Coastal Training Program

Conservation Development FAQ'S

(Frequently Asked Questions)

1.) What is conservation development?

Conservation development is a more flexible way to accommodate growth while avoiding impacts to the environment and community character. It identifies and protects a minimum of 50% of the land that could otherwise be developed as permanently protected open space. The protected open space provides meaningful community assets such as scenic views, unique habitats, farms, forests, historical sites and other important features.

2.) How does conservation development differ from a cluster development?

Conservation development differs from a cluster subdivision in three important ways:

- Conservation development sets much higher standards for the quantity and quality of protected open space. Typically 50-70% of the land, without development constraints, is permanently set aside using conservation development versus 25-30% for cluster zoning. Cluster subdivisions do not always protect meaningful open space and often include unusable or non-buildable areas as protected open space.
- Conservation development is a flexible design process where unique site features of the parcel are identified and preserved in perpetuity. The "cookie cutter" approach, where building sites are created without regard to the natural characteristics of the land, is eliminated. Instead, development is directed to where the land is most suitable and where impacts to natural resources and community character can be avoided.
- Conservation development can be used to create an interconnected network of protected open space throughout the community. This adds value to each open space parcel and helps to create buffers between development, habitat, parks, surface water, farms and forests.

3.) Does Conservation development change density?

No, conservation development is density neutral. Unlike conventional development, where lot size (such as two acres) is identical to density, in conservation development lot sizes can vary. As required by State Law, the overall density allowed by zoning must not be exceeded. Therefore, conservation development permits smaller lot sizes but no additional lots.

4.) How does the community ensure permanent protection of the open space?

A conservation easement is placed on the chain of title (deed) to the land and cannot be removed, ensuring it will remain as open space in perpetuity. The conservation easement prescribes allowable uses for the parcel (including farming, forest management, or recreation) but prevents the property from being developed. It is recommended that multiple parties such as the community, homeowners association and a land trust be party to the conservation easement to make it easier to enforce over time.

5.) Who owns and maintains the open space?

Rhode Island law allows for four different ownership options:

- Private ownership, under the terms of a written management plan (deeded conservation easement).
- Homeowners Association.
- A non-profit conservation group such as a land trust, Nature Conservancy, or Audubon Society.
- Municipality.
- Combinations of the above. This provides flexibility for open space management and conservation easement enforcement.

6.) How is a conservation development taxed?

Conservation development lots are assessed at equal or greater value than conventional subdivision lots. Due to their proximity to open space and other amenities, conservation development lots have a greater value than lots in conventional subdivisions.

7.) Do conservation development lots have the same value and consumer appeal as conventional large lots?

A Rhode Island study has documented that lots in conservation development sell for as much as 17% more than conventional subdivision lots due to the added amenities of open space and aesthetics. Moreover, conservation development lots sell faster and hold a greater value over time than conventional large lots.

8.) What are the cost comparisons between conventional and conservation development?

Conservation development saves money! A RI study determined that the initial construction costs are lower for conservation development versus conventional subdivision lots. The operation and maintenance cost savings to communities are also lower since there is less road and stormwater infrastructure to maintain. There can also be lower transportation costs (time and gasoline) for school, police, fire and rescue vehicles.

9.) Will conservation development encourage more growth?

No. There are construction cost savings to developers but these can be balanced by an increased investment in planning, design and amenities. Communities that have adopted conservation development have not experienced an increase in growth.

10.) Is the review of conservation development projects going to be more time consuming for the town?

Initially it may take more time for community officials to review conservation development projects, but as familiarity with the process increases time spent decreases. By identifying and avoiding issues of concern early on in the design of a project conservation development can actually save time by speeding up the review process. Rhode Island law also allows communities to charge reasonable review and inspection fees so that the town can hire third party consultants to assist them. A model fee ordinance is available from the DEM Sustainable Watersheds Office. **Conservation Development Training** is also available from DEM and the Narragansett Bay Watershed Coastal Training Program (a program of the Narragansett Bay National Estuarine Research Reserve).

11.) Can smaller lots protect onsite wells from septic systems?

DEM will allow septic systems and wells on lots as small as one half acre. Conservation development directs growth to the most appropriate areas to avoid placing septic systems in marginal soils wherever possible.

12.) Does conservation development involve a "taking"?

NO. Conservation development does not constitute "a taking of land without compensation" for landowners or developers. Using conservation development does not involve greater density restrictions than traditional zoning, since the same number of lots can be developed.

For more information contact Scott Millar at RIDEM 401-222- 4700 or send e-mail to:
scott.millar@dem.ri.gov

August 2006