



# DISTRICT PLAN



# Conservation Easements S.W.O.T. Analysis Summary

District Plan Commission

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# Conservation Easements

## What is a Conservation Easement?

*“A conservation easement is a restriction placed on a piece of property to protect its associated resources.”*

*“...either voluntarily donated or sold by the landowner and constitutes a legally binding agreement that limits certain types of uses or prevents development from taking place on the land in perpetuity while the land remains in private hands”*

[nature.org](http://nature.org)

## Why are we analyzing this tool?

*“In concert with the other landowner options in this Chapter, the current priority for both Adams County and the City of Brighton’s Open Space Departments is to explore fee-simple acquisition and conservation easement opportunities, preserving agricultural lands in the District as they come up for sale.”*

# S.W.O.T. Analysis Process

S=Strengths: internal factors that have prompted outstanding organizational performance

W=Weaknesses: internal factors that have negatively impacted organizational performance

O=Opportunities: external factors that could positively affect an organization

T=Threats: external factors that could negatively affect organizational performance

- Four primary scenarios were identified where conservation easements would be applicable to properties in the District Plan area
- Each scenario was assessed using a S.W.O.T. analysis

# Conservation Easements

*S.W.O.T. analysis revealed some Strengths/Opportunities and Weaknesses/Threats that were applicable to conservation easements generally.*

<u>Strengths/Opportunities (+)</u>	<u>Weaknesses/Threats (-)</u>
<ul style="list-style-type: none"> <li>• ensure a perpetual, permanent outcome</li> <li>• tie water to land, ensure water is available for continued production</li> <li>• allow for wildlife movement/corridors</li> <li>• enable agricultural operations to continue</li> <li>• ability to program land for agriculture, related uses</li> <li>• can prevent subdivision of agricultural land</li> </ul>	<ul style="list-style-type: none"> <li>• do not ensure that production continues on the land</li> <li>• do not necessarily conserve local culture and/or agricultural support services needed</li> <li>• not a good fit for certain landowners</li> </ul>

# Scenarios Identified:

1. **Legacy** - Landowner sells conservation easement to entity, passes land on to heirs
2. **Government Managed** - Landowner sells land to entity, entity places under conservation easement, leases land to producer
3. **Private Ownership** - Landowner sells conservation easement to entity, sells land to producer at conservation price
4. **Government to Private Ownership** - Landowner sells land to entity, entity places land under conservation easement, entity sells land to producer at conservation price

# Scenario #1 – Legacy

*Landowner sells conservation easement to entity,  
passes land on to heirs*

<u>Strengths/Opportunities (+)</u>	<u>Weaknesses/Threats (-)</u>
<ul style="list-style-type: none"> <li>• <b>most affordable for City/County (same as #3)</b></li> <li>• management and maintenance by landowner</li> <li>• preserves the agricultural heritage, legacy</li> <li>• cash infusion for landowner</li> <li>• producer has roots in the area, has a stake</li> <li>• possible to be creative in how water is used</li> <li>• potential state/federal tax advantages</li> <li>• ensures retained ag property tax classification</li> </ul>	<ul style="list-style-type: none"> <li>• <b>requires heirs interested in continuing production on land</b></li> <li>• requires that landowner understands conservation easements</li> <li>• could be limiting in terms of flexibility with water use</li> </ul>



# Scenario #2 – Gov’t Management

*Landowner sells land to entity, entity places under conservation easement, leases land to producer*

<u>Strengths/Opportunities (+)</u>	<u>Weaknesses/Threats (-)</u>
<ul style="list-style-type: none"> <li>• <b>can ensure land stays in production</b></li> <li>• City/County understand conservation easements</li> <li>• guards against political changes affecting land use</li> <li>• flexibility with water use</li> <li>• opportunity for new producer to help fulfill District Plan vision</li> <li>• lease can be more affordable for producer</li> <li>• just need a willing seller</li> </ul>	<ul style="list-style-type: none"> <li>• <b>most expensive for City/County</b></li> <li>• City/County has to manage land by leasing and ensure that it is maintained</li> <li>• producer might be inexperienced</li> </ul>

# Scenario #3 – Private Ownership

*Landowner sells conservation easement to entity,  
sells land to producer at conservation price*

<u>Strengths/Opportunities (+)</u>	<u>Weaknesses/Threats (-)</u>
<ul style="list-style-type: none"> <li>• <b>most affordable for City/County (same as #3)</b></li> <li>• management and maintenance by landowner</li> <li>• possible to be creative in how water is used</li> </ul>	<ul style="list-style-type: none"> <li>• <b>requires work by landowner to find appropriate buyer</b></li> <li>• requires that landowner understands conservation easements</li> <li>• unclear if conservation easement would lower the purchase price enough to be affordable for a producer, also not as attractive for resale (risky)</li> <li>• could be limiting in terms of flexibility with water use</li> <li>• producer might be inexperienced</li> </ul>



# Scenario #4 – Gov’t to Private Ownership

*Landowner sells land to entity,  
entity places land under conservation easement,  
entity sells land to producer at conservation price*

<u>Strengths/Opportunities (+)</u>	<u>Weaknesses/Threats (-)</u>
<ul style="list-style-type: none"> <li>• <b>City/County has knowledge of conservation easements and ability to attract appropriate buyer</b></li> <li>• Moderately expensive for City/County (not the most expensive option)</li> <li>• management and maintenance by landowner</li> </ul>	<ul style="list-style-type: none"> <li>• <b>potential legal implications and/or perceptions about benefit to City/County</b></li> <li>• unsure of funders’ opinion of strategy</li> <li>• unclear if the conservation easement would lower the purchase price enough to be affordable for a producer, also not attractive for resale (risky)</li> <li>• producer might be inexperienced</li> </ul>

# Conclusions

- Scenario #1 (Legacy): staff can ensure that the option is communicated to landowners, in case there is interest.
- Scenario #2 (Gov't Management) cannot be the only strategy because of the costs involved.
- Scenario #3 (Private Ownership) requires more education of landowners, and the availability of willing conservation buyers.
- Scenario #4 (Gov't to Private Ownership) requires investigating the willingness of the City/County and potential funders to pursue, and the availability of willing conservation buyers.

# Next Steps

- Develop Conservation Easement Toolkit explaining different options, resources available in Q4. Focus on Scenario #2 (Gov't Management) and #3 (Private Ownership).
- Explore alternative models on a case by case basis.
- Explore best practices for conservation easements for agricultural land.