



FROM POLICY TO PLOW:

**TOOLS FOR PRESERVATION OF AGRICULTURAL
COMMUNITY CHARACTER**

**UTAH APA
SPRING
CONFERENCE
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PANELISTS

**Jen
Gardner**

Rural Land Use
Planner, Logan
Simpson



**Sophie
Frankenburg**

Rural Land Use
Planner, Logan
Simpson



**John
Janson**

Consulting Planner
and Moderator



SESSION INTENT

Learn about various tools that can be used to preserve your rural community character and open space



1. Transfer of Development Rights
2. Purchase of Development Rights
3. Regulatory Tools – Divisions of Lands
4. Flexible Agricultural Zones
5. Tool Application

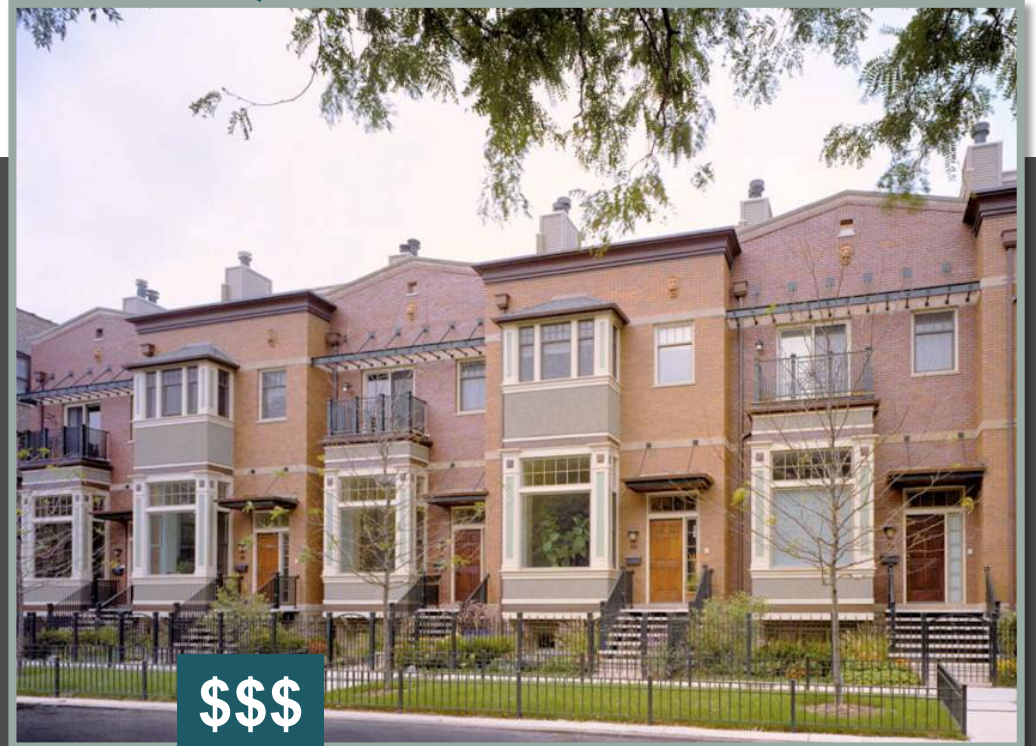
TRANSFER OF DEVELOPMENT RIGHTS

HOW DOES IT WORK?

Development
Rights



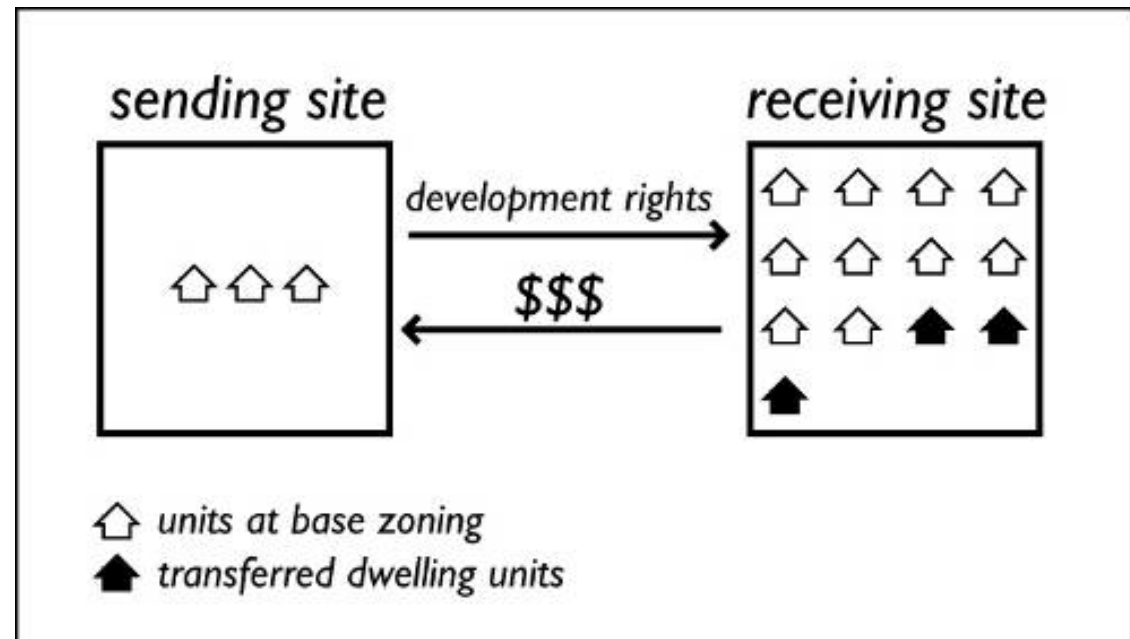
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TDR SYSTEMS

Credits are sold representing what could *theoretically* be built in a preservation (sending) area (ag land, open space). Transferred credits/units are built where the community believes they are acceptable (town centers or planned centers or citywide).

- ***Sending Areas*** (Example: productive agricultural land or open space)
- ***Receiving Areas*** (Example: areas contiguous to major development clusters or planned centers)



WHAT MAKES THIS WORK?

- Purpose: Farmer gets to stay in the farming business! Or find someone to takeover
- Process:
 - Purchaser of rights builds credits/units at a receiving location (may include bonus density)
 - A conservation easement is recorded, allowing for **permanent** preservation!

**100% Voluntary
&
Market Based**

MAKING TDR “PENCIL”

- A townhouse or small lot home is worth less than a big lot home. To make the transaction pencil:
 - If you sell “credits” from a farm (*TDR ordinance adds those **theoretical** credits*)
 - The buyer gets, for example, three small lot credits
 - Notably more units get built in receiving areas

*Discussion: “hurdles” in every community – heights, densities, and design in the receiving areas. **Additional hurdle – long term maintenance***

REZONE “DISCIPLINE” IS NEEDED

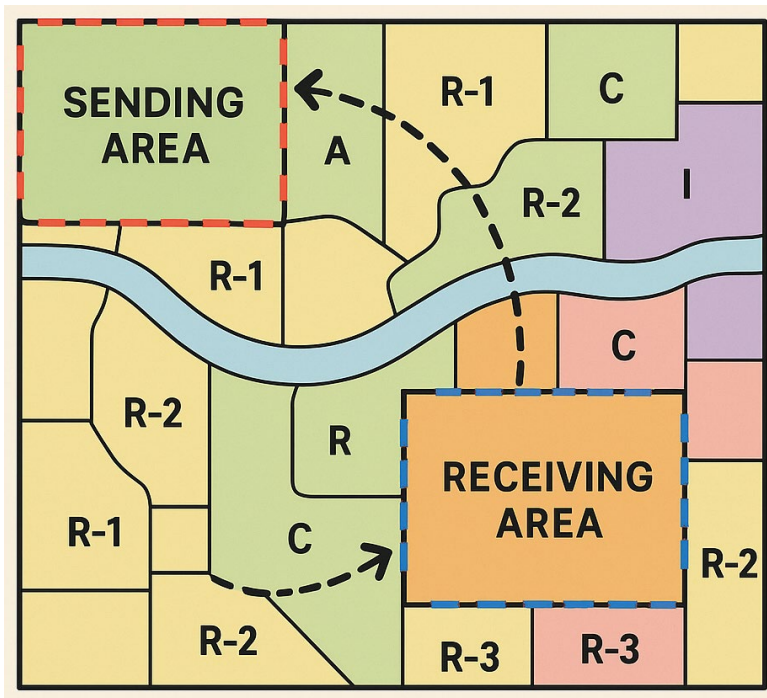
- If a landowner/developer can get more density without TDR, there won't be interested in buying credits from the sending area
- Jurisdictions that participate need to have **zoning discipline** clearly outlining when up-zoning will or won't occur
- This may cost some developers more to develop than previously thought, *BUT* “If **zoning certainty** can be obtained *through* credits, it can counter-balance additional cost with less time, less risk.” (Arthur C. Nelson, Rick Pruetz, *The TDR Handbook*)

No Demand

=

No Transfers

LEGAL ISSUES TO AVOID



State Law requires that you have an ordinance

The ordinance needs to treat everybody the same

Clear purpose

Vague mapping

Turning the process into some sort of City or County negotiation

SUCCESSFUL UTAH STORIES

- **Mapleton Utah** – TDR ordinance adopted in 1998. Approximately 750 acres have been preserved to date
- **Ogden Valley (Weber County)** ordinance and general plan in place to transfer density to village centers (which can be ski resorts).
- **Spanish Fork** – working on preserving their river bottoms
- **Nibley** – TDR system recently adopted

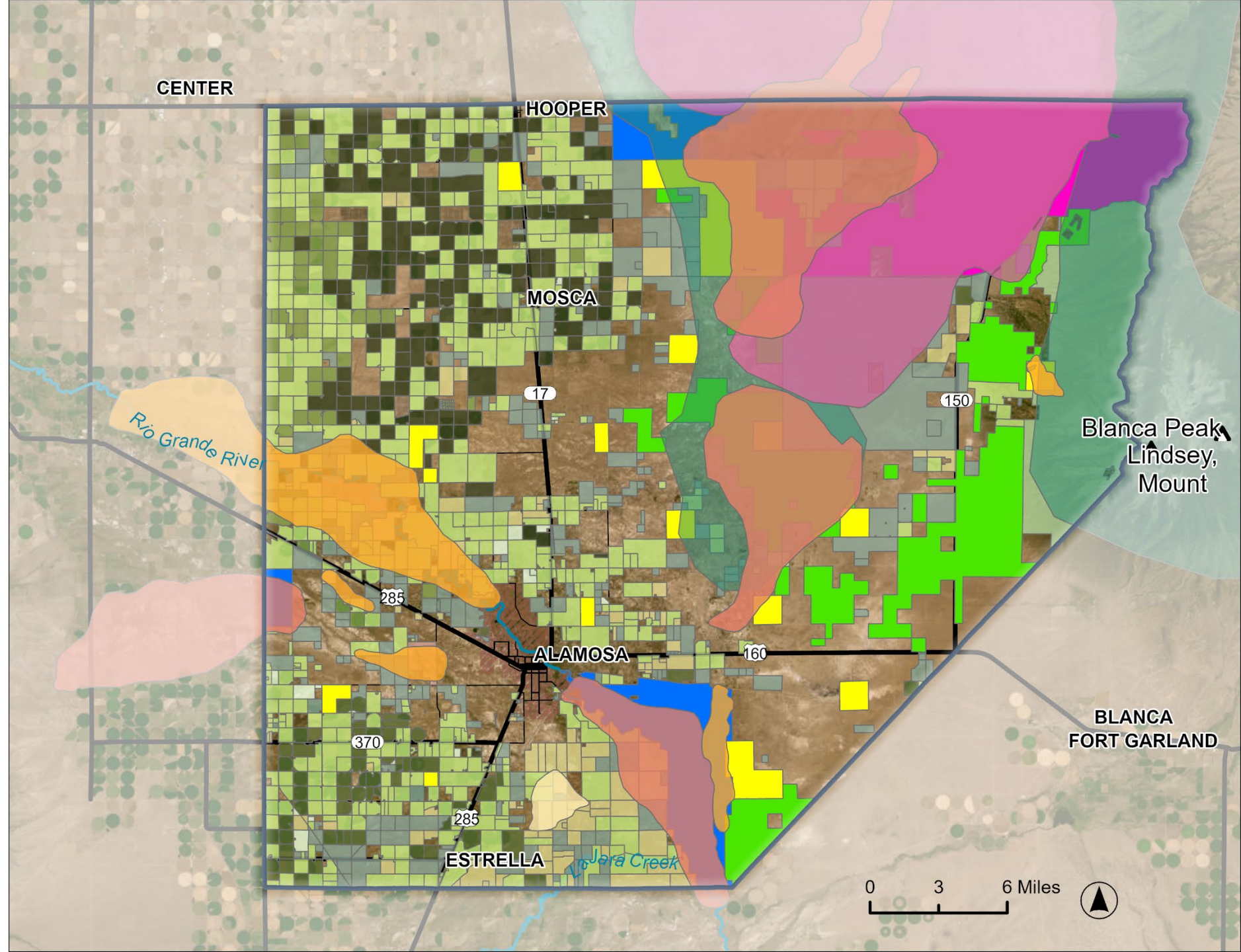


PURCHASE OF DEVELOPMENT RIGHTS



- Development Rights under the current zoning are purchased
- Land is preserved with a conservation easement, held by a Land Trust or other non-profit like a City or County
- Fund raising and/or bonding required
- **Voluntary**
- Owner can retain the property but with reduced value and reduced uses
- Property can be leased
- No issues about where to move the density – development potential is “retired”

- **Understanding** what is on the ground:
 - Sensitive Lands
 - Wildlife Habitat
 - Productive Lands
 - Riparian corridors/areas
 - Uses that support your community character
- **Supporting** your land-owners:
 - Flexibility in regulation
 - Providing resources for conservation



REGULATORY TOOLS – DIVISIONS OF LANDS

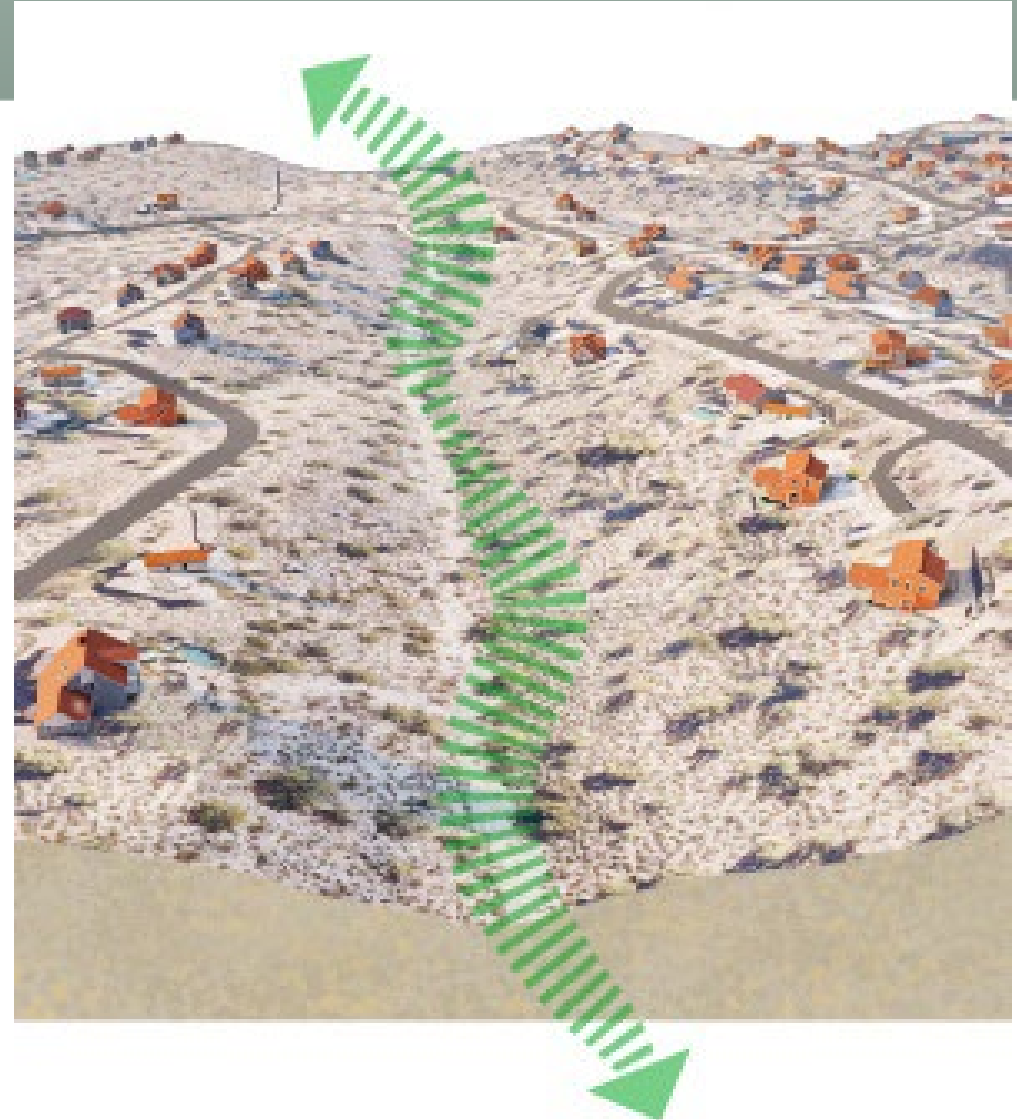
HOW DOES IT WORK?



- Clustered Subdivisions
- Pivot Corner Development
- Connected Corridors
- Average Lot Sizes

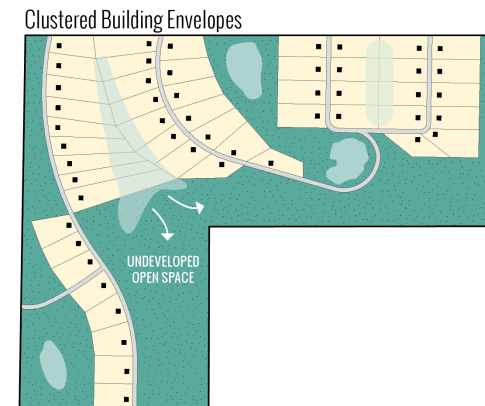
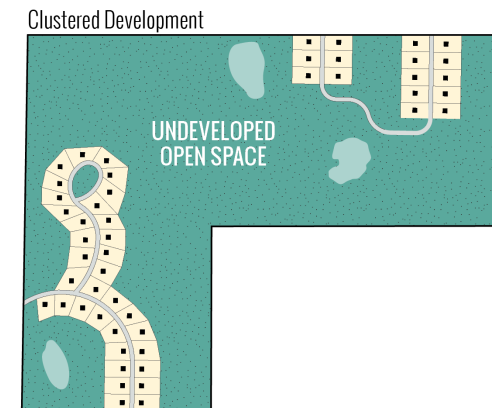
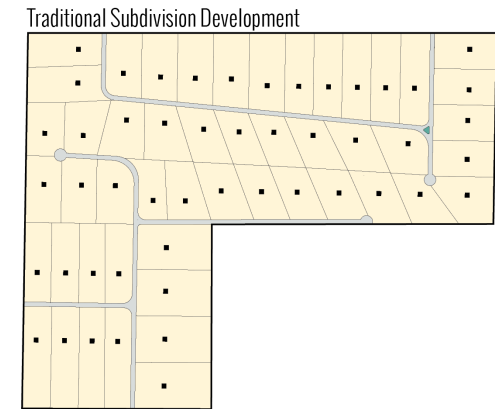
CLUSTERED SUBDIVISIONS

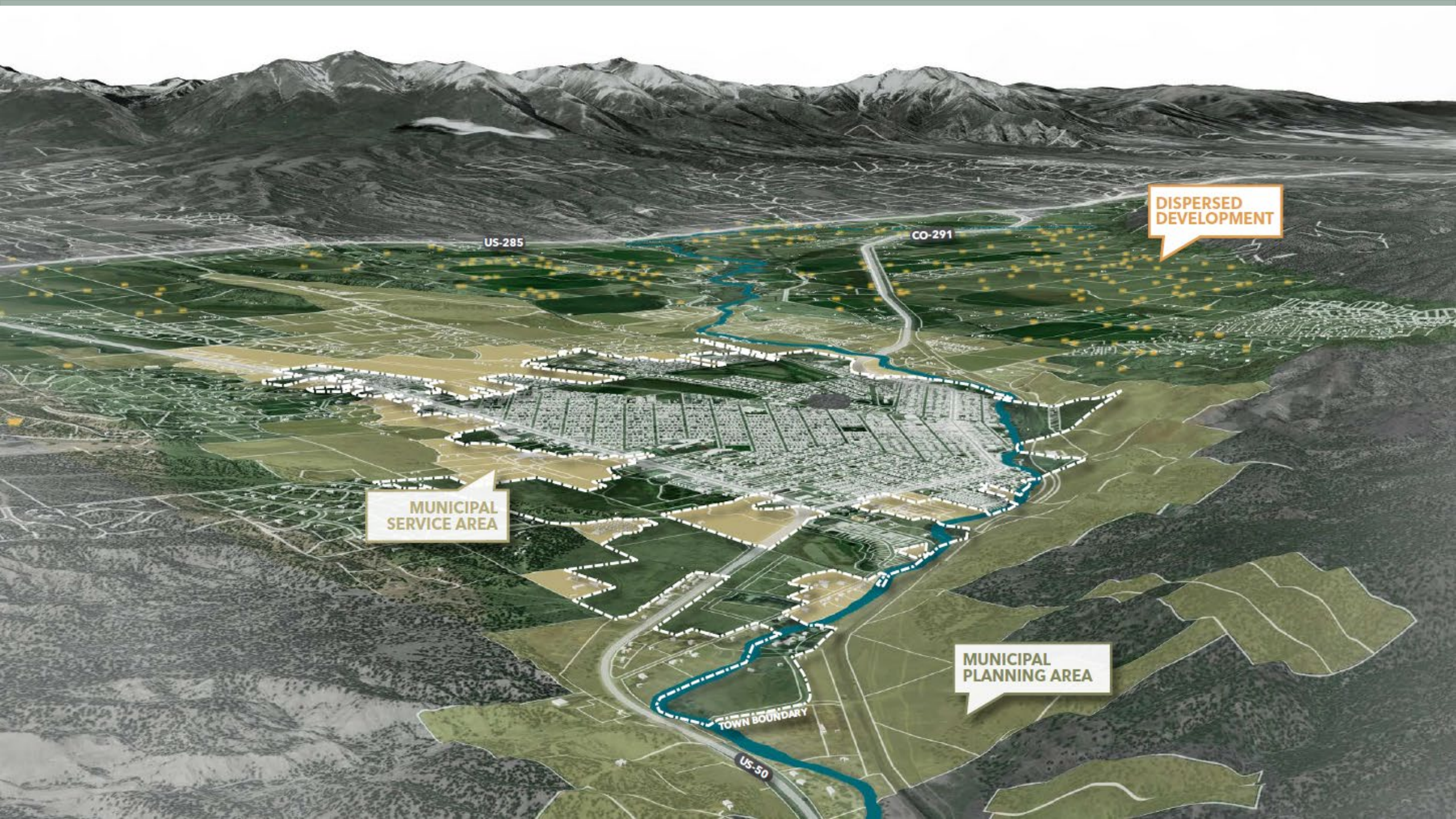
- Refers to a **design process** where the design of the development is driven through ecological-based planning to conserve the land with the highest resource values.
- **Maintain connectivity** of open space and is often integrated with other tools, like density bonuses, transferrable development rights, and conservation easements.



CLUSTER ZONING

- Similar to a PUD but with an emphasis on preserving agriculture
- Creates an option for farmers/ranchers to develop a smaller piece of their property – transferring density from the overall acreage to a corner.
- The original use can continue on the remainder
- Needs a preservation technique





US-285

CO-291

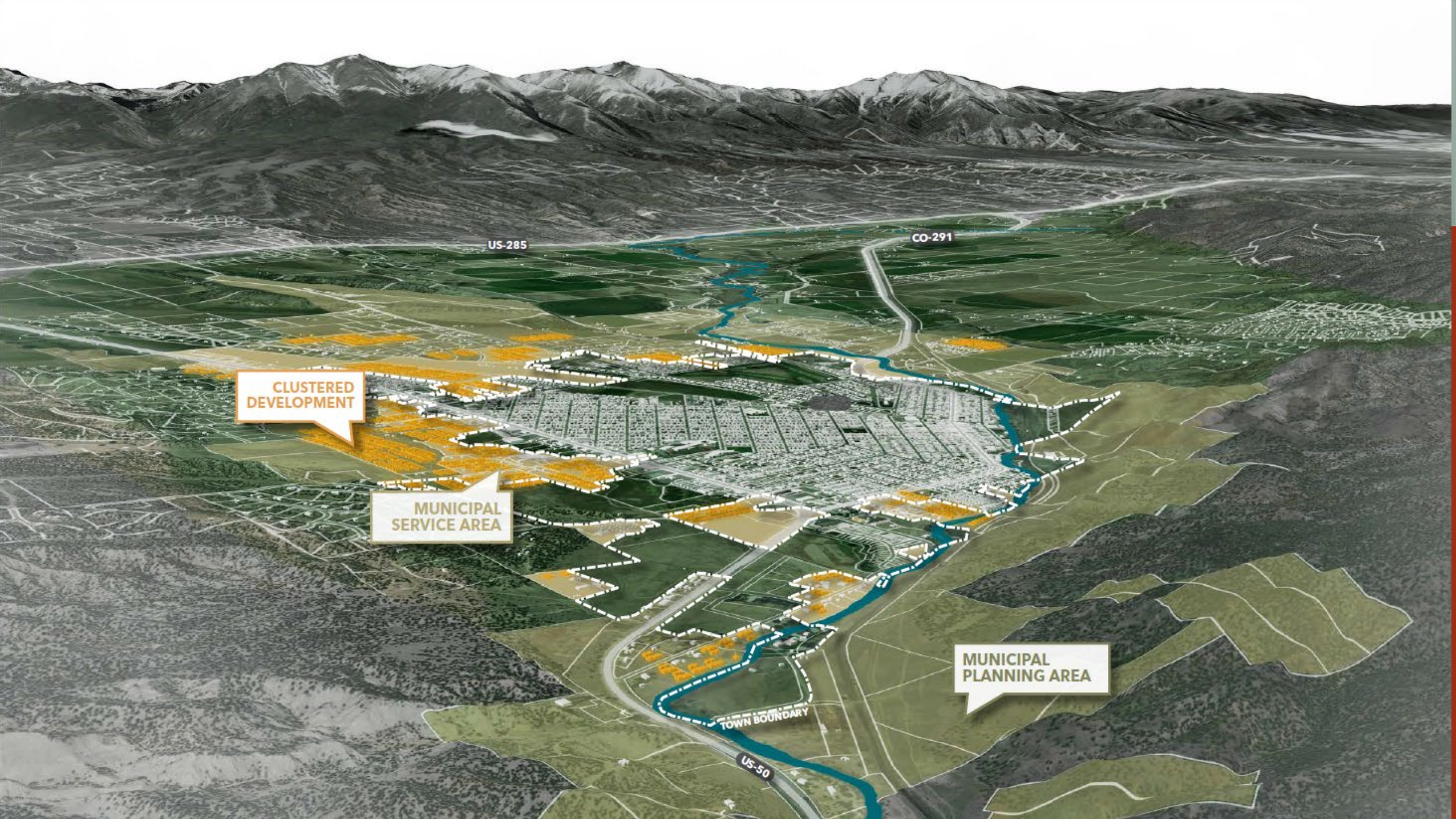
DISPERSED
DEVELOPMENT

MUNICIPAL
SERVICE AREA

MUNICIPAL
PLANNING AREA

TOWN BOUNDARY

US-50



CLUSTERED
DEVELOPMENT

MUNICIPAL
SERVICE AREA

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PLANNING AREA

US-285

CO-291

TOWN BOUNDARY

US-50

AGRITOURISM & VALUE-

ADDED USES



FLEXIBLE AGRICULTURAL ZONES

- A new trend of allowing more uses along with farms, orchards, and ranches
- Add uses like:
 - Restaurants
 - Fruit and veggie stands
 - Associated retail sales
 - Temporary worker housing
 - Farm Stays - B&B
 - Sell other “stuff”
 - Agritourism activities
 - Cluster development
 - Solar farms
 - RV camps



PRIVATE LAND CAMPING

- **Not for Profit**
 - ✓ For occasional use by property owner, family and friends
 - ✓ No dedicated sites established
- **For Profit**
 - ✓ One to two sites per private property
 - ✓ Dedicated sites established
 - ✓ Electric and waste hookups provided
- **For Workforce Housing**
 - ✓ Similar to a commercial campground
 - ✓ Accommodates workforce associated with a commercial use such as rafting



APPLYING THESE TOOLS!



Select a player card!



Decide on a scenario as a table.



Discuss which tools could be applied to the scenario.



Report back!



SETTING THE SCENE...

Welcome to Willow Creek Valley, a small rural town with 3,000 residents, rolling farmland, a vibrant main street, and rich local traditions. Pressure is building from nearby urban sprawl, new residents seeking a quieter life, and modern infrastructure demands.



THINK ABOUT...

1

Can heritage
and economy
align?

2

What trade-
offs are worth
it?

3

Who gets to
decide?

4

How much
growth is too
much?

HOPEFULLY, WE LEARNED A BIT
ABOUT A FEW HELPFUL TOOLS TO
HANG ONTO THAT COMMUNITY
CHARACTER



Transfer of Development Rights
Purchase of Development Rights
Clusters
Flexible Agricultural Zones

THANK YOU!



jgardner@logansimpson.com
sfrankenburg@logansimpson.com
i_janson@comcast.net

