, *fee-simple acquisition* provides the most permanent protection method. Acquired land also typically raises the value of nearby property, increasing tax rolls. Consider Salem, Oregon, where land adjacent to a greenbelt is worth about \$1,200 an acre more than land only 1,000 feet

away.⁴ Or downtown Oakland, California, where a three-mile greenbelt around Lake Merritt adds \$41 million to surrounding property values.⁵ In some cases, however, fee-simple acquisition may be too costly to reasonably protect all targeted land.

By selling or donating a *conservation easement*, a landowner voluntarily surrenders some or all of the rights to develop the property but retains ownership of the land itself. Generally cheaper than acquisition and more restrictive and permanent than regulation, easements are often the best approach to protecting working farms and ranchlands. Landowners may benefit from tax incentives and land is kept on the tax rolls. Public access, however, is often limited.

Short- or long-term leasing of land is another option. With this technique, the government pays a lower cost for land but has limited and temporary control. With a purchase leaseback arrangement, the government agrees to lease land back to the seller, subject to restrictions.

The types of techniques described here are voluntary and incentive-based; landowners are willing to sell their land or easements and contractually agree to the approach. The aforementioned acquisition methods are often used in combination with regulation and zoning, tools that can help prevent development in sensitive areas, control patterns of development and pollution, and prevent flooding and other costly disasters. Cluster zoning and incentive zoning are common techniques. Cluster zoning provides for a higher concentration of development on a smaller portion of land.⁶ Only a portion (typically half) of the parcel is developed while



Chattanooga's Riverwalk will be the centerpiece for a 75-mile regional network of trails and greenways.

the remaining open space is permanently protected through conservation easement. Incentive zoning allows developers to expand the number of lots in exchange for dedicating additional open space. By requiring developer contributions from impact fees or other requirements, regulations can also help offset infrastructure and park and open space costs that result from new development.

A mix of both regulatory and voluntary approaches will probably be needed to meet a community's land conservation goals. Like voluntary approaches, regulation can evolve from a smart growth or conservation visioning process and enjoy public acceptance and support.

In Montgomery County, Maryland, a high-growth county outside Washington D.C., county leaders structured regulation to complement voluntary agricultural and natural resource protection in targeted areas. Over the past several decades, the county has launched several distinct and nationally recognized agricultural protection programs, including a transfer of development rights (TDR) program, agricultural protection zoning, and a purchase of development rights program designed to create a buffer of farmland between rural and suburban areas. An 89,000-acre Agricultural Reserve and a 30,000-acre rural zone are the county's

TDR sending areas and priority protection areas. Overall, farmland owners have responded to local preservation opportunities by placing more acres under easement than any other county in the nation. Most recently, the county launched Legacy Open Space, a multifaceted program designed to conserve the county's most significant open spaces and integrate its exiting conservation programs, including agricultural preservation. The program creates a framework for countywide conservation and a public-private funding partnership.

FORGE ACQUISITION PARTNERSHIPS

Many local governments lack the resources or expertise to execute land transactions effectively, especially in volatile urban markets. This is particularly true of complicated transactions, which may involve delicate timing, the splitting or combining of land parcels, or complex tax or legal circumstances.

Moreover, public agencies are constrained by political considerations and by mandated procedures and regulations. Appropriated

The section "Forge Acquisition Partnerships" was adapted from *Preserving Urban and Suburban Gardens and Parks: The Trust for Public Land and Its Partners*, by William Poole, in *Land Conservation through Public/Private Partnerships*, edited by Eve Endicott and published by the Lincoln Institute of Land Policy (Washington, D.C.: Island Press, 1993).



Residents of Williamsburg, Brooklyn, are working to reclaim access to the riverfront.

monies may fail to cover a land transaction or may not be available when a desired parcel comes on the market. Some landowners distrust government, making negotiations difficult. And rarely does exactly the right piece of land come on the market at exactly the right price and exactly the right time.

For all these reasons, there is a crucial role for private, third-party partners in local land acquisition. Much of the work of a third party involves adjusting such variables as time, price, and land configuration to meet the needs of both the landowner and the acquiring agency. The work involved includes:

- ◆ **Timing transactions.** Local governments frequently face hurdles in timing public funding to be available when desired park and open space properties are for sale. A local government may anticipate authorization of funds, the passage of a bond act, or the sale of bonds at a future date, but meanwhile it needs to make sure a targeted property remains available for purchase. There are two basic strategies for providing interim protection. The first is to negotiate an option on the property. If an option is unavailable, a fall-back strategy is to get assistance from a “friendly” third party—often a land trust—who is willing to take the risk of buying the

property and holding it until the government is able to proceed with the acquisition.

An *option* gives the purchaser the right—but not the obligation—to buy the property at some time in the future. Because an option binds the landowner to hold the property off the market without any assurance that the sale will be concluded, most owners insist that the prospective purchasers pay for the option, providing as consideration some amount between one dollar and ten percent (or even more) of the purchase price. Many landowners prefer a purchase-and-sale agreement to an option. A purchase-and-sale agreement generally requires both buyer and seller to proceed with the transaction, but the agreement can be loaded with various conditions (e.g., “subject to available public funds”) and escape clauses that make it essentially equivalent to an option. The services of qualified counsel are essential to prepare or review either form of agreement.

Options (or conditional purchase-and-sale agreements) can be used by many local governments and virtually all land trusts. Options are powerful tools for facilitating public park and open space acquisition, often enabling the holder of the option to leverage millions of dollars or potential acquisitions

through relatively small option payments. However, many public agencies are prohibited from entering into such agreements, and others may not have the funds needed—or be willing to place public funds at risk—to purchase option rights. A private partner may be the best solution.

In addition to providing interim protection, an option may serve local governments by highlighting a desirable opportunity and stimulating voter or legislative support to provide the necessary funding. Optioning the land creates an atmosphere for acquisition and allows planners and advocacy groups to say, “This land is available if we want it.” While local governments may hesitate to influence public attitudes in this fashion, many land trusts perceive their role to include creating this kind of opportunity.

Yet not all landowners are willing to consider an option or any form of agreement that does not require a firm commitment to buy in the immediate future. In these cases, help from a nonprofit conservation group that is willing to purchase the property outright may be the only means for a local government to preserve the opportunity for new parkland. Many land trusts have accumulated revolving funds from donations, earnings, and loans that can bridge financing until a local government is able to acquire a parcel. Once the land has been conveyed to protective ownership, the funds are returned to the revolving account.

◆ **Assembling and splitting parcels.**

Sometimes a local government needs or can afford only a portion of an offered parcel. Or it may wish to acquire multiple parcels from different owners to accomplish a single project. Governments are often forbidden by statute or regulation from assuming the risks of holding, splitting, combining, and reselling parcels on the open market. Private partners, on the other hand, can do this work—often in multiple transactions—and can then transfer the land to the acquiring agency in the precise configuration required.

◆ **Helping with negotiations.** In some instances, a land trust may be asked to step

in as an independent third party after negotiations between a landowner and a public agency have reached an impasse. In other instances, a local government may be enjoined from negotiations by procedural, legal, or regulatory encumbrances. For their part, some landowners do not trust government agencies. This is often the case when a local government is in the awkward position of regulating the use of a property (perhaps diminishing its value or delaying its development) while simultaneously seeking to buy it. Negotiations are most successful when they are confidential, especially regarding the landowner’s financial circumstances. Many owners fear that direct negotiations with the local government will expose their personal affairs to public scrutiny.

In all of these situations, a private partner who represents neither the local government nor the landowner is often in the best position to negotiate.

Often, the key to placing land in public ownership is finding a solution sensitive to the financial and legal needs of landowners. A land trust or other private partner may be in a better position than a government representative to counsel landowners confidentially on the tax benefits of bargain sales, showing them how deductions based on charitable donations of land can offset in some measure a lower selling price.

- ◆ **Finding and maximizing funds.** Frequently, a problem with money prompts a local government to call on a nonprofit partner for help. There are several ways a nonprofit can help. To begin, a private partner can promote a tax-deductible bargain sale to bring down the price of a project. By acquiring or optioning a high-profile property, nonprofits can also help generate funds from individual, corporate, or philanthropic sources, and help educate voters about a conservation finance measure. With an inherent flexibility, nonprofit partners can often combine acquisition funds from two or more public or private sources, svate gifts. Sometimes, a nonprofit partner can schedule payments on a transaction to fit the budget or timing of an acquiring agency.



Community groups and public agencies are working to protect land and water resources before they're lost to development.

And finally, in some instances, funds can be generated through a partial development transaction. This is done by splitting the parcel, selling a minor portion for development, and using the proceeds to help secure the major portion for development, and using the proceeds to help secure the major portion for public use. (*Local Green-printing for Growth Workbook, Volume III: How to Secure Conservation Funds*, provides more information about nonprofit funding support.)

COMPLETE THE TRANSACTION

Whether a transaction is being facilitated by a land trust partner or a local government, it is important to understand the basic acquisition steps. To begin, the acquiring entity must gather the facts about the land and its landowners.

Research should address the following issues:

- ◆ The history of the land and its geographic features and resources
- ◆ The landowners, including any ownership constraints and motivations for selling the land
- ◆ The property's development capacity (the practical and legally allowed uses of the land)
- ◆ The likely cost of owning and managing land (see page 29 for more details)
- ◆ The current and projected land value

Careful fact-finding and analysis can pave the way for successful negotiations—the most sensitive and critical step in any acquisition. There are typically two phases to the negotiation process. During phase one, preliminary negotiations, the objectives are to establish a relationship with the landowner and reach common ground on the basic framework of the deal. This is the time when the parties uncover the issues and establish areas of agreement and disagreement.

In the final negotiations stage, conceptual

agreements are formalized in a legal document, including details of the financing arrangements. The culmination of this process is the closing, the point at which ownership of the land is transferred. Be advised, however, that it is time-consuming to generate a sound legal document; the process can be prolonged by any number of factors.

During the final phase, it is important to minimize any risk associated with landownership by performing a survey, appraisal, environmental assessment, and title search—referred to as “due diligence.” For land known to be rich in archaeological resources, an archaeological or cultural resources study may also be important. The following is a description of each step and some points to keep in mind when retaining professional consultants to perform the work.

- ◆ **The survey.** A survey is a map showing the measurements, area, boundaries, and contours of a property. Just as a title report provides information about the land's ownership, a survey provides information about the land's physical features—information that can be extraordinarily useful in negotiations, evaluating the property for its intended uses, or as baseline data. If developing a portion of the property is part of the protection strategy, a survey is critical.
- ◆ **The appraisal.** Appraisals are tools for evaluating the market value of a piece of property. They are a qualified professional's opinion of value, expressed in a formal document called an appraisal report. Appraising is not an exact science. The industry is governed by guidelines, not rules; there is no standardized format for reports, and the qualifications of an appraiser are difficult to define. Appraisals should always be held open to critical scrutiny, analysis, and challenge.
- ◆ **Environmental assessment.** Contamination at a property can result from agricultural operations, commercial operations, mining and timber operations, or the construction of residential buildings, particularly those that contain asbestos or lead-based paint. Under many federal and state environmental

The section “Complete the Transaction” was adapted from the following sources: *Doing Deals: A Guide to Buying Land for Conservation*, written by the Trust for Public Land and published by the Land Trust Alliance and the Trust for Public Land, 1995; “Community Open Space: New Techniques for Acquisition and Financing,” developed by the Trust for Public Land and published in the MIS Report by the International City/County Management Association; co-editors are TPL's D. Ernest Cook and urban consultant William P. Ryan.

laws, local governments are liable for cleanup of contaminated sites that come into their possession. Assessing the environmental hazards of a site *before acquisition* is essential.

The purpose of the assessment is to determine the possible presence of contamination, and the nature and cost of cleaning it up. Whether or not there is a known problem, officials must negotiate an acquisition agreement that gives the local government the greatest possible protection from liability. It is important to work closely with an attorney at all stages of the environmental assessment and while drafting an agreement.

- ◆ **Title report and title insurance.** The term “title” means evidence of ownership—that is, the legal documentation of an owner’s right to the property. A *title report* is a document indicating the current state of title for a property, including the owner of record; easements, covenants, or liens affecting the property; and any defects in or clouds on the title. The search is performed either by a title insurance company or, in some states, by attorneys or title “abstractors.” From this investigation, the title insur-

ance company creates the title report, or abstract of title. The title report is usually accompanied by a “title commitment,” a statement by the title company that it is willing to insure the existing state of title to the property, excluding any problems specifically listed in the report. *Title insurance*, which is available for both land and conservation easements, protects the holder from any loss sustained due to defects in the state of title other than those stated in the policy. Local governments, like private landowners, are vulnerable to title problems and usually need title.

SAFEGUARD THE PROCESS

While no one can predict the future political climate or the legitimate needs of a community, there are ways to safeguard the acquisition process and avoid unnecessarily changing a piece of property’s protected status. A local government may, for instance, require one or more approvals by the legislative body and a recommendation by the citizens advisory committee before a property’s protected status is changed.

BEST PRACTICES

- ▶ Manage acquisition lists to avoid speculation and maintain flexibility.
- ▶ Be realistic in expectations of property conditions—physical and legal.
- ▶ Work closely with non-profits that can facilitate the land acquisition process.
- ▶ Manage the process efficiently and quickly, demonstrating to the public that sales are a good alternative.

LOCAL LAND TRUST SUPPORTS COUNTY AND TOWN CONSERVATION EFFORTS

In New York, Suffolk County’s acquisition partner is the Peconic Land Trust. The land trust spends considerable time with a landowner of a potential property to assess the financial needs and goals for the land. A conservation opportunities plan (COP)—a plan for the future of the property—incorporates landowner information with property and soil maps. If approved by the county or town, the land trust orders an appraisal. The land trust then makes an agreement with the landowner; environmental inspections, title work, and a complete survey follow.

The land trust plays an important role as an “honest broker,” looking out for the best interests

of both landowners and taxpayers. This partnership has helped lessen apprehensions of some farmers who feel more comfortable dealing with a party outside government. Once land has been protected, a management plan for long-term stewardship is prepared. The land trust supports local governments that own natural areas but whose management capability is stretched by the maintenance of active recreational areas.

For more information, check the Peconic Land Trust web site at www.peconiclandtrust.org, or the Land Trust Alliance web site at www.lta.org.

The following tables are adapted from *Tools and Strategies: Protecting the Landscape and Shaping Growth*, 1990, the Regional Plan Association, New York. The information was also published in *Doing Deals: A Guide to Buying Land for Conservation*, written by the Trust for Public Land and published by TPL and the Land Trust Alliance in 1995.

WAYS TITLE CAN BE ACQUIRED			
TECHNIQUE	EXPLANATION	ADVANTAGES	DISADVANTAGES
Fair market value sale	Land is sold at its value at highest and best use.*	◆ Highest sales income to seller.	◆ Can be expensive.
Bargain sale	Part donation/part sale—property is sold at less than fair market value.*	◆ Often the landowner is eligible for a tax deduction for the difference between the sale price and the fair market value.	◆ Seller must be willing to sell at less than fair market value. Can be expensive.
Outright donation	A donation by landowner of all interest in property.*	◆ Allows for permanent protection without direct public expenditure. ◆ Tax benefits to seller—property's fair market value is considered a charitable contribution.	◆ Very few landowners willing to consider.
Bequest	Landowner retains ownership until death.*	◆ Management responsibility usually deferred until donor's death.	◆ Uncertain date of acquisition. ◆ Donor does not benefit from income tax deductions. ◆ Landowner can change will.
Donation with reserved life estate	Landowner donates during lifetime but has lifetime access.	◆ Landowner retains use and receives tax benefits from donation.	◆ Uncertain date of acquisition.
Land exchange	Exchange of developable land for land with high conservation value.	◆ Minimal or no government funds required. ◆ Landowner may defer capital gain recognition.	◆ Properties must be of comparable value. ◆ Complicated and time-consuming.
Eminent domain	The right of the government to take private property for public purposes upon payment of just compensation.*	◆ Provides government with a tool to acquire desired properties if other acquisition techniques are not viable.	◆ Landowner and public opposition. ◆ Can result in speculation on targeted properties. ◆ Potentially expensive and time-consuming litigation.
Tax foreclosure	Government acquires land by tax payment default.	◆ Limited expenditure. ◆ Land might not be appropriate for public open space, but can be sold to provide funds for open space acquisition.	◆ Cumbersome process.
Agency transfer	Certain government agencies may have surplus property inappropriate for their needs that could be transferred to a parks agency for public use.	◆ Limited expenditure.	◆ Surplus property available may not be appropriate for park use or the owning agency may want to sell to a private party to generate revenues.

*Conservation easements can also be acquired by these means.

RIGHTS AND INTERESTS IN LAND THAT CAN BE ACQUIRED

METHOD	DEFINITION	PROS	CONS
Fee simple ownership	Obtaining full ownership of the land	<ul style="list-style-type: none"> ◆ Gives public full access to the property. ◆ Guarantees permanent protection. 	<ul style="list-style-type: none"> ◆ Expensive. ◆ Usually removes land from tax base. ◆ Ownership responsibility includes liability and maintenance.
Conservation easement/development rights	Legal agreement a property owner makes to restrict the type and amount of development that may take place on his or her property. A partial interest in the property is transferred to an appropriate nonprofit or governmental entity either by gift or purchase. As ownership changes, the land remains subject to the easement restrictions.	<ul style="list-style-type: none"> ◆ Less expensive than fee simple. ◆ Tailored to the protection requirements of the landowners and the property. ◆ Landowner retains ownership and property remains on the tax rolls, often at a lower rate because of restricted use. ◆ Potential income and estate tax benefits from donation. ◆ More permanent and often more restrictive than landuse regulations, which often change with the political climate. 	<ul style="list-style-type: none"> ◆ Public access may not be required. ◆ Easement must be enforced. ◆ Restricted use may lower resale value.
Purchase of land with lease-back	As part of purchase contract, a city/county agrees to lease land back to the seller, subject to restrictions.	<ul style="list-style-type: none"> ◆ Income through lease-back. ◆ Liability and management responsibilities assigned to lessee. 	<ul style="list-style-type: none"> ◆ Public access may not be available. ◆ Land must be appropriate for lease-back (e.g., agricultural).
Lease	Short- or long-term rental of land	<ul style="list-style-type: none"> ◆ Low cost for use of land. ◆ Landowner receives income and retains control of property. 	<ul style="list-style-type: none"> ◆ Does not provide equity and affords only limited control of property. ◆ Temporary.



KEN SHERMAN

THE FACTS**Location:**

Sioux Falls, South Dakota

Type:

Urban, suburban

Population:

131,000; 181,000 MSA (2000)

Area:

58 square miles

Staff Contact:Don Seten,
Sioux Falls Planning Office**Local Official Contact:**

Dave Munson, mayor

Address:City Hall
224 West 9th Street
Sioux Falls, SD 57104**Phone:**

(605) 367-8895

Fax:

(605) 367-8863

Web Site:www.siouxfalls.org**Email:**dseten@siouxfalls.org**Federal, State, and City Partnership Forged**

The power and splendor of the Falls of the Big Sioux River has been a draw since the earliest prehistoric people occupied the great northern plains. When land speculators arrived in the 1850s, the city of Sioux Falls grew up around the spectacular 300-foot falls. More than a century later, as residential and commercial activities shifted to the expanding suburbs, the once-vibrant downtown area adjacent to the falls suffered from neglect and industrial contamination.

The city has spent decades on a multipronged strategy to revitalize its downtown, which is now a successful, thriving, economically prosperous place. Falls Park, near the north end of downtown, was dramatically transformed during the 1990s and now sits as the crown jewel of the revitalization effort.

Yet a brownfield site—comprising a junkyard, rails sidings, and brickyard—still separates Falls Park from downtown. Brownfields are abandoned properties that may contain contamination from past industrial or commercial use, including former factories, warehouses, industrial complexes, landfills, and transportation facilities. In Sioux Falls, redevelopment of the brownfield will reunite the two reclaimed areas—the park and downtown. The city is working with the EPA and the state Department of Environment and Natural Resources, and has purchased the junkyard and cleared the site.

Nearly every city in the country has its brownfield sites, which can impact the health and economy of inner cities. Redevelopment can save open space by redirecting growth into urban areas. According to the EPA, these sites can often be safely redeveloped as parks, residential communities, and commercial centers, yet the uncertainty of the situation tends to discourage investment.

In Sioux Falls, an EPA Brownfields Grant has helped the city prepare a redevelopment plan.⁷ The city is completing a study on the condition of soils, groundwater, and river water and sediments. By cleaning up the site and creating a river park, city officials hope to attract new business and residents to the long-neglected north end of downtown. Already, redevelopment plans have increased land values in surrounding neighborhoods.®

How to Manage the Land

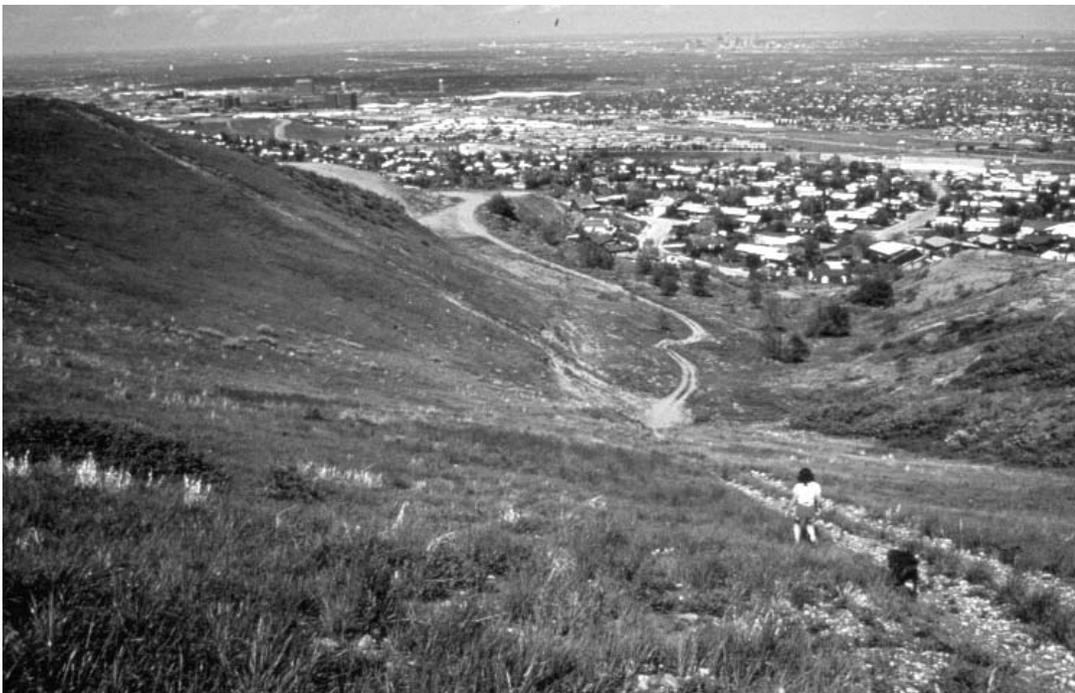
To guarantee adequate protection and enhancement of acquired land or easements, creating a well-planned and well-funded land management program is essential. Such a program should balance the protection of natural resources with the public's recreational and usage needs. This section reviews key considerations for effective land management.

Once a piece of property is acquired, planners must *stabilize the site*, determining what, if any, public access and use is permitted, and what immediate improvements and enforcement are required. When new property is acquired, public access is often restricted until after a management plan is in place and short-term improvements are made, including the

construction of trails and signage, visitor management and safety guidelines, permitting-process procedures, and long-term resources and facilities management strategies. Short-term site stabilization is followed by longer-term assessments of and goals for the property: the property must be studied, public input sought, and most appropriate uses determined. This information forms the basis for the management plan—the document that guides the protection and enhancement of acquired land.

Long-term land-management planning requires an *inventory and evaluation* of the land. An inventory involves a close accounting of the land, its natural resources, plant and animal

WHY THIS IS IMPORTANT:
Too often, land is acquired without management plans or management funding in place. Solid planning and partnerships can help ensure the adequate management and enhancement of acquired land.



MARY DOLAN

Colorado voters have a history of approving state and local land conservation measures—roughly \$205 million in November 2001 alone.

species, and infrastructure. This process helps land managers gain an understanding of the land, its physical setting, and social context. The type of evaluation conducted depends on the type of resources on the property. For instance, an environmental-resource evaluation will examine soils, plants, wetlands, birds, butterflies and other insects, and small and large mammals. Cultural evaluations may include reviews by archaeologists and interviews with local residents and knowledgeable professionals.⁸

Mapping the resources identified through a geographic information system (GIS) then provides a clear picture of the land's natural and cultural resources, with overlays that demonstrate appropriate management techniques and recreational uses. This information may have been gathered during the visioning process when inventories and mapping of county resources were conducted.

A number of different yet overlapping *management approaches* may be needed for a piece of property, depending on the type of land and natural resources protected. These may include forest management, ecosystem management, species management, trails and resource management, and agricultural production and grazing management. Planning for human resources is also essential. This planning involves the administration of the program (record keeping, budgeting, insurance, community relations, etc.), the property's uses by the public (recreational programs, public education, etc.), and monitoring and enforcement provisions (trespassing, overuse, vandalism, safety hazards, and other potential problems). Once developed, the management plans continue to evolve with changes in the natural systems of the property or the recreational needs of the public.

Land management planning requires time and resources. Yet local governments can't typically delay a potential acquisition in order to create a management plan first. In response, planners in Boulder County, Colorado, have expedited the process, developing a system of rapid assessments for its new acquisitions in which several staff assess and prioritize immediate issues, such as fencing, weed problems, and

boundary disputes. This assessment is used until a more complete inventory and evaluation are conducted. Land management plans used in adjacent or similar properties can also be adapted for new acquisitions.

Keep in mind that conflicts can arise over the best uses of open space land and how much public access and recreational use should be allowed. Publicly clarifying the purpose for which land was acquired may help mitigate conflicts and guide management decisions. Land classifications categories range from preserves and working landscapes with restricted public access to active and passive recreation lands and trail corridors that facilitate public use. Active parklands can also be classified (mini-park, neighborhood park, regional park, etc.) to ensure balanced development throughout a county. (More extensive discussion of these categories is included in *Local Greenprinting for Growth Workbook, Volume II: How to Define a Conservation Vision.*)

FORGE LAND MANAGEMENT PARTNERSHIPS

Federal and state agencies, other local jurisdictions, nonprofit land trusts, community groups, paid contractors, and volunteers can help local governments manage and improve parks and trails—often with impressive efficiency at a reasonable price. Some of the most important partnerships involve other governmental agencies—state, counties, cities and towns, and their various agencies. These partnerships may involve land management agreements that protect jointly owned county/town land. When property is acquired jointly, counties and townships often become partners—tenants-in-common. Both jurisdictions are listed on the deed and a management agreement or similar document is created that outlines management responsibilities.

Local land trusts can be particularly helpful with land management. Consider these benefits:⁹

- ◆ Nonprofits can hire new management staff and contractors more quickly than a government agency.
- ◆ Nonprofits are not governed by regulations that can slow the bidding process.



Purchase of development rights programs help keep working land protected and farmers and ranchers in operation.

- ◆ The use of land trusts frees up a public agency's staff and funds.
- ◆ Land trusts may be able to use their own land management staff and volunteers for new projects.
- ◆ In some cases, the commitment to manage the land enables the trust to get it protected in the first place.

Volunteers can also assist local governments with the management of the land. Tasks can include everything from wildlife monitoring to weed mapping to trail building. In Austin, Texas, volunteers help with park and open space management through the city's Adopt-a-Park program. A volunteer program in Suffolk County, New York, makes many recreational programs and nature-oriented events possible, sponsoring more than 50 programs with the support of more than 700 participants annually.

FUND LAND MANAGEMENT

The addition of new parks, trails, and open space into a county system requires careful budgeting and planning. Many factors must be considered depending on the intended uses and condition of a piece of property, the type of protection (owned or under easement), local costs, and so on.¹⁰

In the race to protect threatened natural land, fast-growing communities may find that their management budgets fall short. Even local governments with well-established programs sometimes have a limited capacity to manage lands. This is due in part to the difficulty of recognizing the costs of even minor upkeep and ongoing ownership issues such as boundary disputes. To avoid shortfalls, local governments should assess specific costs up-front, secure necessary political commitments, and set aside adequate funds.

To come up with a land management price tag, planners must understand the initial costs of stabilizing and improving a site, the day-to-day costs of managing the land, and the potential risks involved in owning a piece of property. Specific costs may include surveying, resource evaluation, base-line inventories, fencing (a potentially significant cost that may be shared with adjacent property owners), trash removal and equipment (more potentially costly items), building removal, weed management, and historic renovation. Public access presents a host of additional issues, such as facilities, liability, and so on. Keep in mind that some costs may be optional or deferred, particularly if public access is not immediately planned.



THE FACTS

Location:

Boulder County, Colorado

Type:

Urban, suburban, rural

Population:

297,686 (2000)

Area:

742 square miles

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Advisory Committee Helps Shape Open Space Program

As counties go, Boulder County has nearly everything. From spectacular mountain wilderness, rich agricultural heritage, a world-class university, and gold rush-era mining towns to an abundance of wildlife and recreational opportunities that include skiing, climbing, golf, and kayaking.

The nearly 300,000 people who call Boulder County home have let it be known that managing growth, preserving agriculture, and protecting wildlife habitat is a top priority. As a result, citizens repeatedly elect commissioners who take a strong leadership role in limiting development in unincorporated parts of the county. Voters also overwhelmingly supported the establishment and extension of a sales and use tax that, to date, has raised more than \$100 million for the purchase of open space. As a result, Boulder County's 25-year-old preservation effort has become a model for other counties looking to manage growth and preserve open space for future generations.

Boulder County's open space program dates back to the commissioners' creation of the Parks and Open Space Advisory Committee (POSAC) in 1967, a time when open space planning was virtually unheard of. The county had just 116,000 residents then, yet it had a group of concerned citizens who recognized that unmanaged growth threatened to destroy the very qualities that make Boulder County such a beautiful place to live and work.

The POSAC members were charged with formulating an open space preservation plan. They held a series of neighborhood meetings and conducted citizen surveys to better understand residents' concerns about open space issues. This input prompted the recommendation that a separate department of parks and open space be created. Established in 1975, the Boulder County Parks and Open Space Department helped refine and implement the county's open space program, offering nature programs on county open space and parkland.

In 1978, the Boulder County Comprehensive Plan was adopted, further defining open space goals and policies. This plan outlined the objectives for preserving open space, protecting environmental resources, and developing a countywide trail system.

By fostering crucial public and political support, POSAC played a key role in the early development of Boulder County's open space program. It functioned as a public sounding board and was instrumental in setting and communicating open space priorities, from creating community buffers to protecting agricultural land from development.

Over the years, the committee's role has matured with the program and today members are increasingly involved in managing the county's 65,000 acres of open space. While members still review up to a dozen properties each month and make recommendations to the commissioners regarding their purchase, they also help form management plans for specific open space properties. Among the management issues the committee considers in forming management plans are balancing the demands of recreation with the need for preservation, and resolving environmental issues that range from protecting native species to dealing with prairie dogs. Park and Open Space Department staff support the committee with research and background on management issues before the board makes recommendations to the county commissioners. ☺

The management of more active or urban parklands also involves improvement costs, ongoing management costs, and liability costs. A multitude of other issues may also be relevant depending on the level of public use, facilities and other infrastructure, park programming, and the level of maintenance required. Again, careful planning and budgeting are essential.

In the planning stage for its successful \$200 million Safe Neighborhood Parks bond measure in 1996, local officials in Miami-Dade County, Florida, assessed the potential fiscal impacts of capital development—what it would cost to operate and maintain proposed improvements. A multidisciplinary working group of more than 16 park, recreation, and maintenance practitioners developed a method to calculate costs using a combination of NRPA Park Maintenance Standards, locally developed guidelines, and actual park and facility maintenance practices. The group looked at expenses such as staffing, maintenance, and daily operations, as well as the cost of preventative maintenance to extend the life of development. These expenses were applied on a project-by-project basis for each of the improvements proposed in the bond package, then weighed against potential revenues from completed projects. The result was a net operating impact of more than \$136 million in capital improvements. The park and recreation department has since used the methodology as a benchmark for updating its annual budget requests for new and existing facilities.

The department also faced credibility and liability challenges when partnering with private, nonprofit organizations that provide programming and maintenance at its recreation sites and facilities. The working groups developed a policy that would eventually govern how and with whom it would partner, while setting standards and guidelines for the roles and responsibilities of each party. This policy helped build the legitimacy and strengthen the public-private partnerships essential to the county's programs.

Resources exist to help local governments and land trusts determine management and staffing costs and assess potential funding sources for different types of protected land. The nonprofit Center for Natural Lands Management

(CNLM) has developed the Property Analysis Record, a computer program that analyzes the natural resource characteristics and stewardship needs of a property, determines management tasks, and estimates costs of managing a piece of property. The program considers such issues as potential liabilities, administrative costs, inflation, and contingency funds, while helping land managers carefully assess the purposes for which the land will be managed. (The CNLM Web site is www.cnlm.org.)

The National Recreation and Park Association has resources for determining staffing and maintenance needs and costs, including its Park Maintenance Standards and publications entitled *Management of Park and Recreation Agencies* and *Operational Guidelines for Grounds Management*. The Rails-to-Trails Conservancy has published several resources on trails management that provide information on maintenance costs, liability issues, and risk management techniques. *Rail-Trail Maintenance* and *Rail-Trails and Liability* are available on the web at www.trailsandgreenways.org. Finally, complete information about monitoring conservation easements can be found in *The Conservation Easement Handbook*. The appendix provides additional information on these publications. The first section of this report, "How to Manage the Greenprinting Process," also discusses staffing considerations.

So how do you pay for land management, programming, liability, and other ongoing costs? Typically, general obligation bonds, a common acquisition funding source, may not be used to pay for maintenance and management costs. As a result, communities must make use of federal and state grants, local budget appropriations, or private funds. Many communities dedicate management or maintenance funds, setting aside a percentage of the acquisition costs or establishing a permanent funding source. Nonprofit land trusts can also help. TPL, for instance, has helped establish privately funded land management endowments and created management funds with its own resources. In some cases, management and funding plans have even helped secure the public and political support needed to acquire the property.

Organizations and agencies also set aside

BEST PRACTICES

- ▶ Allocate funds for stewardship.
- ▶ Monitor condition of protected lands and manage accordingly.



Florida has been at the forefront of statewide land conservation efforts for more than two decades.

funds solely for monitoring and defending conservation easements.¹¹ There are a variety of funding options: soliciting a cash contribution from the donor, raising money from other sources, and dedicating a percentage of each year's budget to a monitoring fund.

Here are a few examples of how communities are paying for land management:

- ◆ In Miami-Dade County, Florida, planners of the Environmentally Endangered Lands program (EEL) created a management fund with \$10 million in principal from a voter-approved property tax. Only the interest from this principal can be spent on land management.
- ◆ With a diverse ecosystem and problems with the invasion of non-native plants, the cost of managing land in Palm Beach County, Florida, is about \$2.4 million a year. Bond funds are used for capital improvements, which in addition to land acquisition can include such things as the construction of public use facilities, nature trails, and even one-time removal of exotic plants. For ongoing land management, the county relies on ad valorem dollars, state grants, and an endowment fund—the Natural Areas Stewardship Trust Fund. This fund is set up to accept donations and penalties paid by violators of environmental laws.
- ◆ In Grand Traverse County, Michigan, funding for large-ticket capital expenses comes from the state and federal grants, the county's general fund, and grants from other agencies and organizations. For operational and smaller capital expenditures, the county relies on revenues from user fees and the general fund. Michigan communities are required to design five-year park and recreation master plans in order to receive any financial assistance from the state. Plans include estimates and prioritization of capital expenditures.



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Riverfront Recapture and Metropolitan District Commission Team Up

A nonprofit organization, a regional water agency, and several municipalities have created a successful partnership to build a network of public parks and recreational facilities along the banks of the Connecticut River in Hartford. The lands, acquired as flood plains by the cities of Hartford and East Hartford in the 1940s, have long been in public ownership but unavailable for public access—cut off by dikes and highways. The nonprofit Riverfront Recapture, created in 1981, is working to restore public access, raising federal, state, and private funds to build parks, boat launches, public recreational facilities—all connected by paved, lighted riverwalks.

Funding park development and maintaining those improvements were the initial challenges. Local leaders looked for ways to deliver high-quality maintenance and provide security for the once-isolated riverfront that traverses two municipalities. Throughout their search, organizers considered the Metropolitan District Commission (MDC). The commission is a nonprofit municipal corporation chartered by the Connecticut General Assembly in 1929 to provide potable water and sewage services to eight member municipalities. The MDC seemed the logical choice since it had experience maintaining parkland, hiking trails, and limited recreational facilities along its reservoirs in the outer suburbs. The MDC also had the means to generate much-needed maintenance revenues by imposing a fee on water users.

After several years of discussion, the MDC asked its member towns to advise them on whether they should be involved in the project. When six out of eight town councils voted in support, the MDC agreed to provide ongoing park maintenance. Funding was secured by an increase in the water rates averaging \$6 per household per year. Recognizing the potential economic, recreational, and quality-of-life benefits the river could provide, corporations (who pay significantly more in fees) largely supported the plan, as did towns that did not border the river.

Riverfront Recapture is responsible for overall park management, including construction, programming, and marketing. Separate agreements outline the management responsibilities Riverfront Recapture provides the City of Hartford and the Town of East Hartford. The agreements take on different forms (lease agreement or management services agreement) to comply with two different local government charters.

In September 1999, Riverfront Recapture opened its ambitious downtown connection, a landscaped plaza that spans an interstate highway and restores the river to its historic status as the "city's front door." Riverwalk connections to parks north and south of downtown are still in the works. Planners are striving to make the riverfront a destination for residents and visitors, and a catalyst for economic development.©

Public participation and partnerships can help a community realize its greenprinting vision.



BILLY WEEKS

Conclusion

Since the early 1990s, there has been a wholesale shift in the way land is protected. Once reactive and piecemeal, local conservation has become comprehensive and strategic. Greenprinting is emerging as an important tool for smart growth and the protection of open space.

TPL and NACo are promoting greenprinting as a way to use land conservation to ensure quality of life, clean air and water, recreation, and economic health. The greenprinting methodology is threefold: defining a conservation vision, securing funds, and acquiring and managing park and conservation lands.

Careful planning and partnerships are essential in the implementation stage. Counties must assess the most appropriate structure to administer the greenprinting program, considering departmental roles, and staff sizes and responsibilities. With an administrative structure in

place, counties can target and acquire the land or easements that best reflect the greenprinting goals. There are typically numerous parties involved in this process: the public may nominate individual parcels; citizens advisory committees may review nominations and make recommendations to the county governing body; and nonprofit organizations and land trusts can provide significant support with the land acquisition process, helping with timing, assembling and splitting parcels, negotiations, and funding.

Management of the land is the final consideration, a process that runs from immediate site stabilization through long-term management planning. A careful assessment of the costs of natural lands and park management is essential. Once again, intergovernmental and nonprofit partnerships can be valuable to the land management process.

Appendix

Resources: National Publications

Building Green Infrastructure: Land Conservation as Water Protection Strategy. This report presents the cases of four watersheds in which land conservation is helping preserve water quality. For a copy, contact TPL by phone at (415) 495-4014 or electronically at www.tpl.org.

Solving Sprawl: Models of Smart Growth in Communities Across America. This book from the National Resources Defense Council illustrates how people in cities, suburbs, and rural areas have found profitable, community-oriented alternatives to sprawl. To order a copy, contact the NRDC at www.nrdc.org.

The Economic Benefits of Parks and Open Space: How Land Conservation Helps Communities Grow Smart and Protect the Bottom Line. This report offers ample evidence that open space protection is a wise investment that produces important economic benefits, attracting investment, revitalizing cities, boosting tourism, protecting farms and ranches, preventing flood damage, and safeguarding the environment. Written by Steve Lerner and William Poole and published by the Trust for Public Land. For a copy, contact TPL by phone at (415) 495-4014 or electronically at www.tpl.org.

Local Parks, Local Financing, Volume I: Increasing Public Investment in Parks & Open Space. This handbook outlines the options available to local governments to raise conservation funds. Written by Kim Hopper and published by the Trust for Public Land. For a copy, contact TPL by phone at (415) 495-4014 or electronically at www.tpl.org.

Local Parks, Local Financing, Volume II: Paying for Urban Parks Without Raising Taxes. This report provides information about the non-tax funding of urban park and recreational programs. Written by Peter Harnik and published by the Trust for Public Land. For a copy, contact TPL by phone at (415) 495-4014 or electronically at www.tpl.org.

The Conservation Easement Handbook: Managing Land Conservation and Historic Preservation Easement Programs. An indispensable guide for land trusts, historic preservation organizations, public agencies, landowners, landscape architects, attorneys—anyone interested in conservation easements. Written by Janet Diehl and Thomas S. Barrett and published by the Trust for Public Land and the Land Trust Alliance with the Public Resource Foundation. For a copy of the book, contact the Land Trust Alliance, www.lta.org/publications/.

Doing Deals: A Guide to Buying Land for Conservation. Written by the Trust for Public Land and published by TPL and the Land Trust Alliance; 1995. For a copy of the book, visit the Land Trust Alliance web site at www.lta.org/publications/.

The Impact of Park and Open Space and Property Values and the Property Tax Base. This report examines the economic contributions of parks and open space through their impact on property values. Written by John L. Crompton, Ph.D., professor of Recreation, Park and Tourism Sciences at Texas A&M University. To order, visit the Texas A&M web site at www.rpts.tamu.edu.

Financing, Managing and Marketing Recreation and Park Resources. This book presents a wide range of alternative funding methods being used to bridge the gap and pay for new park and recreation facilities and programs. Written by John L. Crompton, Ph.D., professor of Recreation, Park and Tourism Sciences at Texas A&M University. To order, visit the Texas A&M web site at www.rpts.tamu.edu.

Saving American Farmland: What Works. This comprehensive guidebook presents American Farmland Trust's latest research on farmland protection. Specifically designed for policymakers, planners, community organizations, and concerned citizens who are working to save farmland at the local level, *Saving American Farmland* discusses the challenges of farming on the edge of development and illustrates the value of farmland to our nation, states, and communities. It reviews techniques that state and local governments are using to protect farmland, as well as federal farmland-protection policies. The book includes case studies of innovative and successful farmland-protection programs in California, Maryland, and Washington. The final section of the book offers lessons that other communities can learn from these farmland-protection pioneers and outlines the steps involved in creating a farmland-protection program. 1997; 334 pages; \$34.95. To order, contact AFT by phone at (413) 586-9330 or electronically at www.farmland.org.

Getting to Smart Growth: 100 Policies for Implementation. This is the fourth in a series of primers designed to introduce communities to the benefits and techniques of smart growth. The report aims to support communities that have recognized the value and importance of smart growth and now seek to implement it. It does so by highlighting and describing techniques to help policy makers put smart growth principles into practice. The report is available on the web at www.smartgrowth.org.

Green Infrastructure: Smart Conservation for the 21st Century. This report introduces green infrastructure as a strategic approach to land conservation that is critical to the success of smart growth initiatives. Written by Mark A. Benedict, Ph.D., and Edward T. McMahan, J.D., and published by the Conservation Fund. This report is available on the web at www.conservationfund.org.

Smart Links: Turning Conservation Dollars into Smart Growth Opportunities. This report discusses how public funding is used as an incentive to assure that development is compatible with smart growth rather than sprawl, as well as to assure the long-term vitality of the conservation investment. Published by the Environmental Law Institute. For a copy, visit the web at www.eli.org.

Planning for Smart Growth: 2002 State of the States. The American Planning Association conducted a comprehensive survey of planning reform and smart growth activity in the states between 1999 and 2001. This report outlines the findings. For a copy, visit the web at www.planning.org.

Operational Guidelines for Grounds Management. This book is designed to help park managers and other grounds management stakeholders build operational and staffing plans. Published by the Association of Higher Education Facilities Officers, the National Recreation and Park Association and the Professional Grounds Management Society. This report is available on the National Recreation and Park Association web site at www.nrpa.org.

Management of Park and Recreation Agencies. This park management reference book contains background on organizational structure and development, interagency management, information technology, public relations and marketing, human resource management and employment, financial management and budgeting, risk management/law enforcement/security, and evaluation. Published by the National Recreation and Park Association. Copies are available on the web at www.nrpa.org.

Rails-With-Trails. This reports provides design, management, and operating characteristics of 61 trails along active rail lines. Published by the Trail-to-Trails Conservancy. Available electronically at www.trailsandgreenways.org.

Rail-Trails and Liability. A primer on trail-related liability issues and risk management techniques. Published by the Trail-to-Trails Conservancy. Available electronically at www.trailsandgreenways.org.

Rail-Trail Maintenance: Preparing for the Future of Your Trail. Written by Susan Thagard, this report is designed to answer questions about trail maintenance programs and organization. Available electronically at www.trailsandgreenways.org.

References: Local Government Programs and Publications

More information about the local land conservation programs highlighted in this greenprinting series can be found in the following sources:

Ocean County Natural Lands Trust Fund Program Document, prepared for the Ocean County Board of Chosen Freeholders by the Natural Lands Trust Fund Advisory Committee; Ocean County, New Jersey (September 2, 1998).

Ocean County Natural Lands Trust Fund Program Recommendations for State Acquisition, prepared by the Natural Lands Trust Fund Advisory Committee; Ocean County, New Jersey (July 26, 2000).

The Better Jacksonville Plan and the Preservation Project, Mayor John Delaney; Jacksonville, Florida (1999).

Jefferson County Open Space Master Plan, Jefferson County, Colorado (December 1998).

Santa Fe County Open Lands & Trails Plan for the Wildlife, Mountains, Trails and Historic Places Program, Santa Fe County, New Mexico (February 21, 2000).

Design Dane! Land Use Plan and Status Report, prepared by the Dane County Executive's Office and the Department of Planning and Development, Dane County, Wisconsin (July 25, 1998).

First Annual Report of the Dane County Agricultural Advisory Council; March 7, 2000; and *Farms & Neighborhoods, A Dane County Executive Design Dane! Initiative*, Dane County, Wisconsin (July 2000).

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Suffolk County Agricultural Protection Plan, prepared by the Suffolk County Planning Department and the Suffolk County Agricultural and Farmland Protection Board, Long Island, New York (June 1996).

Suffolk County Land Acquisition Program, compiled by the Suffolk County Planning Department; Suffolk County, New York (October 1999).

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Sonoran Desert Conservation Plan, County Administrator C. H. Huckelberry; Pima County, Arizona (October 28, 1998).

Joint DeKalb County/Municipal Greenspace Program, DeKalb County, Georgia (November 2000).

Harris County Parks Master Plan, Harris County, Texas (May 4, 2001).

New Castle County 2002 Comprehensive Development Plan Update, New Castle County Department of Land Use (January 2002).

National Resources for Open Space Protection

American Farmland Trust
(202) 331-7300
www.farmland.org

The Conservation Fund
(703) 525-6300
www.conservationfund.org

Ducks Unlimited
(202) 347-1530
www.ducks.org

Environmental Protection Agency
(202) 260-2750
www.epa.gov/smartgrowth

International Rivers Network
(510) 848-1150
www.irn.org

Land Trust Alliance
(202) 628-4725
www.lta.org

National Park Service Rivers, Trails, and Conservation
Assistance Program
(202) 354-6900
www.nps.gov/rtca

National Recreation and Park Association
(703) 858-0784
www.nrpa.org

National Trust for Historic Preservation
(202) 588-6000
www.nthp.org

The Nature Conservancy
(800) 628-6860
www.nature.org

Rails-to-Trails Conservancy
(202) 331-9696
www.trailsandgreenways.org

The Trust for Public Land
(415) 495-4014
(202) 543-7552
www.tpl.org

U.S. Forest Service
(202) 205-8333
www.fs.fed.us/

Endnotes

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