



GREEN UNDER PRESSURE: CURRENT PRACTICES IN LAND CONSERVATION

Rocky Mountain Land Use Institute – March 5, 2020

Speakers

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Learning Objectives

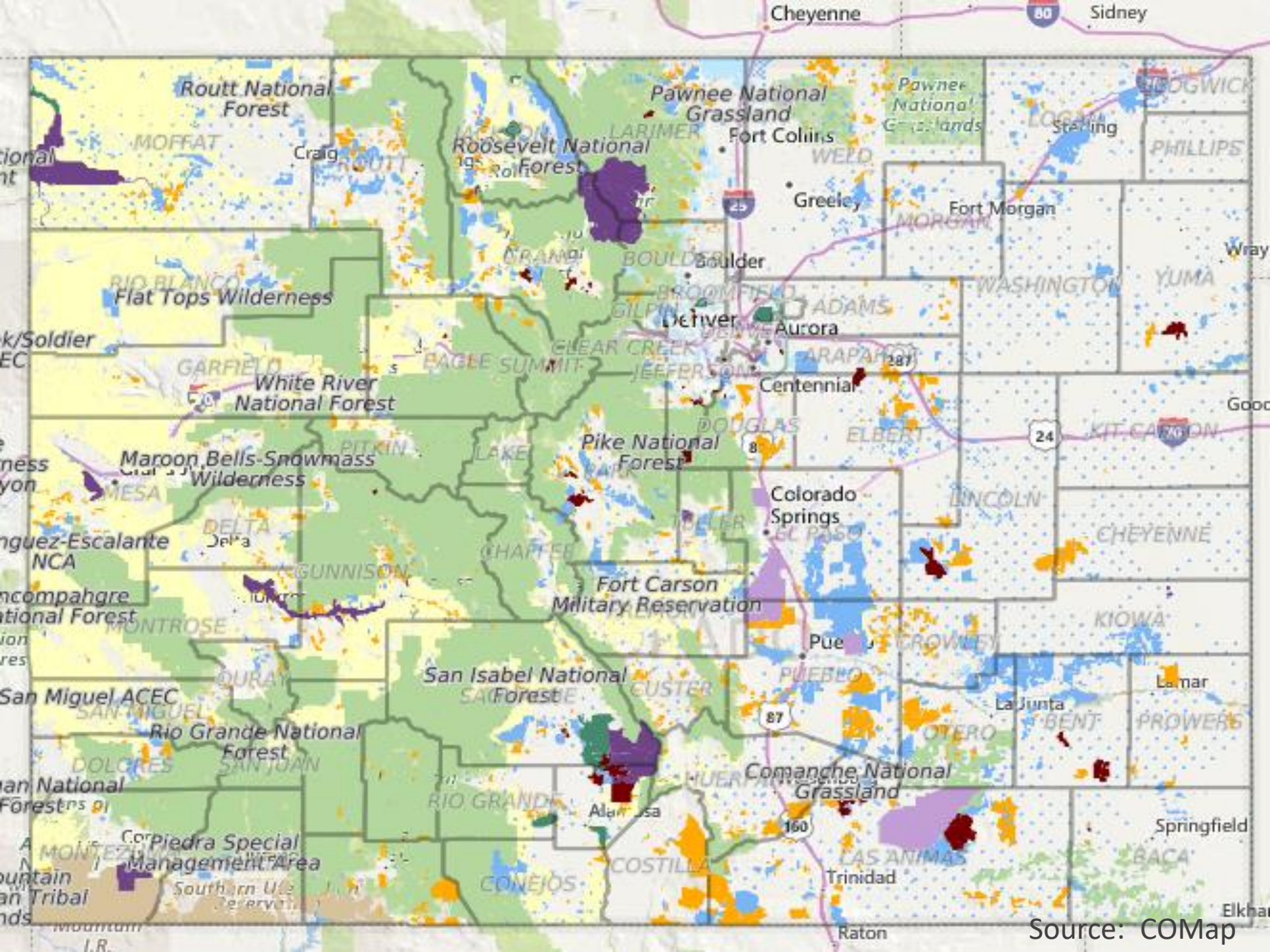
- Learn how and why conservation easements are a valuable tool in land conservation
- Become aware of plan and regulatory efforts to conserve open lands
- Gain exposure to programs that deal with inter agency and governmental cooperation
- Learn methods for addressing increasing pressures from tourism and recreation on open lands

Quick Facts

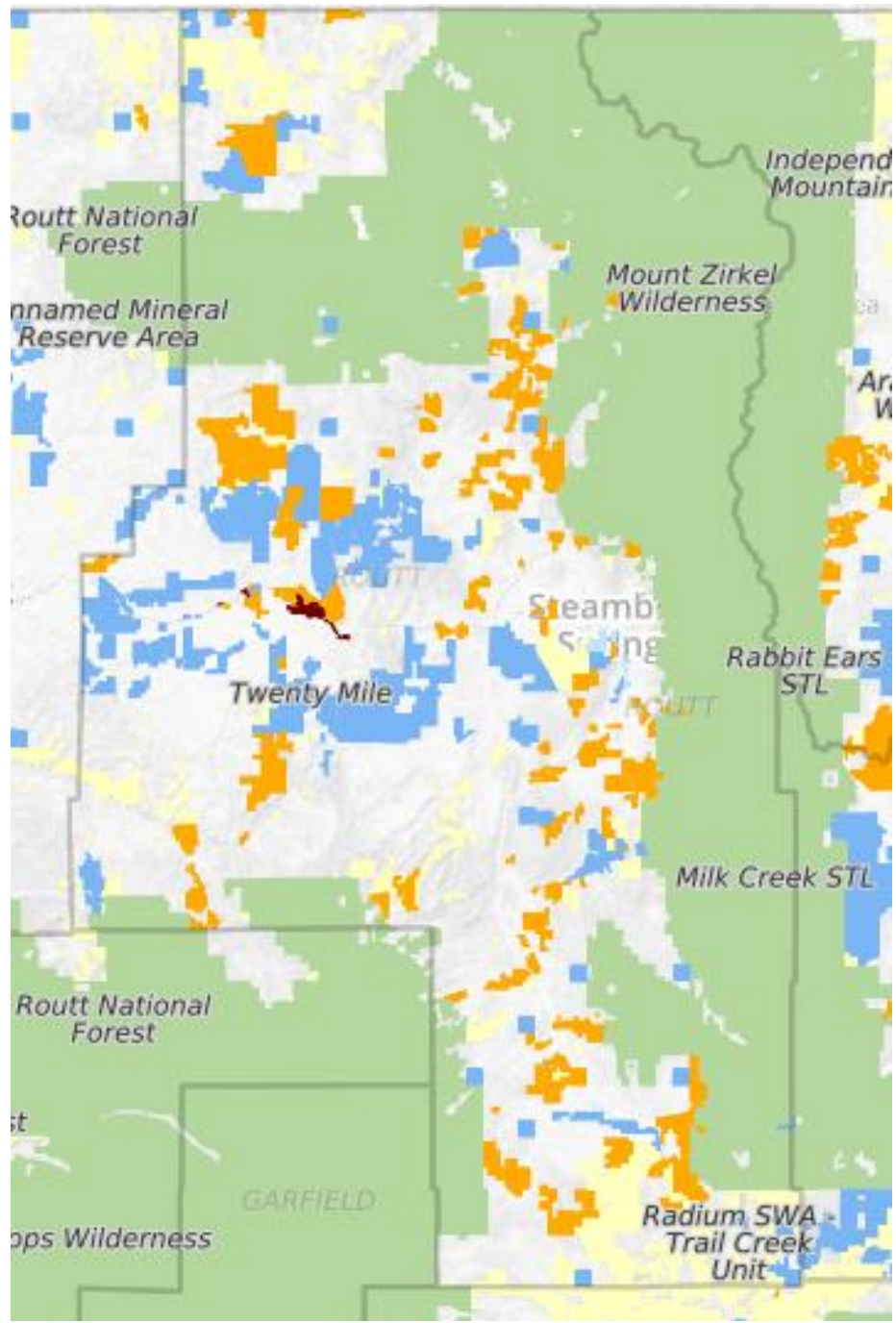
- More than 2 million acres preserved with conservation easements funded by Great Outdoors Colorado (GOCO) and/or the Colorado State tax credit
- 1.5 million acres of mapped crucial wildlife habitat
- 300,000 acres of prime farmland
- 4,100 miles of stream, creek or river frontage

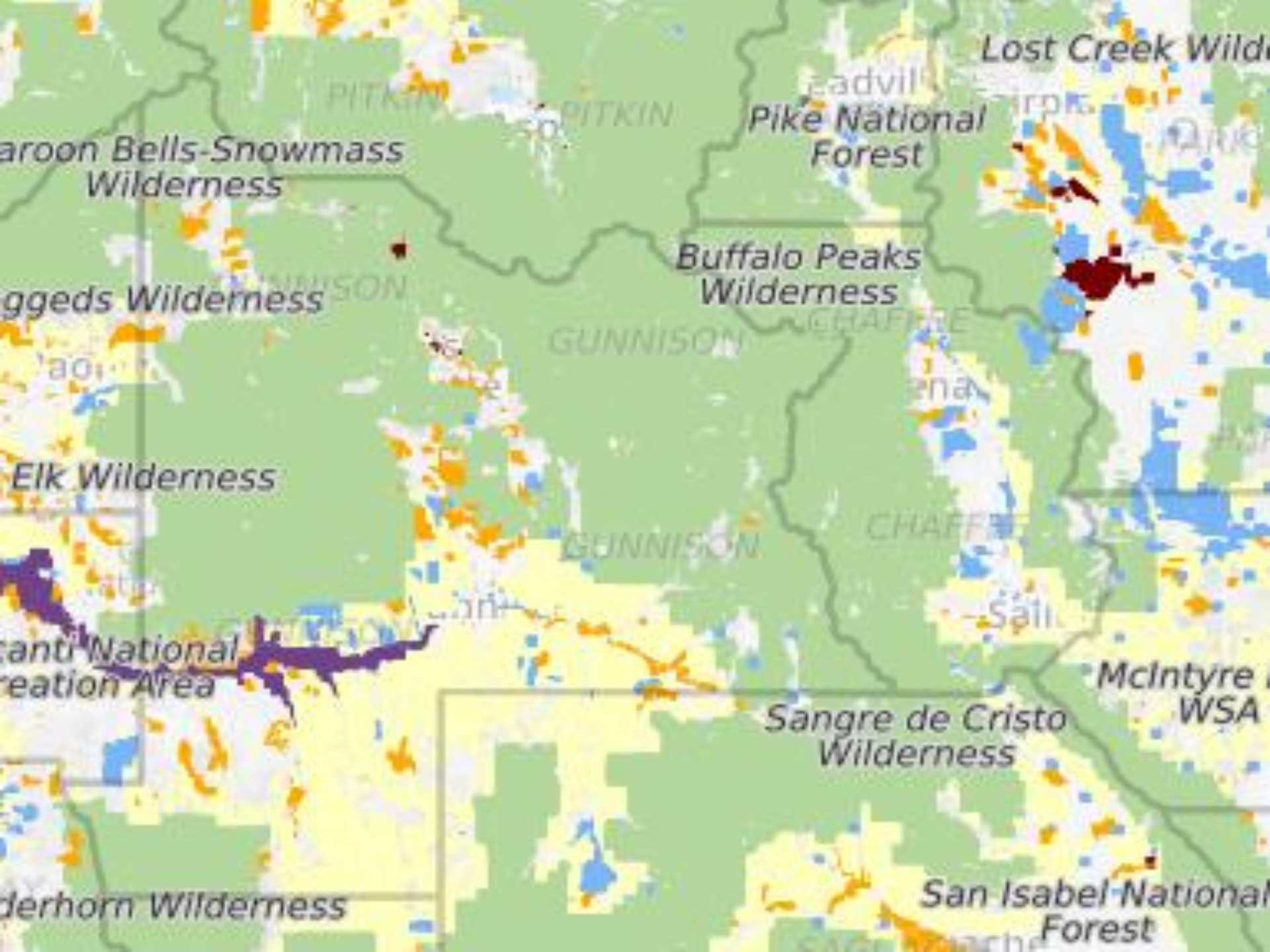
Public Investment

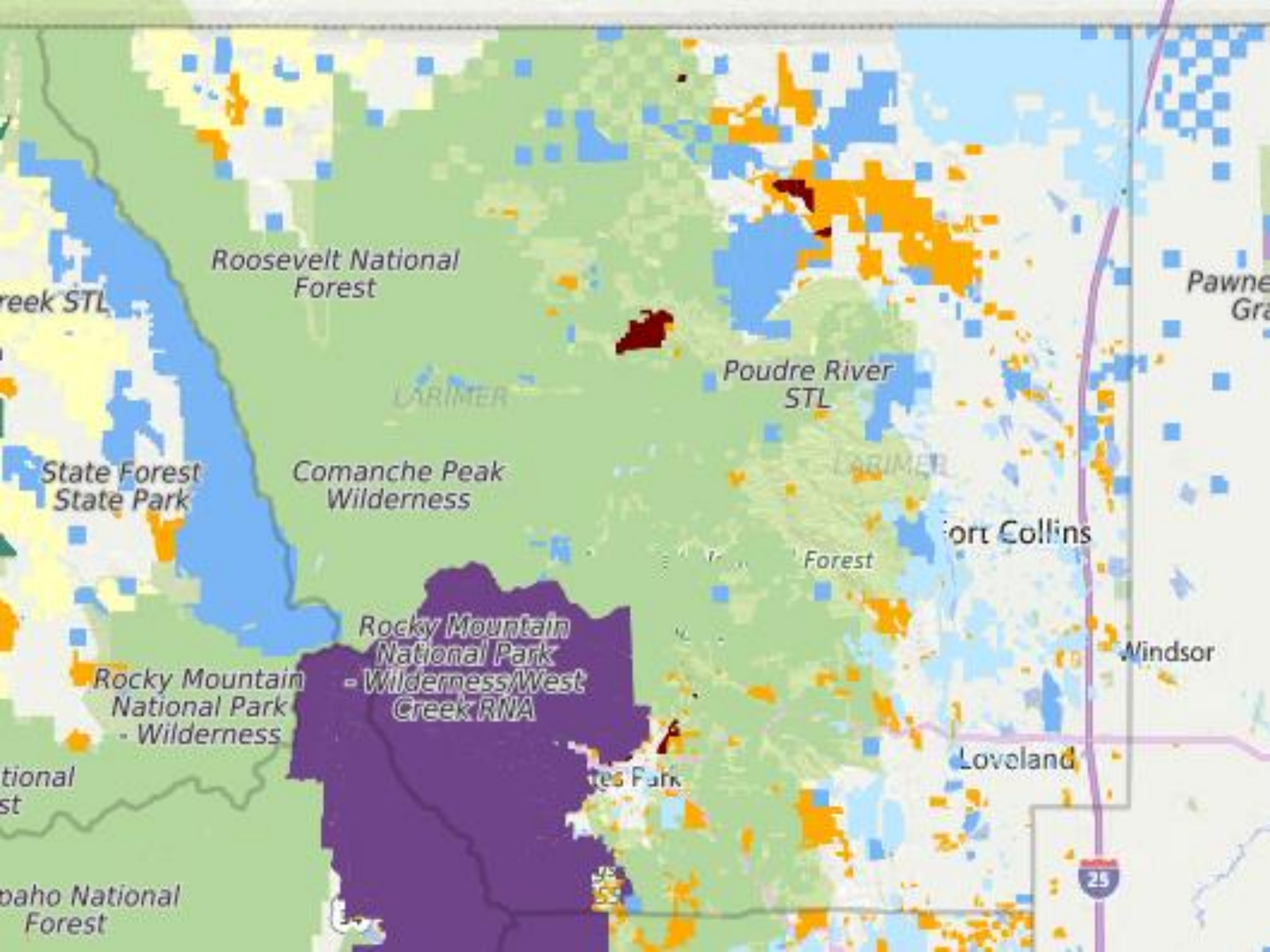
- State of Colorado has invested more than \$1.1 billion in public funds for the preservation of land through conservation easements
- \$280 million of that amount coming from GOCO
- More than \$770 million coming in the form of Colorado tax credits
- GOCO investments have been matched with more than \$760 million in federal and local government funding, as well as private landowner donations



Source: COMap







Roosevelt National Forest

LARIMER

Poudre River STL

LARIMER

State Forest State Park

Comanche Peak Wilderness

Fort Collins

Rocky Mountain National Park - Wilderness

Rocky Mountain National Park - Wilderness West Creek RNA

Forest

Windsor

State Park

Loveland

25

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Pawnee Gra

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paho National Forest

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?



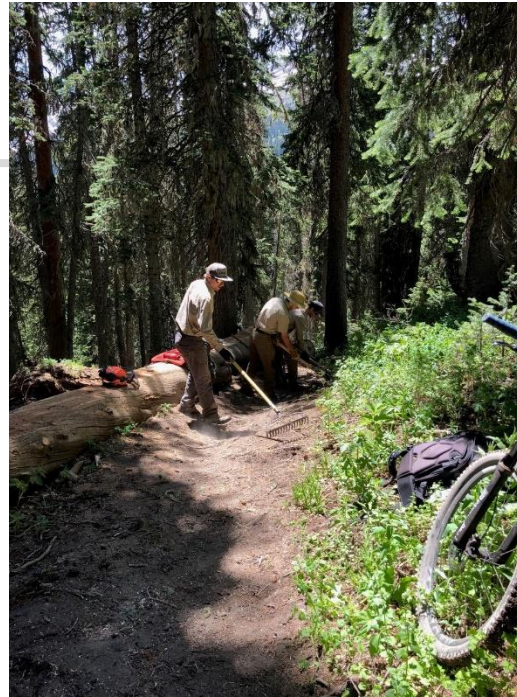
- Worked with National Forest Foundation to establish the Gunnison Stewardship Fund.
- Voluntary contribution from customers of outfitter/guides to fund.
- All funds stay in Gunnison County and are used on public and conserved lands.
- 2019 was kickoff year, approximately \$60,000 was awarded to local 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

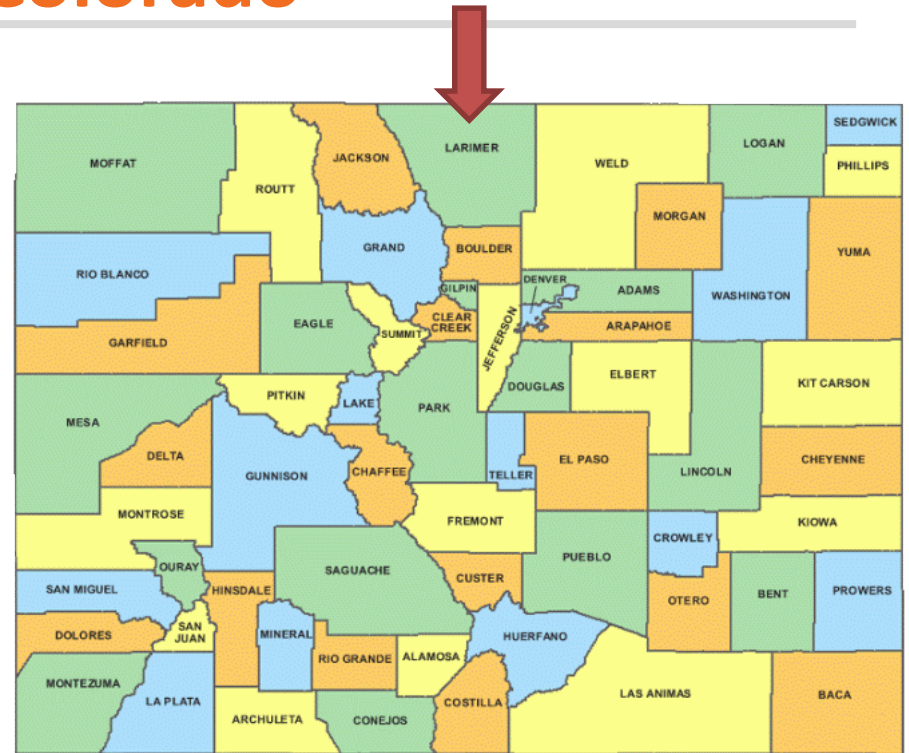
A 20+-Year Retrospective



RMLDT - MARCH 5, 2020

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%



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Larimer County's Mix of Tools

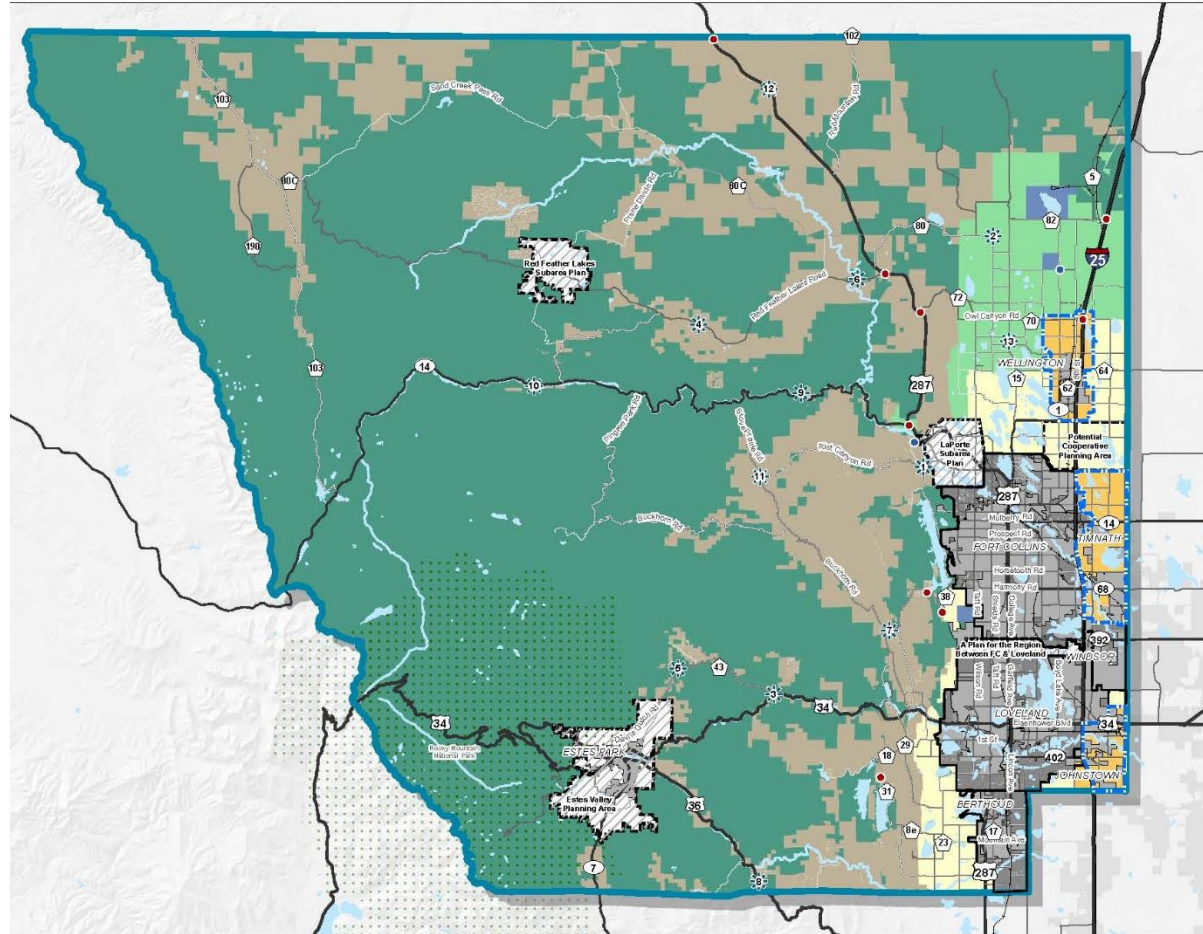
To achieve conservation goals:

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

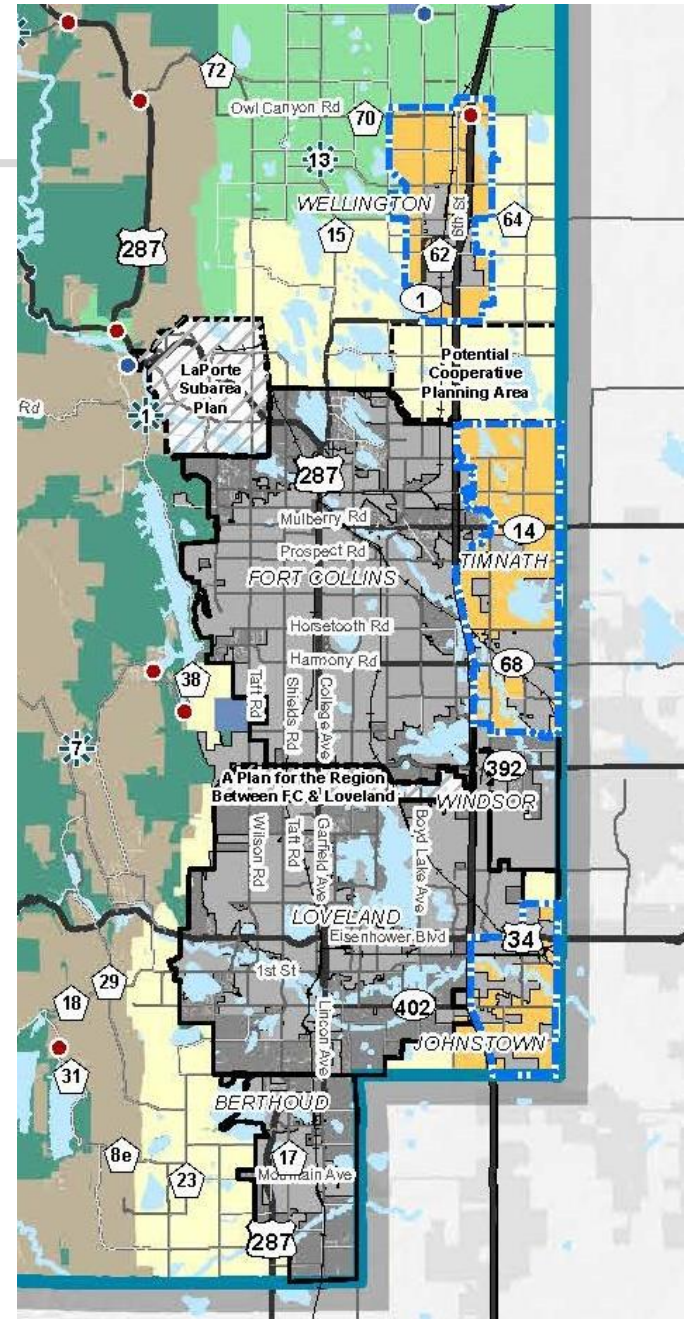


Growth Management – Regional Coordination

- Comprehensive Plan
- Most growth in cities and towns
- Inter-governmental Agreements
- Adequate public facilities



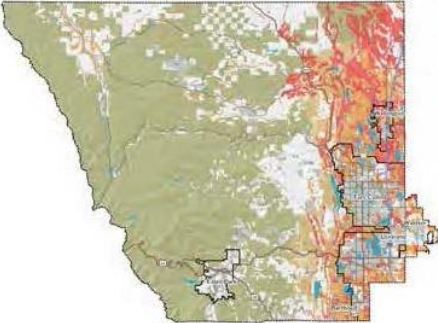
Urban and Rural Distinctions



Natural Resources

Our Lands – Our Future

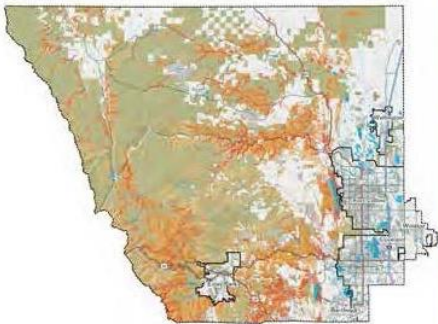
Working Farm & Ranch Opportunities



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 information and are not intended for use in a regulatory context. Rather they identify opportunities for project partners to work with willing landowners on voluntary land conservation.



2018

LARIMER COUNTY

NATURAL RESOURCES

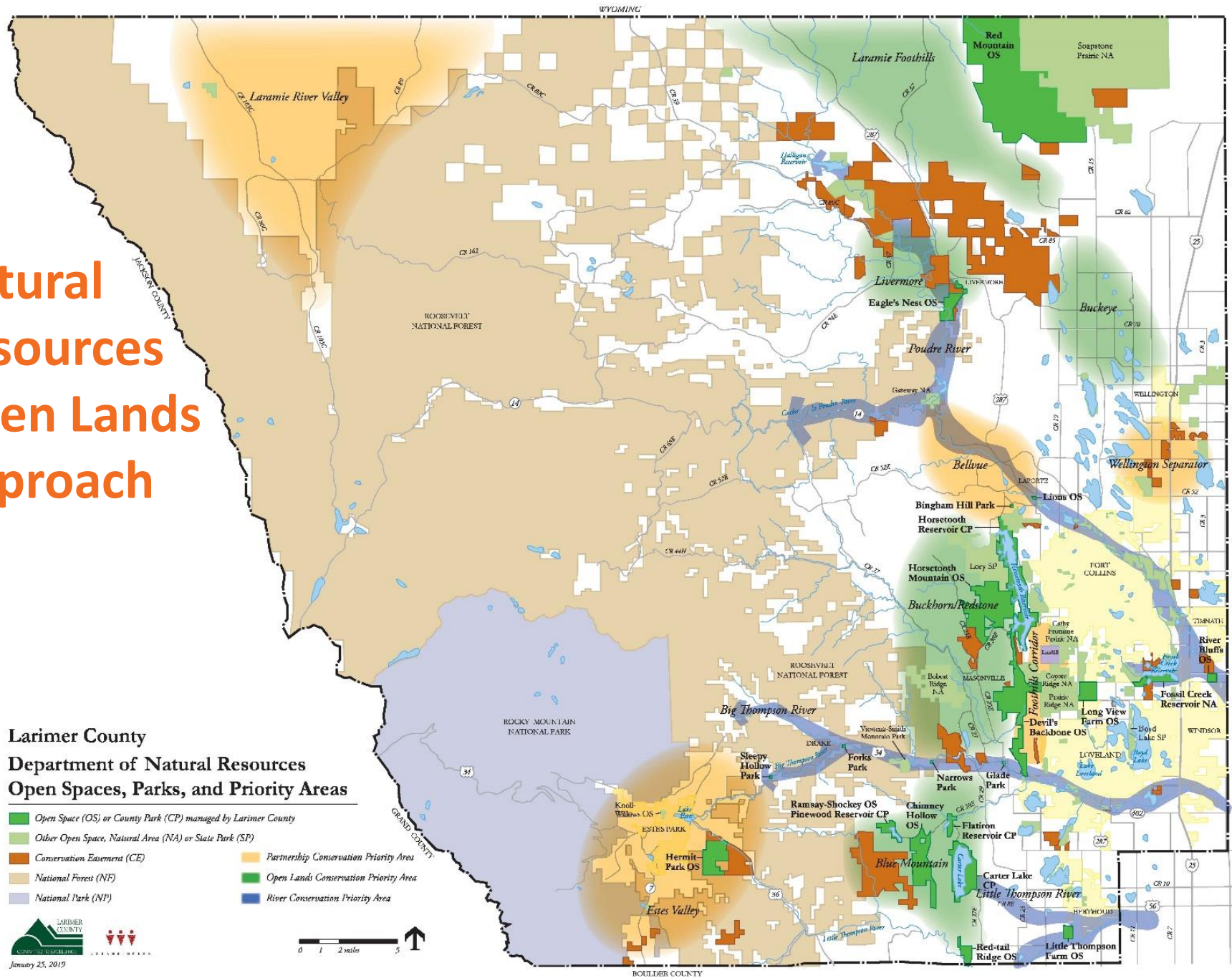
ANNUAL REPORT



Natural Resources Open Lands Approach

Larimer County Department of Natural Resources Open Spaces, Parks, and Priority Areas

- Open Space (OS) or County Park (CP) managed by Larimer County
- Other Open Space, Natural Area (NA) or State Park (SP)
- Conservation Easement (CE)
- National Forest (NF)
- National Park (NP)
- Partnership Conservation Priority Area
- Open Lands Conservation Priority Area
- River Conservation Priority Area





Red Mountain



Poudre River & Trails



Larimer County – Land Division and Rural Land Use Process



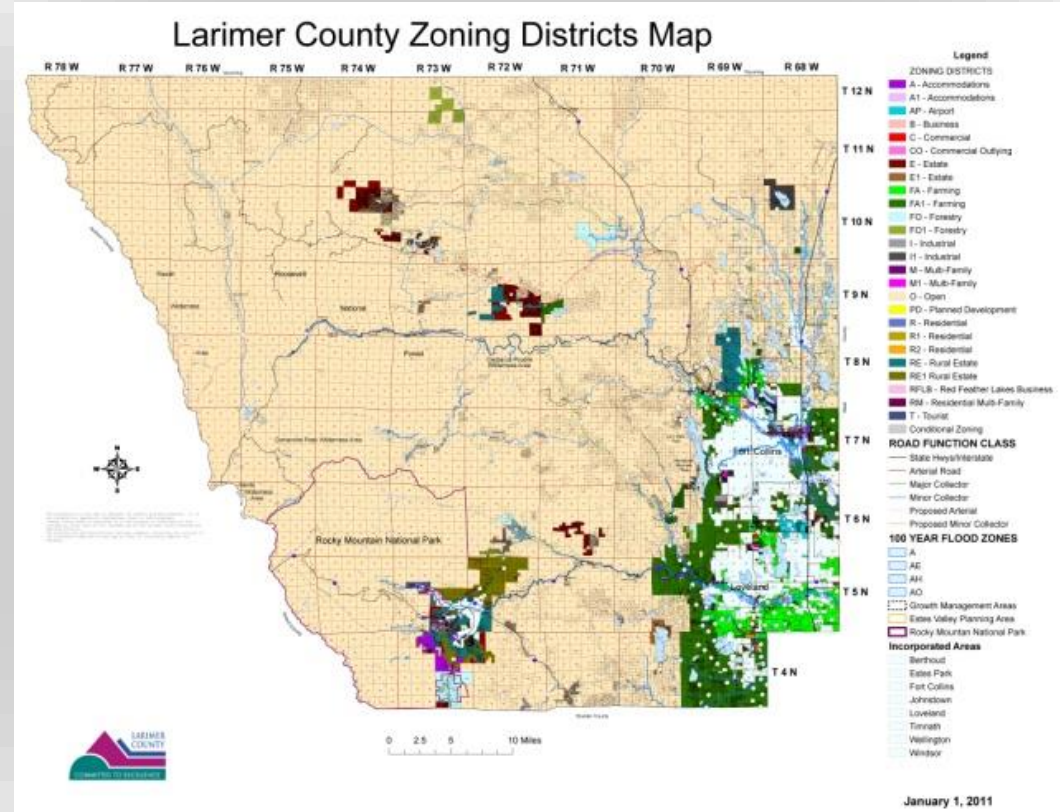
State regulations that affect land divisions



- 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 Use Code (2000)
 - ✓ Land division processes
 - ✓ Regulates standards for all development
 - ✓ Most land use regulations in one place



Rural Land Use Process formation



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



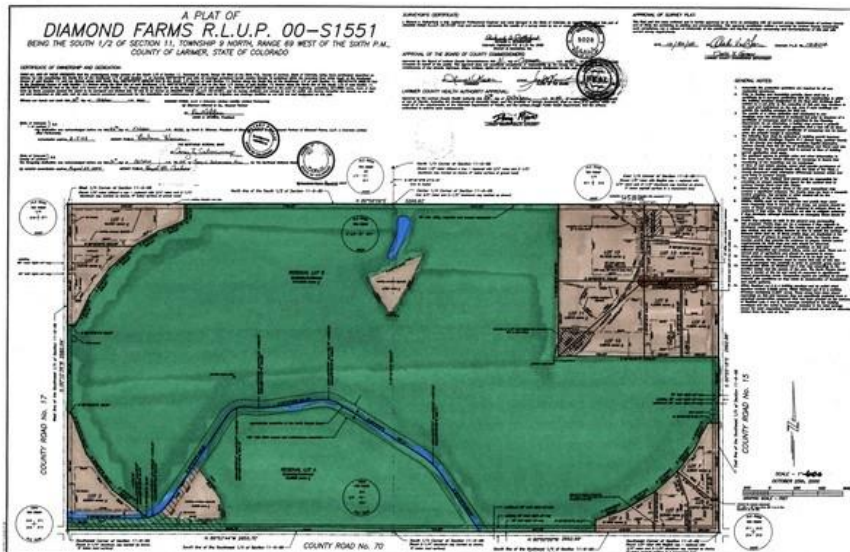
Example: Diamond Farms

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





Diamond Farms

Examples: Big Valley Homestead & Ellis Ranch RLUPs

Landowner Got:

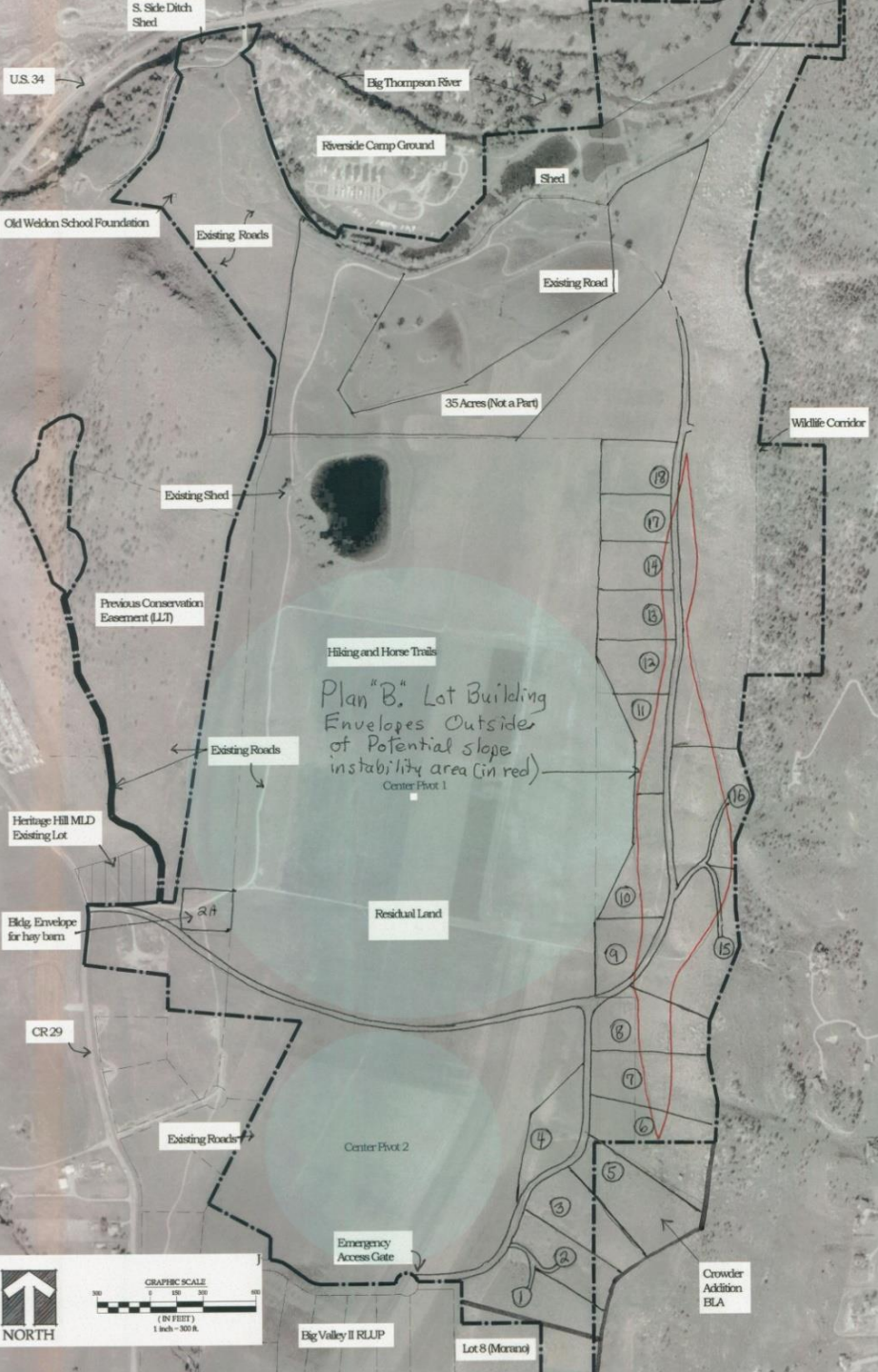
- Transferred home sites from non-contiguous parcel to more developable area
- 34 lots
- Continued agricultural use (over 700 acres)
- Faster and flexible review process
- Relaxed road standards

County Got:

- Ridgeline protection
- Less density than other processes
- Protected agricultural lands
- Increased tax base from new home sites
- Continuation of existing Dude Ranch business in County



Big Valley Homestead

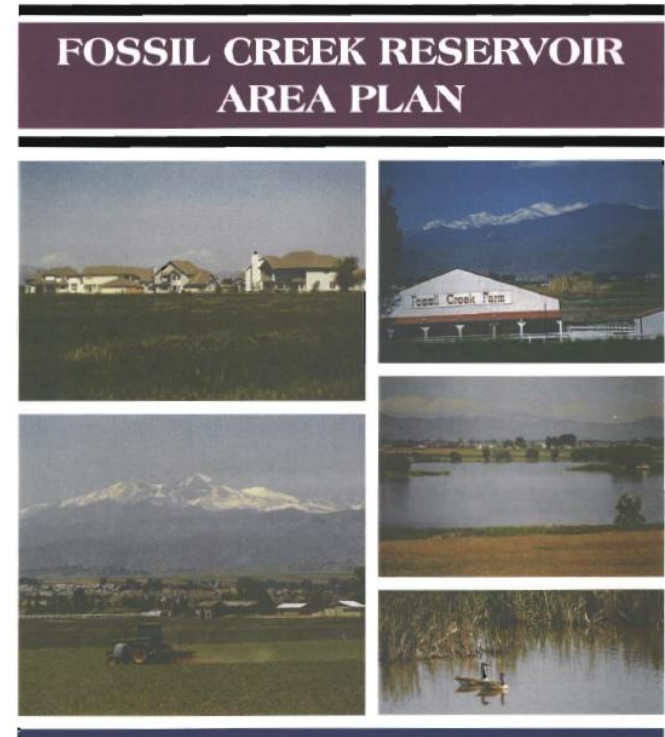




Ellis Ranch RLUP

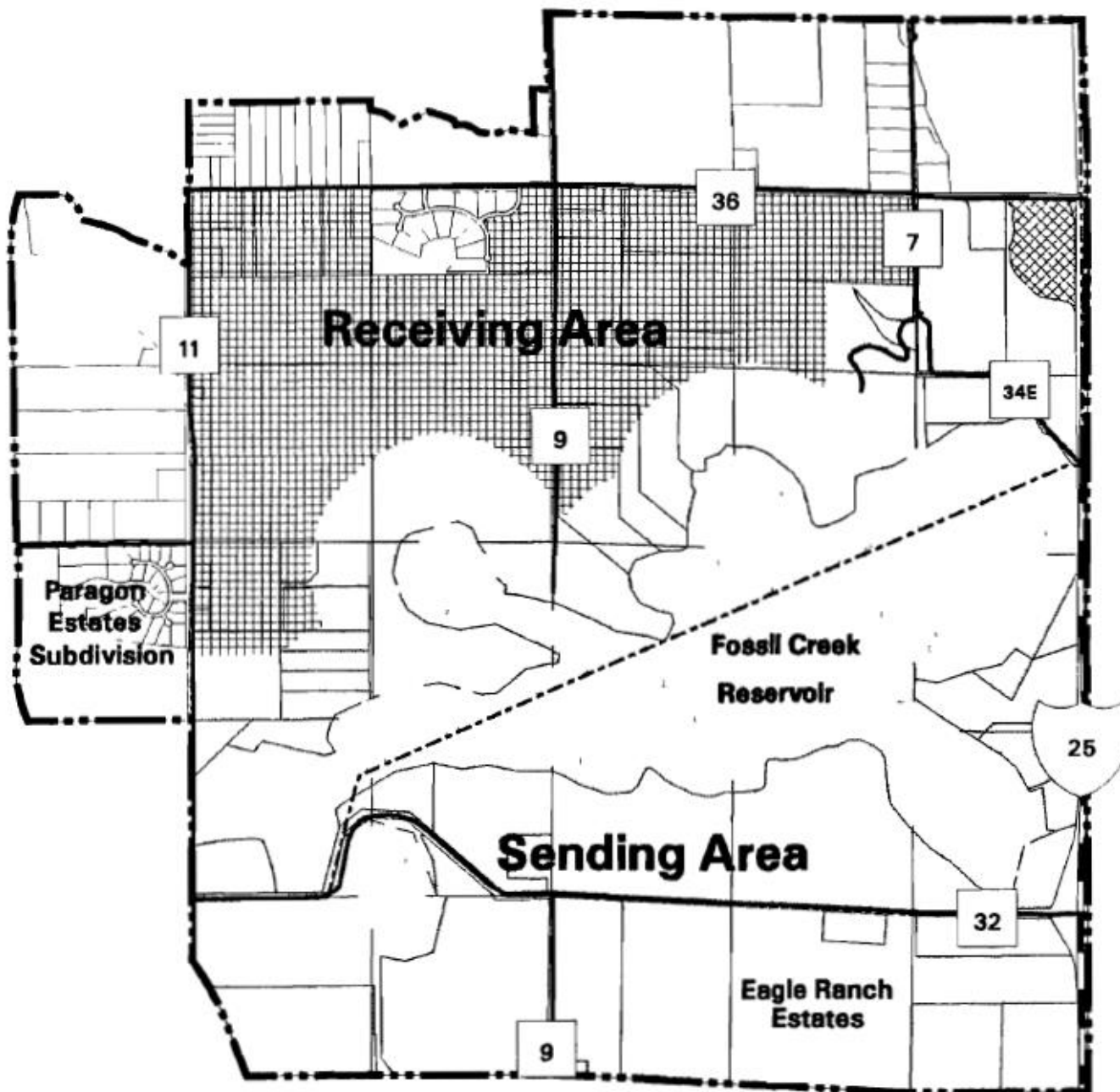
Fossil Creek Transfer of Development Units (TDU) Program

- 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



PARTNERSHIP
LAND USE
SYSTEM














NOT TO SCALE



MAP LEGEND

-  AREAS NOT IN TDU PROGRAM
-  SENDING AREA
-  RECEIVING AREA
-  OPEN WATER
-  100 YEAR FLOOD PLAIN
-  INTERSTATE AND US HIGHWAYS
-  MAJOR COUNTY ROADS
-  FORT COLLINS UGA BOUNDARY
-  STUDY AREA BOUNDARY

Date: March, 1998



Transfer of Development Units (TDU) Program
Sending/Receiving Areas Map



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!



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