

# Conservation Development FAQ'S

## (Frequently Asked Questions)

### 1.) What is conservation development?

Conservation development (CD) is a more flexible way to accommodate growth while avoiding impacts to the environment and community character. It is a type of cluster development that uses an objective site design process to identify the areas that are most important to protect from development. CD 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.. 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 site 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. As required by State Law, the overall density allowed by zoning can 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. The RI DEM has prepared the *Rhode Island Conservation Easement Guidance Manual* that comprehensively answers questions regarding conservation easements and contains a model conservation easement that municipalities can use as a starting point.

### 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. Rhode Island municipalities that have adopted conservation development have **not** experienced an increase in growth.

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

Initially it may take more time for community officials to review conservation development projects, but eventually it shouldn't be any longer than a conventional development. A conservation development can actually save time by speeding up the review process by identifying and avoiding issues of concern early on in the design of a project. 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.

**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. The overall density on the site remains the same as a conventional development.

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

NO. Conservation development does not constitute "a taking of land without compensation" for landowners or developers. Conservation development allows the same number of lots to be developed as a conventional development and provides the same or greater value to the land owner or developer.

**14.) What are the advantages of conservation development to the municipality?**

Conservation development can preserve community character such as important natural, cultural or recreational resources for free. It can also save the municipality money by reducing the length of new roads to be maintained. CD can maintain farm and forest land to support agricultural and forest products businesses. New development can blend more effectively into the surrounding neighborhood.

**15.) Can conservation development be used for other types of development?**

Yes, conservation development can and should be used for all development. It will avoid and reduce negative impacts to the extent possible and help to meet the requirements of low impact development storm water management.

**16.) Have other RI municipalities adopted conservation development?**

Yes, as of December 2019 seventeen towns have adopted conservation development