Options for Achieving Conservation with Density Fee Funds

If the County creates a density fee program, it will need a mechanism for purchasing development rights with those fee revenues. Initially at least, the amount of fee revenues will likely be fairly low. The challenge will be pooling and using fee revenues for development right purchases with as little program/administrative cost as possible.

Following are four options for consideration. They are briefly described below, along with some of the advantages and disadvantages of each option:

1. **Provide funds to the Farmland Legacy Program to be used for purchases of Ag-NRL development right.**

   Pros:
   - This would appear to be the simplest approach, making use of an existing program that has a proven track record of land conservation.
   - It would reassure those who fear that a new TDR/Density Fee program would harm Farmland Legacy.

   Cons:
   - Agricultural land conservation would be the only beneficiary - even though ag lands already have the Farmland Legacy Program dedicated to their conservation.
   - Other resource conservation interests would like to see TDR/Density Fee used to assist in the conservation of forest and other resource lands.

2. **Broaden the focus of the County's current Conservation Futures program.**
   a. The Farmland Legacy Program, which operates under the Conservation Futures umbrella, would continue its work with its current priorities and program structure.
   b. A counterpart program or function would be created under the Conservation Futures umbrella to use density fee revenues for conservation of other natural resource lands.

   Pros:
   - By being housed within the Conservation Futures program, a new program or function would benefit from the 18 years of successful conservation experience developed by Conservation Futures/Farmland Legacy.
   - The new function could start small and receive staff and administrative support from the existing Conservation Futures/Farmland Legacy program.

   Cons:
   - Farmland Legacy Program supporters might see this option as drawing resources away from Ag-NRL conservation, and possibly as the beginning of an effort to redirect Conservation Futures tax dollars toward other conservation uses.

- Supporters of other land conservation goals in addition to agricultural land may worry that the Conservation Futures/Farmland Legacy Program's agricultural land emphasis would unduly influence the use of new density fee revenues.

3. **Create a new County program or function to use density fee revenues to purchase development rights from designated sending/conservation areas.**

The program would be operated separately from Conservation Futures and Farmland Legacy, perhaps within the Public Works Department's natural resources division.

Pros

- Independence from the Farmland Legacy Program might reassure advocates of ag land conservation *and* those who support conservation of other resource lands that there would be no intermingling of the two.

Cons

- Whatever benefits or synergies that could be gained from housing a new conservation program under the Conservation Futures umbrella might be reduced or lost.
- Establishing a new conservation program or function require some level of staff support, which may not be warranted until density fee revenues reach a certain annual dollar amount.

A lower-cost start-up option might be for existing staff in the Public Works or Planning departments to oversee the density fee conservation function. When adequate fee revenues were accumulated, the County would issue a call for applications from property owners interesting in selling development rights. Staff would review and evaluate proposals using established criteria and make recommendations to the Board of County Commissioners, who would make the final decisions. This would be similar to the process used with applications for open space taxation status.

4. **Contract with a separate entity, such as a land trust, to purchase development rights from designated sending/conservation areas using density fee revenues.**

Under this approach, program costs would be contracted out to an organization with a proven track record in land conservation. Resulting conservation easements could conceivably be held by the County or by the third-party organization.

Pros:

- This option might be more efficient than creating a new county conservation program.
- A city that chooses to participate in the County's density fee program could choose this option for conservation purchases.

Cons:

- Even with a tightly-worded cooperative agreement, there would be some loss of control and potentially public accountability under such an arrangement.
- Some members of the public might be uncomfortable with a private organization administering a public conservation program.