

## ***Growth Management Tools***

The purpose of preparing a comprehensive plan is to capture a broad picture of current and anticipated future issues facing the community and to develop a program to address the issues based on a vision and associated goals and objectives. The creation of a vision for the future is an essential first step towards recommendations and actions. This process begins to pull the community focus away from the day to day issues, forcing a comprehensive or cumulative analysis of the impact of a multitude of community actions (both public and private) on the overall community character.

The 21<sup>st</sup> Century Commission evaluated numerous growth management tools during this process. Some of these techniques may not be specifically recommended at this time but may be desirable or applicable in the future. For this reason and to provide a more complete picture to the reader these tools are described below.

Growth Management is a process by which a community develops the methods and means (tools) to control the type, location and amount of land development (growth) in the community. The most common growth management tool is zoning. Zoning identifies distinct districts within which land use parameters are established for the type of use, density, and layout (setbacks) of development. Zoning can be an effective growth management tool when based on a community's comprehensive plan. Zoning is just one of the tools available to local municipalities. Other tools falling into the regulatory category include subdivision regulations and various ordinances dealing with signs, landscaping, open space, noise, odors, and others depending on the needs of a particular community.

Regulatory tools are essential to ensure orderly growth in a community. However, other growth management tools that rely on incentives and voluntary involvement by landowners are also available. Some of these tools include easements, purchase of development rights, transfer of development rights, voluntary land acquisition, and development guidelines in conjunction with community supported plans.

The following describes various growth management tools and techniques, which have been divided into three topic areas: land management, fiscal management, and community character. This information is provided solely as an introduction to the topic of growth management. Specific recommendations are provided in subsequent sections.

### **Land Management**

Land management tools address the designation and organization of land use both at a community and site specific level.

#### ***Clustering***

The general concept behind clustering is that density is separated from lot size. In this way, the number of homes in a conventional and cluster subdivision are the same but there is more flexibility in where the homes are located. Currently the town regulates

density by having a minimum lot size for each zoning district. The minimum lot size in a particular zoning district, for example, might be 1 acre. Under this regulation, each home must be placed in the middle of a one acre “box”. Another way to express this density is that a person can build 1 dwelling unit (du) per acre - so on 10 acres the person can build 10 homes. However, by expressing the density in this way, the person is no longer confined to dividing the land into one-acre lots. Smaller lots, as the capacity of the land can support, could be clustered on a portion of the site while the remainder remains open. In this way, the entire site is not divided into building lots and the homes can be sited in the most suitable locations.

There are many options for the remaining open lands derived from clustering. In all cases the open land should be restricted from further development. One method is through a conservation easement, held by the town, a land trust, or both. There are several options in terms of ownership of the open land under easement. For example, if a farmer owned the original parcel, the farmer could retain ownership of the remaining lands. In this case the farmer would continue to farm the land and would retain all the rights of ownership (including the right to transfer title) except for the property’s development rights, which would already have been used. Or the large remaining open parcel could be sold for a large “estate” farm (as one of the housing units allowed based on the original lot count). In both cases, the open space would be managed by a private landowner and would be unavailable for future development.

Clustering can be included in the town’s land use regulations as an option or as a requirement. If presented as an option, developers due to their unfamiliarity with the concept often ignore it. As a mandate, the town could simply regulate density in terms of dwelling units per acre, as described above, and require some minimum percentage of open space for any subdivision. The minimum percentage of open space should be significant - at least 50% to make a real impact in terms of protecting resources and rural character. It is important to reiterate that the overall allowed density with clustering would not exceed what is possible with a conventional subdivision.

***Conservation Subdivision*** - An approach for clustering is to utilize a resource based process for subdivision design. The Town could encourage or require the design of conservation subdivisions instead of conventional subdivisions. The conservation design approach involves collaboration between the planning board and the applicant at the earliest stage of design - the concept or sketch plan phase. To determine the yield, or possible lot count for a site, subtract the lands that contain severe constraints to development (defined in the subdivision regulations - wetlands, floodplains, very steep slopes, etc.). The maximum number of housing units would then be based on the number of acres remaining and the maximum allowable density in the zoning district (for example, 1du/acre).

Once the number of housing units is established, the design process is initiated. Site resources are identified (agricultural land, historic or scenic views, significant tree stands, etc.). Illustrated residential design guidelines could assist in this process. Once the resource analysis is completed, lands where development is most appropriate are identified. Locate homes in these development areas, design road alignments to connect

these homes, and then draw the lot lines. Because the area and bulk regulations used for conventional subdivisions are not applicable, the process is creative and not driven strictly by regulations. Randall G. Arendt, in his book *Conservation Design for Subdivisions: A Practical Guide to Creating Open Space Networks* (1996) provides excellent guidance in the use of this approach to subdivision design.

### ***Incentive Zoning***

An incentive zoning program establishes a framework that links community benefits and development activity. The incentive program would generally function as follows: in return for the provision of specified (in advance by legislation) public benefits, the town could permit greater flexibility in the zoning regulations (also specified by legislation). An example of a public benefit that the Town might desire would be public access through open lands set aside as part of a conservation subdivision. This access might be used for the development of walking, bicycle, or horse riding trail systems linking different parts of the community. Examples of other public benefits might be the donation of public open space for a park, the donation of public lake access, or the provision of low and moderate-income housing. The amenities are given to the town at no financial cost in exchange for the specified incentive. The town would ensure that the amenities gained are equitable with the incentives provided during the incentive zoning review process.

A specific example of the potential use of incentive zoning in the Town would apply to the protection of important viewsheds and environmental features. Incentive zoning would permit waiving of formal dimensional requirements provided that a conservation design is employed. This would allow flexibility in site design in pursuance of the goals of the incentive program. This growth management tool could be effective to protect farmland, stream corridors, ravines, wetlands, viewsheds and viewpoints, and other ecologically sensitive areas.

### ***Conservation Easements***

One way for the Town of Wilton to protect scenic resources, open farmlands, and other resources of value to the community would be to encourage the use of conservation easements to protect open land. A conservation easement is a voluntary legal agreement between the landowner and the town, or a third party such as a land trust, to protect land from development by permanently restricting the use and development of the property, thereby preserving its natural or manmade features. The legally binding agreement is filed in the County Clerk's office in the same manner as a deed. The landowner retains ownership of the land, and all of the rights of ownership except the ability to develop the land. The specific restrictions are detailed in the easement agreement.

A landowner can choose to donate a conservation easement on all or part of his/her land. There are often income and estate tax benefits for the landowner associated with the donation of a conservation easement. As part of land development proposals, conservation easements can also be used to permanently protect open space set aside as part of a conservation (clustered) subdivision.

There are additional uses of conservation easements that can be promoted by the town. The town could consider taking a more pro-active approach to keeping specific parcels of land undeveloped. These are further described in the following three sections.

### ***Purchase of Development Rights (PDR) Program***

One method a conservation easement can be implemented is through the purchase of development rights (PDR). In this program, the development value of a specific parcel of land is purchased by the town or a land trust. Conservation easements are the legally binding document that ensures that once the development rights are purchased, the land remains undeveloped in perpetuity. The cost of the PDR depends on the specific parcel. It is calculated by determining the current appraised value of the property and its appraised value as open or agricultural land without development potential. The difference between these two numbers is the value of the development rights.

Generally speaking, PDR programs are regarded as fair to landowners because the landowners are compensated directly for their contribution to something the public desires. The land remains on the tax rolls and is taxed at an assessed value that reflects its restricted use. These programs are also popular with residents because they achieve permanent land protection.

In order to implement a PDR program, the town would need to make a commitment to funding this activity. Initially this would require a commitment of dollars by the town. However, through careful analysis, some communities like Pittsford, New York have found that their investment will actually cost less in the long term than it would cost to provide services for new residences that might instead be built on that land. Communities have paid for these programs in various ways including bonding for the money to spread the cost over a period of years. There are also sources of state and federal grant funding available to assist communities in permanently protecting farmland and open space in this manner.

There are several important steps to establishing an effective PDR program that meets community objectives. They are:

1. Establish protection goals for the community. It could be recommended that Wilton start by determining an acreage goal (x # of acres) of permanently protected lands.
2. Identify and prioritize specific parcels for protection and develop protection strategies for each. Typically, there are a few key parcels of land that have the potential to significantly alter the Town's character and fiscal condition in the future. The owners of these large, priority parcels should be included in the process at the earliest stages.
3. Use a fiscal model to determine the cost of protecting significant parcels through the purchase of development rights and compare it to the cost of the provision of necessary community services to future residences. Residents and elected officials will want a clear idea of the costs and benefits of a PDR approach. A detailed analysis helps build support from members of the community who will ultimately be paying the bills.

In Pittsford, a PDR program was created to protect approximately 1,200 acres on seven farms. The average cost to a homeowner is estimated to be about \$50 per year. A fiscal model of the town developed prior to implementing the program estimated that the average cost to a homeowner would be \$250 per year if the PDR program were not implemented. Tax increases would be needed to pay for additional services for new residents in that fast growing community. The savings from avoiding these tax costs total \$5,000 for the average homeowner over the life of the town's 20 year PDR bond.

4. Establish a funding mechanism to implement the program including the identification of outside funding sources. Sources of state grant funding exist from the Environmental Protection Fund and the Clean Water/Clean Air Environmental Bond Act, and from the federal government through the Farm Bill and other sources.

A Purchase of Development Rights program requires up-front planning to implement. Communities with well-defined programs have a higher likelihood of receiving grants due to their competitive nature. The return on this investment in planning can be substantial in terms of both the community's fiscal situation and community character.

#### ***Transfer of Development Rights (TDR) Program***

Transfer of Development Rights programs use real estate market activity to focus development in suitable locations while protecting open spaces. To establish such a program, the town designates specific areas as "sending zones". Sending zones are places that the community seeks to preserve. The town also establishes "receiving zones". These are areas that are suitable for fairly high-density development. Through the TDR program, development rights are sent from the sending zone to the receiving zone. Land in the sending zone will therefore be protected while land in the receiving zone will be more densely developed.

Landowners in sending zones are allowed to sell "development rights" to land developers at a price that they negotiate with the developer. Land developers who seek to build in the "receiving zones" can purchase those development rights in order to develop their land more densely. Development in the sending zones is tightly regulated to ensure natural resource and open space protection. When the landowner in the sending zone sells development rights to the developer, the landowner is required to place his/her land under a permanent conservation easement. (Note: TDR can also be accomplished through incentive zoning.)

A TDR program also requires up-front planning. Sending and receiving zones must be carefully designated. In some cases it may be necessary to consider the development of public water and sewer infrastructure to accommodate the higher density development. In addition, the town must set up the administrative mechanisms to make the program work efficiently.

#### ***Term Easements and Tax Abatement Program***

This type of program, used by several communities in New York State, provides tax abatements for term easements on particular parcels of open space or farmland. As the name implies, a term easement is a voluntary legal agreement between a landowner and

the town, is written to last for a period of years, most commonly for 5 to 20 years. Tax abatements are usually calculated on a sliding scale with larger tax abatement for a longer-term easement. If these protected lands are converted to development prior to the expiration of the term, the tax benefit must be returned and a penalty paid. While these programs are effective in addressing the loss of open space and farmland in the short term, they simply place these lands on hold. Long-term solutions must still be developed for the future of these spaces.

### ***Residential Development Design Guidelines***

The town could consider creating illustrated design guidelines for new development. These are particularly useful when used in conjunction with conservation (clustered) subdivisions. Illustrated design guidelines allow the community to provide guidance to designers and developers by describing what it values and what it seeks to protect. No longer restricted to maximizing the number of X-acre boxes allowed by zoning's minimum lot size requirements, the designer of a subdivision can be more conscious of the natural features of the parcel(s) and the surrounding landscape. All types of items can be incorporated into a community's design guidelines depending upon community values. Design guidelines could include specific requirements that:

- ❖ Development along and/or projecting above ridgelines be prohibited, and that development at other visually prominent locations be discouraged.
- ❖ The builder maintains existing trees to the maximum extent possible during the construction of homes (as opposed to clearing the entire site).
- ❖ Homes be located away from rural highways and collectors, or that they be visually buffered from these roads in order to maintain their rural character. Frontage lots should be discouraged.
- ❖ Low volume local roads (including subdivision streets) be designed to an alternative rural road standard more in context with their setting. Examples of rural road standards are available from several sources including the Cornell Local Roads Program and the Dutchess County Department of Planning.
- ❖ Natural drainage ways, wildlife habitat areas, contours and landforms are respected and disturbance to these areas minimized.
- ❖ Cut and fill activity is minimized and all disturbed areas are restored with vegetation.

A pre-application conference or sketch plan workshop between the applicant and the Planning Board becomes extremely important to creatively deal with design issues early in the process.

Design guidelines are generally informational and collaborative in nature. The applicant has an opportunity to review the guidelines prior to designing a project in order to understand what the community and the Planning Board desires. The sketch plan workshop with the Planning Board is another opportunity to discuss initial design options before more thorough and expensive design work begins. The workshop should focus on creativity and not confrontation. Achieving consensus at the start can significantly reduce the time and cost of the review process for the applicant.

### ***Commercial Design Standards***

The town should create commercial design standards for new development. Illustrated design guidelines will provide the developer with a clear picture of the type and style of commercial development that Wilton wishes to encourage. These standards should address the following:

- ❖ Size, and scale of all components of the site design
- ❖ Site layout
- ❖ Architectural style and materials
- ❖ Parking and access with an emphasis on shared driveways, parking to the side and rear of buildings
- ❖ Quality landscaping particularly along road frontage with buildings set closer to the roadway and accommodations for pedestrians

These requirements could be addressed as an overlay district in all commercial zones, through incentive zoning or also be incorporated into Site Plan Regulations.

### ***Wilton Water and Sewer Master Plan Linked to the Comprehensive Plan***

The Wilton Water and Sewer Authority Comprehensive Plan for Water and Wastewater Management and the Town of Wilton Comprehensive Plan should be consistent in the recommendations for benefit areas, including no extension of services east of the Northway. Density should be determined by the Town's land use goals, protection of the environment, and preservation of the rural character that currently exists east of the Northway.

### **Fiscal Management**

There are numerous steps the Town can take to ensure fiscal balance. Many of the land use programs described above can be part of a strong fiscal management program.

#### ***Fiscal Impact Model***

A fiscal impact model allows a community to compare the relative impact of various land use scenarios on future taxes. Base information is collected and used as the current condition scenario. Depending on how the model is developed, this information can be treated as input data rather than set parameters. This allows the user to change basic information, such as the number of school-age children per household, to meet current trends in the community.

The model has been used as a means of identifying the impact of land preservation in conjunction with open space plans. However, its uses are much broader. For example, a community might want to know what the optimum mix of uses would be to achieve no increase or even a decrease in property taxes. It might also be important to know the fiscal impact of a community reinvestment program.

#### ***Economic Development Zones***

Another method to ensure financial stability is for a community to create economic development zones by identifying and preparing selected sites for development (i.e.

shovel-ready status). Sites that are identified as shovel-ready have essentially been cleared for development, which is very attractive to the developer for obvious reasons. Typically, this means that environmental issues have been addressed through SEQR. Some additional work may be necessary to obtain federal, state, and local permits, which are based on detailed design.

Obtaining shovel ready status will require community funds but may also be supplemented by grants and assistance from county industrial development agencies (IDA's). Shovel ready sites usually include a set of performance standards derived from the environmental review process. Such standards could also be pre-determined through adopted development guidelines to further ensure high quality development.

### ***Community Reinvestment Initiatives***

Public reinvestment in existing residential and commercial areas of a community is key to maintaining private investment and desirable neighborhoods. The impacts of disinvestment result in a pattern of decreasing property values and an outward (toward rural areas) migration of first residents and then businesses.

This pattern is common across the U.S. and is evident by the so-called suburban "rings." The first area to suffer is the urban neighborhood. This has been a long-occurring and well-documented phenomenon known as suburbanization. The interesting irony is that the suburban communities that prospered by the popularity of suburban life and the increase in commercial tax base are now experiencing disinvestment in their older first and second ring suburban neighborhoods. In some areas, whole communities have been built-out and are no longer the desirable place to live. Consider also that many of these communities have built out as "bedroom communities" with a huge residential tax base, magnifying the impact of falling property values.

The identification and inventory of conditions in older neighborhoods and commercial areas should be undertaken to identify the strengths and weaknesses of each. A plan should be created to improve conditions in the areas of aesthetics (structures, layout, landscaping), access (vehicular and pedestrian), infrastructure, parking, open space, resource conservation, and recreation. Improvements require resources and cooperation between town, state and county agencies as well as landowners. Both incentive zoning (bonuses) and financial incentives can be created for business owners to improve their properties. A change in use or ownership could be used as an impetus to require certain improvements in the above areas.

The benefits of this type of program are many. Redevelopment and infill development reduces utility and service costs and avoids the costs and disjointed land use patterns associated with sprawl development. Although public investment will be necessary to improve older areas of town, it is really a shift in emphasis from the suburban fringe and new development to a program of enrichment of developed areas. A community spends resources in the repair and maintenance of infrastructure and the provision of community services. The more these services and utilities are spread out, the more costly it is to maintain the level service.



It is important to note that adoption of this philosophy by no means precludes growth. Infill and redevelopment can be a major component of community growth and can have significant beneficial fiscal impacts. Development of outlying areas should be done with the issues and concerns of the developed areas in mind. That is, the need for amenities that promote quality, stable neighborhoods and the assimilation of new development into the overall community structure.

### ***Public/Private Partnerships***

The development of public-private partnerships within a town can allow land use and development goals to be accomplished that would normally be difficult for either entity to accomplish on its own. These can be very effective tools in the successful implementation of community reinvestment initiatives as described above. An example of such a partnership would be the establishment of a vision and design standards for a given area of town for economic development. With this vision in place, the town can then market developers who would take the vision to the design level and actually develop the project or some component. The incentive for a developer might be as simple as providing shovel-ready status for the site or it may also take grants and tax incentives. The benefits to the community include a development based on a publicly derived vision, quality design and economic development, and increased tax base. An incentive zoning program could provide even more public and private benefits.

### ***Support "community minded" Businesses***

Sustainable development requires businesses that are committed to the community. Unfortunately there are always risks associated with owning and operating a business however providing support and incentives to locally owned businesses and businesses with a track record of being a strong community partner will strengthen the business community and attract like-minded businesses.

## **Community Character**

### ***Neighborhood Reinvestment Programs***

Neighborhood reinvestment was discussed under “Fiscal Management” in terms of its impact on property values and the retention of businesses that depend on the local population. Maintaining and improving upon existing neighborhoods also has the beneficial impact of retaining residents. This is the heart of making the Town a community where people of all ages and walks of life can live and more importantly will want to live.

Common issues for older neighborhoods include aging infrastructure, traffic, lack of conveniences, and lack of recreational opportunity. The first step in a program for neighborhood revitalization is the identification of the issues. This can be accomplished through neighborhood meetings and some inventory work. Next, the community should identify solutions to the issues and the costs of improvements. The work can then be prioritized and funding can be sought through grants and budgeting.

### ***Housing Diversity***

Housing diversity is the key to attracting individuals and families to Wilton. The needs of young singles, young families, retirees, senior citizens and those with disabilities vary significantly in terms of home size, lot size and arrangement and amenities within the home. The Town should undertake a review of existing housing stock to identify price ranges and housing types. This will assist the Town in determining the types of residential development that should be encouraged to help Wilton attract and retain residents.

### ***Land Use Compatibility***

Residential neighborhoods both old and new should be protected from incompatible land uses particularly those that rely heavily on vehicular transportation. Commercial development in residential neighborhoods should be limited to a corner store type of business that could be linked to a sidewalk or trail system. If land use conflicts are unavoidable, potential impacts should be mitigated to the maximum extent possible through the use of buffers and other safeguards. Buffers should include the use of existing vegetation and topography whenever possible and be supplemented as necessary with additional plantings. This buffer area should address visual concerns and protect adjacent residential areas from light and noise impacts. Access and site layout is critical to this process. Site plan requirements should be reviewed and adjusted as necessary to achieve this goal.