



# BUY THE BEST, ZONE THE REST:

Building a Green Future



Montgomery County Lands Trust  
a non profit conservancy





*“America  
needs her  
forests and  
her wild  
spaces quite  
as much as  
her cities and  
her settled  
places.”*

*Benton MacKaye,  
Founder of the  
Appalachian Trail*

We live in a dynamic, growing county, rich with educational resources, home to cutting-edge technology, and filled with world-class shopping. Yet what happens if we get so caught up in our fast-paced lives that we ignore our gifts of rich farmland, historic landscapes, valuable water resources, and restorative green spaces?

As a community grows, it is important to stop and evaluate both the benefits and losses that result from change and take stock of where we are heading.

The time is at hand for Montgomery County citizens and their local decision makers to capture the fleeting opportunity to save vanishing natural resources and to shape development and redevelopment in their communities.

Choices will be made, but will choices be informed and foresighted?

When faced with challenging conservation decisions, we can employ practical tools and take action before our cherished green places are gone. There are few better places than Montgomery County in which to address these challenges.



***Buy the Best, Zone the Rest:***  
***Building a Green Future*** presents  
an overview of conservation choices  
available to municipalities, nonprofits  
and the citizens of Montgomery County.





## A Culture of Conservation

Montgomery County citizens and government officials champion land conservation.

In the early 1990s, the county commissioners authorized an open space assessment which acknowledged great economic prosperity but also the rapid loss of farms, natural areas and historic landscapes that initially attracted people to the region. Many older boroughs and historic manufacturing towns had suffered losses of population, prosperity and their unique sense of place.

In 1993, the county commissioners responded by pledging \$100 million to be spent over ten years on open space conservation by municipalities and nonprofit organizations.

The result? All 62 municipalities prepared and adopted open space plans. 9,400 acres of natural areas, parkland, and farmland were preserved and 23 miles of trails were added to the new county-wide trail system. A total of 20 boroughs completed projects that added green improvements tailored to their communities.

Then in 2003, showing one of the highest percentages of county open space support in the nation, 78% of the voting public said “yes” to an important 2003 county-wide open space referendum. Strong voter approval not only guaranteed renewal of the previous ten-year open space initiative, it dedicated an unprecedented \$150 million in open space funding toward the new Green Fields/Green Towns program.

## Green Fields/Green Towns

Building on the previous successes, a diverse group of 25 individuals worked to update the program guidelines. The resulting Green Fields/Green Towns program recognized the varied needs of municipalities, particularly those that might be described as our “built” or “developed” communities.

At the heart of the \$150 million initiative is the match component in which each community contributes 20% local funding toward an open space project to receive 80% in generous match funding from the county.



*“Never doubt that a small group of thoughtful, committed citizens can change the world. Indeed it’s the only thing that ever has.”*

*Margaret Mead,  
Culture and  
Commitment*







*“As long as  
you’re on the  
side of parks,  
you’re on the  
side of  
angels. You  
can’t lose.”*

*Robert Moses,  
New York City Parks  
Commissioner*

## Wide-Ranging Benefits

Why all the fuss about open space?

In addition to providing health advantages for people and wildlife, open space enhances the fiscal health of the county and our communities. George Mason University professor and author Richard Florida published an influential 2002 study documenting that those locations where money has been raised for lifestyle amenities tend to attract and retain businesses and residents who contribute to their communities in positive ways. Another study, *The Proximate Principal: The Impact of Parks, Open Space and Water Features on Residential Property Values and the Property Tax Base, 2004* by John L. Crompton professor at Texas A&M University shows how increased property values and incomes provide additional revenues that actually pay for community investments in open space.

In 1999, Montgomery County led the state with nearly 60,000 high-tech jobs. (It was followed by Allegheny County with less than 35,000 jobs of this caliber.) Workers in Montgomery County also had the highest annual average salary of any county in Pennsylvania. Lifestyle amenities significantly factored into the formula that resulted in these trends.

Among the many compelling reasons to provide open space and protect farmland are matters related to water. Flooding, which can produce devastating financial and human losses, is better managed by encouraging groundwater recharge and the protection of stream-side natural buffers. Additionally, for those areas of the county that rely on the quantity and quality of groundwater, protected open lands act as a sponge to hold, recharge and filter that vital resource.

## Creating Open Space Systems

A preserved farm, natural area or athletic field in the right location adds to a community's quality of life. These sites are much more useful, however, when they are connected to other open space areas. Whether they are located in an urban or suburban context, “hubs” (large parks or natural areas) and “links” (greenways and trails) provide community connections and networks of natural resources. Both human and natural systems benefit from strategically linked land.

## The Closing Window of Opportunity

We have overwhelming voter support for open space conservation. We must act now. Over the next few years, the recently passed Pennsylvania Growing Greener II statewide initiative will also provide funding for county and local land protection efforts. Montgomery County municipalities have an unprecedented opportunity to leverage county and state funds and to realize the goals identified in their adopted open space plans.







## Building a Greener Future

Local officials have two primary means of improving the quality of life for residents. First, they can implement capital improvements such as roads, sewers, parks and athletic fields. Second, they can employ effective land use regulations that accommodate growth. Using both capital investments and reasonable regulations, communities balance conservation of important land resources with sustainable economic growth. Municipalities can “Buy the Best and Zone the Rest” so that Montgomery County residents will always have Green Fields and Green Towns.

## BUY THE BEST

The purchase of land or certain rights to land, called development rights or conservation easements, is necessary to minimize the intrusion of development into areas of good and active farmland, to protect important historic sites, to buffer water resource areas, and to provide land for trails and other types of recreation.



Municipal officials use their comprehensive plans, open space plans and capital improvement plans as guides to identify desired lands for active and passive recreation and farmland protection. It is important to evaluate numerous issues when planning to protect such lands. The following lists the important considerations to be addressed when municipalities spend money for land conservation.

## Reasons to Act

### Quality of Life

Many municipal officials inherently believe in the protection of farmland and sensitive natural features along with the provision of parkland to achieve a high quality of life in their communities. Many also believe that growth is inevitable, and that it should be positively shaped by high-quality development. Economic studies show that, in this “age of talent,” communities that provide lifestyle amenities, particularly outdoor recreation and environmental assets, attract and keep residents and businesses who actively contribute to the community.

### Timing

There are many places in Montgomery County where the moment is “now or never” to protect important lands before they are gone — or before preservation costs become prohibitive.

### Money Does Grow on Trees

Numerous studies indicate that, in certain situations, the costs of land conservation may be lower to taxpayers than the cost of community services related to residential development.

*“People care about the environment and are willing to pay to protect it when the benefits are clear and close to home.”*

*Whitney Clark,  
Executive Director  
Friends of the  
Mississippi River*



*“The nation behaves well if it treats the natural resources as assets which it must turn over to the next generation increased, and not impaired in value.”*

*Theodore Roosevelt*

## Preservation through Acquisition

### Landowner Options

When the owner of a large property needs to get value out of a land investment, options are important. Rather than simply selling for development, a landowner may be able to sell development rights for all or portions of the land, an option that can be extremely desirable once tax implications are taken into account.

### Municipal Acquisition Options

If land is intended to be municipally owned for a park, playground or other public use, the property is purchased outright; this is called “in fee-simple.” The overall costs to make the land usable for the purpose also include costs of land improvement, equipment, program and personnel. When the land is intended to be protected, but not municipally owned, the municipality buys only the development rights and places conservation easements on the land to ensure that no development or only a specified, limited amount of development may take place. Purchase costs are less than fee-simple purchases and the annual costs are negligible. Ownership remains with the private property owner, who may sell it protected with the development limitations. Although reduced in value, the property stays on the tax rolls. Public access, frequently required when utilizing public funding, is addressed prior to completion of such projects.

## Finding Local Match Money

### Collaboration and Leveraging

Many state and county programs provide grant money for open space, farmland and recreation projects. Montgomery County’s Green Fields/Green Towns program is one of these. However, like most grant programs it requires local match money. Raising local dollars provides opportunities to qualify for outside money. One dollar raised locally may bring in multiple dollars from other sources. Taxpayers should be aware that their state and county tax dollars will go elsewhere if they do not have “ready” match money.

### Raising Local Funds

A municipality has several funding options available including bonds, lines of credit, and taxes. A municipality can use a bond to finance open space and farmland protection for a specified amount of money. As an alternative, it may secure a line of credit through a bank

and take out money only as needed. Lines of credit do not have some of the procedural, timing and cost considerations associated with bonds. General tax revenues are used to pay off the debt. A third choice would be to levy special real estate or realty transfer taxes to support open space programs. Yet a fourth alternative utilizes earned income taxes (EITs) which affect only those who have earned income, shielding residents living on retirement or investment incomes. EITs are preferred by farm families who often live on limited incomes but own many acres of land which would be taxed under real estate taxes. Some communities use “sunset provisions” to establish a time when the tax would cease.







## Building and Maintaining Community Support

### An Informed Public

It is most important that, before voters are asked to approve referenda to raise money for open space acquisition, an education and outreach effort be undertaken to explain the proposal to the taxpayers. A committee, such as an environmental advisory council or a special task force, is usually given that responsibility, perhaps using a consultant for technical assistance. Ideally, one year is allocated for this effort. Information sheets, public forums and newsletters ought to provide full information about the proposal. An open space or comparable plan should be in place to show or describe the types of lands or priority areas intended for protection. Informed people should be available to answer questions on the proposal. Yard signs, telephone calls and volunteers at the polls help fuel the critical finale of the campaigns.

The annual cost to the average household is often quite low and it is helpful to convey the likely costs to the voters. Comparisons can put the impact into perspective. "Would you give up three large pizzas per year or the cost of a movie and popcorn for two each month to save the community's most important lands?" "You spend \$80.00 for a good pair of running shoes, would you spend the same amount per year to have a great place to run?" Some communities have provided an easy-to-use calculator for taxpayers to determine what their annual EIT might be.

### Celebrating Accomplishments

After a community has done the planning, raised the money and successfully provided recreation areas or protected important lands, it is critical to recognize these complicated and time-consuming efforts. Community volunteers should be given much deserved public recognition for their efforts. Press releases should be distributed when a piece of land has been protected. Signs should be placed on protected properties so that the public will be aware the land will not be developed and that their tax dollars are working to secure a higher quality of life. Publicly celebrating accomplishments helps provide motivation for continuing open space protection programs.

*"In the end,  
we will  
conserve  
only what we  
love. We will  
love only  
what we  
understand.  
We will  
understand  
only what we  
are taught."*

*Baba Dioum,  
In Nature*







*“A careless public, unaware of the natural values to be preserved, may awaken too late to save what remains from ruin.”*

*Audubon Society of  
Washington, D.C.,  
1953*

## ZONE THE REST

A community can work toward achieving its conservation goals in a variety of ways. Buying important lands, as described above, is a direct way of doing so. Donations from conservation-minded landowners are also an important source of protected lands. The unfortunate reality, though, is that most communities cannot generate enough money to acquire all of the lands they would like to protect nor can they guarantee that donations will be made for the right lands. Because of these constraints, the money they do have should be used to purchase the lands with the highest open space value and the “favorite places” that residents have come to treasure.

But what happens to the rest of the land in the community? Numerous other methods exist to protect land. Many are tied to the development process itself and are thus achieved through land use regulation, i.e. zoning and subdivision controls. Ideally, natural areas should be kept intact to minimize fragmentation and to protect their resource qualities.

### **Conserving Resources on Individual Lots**

When resources are fragmented on many lots in a conventional subdivision, management of those resources is left up to numerous individuals. One landowner may comply with streamside (riparian) buffer limits on mowing, while the next may ignore them, mowing right to the creek and dumping the grass clippings in the creek. Restrictions on resource protection areas located on individual private lots are difficult to enforce by busy zoning officers with diverse priorities. Conserving resources on thousands of individual lots across a municipality would be a challenge indeed. Nevertheless, such techniques (natural resource protection overlay zoning districts for example) have been adopted by many communities. It is suggested that such approaches are best used for non-residential development or residential development that does not follow the conservation design approach described below.

### **Conserving Resources without Fragmentation**

For the most effective resource conservation, the goal should be uniform management of open space. 85% of new development in Montgomery County is residential. Imagine the impact if all new residential development utilized resource protection measures aimed at creating non-fragmented, natural systems.

Among the best methods for protecting large-scale natural systems are agricultural zoning or “transfer of development rights.” These conservation tools have been adopted by some communities in other parts of Pennsylvania, but not yet Montgomery County. Although these tools are effective, they can be complex and it is sometimes difficult to get the needed support from farmers and other landowners.

### **Conservation Subdivision Design\***

One of the most practical and effective ways of protecting large areas of land in a methodical and coordinated manner is through conservation subdivision design. This technique uses the development process to protect natural resources, farmland and recreation areas with minimal fragmentation.

\*This concept was developed about 10 years ago by Natural Lands Trust in partnership with PA Department of Conservation and Natural Resources under the state-wide “Growing Green: Conservation by Design” program. The Trust is a regional conservation organization located in Media, PA.







Conservation design rearranges the proposed development on a parcel, so that half or more of the buildable land, plus floodplain, wetland and steep slopes, are set aside as open space. This is accomplished by reducing the lot size, but not the number of lots. The same number of homes can be built on less land, allowing the balance of the property to be permanently protected and whenever possible added to a planned and interconnected, municipality-wide network of greenways and open space.

Determining which areas of a particular parcel should be preserved is guided by a municipal “conservation opportunities” map. Such a map is based on information already existing in municipal open space plans and answers the questions, “What is developed?” “What is protected?” and “What is left?”

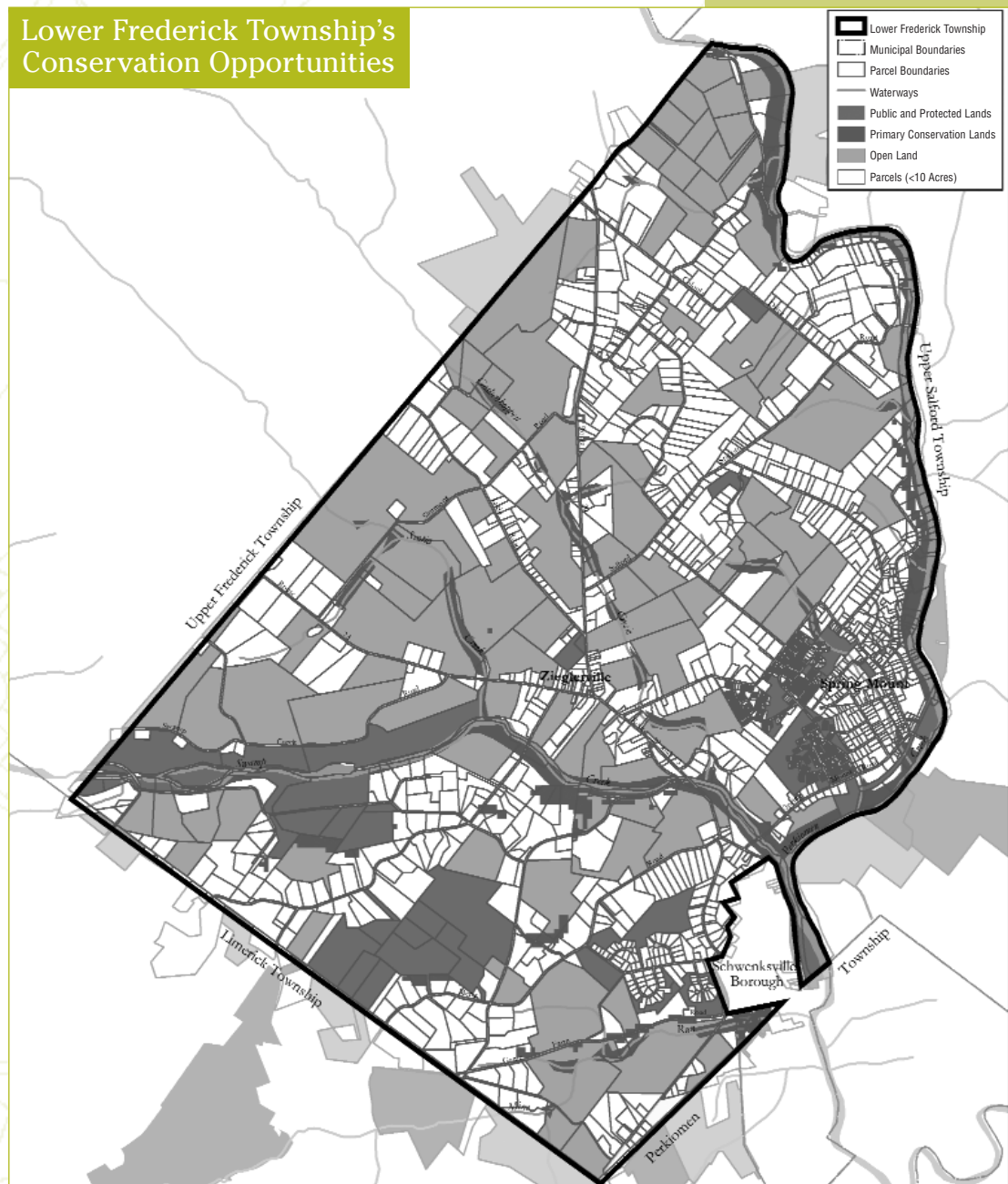
Zoning for conservation design recognizes that every parcel of land, every landowner and every developer is different and, thus provides a “menu” of development options. Each of the options achieves municipal conservation goals.

Once the “yield” (permitted number of dwellings) is established, often using existing traditional zoning standards, a developer can choose from up to five development options. The first permits full density (the same number of units a developer would get under conventional lotting), and requires at least 50% of the parcel to be preserved as open space. Two additional options permit higher density, coupled with a requirement for more open space (60% and 70%); and two options permit lower density, requiring no common open space. Incentives, such as permitting one or two accessory dwelling units, are provided for choosing these lower density options. These larger lots are restricted against further subdivision.

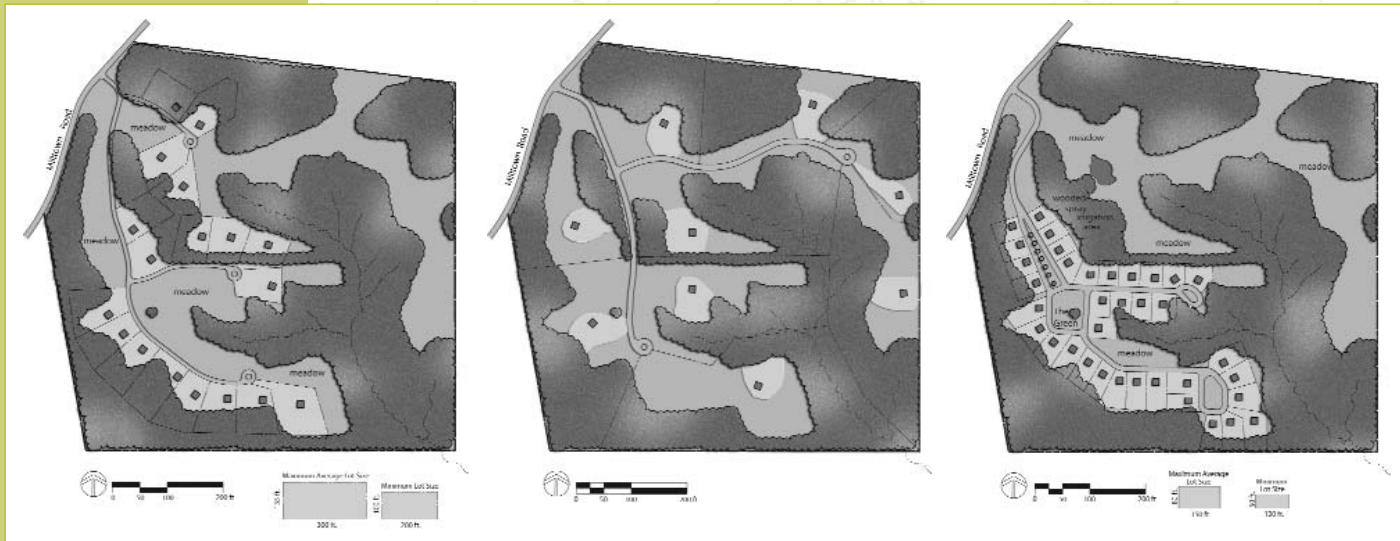
*“Buy land.  
They ain’t  
making any  
more of it.”*

*Attributed to  
Will Rogers*

### Lower Frederick Township's Conservation Opportunities







*“Humankind  
should treat  
this planet as  
if we plan to  
stay here.”*

*Bill Moyers*

The only way to get full density is by choosing an option that provides 50% to 70% of undivided open space, achieving the goal of non-fragmented open space management. Most communities who adopt these regulations include at least three of the five possible options in their ordinance.

The conservation subdivision design approach also changes the typical review and approval procedures, strengthens plan content requirements and adds all-important open space locational and design requirements. A detailed site analysis is required and a specified design process requires greenways and open space to be delineated first. The municipal officials go on a site visit with the developer, so that the developer is not the only one who knows what the site looks like. This process helps municipal officials see whether the natural resources are protected effectively and how the open space on a particular parcel fits into the overall greenway network.

### **Ownership and Management of Open Space**

The open space created by conservation subdivision design can be owned and managed by the municipality, the county, a non-profit organization (such as a land trust), a homeowners association or a private individual. A combination of these provides “belt and suspenders” assurances for greater protection over time. As part of subdivision approval, an open space management plan spells out how the meadows, woodlands, trails, recreation areas or other types of open space will be managed and the costs and personnel required to do so.





## OUR FUTURE... IT'S IN YOUR HANDS

Successful communities give land conservation the same consideration as land development. Fiscally and physically healthy municipalities recognize that both are needed to create livable communities with a high quality of life. The Montgomery County Green Fields/Green Towns open space funds provide an opportunity for all communities to achieve a better balance between development and conservation. The time is now and choices about how to accomplish these goals are critically important.

The odds of achieving defined land protection goals increase substantially if your community identifies and goes after the parcels you want to protect, using a combination of local, county and state funds to leverage municipal buying power to the maximum extent possible. Then zoning can be used as a key tool to protect the rest in a uniform and manageable way. Aim for zoning techniques which protect natural resources in a non-fragmented manner, such as conservation subdivision design, which protects half or more of every development parcel.

By BUYING THE BEST and ZONING THE REST, a community can, over time, build an interconnected network of open space consisting of greenways, farmland and recreation areas. By being strategic, informed, and proactive, communities can build a green future that is a gift to today's citizens and future generations.

*"The world was not left to us by our parents. It was lent to us by our children."*

*African Proverb*



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*"The final test of an economic system is not tons of iron, the tanks of oil, or the miles of textiles it produces; the final test lies in the ultimate products: the sort of men and women it nurtures and the order and beauty and sanity of their communities."*

*Lewis Mumford*





*“Quality of place – particularly natural, recreational and lifestyle amenities – is absolutely vital in attracting knowledge workers and supporting leading edge high technology firms and industries.”*

*Richard Florida,  
George Mason University*



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