

## Land Protection Tools for Property Owners

Private owners can be excellent stewards of the land, but habitat protection needs to extend beyond the lifetime of the current owners. Today, landowners, non-profits and local governments have a variety of tools to protect habitat across the landscape. Private options involve the landowner and should always be used together with public tools for land protection. Private conservation give landowners incentives to protect natural areas on their property, and can offer permanent and parcel-specific protection.

### Purchase of Development Rights Program (PDR)

The purchase of development rights is a voluntary protection technique that compensates the landowner for limiting future development on their land. The programs are primarily used for retention of agricultural lands, but the concept can be applied to all types of land use scenarios. Under a PDR program, an entity such as a Town, county or private conservation organization purchases the development rights to a designated piece of property. The land remains in private ownership, and the landowner retains all the other rights and responsibilities associated with the property.

### Transfer of Development Rights (TDR) Program

The TDR program is a non-regulatory (voluntary) approach that allows the right to develop property to be transferred from one parcel (or zoning district) to another. Under a TDR program, development rights to a parcel of land are transferred from a “sending area” to another parcel referred to as the “receiving area.” Sending areas are typically those areas where development is discouraged or limited, and receiving areas are areas where growth and development are encouraged. Under some TDR programs, local government awards development rights to each parcel of developable land in the community or in selected districts on the basis of the land's acreage or value. Landowners can then sell the development rights on the open market. The TDR program has been widely implemented at the local level due to the fact that it requires no major financial contribution by local government. Benefits of the TDR program include:

- The public benefits from the conservation easements, which protect and preserve sensitive natural features and wildlife habitat.
- Owners of sending area properties receive economic compensation for their properties where development would normally be precluded due to sensitive natural features or zoning restrictions.
- Owners of receiving area properties can increase their development density, accommodating a greater number of uses or tenants.
- Little financial contribution on behalf of local government.

### Acquisition

This type of land-preservation tool involves the direct purchase of land for the purposes of preservation and protection. This tool should be used in cases where other protective mechanisms fail to meet objectives and/or in cases of high-priority acquisition lands. Acquisition efforts should be coordinated with other local, state and national acquisition initiatives (lake associations, environmental groups, USFS, DNR, etc.). Depending on the acquisition, funding assistance from federal, state or not-for-profit groups may be found.

### Conservation Easements

When a landowner sells their development rights, a legal document known as a conservation easement is drafted. The easement restricts the use of the land to agricultural use, open space or other desired use in perpetuity. A conservation easement permanently limits residential, commercial or industrial development to protect its natural attributes or agricultural value. The conservation easement becomes a part of the landowner's deed and remains on the deed even if the land is sold or passed through inheritance, thereby ensuring the development will not occur on the property. The conservation easement does not automatically allow public access to the land; the land remains in the hands of the owner, as only the right to develop it has been purchased. All remaining rights of property ownership remain with the landowner including the right to transfer ownership, swap, deed or sell the land. A purchase of development rights program works to ensure that incompatible development will not take place; the PDR becomes a part of the deed and keeps the land in its agricultural or natural state in perpetuity. An effective purchase of development rights program requires initial financial support and on-going administration. Additionally, the program requires a review board to assess the lands of landowners requesting entry of their parcel into the PDR program.

### Land Trusts

Land trusts are non-profit voluntary organizations that work with landowners to use a variety of tools to help them protect their land. Such organizations are formed with the purpose of protecting open space, scenic views and wildlife. They use a variety of techniques to raise money for operating expenses and the acquisition of easements. Land trusts also provide adequate monitoring and stewardship. In the United States, land trusts can hold conservation easements, which means that the organization has the right to enforce the restrictions placed on the land.

Land Protection Tool	Pro	Con
<b>Donated Conservation Easements</b>	<ul style="list-style-type: none"> <li>• Permanently protects land from development pressures.</li> <li>• Landowners may receive income, estate, and property tax benefits.</li> <li>• No or low cost to local unit of government.</li> <li>• Land remains in private ownership and on the tax rolls.</li> </ul>	<ul style="list-style-type: none"> <li>• Tax incentives may not provide enough compensation for many landowners</li> <li>• Little local government control over which areas are protected.</li> </ul>
<b>Purchase of Development Rights</b>	<ul style="list-style-type: none"> <li>• Permanently protects land from development pressures.</li> <li>• Landowner is paid to protect their land.</li> <li>• Landowners may receive estate and property tax benefits.</li> <li>• Local government can target locations effectively.</li> <li>• Land remains in private ownership and on the tax rolls.</li> </ul>	<ul style="list-style-type: none"> <li>• Can be costly for local unit of government.</li> </ul>
<b>Transfer of Development Rights</b>	<ul style="list-style-type: none"> <li>• Permanently protects land from development pressures.</li> <li>• Landowner is paid to protect their land.</li> <li>• Landowners may receive estate and property tax benefits.</li> <li>• Local government can target locations effectively.</li> <li>• Low cost to local unit of government.</li> <li>• Utilizes free market mechanisms.</li> <li>• Land remains in private ownership and on tax roll</li> </ul>	<ul style="list-style-type: none"> <li>• Can be complex to manage</li> <li>• Receiving area must be willing to accept higher densities.</li> </ul>

*Conservation Design Subdivisions/ Planned Unit Development*

The conservation-design subdivision concept is an alternative development design to the conventional residential subdivision. Conventionally designed subdivisions are typically characterized by land divided into house lots and streets, with minimal (if any) open space. Usually, the remaining open space lands consist of the undeveloped portion of the subdivision (steep slopes, wetlands, floodplain, etc.). The conventional subdivision lacks communal open space, community woodlands or other open areas where people can meet and interact. The purpose of a conservation design subdivision is to provide

opportunity for development while maintaining open-space characteristics, encouraging interaction among residents through site design, and protection of habitat and environmental features. A typical conservation design subdivision contains the same number of lots that would be permitted under a conventional design. The lots are typically smaller than conventional lots and are designed for single-family homes reminiscent of traditional neighborhoods found in small Towns throughout America.

The compact design of a conservation subdivision allows for the creation of permanent open space (typically 50 percent or more of the build able area). This undeveloped land typically serves as community open-space land and provides recreational, aesthetic and social benefits to subdivision residents. The conservation design subdivision has proven economic, environmental and social advantages over conventionally designed subdivisions including:

#### Economic Advantages

- Lower infrastructure and design (engineering) costs
- Attractiveness of lots for home development
- Reduction in demand for public parklands

#### Environmental Advantages

- Protection of conservation areas and upland buffers (which would normally be developed)
- Reduced runoff due to less impervious surface cover
- Improved water filtration due to presence of vegetation and buffers
- Opportunities for non-conventional septic system design

#### Social Advantages

- Opportunities for interaction among residents (common open space)
- Pedestrian friendly
- Greater opportunity for community activities

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