

## ***Rural Land Planning*** **Land Conservation and Preservation: Open Space**

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## **Rural Land Planning** **Land Conservation and Preservation**

- **Three Kinds of Open Space:**
  - **Dedicated Open Space:**
    - Includes all land that is permanently preserved as open space either for public access, such as parks, or for natural or scenic values.
    - It also includes land that is privately owned but has been set aside for open space use as part of a development or some other purpose.
  - **Managed Open Space:**
    - Includes land that is used or preserved for some purpose other than open space but that provides open space characteristics.
    - This includes: cemeteries, utility company land, watershed (company) lands, golf courses, or private nature preserves.
  - **Perceived Open Space:**
    - Land that is vacant, not developed, and perceived to be open space, but is in private ownership and may be developed in the future.

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- **Setting Priorities for Protecting Open Space:** more important than absolute or relative amounts of open space, are selection criteria. Priorities should be established that reflect:
  - **Priorities should be established that reflect:**
    - the natural resources that exist in town,
    - the character of the community,
    - the utility of the open space, and
    - the wishes and desires of the residents.
  - **Additional criteria should address the utility of open space:** Isolated open space parcels may preserve an important natural resource but may not contribute to a meaningful open space system in town. On the other hand, if open spaces can be connected through trails or other means, they provide:
    - increased accessibility for all residents,
    - improved wildlife corridors, and
    - more opportunities for active or passive use

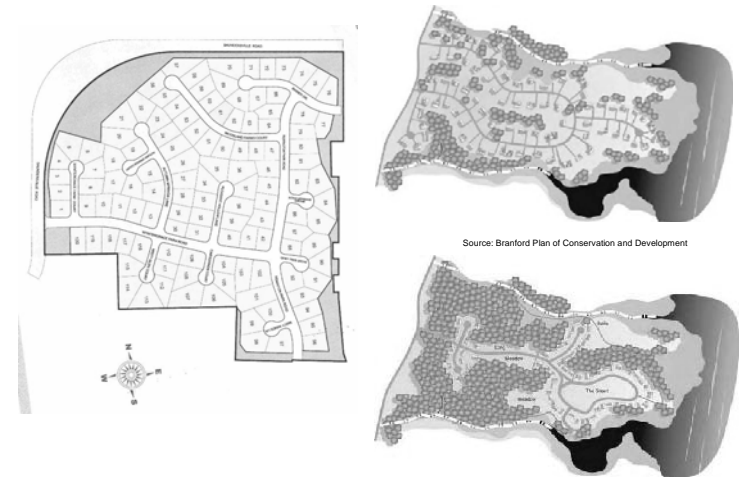
## **Rural Land Planning** **Land Conservation and Preservation**

- **Planning for Land Conservation and Preservation:**
  - **Dedicated Open Space:**
    - Land can be preserved as open space in a number of ways. Some tools that are available to permanently preserve open space (ranked in order of public cost) are:
      - Land donations by property owners.
      - Land purchases by:
        - » a land trust, or
        - » other conservation or recreation organizations.
      - Regulatory measures such as:
        - » open space “set-aside” requirements for subdivisions (10 percent),
        - » approvals that require conservation easements or other measures, or
        - » regulations that allow or encourage cluster development.
      - Land purchases by the town.
    - While other methods are also available, these are the basic tools in use in most communities in Connecticut.

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- C.G.S. Section 8-25 (Subdivision of Land):
  - Such regulations **shall also provide that the commission may require the provision of open spaces, parks and playgrounds** when, and in places, deemed proper by the planning commission, which open spaces, parks and playgrounds shall be shown on the subdivision plan.
  - Such regulations **may**, with the approval of the commission, **authorize the applicant to pay a fee to the municipality or pay a fee to the municipality and transfer land to the municipality in lieu of any requirement to provide open spaces.**
  - Such payment or combination of payment and the **fair market value of land transferred shall be equal to not more than ten per cent of the fair market value of the land to be subdivided prior to the approval of the subdivision.**
  - The fair market value shall be determined by an appraiser jointly selected by the commission and the applicant.
  - A fraction of such payment the numerator of which is one and the denominator of which is the number of approved parcels in the subdivision shall be made at the time of the sale of each approved parcel of land in the subdivision and placed in a fund in accordance with the provisions of section 8-25b.

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- **Planning for Land Conservation and Preservation:**
  - **Perceived Open Space (Public Act 490):** The PA-490 program allows a Town to assess land as farm, forest, or open space, reducing the tax burden on those parcels. By making such land more affordable to own, the program helps to reduce development pressure and maintain the amount of “perceived” open space in a community.
    - An important feature of the PA-490 program is that any property owner that sells the property within ten years of its designation must pay a recapture provision. If the property is sold within one year, it must repay 10% of the taxes “forgiven” and this decreases one percent per year until no recapture is due after ten years.
    - While farm or forest land can be designated by the assessor, the open space assessment is not supposed to be applied by a local assessor until:
      - the eligible land is identified in the Plan of C & D, and
      - an Open Space Plan has been adopted by the legislative body.
    - We must remember that the PA-490 program is not a program that encourages **permanent** open space preservation.
    - Rather, it is a program that reduces the property tax burden as a reason to develop the land.
    - PA-490 promotes land ownership strategies that enhance the **perception** of open space.