

Program aims to conserve land via developer incentive

Less open space in subdivisions, in exchange for more elsewhere

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It may sound odd, but a new program in Gunnison County would allow developers the possibility of participating in a means of protecting open space by reducing the open space in their subdivision.

Developers would — if they chose to participate in the program — instead pay a fee in lieu of open space that the county could put toward local land preservation efforts.

County Commissioners enacted this week an amendment to the county's Land Use Resolution that's been years in the making.

Born out of the county's Gunnison to Crested Butte Corridor Plan, adopted in 2005, the program is being called "Residential Density Transfer" (RDT). Previously — during review by the commissioners and the Gunnison County Planning Commission — the

concept was called a more commonly known monicker in the realm of land preservation, a transfer of development rights (TDR).

TDRs are used widely by governments to encourage development in specific areas — and avoid it in others — while using the market to compensate owners for lost property value.

Gunnison County's new program basically allows developers to purchase additional development rights — potentially earning more money through the sale of more lots.

Gunnison County GIS Manager Mike Pelletier has been working on a draft proposal for the last few years. He has previous experience with TDRs as the former director of planning for the Town of Berthoud.

Should developers choose to participate in the RDT program, they would only be required to provide 15 percent open space in their subdivision, instead of 30 percent, as required by the LUR for subdivisions of more than four lots.

For the lesser amount of required open space, the developer simply pays a fee that will be applied to land conservation elsewhere.

The fee is calculated at 10 percent of the estimated value

increase given to land when a subdivision is approved.

Affordable housing lots are excluded from the calculation.

"What we're doing here is trading a small amount of open space within the subdivision for a much larger amount of conserved land elsewhere," Pelletier explained. "It is giving up open space within a subdivision, but you're gaining so much more."

For example, should the program have existed when the 42-lot Riverwalk subdivision north of Gunnison was approved, and the developers chose to participate, 10 additional lots would have been gained as a result of the reduction in open space from 30 to 15 percent.

Considering that average lot value a few years ago when Pelletier performed this calculation was about \$215,000, that would have meant considerable profit to the developers — an incentive to participate in the program.

In exchange for the reduction in open space, the developers would have paid about \$1.086 million to the county for land preservation efforts elsewhere.

Currently, a small portion of the county's sales tax is used for such conservation projects.

What is it?

Gunnison County's new Residential Density Transfer (RDT) program is similar to a transfer of development rights (TDR) in that it is intended to encourage development in specific areas — and avoid it in others — while using the market to provide incentive for participating.

Benefits?

The RDT should allow the county to conserve more ranchland, with developers benefitting financially for partaking in the program. More money can be devoted to conserving desirable parcels of open space.

Who uses them?

There are more than 180 communities in 33 states that have TDR programs in place. In Colorado, there are at least 11 communities using them — including Summit, Larimer, Pitkin, Mesa and Boulder counties and the towns of Crested Butte and Berthoud.

The Gunnison Valley Land Preservation Board oversees use of those funds — taking requests from local land trusts, like the Gunnison Ranchland Conservation Legacy or the Crested Butte Land Trust. Money that the county contributes is often matched with funding from, for example, Great Outdoors Colorado to preserve land.

The Land Preservation Board will oversee use of RDT revenues under the program.

County Commissioner Jim Starr suggested Tuesday revisiting the program in a year, "to see if it's been used or not."

Pelletier said the county is trying to offer an attractive option for developers and calls Gunnison County's approach "new and different."

That's because while traditional TDR-type programs

rely on the controversial and complex means of designating "sending" and "receiving" areas and a transfer rate between the two, the county's program simply relies on the County Assessor's mass appraisal system to arrive at fees.

And since the county is collecting the money, the county can determine where it's spent.

In the past, for every dollar that the county has contributed to land-preservation efforts, an additional 12 dollars has come from other sources, said Pelletier.

"There's a huge amount of leveraging that goes on and that means we'll be able to help conserve a lot more land than otherwise," he added.

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