

Ogden Valley General Plan Update

Land-Use Tools

The following table is meant to serve as a general introduction to each possible land-use tool and terminology mentioned in the Ogden Valley General Plan Land Use Survey.

CONSERVATION EASEMENTS: Conservation Easements are a legally binding agreement made voluntarily between a landowner (public or private) and a qualifying organization (also public or private), in which permanent limits are placed on a property's use and development. Conservation easements limit land to specific uses and thus protect it from development. This tool permanently protects land for development. Land owners may receive income, estate, and/or property tax benefits, and land remains in private ownership. Disadvantages include that tax incentives may not provide enough compensation for many landowners and since program is voluntary, it can be challenging to preserve large tracks of contiguous land or specific areas to be protected.

CLUSTER DEVELOPMENT: The main objective of Cluster Development is to allow residential, or even commercial, development while still protecting the area's environmental features, allowing for more open space, and protecting farmland and the character of rural communities. Cluster developments differ from traditional developments in several ways. Cluster developments usually site homes on smaller lots and there is less emphasis on minimum lot size. However, the total number of homes, or density, on a given acreage does not necessarily increase over that allowed in the traditional subdivision designs. The same number of homes is clustered on a smaller portion of the total available land. The remaining land, which would have been allocated to individual home sites, is now converted into protected open space and shared by the residents of the subdivision and possibly the entire community. Open space can provide community members with larger recreation areas and create a sense of openness that many people desire. Developers may benefit because these designs usually reduce the costs of site development and increase the market price of individual plots in comparison with traditional subdivisions, and these designs can benefit rural areas by reinforcing the policy of maintaining the local rural character that is included in many comprehensive land use plans. Perhaps most important disadvantage is that local officials, developers, and the community may be predisposed toward traditional development designs because they are familiar and well understood. An education effort may be necessary to help these groups understand the goals and advantages of cluster development.

DENSITY: In the context of planning, density is the amount of development within a given area. As part of a long-range planning process, stakeholders often discuss the most desirable densities for different areas of their communities. When referring to density for residential areas, it is usually expressed in dwelling units per acre (du/acre). Nonresidential density is most often calculated as a measurement of floor area ratio (FAR). The American Planning Association defines FAR as the total floor area of all buildings or structures on a zoning lot divided by the total square footage of said lot. The maximum allowable FAR is represented as a number (e.g., 0.20, 0.50, or 3.0).

DENSITY BONUS: A density bonus is an incentive-based tool that permits developers to increase the maximum allowable development on a property in exchange for helping the community achieve public policy goals. Increasing development density may allow for increases in developed square footage or increases in the number of developed units. This tool works best in areas where growth pressures are strong and land availability limited or when incentives for attaining the goals outweigh alternative development options. A density bonus is commonly used to promote conservation or improvement of natural resources and open space. A community may allow a developer to build more units than is permitted in an area in exchange for permanently protecting green spaces or by making environmental improvements such as with landscaping or developing a nature trail in a project area. This technique can be used to protect land on the property being developed or on another property.

DONATIONS: Encouraging or accommodating donations occur when a landowner transfers agricultural land or open space to a governmental entity or to a land trust in the form of a charitable gift. This tool is private and completely voluntary. It provides long-term agricultural land protection, tax benefits may accrue to donor, and a possible increase in adjoining property values. Disadvantages include maintenance and organizational costs to manage the property by the recipient organization, donor is responsible for appraisal costs, and land may be taken off tax rolls.

DOWNZONING: Downzoning is when the zoning is changed to reduce maximum density or a limitation of uses. This tool can be used as a way to preserve neighborhood character and enhance environmental protection. It may create non-conforming uses and possible loss in property value.

ENTITLEMENT (also referred to as “by-right” in some literature): Entitlements are a legal agreement with the governing municipality to allow a certain building type to occur on the site. Entitlements outline the density, function and setback requirements allowed for the property. Land entitlements are the backbone of development. Entitlements dictate the permitted building types that may be constructed on a property. They also determine the property's value. A property that is limited in its use is not typically as valuable as a property that has a wide array of possibilities for use.

FEE SIMPLE LAND PURCHASE: In a Fee-Simple Land Purchase, the buyer acquires full title to a parcel, along with the entire bundle of rights that comes with it. This type of purchase allows for permanent open space protection. This tool permanently protects land from development pressures, provides public access to land if purchased by public entity or private groups using public funds, tool includes willing buyer and seller, and it can increase adjoining property values. Disadvantages include a costly recipient to purchase land and land may be taken off the tax rolls.

PURCHASE OF DEVELOPMENT RIGHTS (PDR): Under a Purchase of Development Rights (PDR) program, a unit of government (city, village, town, county, or state), or a non-profit conservation organization, such as a land trust, buys the development rights to land and places a conservation easement on the land. A conservation easement is a legal agreement between the entity purchasing the development rights and the property owner restricting the type and amount of development that may take place on the land. Advantages include permanent protection of land from development, landowner is paid to

protect their land, local governments can target locations effectively, land remains in private ownership and on the tax rolls, and program is voluntary. Disadvantages include: Can be costly for local government, therefore land is protected at a slower rate, land remains in private ownership, typically no public access, and since program is voluntary, it can be challenging to preserve large tracks of contiguous land.

TRANSFER OF DEVELOPMENT RIGHTS (TDR): Transfer of Development Rights is a tool that establishes areas within a community, called zones, which define areas for preservation (**sending zones**), and areas for more growth (**receiving zones**). Sending zones can be areas of agricultural land, open space, historic properties or any other properties that are important to the community. Receiving zones are areas that the community has designated as appropriate for development. The advantages of TDRs are that they can permanently protect land from development pressure, the landowner is paid to protect their land, local government can target locations effectively, it utilizes free market mechanisms, and the land remains in private ownership and on the tax roll. Disadvantages are that they can be complex to manage, receiving areas must be willing to accept higher densities, program will not work in rural areas where there is little to no development pressure on area to be preserved, and sending and receiving zones must be established.

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