GREEN UNDER PRESSURE: CURRENT PRACTICES IN LAND CONSERVATION

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Speakers

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Learning Objectives

• Learn how and why conservation easements are a valuable tool in land conservation

• Become aware of plan and regulatory efforts to conserve open lands

• Gain exposure to programs that deal with inter agency and governmental cooperation

• Learn methods for addressing increasing pressures from tourism and recreation on open lands
Quick Facts

- More than 2 million acres preserved with conservation easements funded by Great Outdoors Colorado (GOCO) and/or the Colorado State tax credit
- 1.5 million acres of mapped crucial wildlife habitat
- 300,000 acres of prime farmland
- 4,100 miles of stream, creek or river frontage

Source: Investing in Colorado, a CSU Study
Public Investment

• State of Colorado has invested more than $1.1 billion in public funds for the preservation of land through conservation easements

• $280 million of that amount coming from GOCO

• More than $770 million coming in the form of Colorado tax credits

• GOCO investments have been matched with more than $760 million in federal and local government funding, as well as private landowner donations

Source: Investing in Colorado, a CSU Study
What is a Conservation Easement?

• An easement interest granted by a landowner to a land trust or governmental entity.

• Voluntarily restricts the development and use of the land.

• An easement in gross - a real property interest created by state statute.
Interested Landowners

• Multi-generational farmers and ranchers who want their land maintained in agriculture

• Recreational property owners who want a beautiful ranch for hunting and fishing

• Hobby farmers and ranchers
Common Reserved Rights

• Maintain existing or build new residence within a building envelope.
• Conduct ranching and other agricultural activities.
• Conduct certain limited recreational activities.
• Maintain infrastructure necessary for the exercise of reserved rights including water wells, roads, trails, fences, etc.
Typical Prohibited Activities

• No construction of buildings unless expressly permitted.
• No subdivision of title.
• No industrial uses.
• No commercial uses that harm the conservation values.
• No surface mining.
• No timber harvesting.
• No surface disturbance.
• No transfer of water rights.
Federal Tax Benefits

• Charitable income tax deduction, taken as an itemized deduction on the federal income tax return.
  
  • Can deduct an amount equal to the value of the conservation easement up to a maximum of 50% of your Adjusted Gross Income (AGI).
  
  • Carry forward remainder until used or 15 years, whichever occurs first.

• Estate tax reduction and exclusion.
Enhanced Benefits for Farmers and Ranchers

• Qualified farmers or ranchers who donate a conservation easement can deduct the value of the conservation easement up to 100% of their AGI with a 15 year carry forward.

• Property must be used in agriculture or livestock production and easement must provide that the property remain available for such production.
Colorado State Tax Credits

- State tax credit available for conservation easement donations and bargain sales

- Calculated as $75,000 of the first $100,000 of CE value and 50% thereafter up to $5,000,000

- Limited to $1,500,000 claimed per year until reach the $5,000,000 limit

- Tax credits only issued after rigorous review by Division of Conservation

- Once issued, tax credits can be sold or transferred one time only
Sustainable Tourism and Outdoor Recreation

Formed in 2017 as a direct outcome of the One Valley Prosperity Project

One Valley Prosperity Project (OVPP)-planning initiative addressing economic prosperity in Gunnison Valley.

OVPP addressed four key elements:
- Affordable housing
- Economic Resiliency
- Community Health and Equity
- Sustainable Tourism and Outdoor Recreation
Defining Prosperity

• Prosperity is... The opportunity to provide for ourselves in a meaningful and fulfilling way.

However, we can only be prosperous if we balance the need for economic opportunity with protecting other community values - the very reasons we love living here.
Priorities for Regional Action

- Affordable Housing
- Community Health & Equity
- Economic Resiliency
- Sustainable Tourism & Recreation
Sustainable Tourism and Outdoor Recreation Strategies

Successfully managing tourism sector so that it enhances quality of life and doesn’t negatively impact natural resources upon which it depends.

- Manage Summer Tourism
- Grow Tourism in the Winter and Shoulder Seasons
- Communicate Diversity of Assets to Better Distribute Visitors
- Grow Capacity for Long Term Sustainable Management
- Enhance Recreation Infrastructure
Collaboration is Key!

Committee Standing Members include:
• City of Gunnison
• Town of Crested Butte
• Town of Mt. Crested Butte
• Colorado Parks & Wildlife
• BLM
• USFS
• NPS
• Tourism & Prosperity Partnership
• Gunnison County Stockgrowers
• Crested Butte Mountain Resort
• Upper Gunnison River Water Conservancy District
• Western Colorado University

At-large members include:
• Crested Butte Mountain Bike Association/Conservation Corps
• Gunnison Off-Road Alliance of Trailriders (motorized users)
• Backcountry Hunters and Anglers
• Gunnison Wildlife Association
• Crested Butte Land Trust
• Gunnison Nordic
• Gunnison Trails
• Mountain Manners
Steering in the Same Direction

• All of that collaboration with 20+ committee members takes strategy, direction and staff support.
• The first 6 months were about figuring out direction and what the Committee wanted to accomplish.
• Lots of agency heads, elected officials and others on Committee requires staff management and support to maintain focus and direction.
What has the Committee Accomplished?

- Created Funding Sources for Projects:
  - Gunnison Stewardship Fund in partnership with National Forest Foundation-$100,000+ generated in year 2
  - Awarded $350,000 grant from GOCO for Gunnison Stewardship Program
  - Secured additional local match of $100,000 for Stewardship Program
  - Supporting development of fee program proposal on USFS lands in Gunnison County
What has the Committee Accomplished?

- Worked with National Forest Foundation to establish the Gunnison Stewardship Fund.
- Voluntary contribution from customers of outfitter/guides to fund.
- All funds stay in Gunnison County and are used on public and conserved lands.
- 2019 was kickoff year, approximately $60,000 was awarded to local projects including: Crested Butte Conservation Corps, bathrooms on Cottonwood Pass and wet meadow restoration for sage grouse habitat.
We’re the People We’ve Been Waiting For!

Unlikely that Congress will allocate more funding to USFS or BLM for recreation anytime soon.

As visitors and impacts continue to grow local land managers need ability to manage lands with local support—political and fiscal.

Unique partnerships and collaborations can be challenging but are a great opportunity to address the impacts.
Larimer County Land Conservation
A 20+-Year Retrospective
About Larimer County, Colorado

- **Size:** 2,640 sq. mi.
- **Growth - People:**
  - 350,500 (2018)
  - 300,450 (2010)
- **Growth - Jobs:**
  - 157,774 (2017)
  - 126,653 (2010)
- **Median HH income:**
  - $69K (2017)
- **Public lands:** 50%
Continued Growth
by 2030
422K+
people
(DOLA)
Larimer County’s Mix of Tools

To achieve conservation goals:

1. Growth Management and Regional Coordination
2. Natural Resources Acquisitions and Easements
3. Regulatory/Incentive-based
   - Conservation Development land division
   - Rural Land Use Process
   - Transfer of Development Rights
Growth Management – Regional Coordination

- Comprehensive Plan
- Most growth in cities and towns
- Inter-governmental Agreements
- Adequate public facilities
Urban and Rural Distinctions
Natural Resources
Our Lands – Our Future

Working Farm & Ranch Opportunities

Natural Resource & Wildlife Area Opportunities

Regional Open Space & Trail Opportunities

Urban Open Space & Trail Opportunities

Growth Management Area
All Conserved Lands and Parks
Developed Land
Water Bodies

Moderate Value
Moderate to High Value
High Value

Opportunity maps show where open space values occur for each goal. The maps are based on existing public interest and are not intended to make an regulatory context. Rather they identify opportunities for project partners to work with willing landowners on voluntary land conservation.
Natural Resources
Open Lands Approach

Larimer County
Department of Natural Resources
Open Spaces, Parks, and Priority Areas
Poudre River & Trails
Larimer County – Land Division and Rural Land Use Process
State regulations that affect land divisions

- State Law allows 35-acre parcel splits with no County review
  - one dwelling
  - one well
- Any acreage less than 35 must go through a county subdivision process
- State water regulations dictate when well permits can be issued and for what purpose
Larimer County Regulations

  - Land division processes
  - Regulates standards for all development
  - Most land use regulations in one place
Rural Land Use Process formation

Land divisions complicated, costly, & not certain

Ag lands were being lost

Road cuts were leaving scars

35-acres more than people wanted or could handle

35-acre Task force created
Rural Land Use Process outcome

- Alternative to 35-ac. parcels
- Voluntary and collaborative
- Protects rural lands
- Estate planning
- 1996 Enabling legislation – allows one well per 17.5 ac. for RLUPs
Example: Diamond Farms

Landowner Got:
- 16 Home site lots
- 257 ac. conserved (78%)
- “Saved the farm”

County Got:
- Permanent land use on 327 acres of at-risk agricultural land
- Added value on property tax rolls
- Variety of housing types w/ architectural control
### Examples: Big Valley Homestead & Ellis Ranch RLUPs

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<thead>
<tr>
<th>Landowner Got:</th>
<th>County Got:</th>
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<tbody>
<tr>
<td>• Transferred home sites from non-contiguous parcel to more developable area</td>
<td>• Ridgeline protection</td>
</tr>
<tr>
<td>• 34 lots</td>
<td>• Less density than other processes</td>
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<tr>
<td>• Continued agricultural use (over 700 acres)</td>
<td>• Protected agricultural lands</td>
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<tr>
<td>• Faster and flexible review process</td>
<td>• Increased tax base from new home sites</td>
</tr>
<tr>
<td>• Relaxed road standards</td>
<td>• Continuation of existing Dude Ranch business in County</td>
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Fossil Creek Transfer of Development Units (TDU) Program

- City/county partnership
- 5,000 acres
- Reduce density in county by transferring to the city Growth Management Area (TDU)
- Resource Management Area around the reservoir
- In Land Use Code
Conservation Summary

Since 1996

(ballpark)*

RLUP: 9,000 ac.
CDs: 6,000 ac.
TDU program: 2,400 ac.
Natural Resources: 55,000 ac.
Total Acres 72,400 ac.

* doesn’t include other public lands
Takeaways
1. Comprehensive and regional planning
2. Variety of tools to achieve
3. Land division regulations and incentives (e.g., RLUP)
4. Open land acquisition and easements
Thank you!