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COUNTY DEPARTMENT AGENDA REQUEST

Department/Division: Planning & Zoning/Comm. Dev.

Department Head: Peter A. Frisina

Presenter, if needed: Tom Williams

Preferred Meeting Date: Wednesday, April 2, 2008

Wording for the Agenda:

Discussion and direction regarding the Current Opportunities for Greenspace Preservation Under the Georgia Land Conservation Program. This item was last addressed during the August 1, 2007 Wednesday Workshop Meeting.

Background/History/Details:

The Georgia Land Conservation Program (GLCP) was established in 2005. It offers competitive grants and Low Interest (3%) Loan Funds for fee title and conservation easement acquisitions. Additionally, it provides tax incentives for the donation of conservation lands and/or easements.

What action are you seeking from the Board of Commissioners?

Direction regarding pursuit of Greenspace Acquisition under current state programs.

If this item requires funding, please describe:

None requested

Has this issue come before the Commissioners in the past? Yes

If so, when? Wednesday, August 1, 2007

Do you need audio-visual for the presentation? Yes

Back-up Material Submitted? Yes

STAFF USE ONLY

- (●) Finance Review Complete
- (●) Purchasing Review Complete
- (●) Legal Review Complete
- (●) Administrative Staff Review Complete

Administrator's Approval Yes

Confirmed Meeting Date Wednesday, April 2, 2008

- ( ) Recognition/ Presentation
- ( ) Public Hearing
- (●) Old Business
- ( ) New Business
- ( ) Consent
- ( ) Report
- ( ) Other

Discussion and consideration of projects in the Short Term Work Program of the Fayette County Comprehensive Plan to be conducted by the Planning and Zoning Department.

Tom Williams, Planning and Zoning, said he wanted to present to the Board some activities that were identified in the Short Term Work Program. He said first was to determine the applicability of the Georgia Land Conservation Program in terms of funding for the preservation of open space. He said a report would be sent to the County Administrator and Commissioners for informational purposes. He said staff planned to start this project in August 2007 and complete in February 2008. He said the second project was to conduct the study of the SR 74 North Corridor and institute changes to the Comprehensive Plan and Zoning Ordinance as necessary. He said staff would conduct a land use inventory of development along SR 74 North in Tyrone, Fairburn and unincorporated Fulton County to determine the impact on Fayette County. He said plans were to start this project in September of 2007 and complete in March 2008.

Mr. Williams said they were continuing the joint study of the SR 54 Nonresidential Corridor with the City of Fayetteville and instituting changes to each jurisdiction's Comprehensive Plan and Zoning Ordinance as necessary. He said this was a continuation of the joint effort of Fayette County and the City of Fayetteville to address future land use in the area of the hospital as presented by the SR 54 Task Force Report to the Commissioners in December of 2006. He said staff plans to start this project in November 2007 and complete in May 2008.

Mr. Williams said the fourth project was to conduct a multi-path study for SR 54 to connect Fayetteville and Peachtree City to the hospital area. He said this would result in a report that would be forwarded to the County Administrator and Commissioners. He said staff started this project in January 2007 and will complete it in June 2008.

Mr. Williams said the fifth project was to conduct a multi-use path study for Redwine Road. He said this would result in a report to the County Administrator and Commissioners. He aid this plan was started in January 2007 and will be completed in July 2008.

It was the consensus of the Board for staff to proceed in this matter. A copy of the information, identified as "Attachment No 7," follows these minutes and is made an official part hereof.

GEORGIA LAND CONSERVATION PROGRAM

Need and Purpose

The robust economy of the Atlanta region over the recent decades has resulted in a severe depletion of greenspace. ARC has recently reported that 241,675 acres of agricultural and forested land have been developed from 1999 through 2005 in the 13 county Atlanta region at a daily rate of 110 acres. During that same 6-year period, development in Fayette County consumed 10,700 acres of agricultural and forested land at an average rate of 1,800 acres per year or 5 acres per day.

Benefits of greenspace preservation are far reaching. These benefits include:

- Helps maintain a clean and plentiful water supply;
- Improves air quality and minimizes flood damage;
- Improves quality of life and helps attract new businesses;
- Provides more locations for recreation and additional attractions for the state's tourism industry;
- Reduces infrastructure development and maintenance costs;
- Provides a productive role for prime forest and agricultural lands;
- Preserves our substantial natural and cultural history.

The purpose of the briefing paper is to inform the Fayette County Board of Commissioners of the opportunities for expanding the greenspace of the county under the current State of Georgia programs.

Fayette County Land Conservation Initiatives 2000 to Present

Georgia Community Greenspace Program

Fayette County actively participated in the Georgia Community Greenspace Program (GCGP) during the last two years (2001-2002) of Gov. Barnes' administration. That program provided entitlement grants to local governments for the purchase of properties and conservation easements. Under that program the County developed a Greenspace Plan and made two major purchases: Kenwood Park (47 acres for $367,076 from FY01 funds) and Lake Horton/McCalla Property (15 acres for $373,728 from FY02 funds + $72,521 FC Water System Funds). The GCGP was discontinued in 2003.

Zoning Ordinance

Fayette County amended its Zoning Ordinance in December 2001, to include a new category "Conservation Subdivision" as a means of achieving the 20 per cent conservation land goal under the GCGP. Greenspace acquisition continues under this Fayette County Zoning initiative. To date, nine C-S zoned subdivisions have been approved with a total of 592 acres conserved from the total of 1,208 acres.

Fayette County Comprehensive Plan

In 2004 Fayette County adopted the 2004 -2025 Comprehensive Plan. It included goals, objectives and policies that were both supportive of the GCGP and greenspace (land) conservation. This included several specific statements of support, as follows:

- *Goal for Natural Resources: The County should support the conservation of appropriate land areas in a natural state to preserve, protect and enhance stream valleys, woodlands, wetlands, farmland, and plant and animal life in conjunction with the Georgia Greenspace Program, creating a system of public open spaces.*
- *Objective N-6: Identify, protect, and enhance an integrated network of ecologically valuable land and surface waters for present and future residents of Fayette County.*
  Policy a: Consider the purchase and protection of lands through the Governor's Greenspace Program that achieve any of the programs following goals: (goals of GCGP listed).

Following the November 2002 General Elections, "Sonny" Purdue was sworn in as Georgia's Governor in January 2003. Legislation was introduced for Governor Perdue's Georgia Land Conservation Program in the 2004 General Assembly. Gov. Purdue signed the approved legislation for the Georgia Land Conservation Program in April 2005.

With the exception of conservation subdivision conservation easements, Fayette County has not pursued conservation acquisitions since the Lake Horton purchase on May 6, 2004, using previously designated FY2002 GCGP funds.

Georgia Land Conservation Act (GLCA)

The purpose of GLCA is to encourage the long-term conservation and protection of the state's natural, cultural and historic resources. This Act established the Georgia Land Conservation Program (GLCP). The GLCP is managed by the Georgia Environmental Facilities Authority (GEFA) and projects are approved by the Georgia Land Conservation Council (GLCC). Funding initiatives have included the GLCP Grant and Loans Program (established January 2006) and the GLCP Tax Credit Act (signed into law on April 26, 2006).

Program Goals

GEFA established ten program goals to guide project development and selection. These goals are:

- Water quality protection for rivers, streams and lakes;
- Flood protection;
- Wetlands protection;
- Reduction of erosion;
- Protection of riparian buffers and natural habitat and corridors for native plant and animal species;
- Protection of prime agricultural and forestry land;
- Protection of cultural sites, and archaeological and historic resources;
- Scenic protection;
- Provision of passive recreation; and
- Connection of existing or planned conservation areas.

Current Programs

GEFA's programs include:

- Low Interest (3%) Loans with 2 per cent closing costs (origination/admin fees) are available to cities and counties or DNR for fee title or easement purchases from the Georgia Land Conservation Revolving Loan Fund. Term is flexible with most of the loans to date being for 10 or 20 years. There is no prepayment penalty;
- Competitive Grants to cities, counties or DNR for fee title or easement purchases from the Georgia Land Conservation Trust Fund (matching funds flexible but strong ratio is encouraged);
- Tax Incentives Under the Georgia Conservation Tax Credit Program, a state income tax credit is available to individual and corporate land owners for donations of conservation lands or conservation easements. Additional tax benefits are available under Federal Income Tax and estate tax laws and regulations;
- Consultation, referrals and other technical support for those seeking to carry out land conservation initiatives.

Funding

From the onset of the GLCP through February 2008 the Georgia Land Conservation Council has approved 46 conservation projects totaling over 62,000 acres. Total project value is over $180 million with a state investment of over $41 million. Project types include 14 conservation easements and 33 fee title acquisitions. Eight (8) of these acquisitions were outright gifts of property to the state. The projects are shown in the attached table.

As of February 20, 2008 the fiscal status of the program was $51 million in Revolving Low Interest (3%) Loan Funds and $16.9 million in Land Conservation Grant Funds, including $12.1 million for projects of statewide significance and $4.8 million for grants to cities and counties.

Matching funds for competitive grants can come from numerous sources. In addition to, or in lieu of, general funds, local governments can utilize the GLCP Low Interest (3%) Revolving Loan Fund, request funding assistance (grants or loans) from conservation programs, private foundations and non-government organizations such as the Nature Conservancy, Trust for Public Land and Georgia Land Trust. Also, the private land owner could donate a portion of the property as a match applied towards a grant for the remaining acreage, taking a tax credit on the donated acreage. Another popular resource is the Land Conservation Special Purpose Local Option Sales Tax, or SPLOST.

Land Conservation SPLOST referenda have typically received strong support. In the November 2006 elections Cobb County passed a $40 million SPLOST with 71 per cent approval and Paulding County had a 72 per cent approval for a $15 million SPLOST. Since 2003, five additional Atlanta region counties and the city of Smyrna have approved referenda for an additional $161 million to fund Greenspace

acquisition and preservation. An average of seventy per cent of the voters supported additional taxes for this purpose.

Eligibility
Any qualified local government in Georgia can submit an application for funding under the GLCP grant and low-interest loan programs. All direct costs of activities associated with acquisition of fee title or conservation easements can be reimbursed upon approval of the grant or loan application. This includes all legal and regulatory requirements including appraisals, surveys, Phase I environmental reports, title insurance, and other direct costs not in violation of Chapter 40 of Title 43.

The program funds conservation, preservation and passive recreation acquisition projects. It does not fund active recreation projects such as ball fields, playgrounds and public parking areas.

Application and Award Process
Applications are accepted anytime on a rolling basis. The GLCC meets on a quarterly basis to consider action on each of the eligible applications.

Process: Define project, notify landowner, secure funding assistance from non-profit association and, if desired, develop a M.O.A. for project assistance and resource management from an approved land trust;

Complete and submit application which is available at the GLCP website www.glcp.georgia.gov;

Project is evaluated and scored independently by GEFA and DNR staffs.

Recommendation is transmitted to the Georgia Land Conservation Council and placed on agenda for the next meeting (meetings are quarterly or as needed for emergency situations).

GLCC considers and recommends action on project.

Award: Governor makes formal announcement and presents awards to the successful applicants.

Findings
The GLCP presents an opportunity to secure additional funds for greenspace acquisition, both fee title and conservation easements. The availability of grants, low interest loans and tax incentives for donations of conservation land provide the flexibility to apply the best approach to each situation. However, the one missing element is the availability of local funds to provide for a direct local match on competitive grants or for monthly payments on low Interest (3%) loans.