



Land Use Planning to Protect Open Space :

Conservation Subdivisions

Salt Lake City, Utah . September 11, 2008



Center for Green Space Design



a nonprofit organization that conserves open lands by helping communities plan and implement open space networks



Center for
Green Space
Design

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One of the human rights that isn't officially guaranteed in this country is an agreement that the places you grow up caring about will be there for you when you're ready to start a family of your own.

— Robert Yaro

Gap in the planning process:

- No common understanding of open space
- Real estate development is the primary focus





Four principles for addressing the gap in the planning process

- 1) Systems Thinking Rules: We need to understand the system and view it as a system.
- 2) First Things First: The land, that is.
- 3) Bottom Line: It's all a local effort.
- 4) Policy is the first line of defense.

1) Systems Thinking Rules :

we need to understand the system and view it as a system.



C Cultural	E Ecological	D Developmental	A Agricultural	R Recreational
 Viewsheds	 S l o p e	 Past Development Patterns (Before 1950)	 Ranches / Farms	 Community Facilities
 Viewpoints	 Water Quality	 Current Development Patterns (After 1950)	 S o i l s	 Trails
 Culturally Significant Locations	 Drainage	 Future Development Obligations	 F i e l d s	 Future Levels of Services
 Historically Significant	 G e o l o g y	 Existing Open Spaces w/in Developed Areas	 C a n a l s	 Quasi-Public Location
 Outdoor Classroom	 Wildlife	 Infrastructure Locations	 Ancillary Facilities	 Private Facilities
 Future Facilities	 Vegetation	 Property Ownership	 Cattle Herd Corridors	 Natural Areas of Passive Activities
 Scenic/Cultural Corridors	 Ecological Corridors	 Intracommunity Corridors	 Agricultural Corridors	 Greenway or Recreational Corridors

Open Space Types

Cultural

Ecological

Developmental

Agricultural

Recreational



Cultural

Viewpoints

Viewsheds

Future facilities

Outdoor classrooms

Culturally significant locations

Historically significant locations

Scenic/cultural corridors



Ecological



Ecological corridors

Slope

Water quality

Drainage

Geology

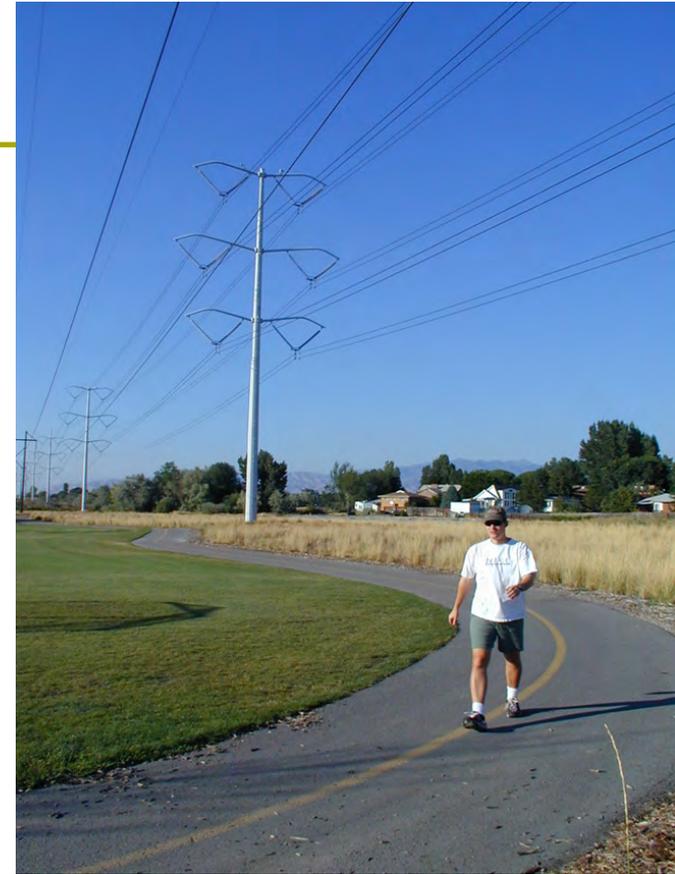
Wildlife

Vegetation



Developmental

Future obligations
Property ownership
Infrastructure locations
Intracommunity corridors
Past development patterns
Current development patterns
Existing open spaces in developed areas



Agricultural

Soils

Fields

Canals

Ranches & farms

Ancillary facilities

Cattle herd corridors

Agricultural corridors



Recreational

Trails

Private facilities

Community facilities

Quasi-public locations

Future levels of services

Natural areas of passive activities

Greenway or recreational corridors



C

Cultural



Viewsheds



Viewpoints



Culturally Significant Locations



Historically Significant



Outdoor Classroom



Future Facilities



Scenic/Cultural Corridors

E

Ecological



Slope



Water Quality



Drainage



Geology



Wildlife



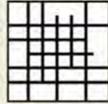
Vegetation



Ecological Corridors

D

Developmental



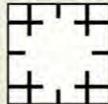
Past Development Patterns (Before 1950)



Current Development Patterns (After 1950)



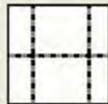
Future Development Obligations



Existing Open Spaces w/in Developed Areas



Infrastructure Locations



Property Ownership



Intracommunity Corridors

A

Agricultural



Ranches / Farms



Soils



Fields



Canals



Ancillary Facilities



Cattle Herd Corridors



Agricultural Corridors

R

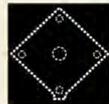
Recreational



Community Facilities



Trails



Future Levels of Services



Quasi-Public Location



Private Facilities



Natural Areas of Passive Activities



Greenway or Recreational Corridors

Identify
Understand
Prioritize

=

Comprehensive
Understanding

2) First things first :

the land, that is



Imagine the Difference . . .



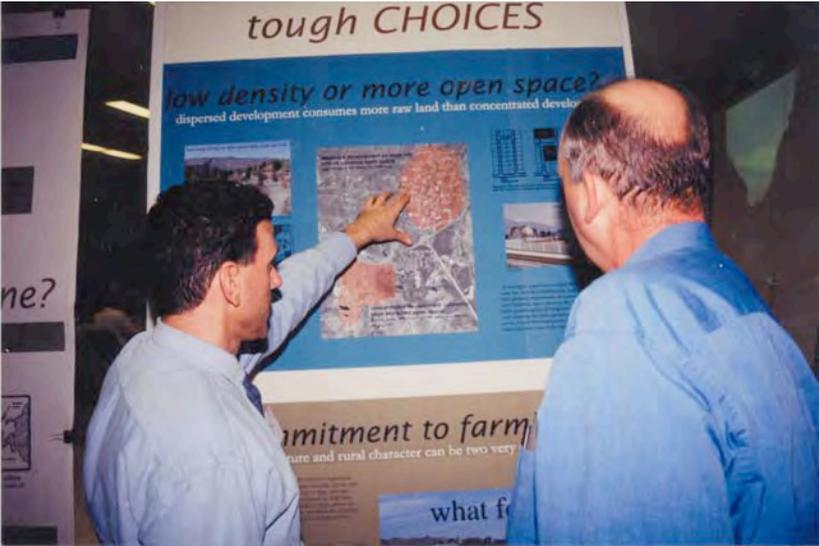
. . . at a City, County, Regional or National Scale

3) Bottom Line :

it's all a local effort
(the workshop process)



Community Workshops



Project Support

Visioning

- Visioning for Conservation
- But also Visioning for Growth



4) Policy is the First Line of Defense :

updating policy to yield conservation



“Sprawl is not an immutable expression of the American character, the love affair with the automobile, or the dream of a house in the suburbs. To a great extent it has been shaped by public policies.”

- *Sunders Hillyer*



Conservation Subdivisions



Center ^{for}
Green Space
Design

What is a conservation subdivision?

- Development where half or more of the buildable land area is designated as undivided, permanent open space
- Ideal for less developed areas on the urban fringe



What are the major benefits?

- Density neutral
 - Respects property rights; landowner maintains full by right density
- Conserves cultural, ecological, agricultural and recreational assets
 - Respects quality of life; community maintains its character



What is the potential?

When conservation subdivisions are used as a building block, a community can create a **permanently protected interconnected network of permanent open space.**



...if you don't know where you're going, you might end up someplace else.

Casey Stengel

Key ideas for conservation subdivisions

1. A significant proportion of open space
 - 50% open space requirement (permanently protected heritage)
2. A permanent feature of the community
 - Conservation easements on open spaces
3. A network of open lands
 - Connectivity (benefits to recreation, wildlife, agriculture, etc.)
4. Accessible to residents
 - 80% of units directly on open space (direct access)
 - Access to public lands (along river, in mountains)
5. Quality open lands
 - Open spaces have apparent value (not developmental leftovers)
 - Open spaces are properly maintained (ownership, landscape and stewardship plans)

Conservation Subdivision Design

a conventional approach

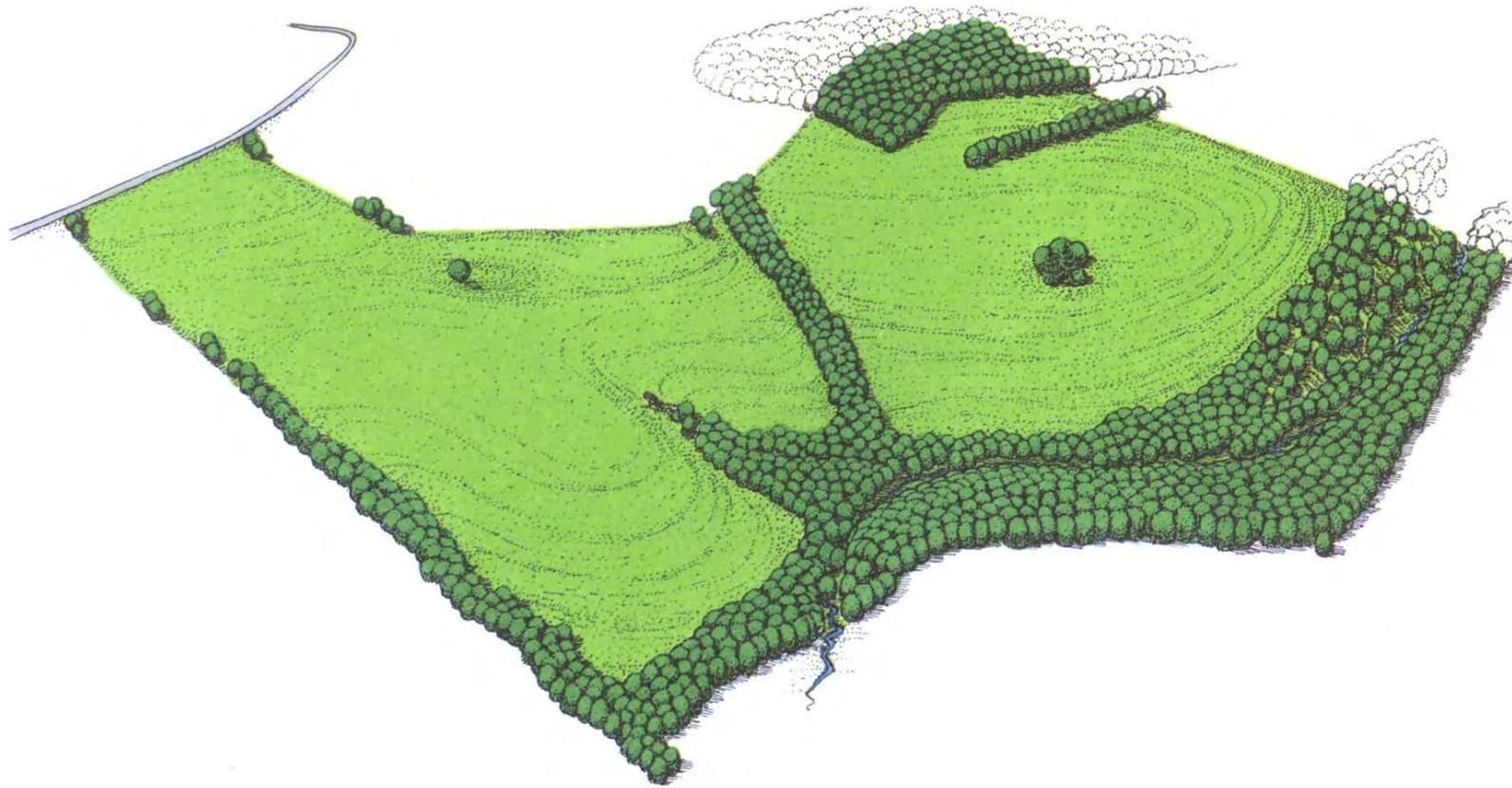


a different pattern of development



(Randall Arendt graphics)

Before Development



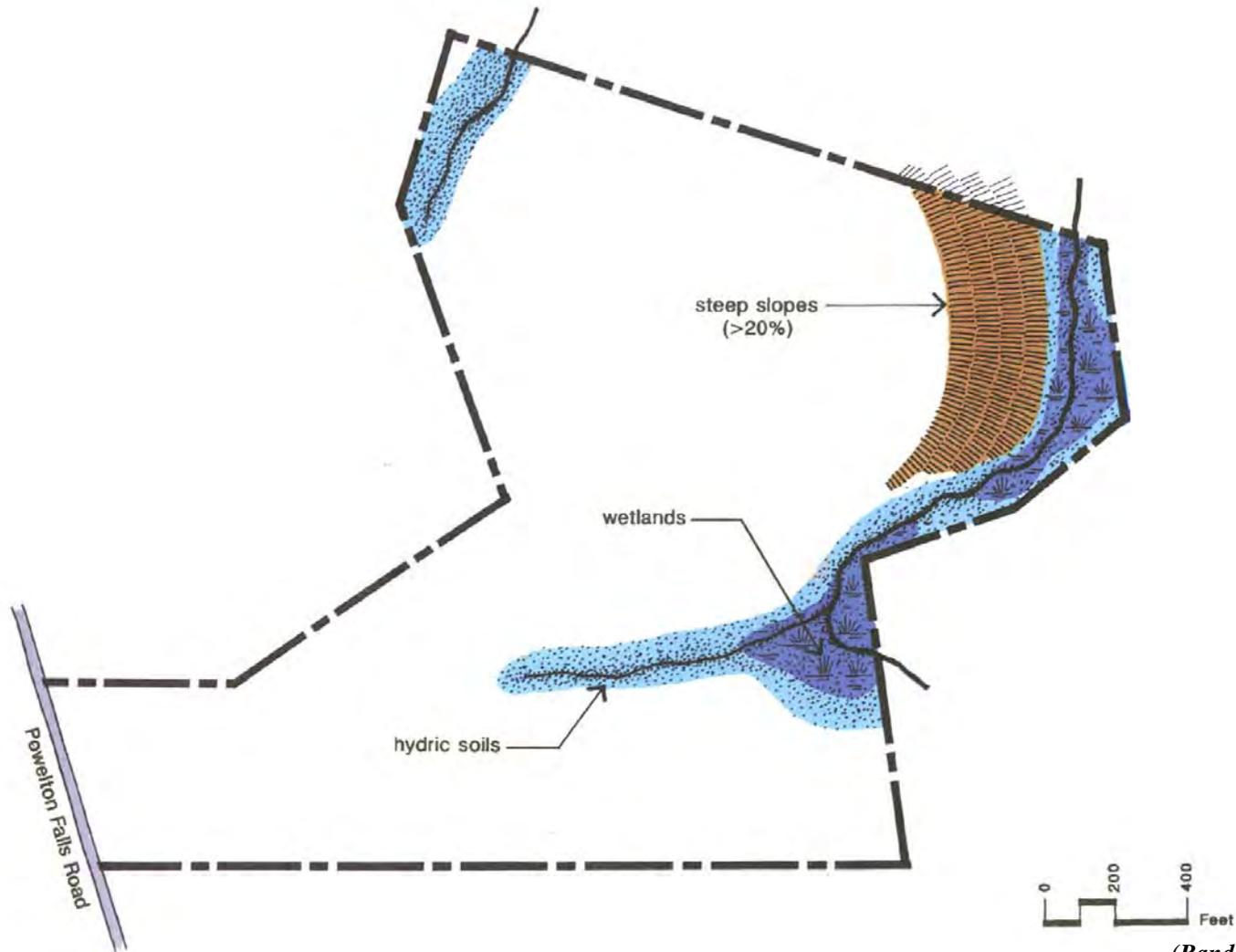
A Four Step Design Process

1. Locate open space
2. Locate houses
3. Locate transportation
4. Locate lot lines



(Randall Arendt graphics)

Primary conservation areas



(Randall Arendt graphics)

Secondary conservation areas



(Randall Arendt graphics)

Potential Development Areas



(Randall Arendt graphics)

Locating House Sites



Aligning Streets and Trails



(Randall Arendt graphics)

Drawing in the Lot Lines



(Randall Arendt graphics)

The Conservation Subdivision

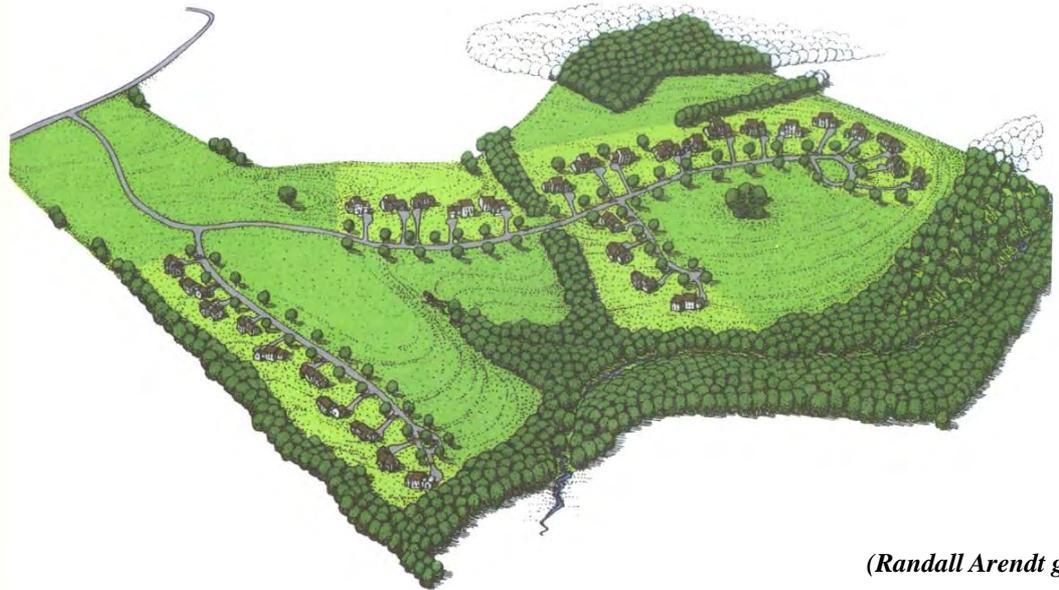


A Different Pattern

a conventional approach



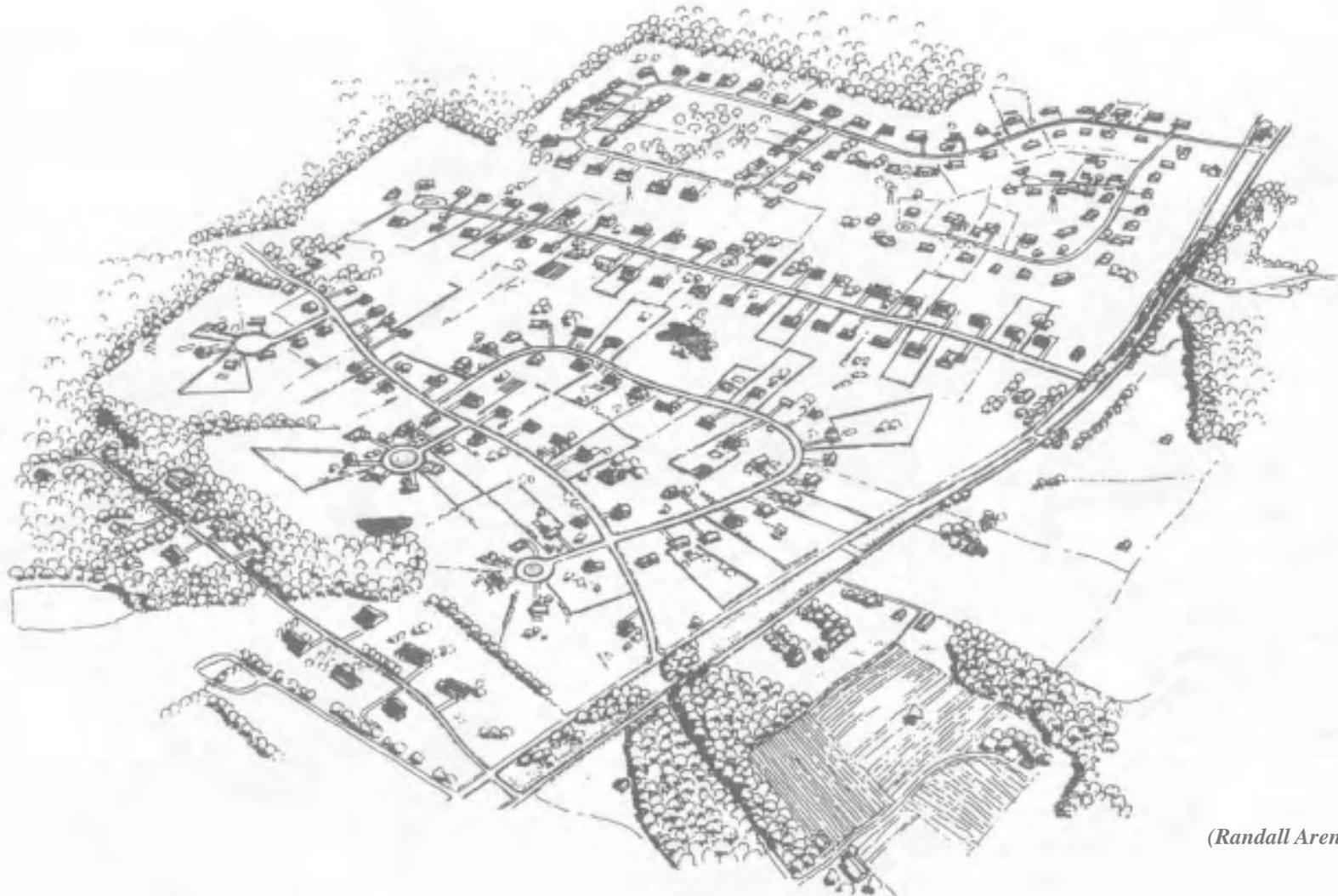
a different pattern of development



(Randall Arendt graphics)



Development pattern under a typical code



(Randall Arendt graphics)

Farm-style conservation subdivision



(Randall Arendt graphics)

Farm-style conservation subdivision



((Randall Arendt graphics))

Farm-style – a view from the road



Conservation Tools to Augment the Conservation- Style Development Process



Tools

1. Conservation Easements
2. Conservancy Lots
3. Transfer of Development Rights (“TDR”)
4. Purchase of Development Rights (“PDR”)
5. Density Bonus Program
6. Endowments
7. Traditional Neighborhood Development (“TND”)
8. Landowners’ Compact
9. Limited Development



Conservation Easement

A permanent restriction placed on a piece of property to protect the resources or functions – natural or manmade – associated with the parcel.

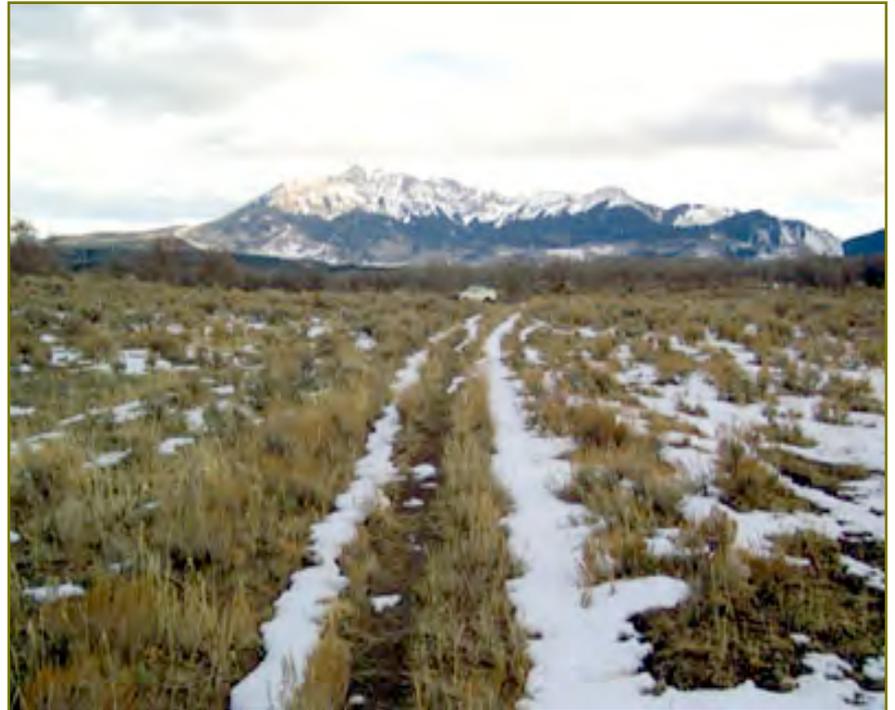


Fisher Bottom Conservation Easement
Upper Snake River, Idaho



Conservation Easement

- In the case of open space, the easement precludes future real estate development and identifies permitted and prohibited uses.
- Conservation easement plans and a subsequent plan review is an essential part of the real estate development process.



Baker Ranch, Gunnison, Colorado



Conservation Easements

- Different than other deed restrictions
 - Administered by a third party
 - Paid a stewardship fee in exchange for stewardship responsibilities



Green Creek, Yampa Valley, Colorado



Conservation Easement

- A legacy building tool
 - Over time, 50% of remaining lands would be conserved
- Great assurance for homebuyers that open land will remain open
 - We know that the “swing” areas will be at least half green
- Great for landowners desirous of conserving their lifestyle
 - Working landscapes get the acreage they need
 - Charitable tax treatment provides advantages

Tools

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Conservancy Lot

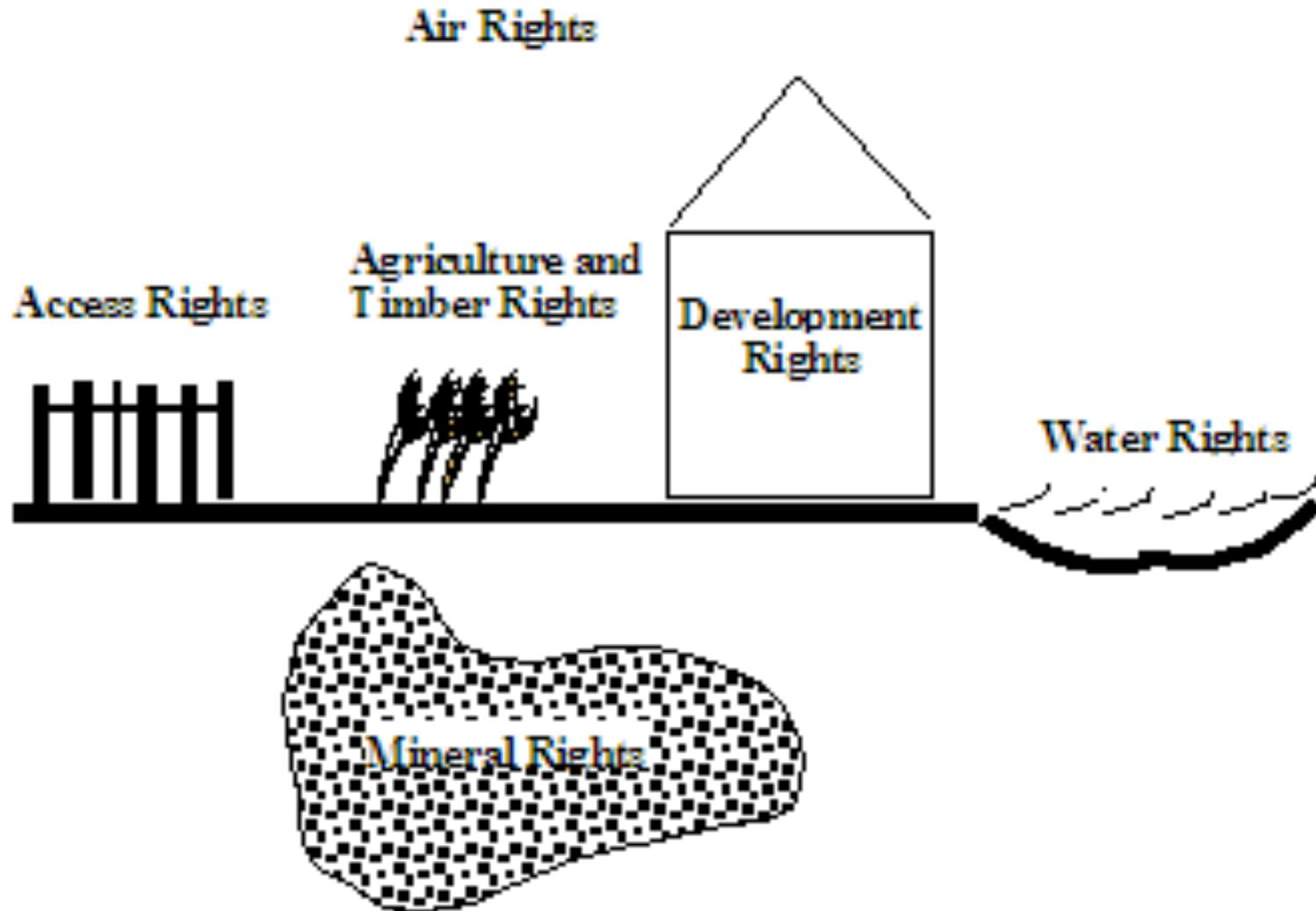
- A large, privately owned lot that encompasses part of an area identified as permanent open space.
- The purpose of the conservancy lot is to provide surrounding residents with visual access to open space while keeping the land under private ownership and maintenance.
- Only a small, delineated portion of such lots may be developed; the remainder must be protected through conservation easements and used in conformance with standards for green space land.

Tools

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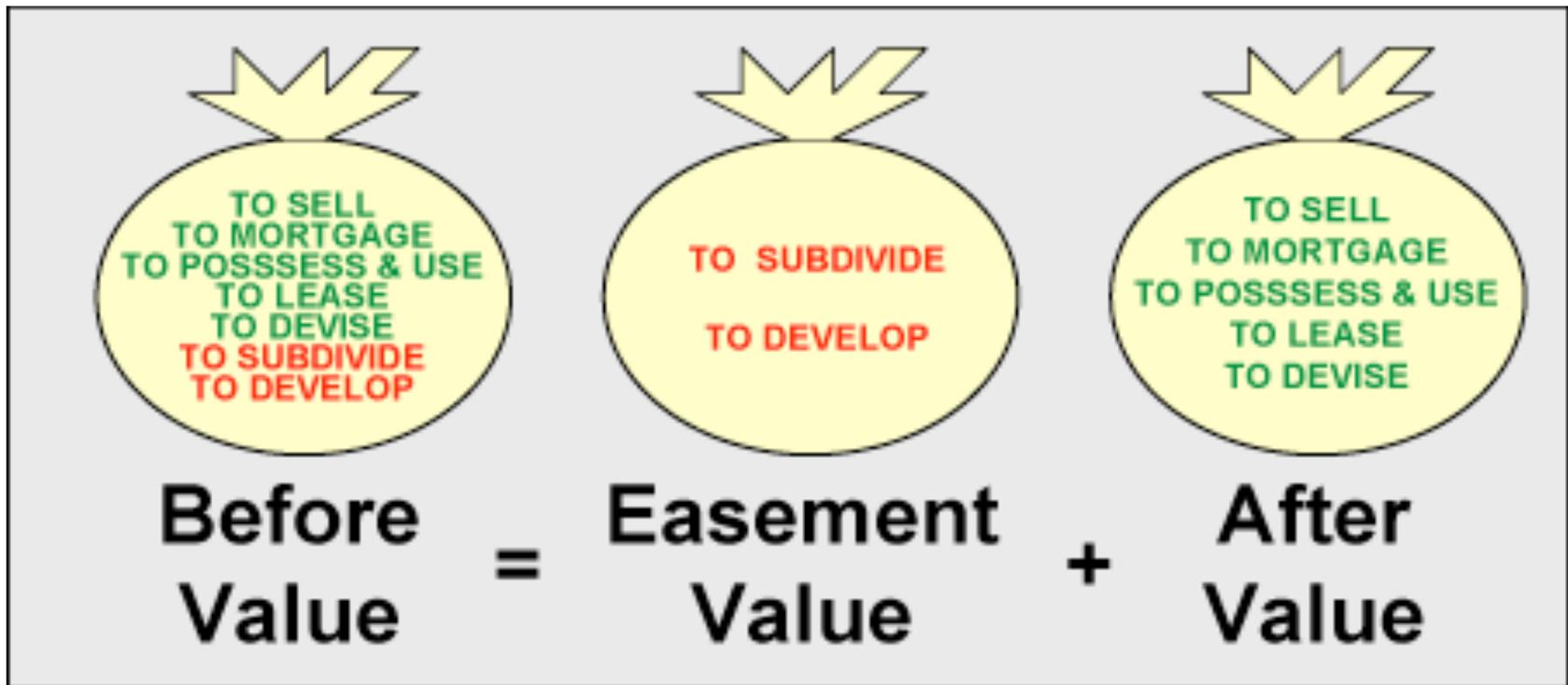


Premise: Property owners possess a “bundle of rights” that run with the land.



Transfer of Development Rights (TDR)

TDR programs permit a landowner to separate and sell the right to develop to a third party (i.e. transfer this right to another).



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- Realize economic value of land (often viewed as a landowner's 401K...)
- Allow land to be assessed at a lower tax rate, decreasing property and inheritance taxes on the land
- Maintain current use of land
- Purchaser is usually a developer

Transfer of Development Rights (TDR)

TDR programs permit a developer to build more density in an area that can support it



Tools

1. Conservancy Lot
2. Conservation Easements
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Purchase of Development Rights (PDR)

PDR programs permit a landowner to separate and sell the right to develop to a third party (i.e. sell this right to another).

- Realize some economic value of land (often viewed as a landowner's 401K...)
- Allow land to be assessed at a lower tax rate, decreasing property and inheritance taxes on the land
- Maintain current use of land
- Purchaser is a conservation-minded third party



Tools

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6. **Endowments**
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8. **Landowners’ Compact**
9. **Limited Development**



Five Ideas for Plan Updates

1. Vision for Open Space Conservation
2. Expanded Definition of Sensitive Lands
3. Open Space Network Map
4. (More) Conservation Design Concurrent with the Development Process
5. Conservation Tools to Augment the Conservation-Style Development Process

Vision for Open Space Conservation

- A significant **proportion** of community
 - 50% open space requirement for development (permanently protected heritage)
- A **permanent** feature of the community
 - Conservation easements on all designated open space
- A **network** of open lands
 - Connectivity (benefits to recreation, wildlife, agriculture, etc.)
- **Accessible** to residents
 - 80% of units directly on open space (direct access)
 - Access to public lands (along river, in mountains)

Open Space Network Map

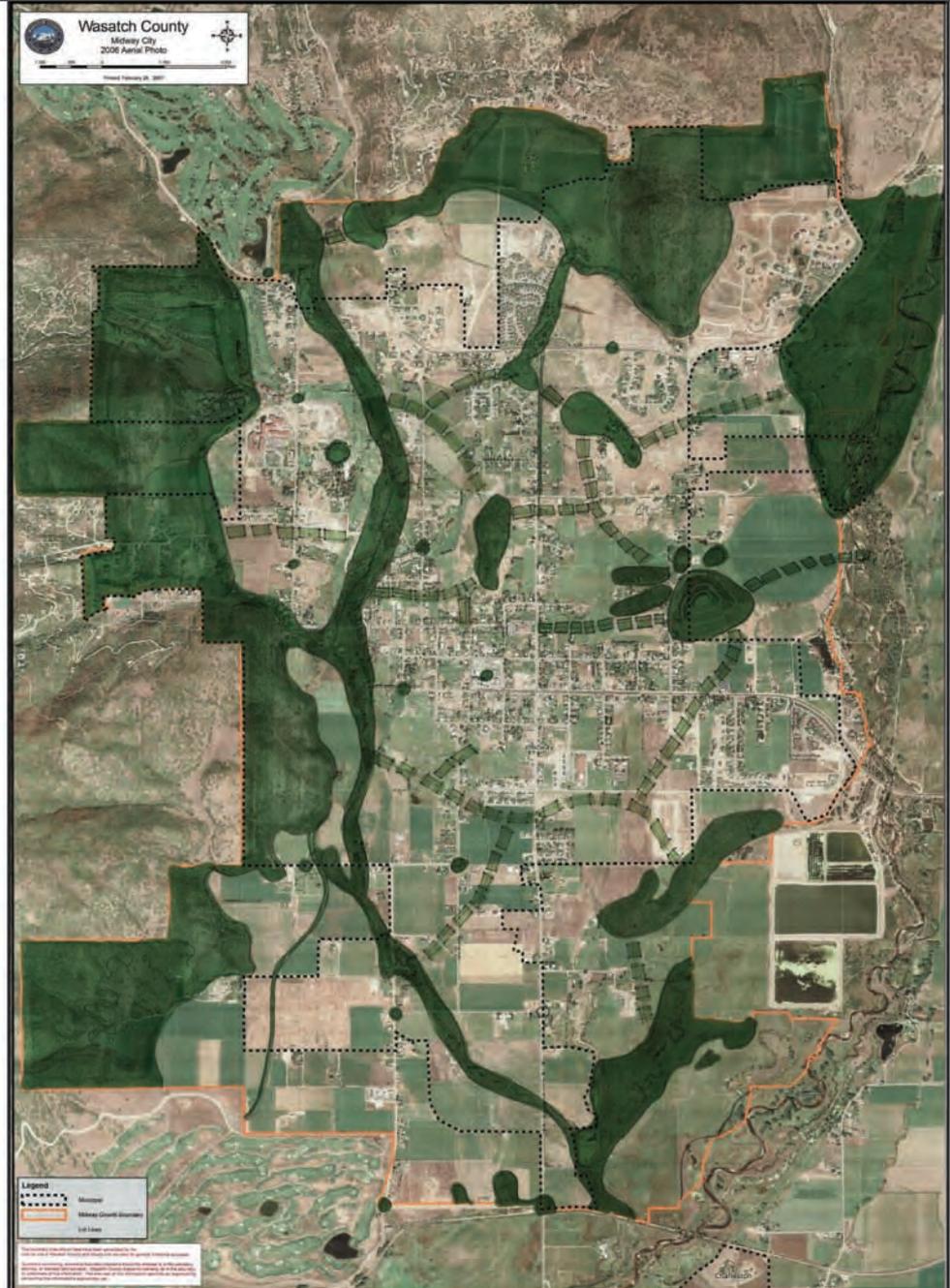
Quality open lands

Open spaces have apparent value (not developmental leftovers)

Open spaces are properly maintained (ownership, landscape and stewardship plans)

Inclusive uses and functions

Beyond the scope of a typical recreation and trails plan (sensitive lands, etc.)



Midway City Draft Open Space Network 03/07

Tier 1 Sensitive Lands Potential Connections

Goals:

1. To develop a citywide open space plan with in our regional context.

To clearly articulate where open space and development should be located and what type it should be.

2. To explore open space conservation options and develop implementation tools.
 - Adopt the open space plan.
 - Adopt corresponding general plan language.
 - Set the stage for subdivision and zoning updates that support city goals.



Progress only
earns
its name when
what we gain
is more
valuable
than what we
lose.

- *Alexander Pope*