



## VOLUNTARY LAND CONSERVATION

Pursuant to Mesa County Resolution 99-68, *Support of Voluntary Land Conservation Techniques*, the staff of the Mesa County Planning and Development Department is providing you with a list of some of the more commonly used voluntary land conservation tools and techniques.

Below are 39 different **voluntary**, **regulatory**, and **cooperative** land conservation tools and techniques. **Please review this list and consider whether any of these tools and techniques can help you meet the ownership and economic goals for your land.** If you would like more specific information please ask someone from the Planning and Development Department, they can help you to find the type of information you are seeking.

In a longer document, each tool or technique is defined; who enacts it is identified; and how it works is explained. The overview is not intended to be all-inclusive but rather to provide a brief, clear explanation of the more widely used tools and techniques. Many of these tools can stand alone in their ability to accomplish a landowner’s desired objectives, while others are used in combination to achieve the desired objectives. See our website for more information.

\* Please refer to the additional handouts on techniques in bold type followed by asterisk. \*

### *Voluntary*

- Voluntary Rezone
- Deed Restrictions/Covenants
- Home Owners Association
- Limited or Protective Development
- Building Envelope
- Design Guidelines
- Conservation Easement
- Purchase of Development Rights\***
- Transferable Development Rights/Credits\***

### *Regulatory*

- Zoning
- Overlay zone
- Right-to-Farm Laws\***
- Planned Unit Development (PUD)

### *Cooperative*

- Technical Assistance Team (TRAC)\***
- Agricultural Districts
- Overlay Districts, Site Plan Review, Performance Zoning --Sensitive lands
- Historic District and Historic Site Review
- Rural Cluster Development\***
- Purchase of Development Rights (PDR)\***
- Transfer of Development Rights (TDR)\***

### *Other Tools*

- Donation
- Donation with Reserved Life Estate
- Bargain Sale
- Charitable Gift Annuity
- Installment Purchase
- Rolling Option
- Bridge Financing/Land Trust
- Land Exchange or Trade
- Cash Purchase
- Estate Planning
- Purchase with Resale
- Land Banking
- Conservation Reserve Program
- Colorado Natural Areas Program Special Designation
- National Register of Historic Places
- Natural Historic Landmark Program
- Land and Water Conservation Fund
- Conservation Reserve Program
- Farmers Home Administration Section 118 Debt Restructuring and Conservation Set-Aside Program
- “Recreation and Public Purposes Act” Title 43 Public Lands § 869, 1-4
- Intermodal Surface Transportation Efficiency Act (ISTEA)

## ***EXAMPLES***

### ***VOLUNTARY***

#### *Conservation Easement*

**WHO ENACTS IT:** The individual landowner, in conjunction with a private non-profit land trust (local, national, or international) or a government agency. A land trust is either a local organization such as the **Mesa Land Trust** or part of a statewide or nation wide organization such as the **Colorado Cattleman's Trust** or **The Nature Conservancy**.

**HOW IT WORKS:** A conservation easement is a voluntary and permanent restriction limiting development of a property in order to protect conservation values. The easement can either be purchased or donated to a land trust or a governmental entity. The easement is a recorded restriction in the property deed and therefore applies to all subsequent owners. The conservation easement is a flexible instrument which can limit development as much or as little as the landowner desires. A conservation easement is usually granted to a qualified nonprofit land trust or governmental entity which has the ability of monitoring and enforcing the terms of the easement. An easement is individually tailored to fit each property owner's needs and desires. There is no such thing as a blanket or general conservation easement. Except to the fact that the development rights have been limited by the terms of the easement, the landowner continues to own, use and manage the property. Since the donation of a conservation easement is treated as a charitable gift, the land owner is entitled to a charitable deduction on their income tax equal to the difference between the fair market value and the restricted value of the property. Colorado also offers tax credits for conservation easement donations, and tax credits are saleable on the open market. Since the easement reduces the value of the property, it can be an important tool in reducing estate tax liability for properties which have appreciated rapidly. With the conservation easement, the landowner retains full control over public access and management of the property.

### ***REGULATORY***

#### *Right-to-Farm Laws*

**WHO ENACTS IT:** State and/or local government. **Mesa County has a Right to Farm and Ranch Policy**

**HOW IT WORKS:** A county right-to-farm and ranch policy protects agricultural enterprises from nuisance suits and complaints related to their activities. It gives constructive notice to residential landowners that agricultural practices in the area will continue and may odors, land use practices and transportation impacts that may affect residential living. A significant portion of a right to farm or ranch policy includes educational efforts. These efforts are manifest in publications such as Mesa County's "Code of the West." Routt and Larimer Counties also have developed similar documents. Further, Mesa County has established an Agricultural Advisory Panel whose function is to act as an arbitrator between parties of conflicting interests. The panel is designed to help parties avoid going to court to resolve disputes. Routt County also has a similar panel.

### ***COOPERATIVE***

#### *Technical Assistance Team*

**WHO ENACTS IT:** Local landowners in conjunction with local government and local land trusts. The **Mesa County Technical Resource Advisory Committee (TRAC) assists landowners with customized alternatives for their land.**

**HOW IT WORKS:** An alternative approach to protect agricultural land by combining the expertise of estate planners, CPAs, planning, agricultural, and conservation disciplines to produce innovative alternatives. The team explores the use of limited development options, and analyzes legal tax planning and ranching options to assist farming and ranching families.