



PAS MEMO

Conservation Limited Development for Local Governments

By Wayne Feiden, FAICP

A city wants to permanently protect most of a large tract of land as permanent open space while serving other city goals with smaller portions of the land. Various approaches have been suggested, from regulatory changes, city financial investments, and city partnerships with developers, affordable housing developers, land trusts, and neighborhood groups. What's the best option?

One option to consider is *conservation limited development*, or simply *limited development*. This development model preserves a large portion of a tract of land for conservation, while allowing limited development on some portion of that land. In a good limited development, the land with the most important conservation values is preserved. The limited development occurs on the land with lower conservation values, with less development or covering a smaller area than allowed by regulations. This is distinguished from a conservation subdivision or development, which usually maximizes the amount of development consistent with the market and the regulations.

Local governments might use limited development to serve conservation needs, make a deal financially viable, or meet a seller's needs. Local governments may also be looking to serve other public planning objectives, including expanding the tax base or economy, creating building lots to prevent local housing prices from rising as a result of taking conservation land off the market, providing land for affordable housing, or meeting any other local needs.

Local governments may encourage limited development through a careful regulatory scheme; through partnerships with land trusts, developers, and conservation buyers; or by directly playing the role of a master developer.

This *PAS Memo* explains the role of local governments as conservation limited development master developers and explores how they may otherwise take a far more active role in coordinating limited development than simply writing regulations.



Figure 1. A conservation limited development with four Habitat for Humanity homes and 53 acres of permanently protected open space in Northampton, Massachusetts. Photo by Wayne Feiden.

Conservation Limited Development and Partnerships

The classic conservation subdivisions or designs are projects that preserve some open space and conservation resources and are usually driven by regulatory requirements and maximization of investment returns. These regulatory requirements are known alternatively as conservation subdivision, conservation design and development, cluster development, open space residential development, or context-sensitive development ordinances, as well as natural resources protection ordinances.

Typically, these approaches create more sensitive developments than traditional zoning and subdivision cookie-cutter designs, but they are not true limited development conservation projects. Instead, these projects typically preserve a certain amount of open space, as required by local codes, without pri-

oritizing conservation values by protecting the most valuable open space. (For discussion of these regulatory conservation developments, see Arendt 2013, Dexter 2011, and Belansky and Justus 2000.)

Some communities do go further, however, and require that development be planned only after optimizing the preservation of conservation values. The small town of Wendell, Massachusetts, for example, has “conservation development” zoning that requires the town to agree on which portion of the land has the greatest conservation values before the developer can design the clustered development on the remaining land (Wendell 2016).

Conservation limited development is very different from regulatory and investment driven approaches. A limited development is driven foremost by preserving the land most valuable for conservation purposes and almost always with significantly less development than regulatory structures and the market would allow. It may be undertaken by land trusts, private developers, or public entities.

Land trusts primarily use limited development as a financial technique. A small amount of development brings in revenue and can reduce the amount a seller needs for the remaining land, making the conservation project possible. In some cases, limited development is used to meet a seller’s needs, such as to house his or her family or workers, or provide opportunities to maintain a historic way of life (e.g., ranching). For land trusts, limited development is usually about making the conservation deal happen.

Developers use limited development for several reasons. First, in some cases the market or the developer values protected open space adjacent to their development area. Especially at the high end of the market, giving up some development land for conservation may provide viable, if not greater, returns from the remaining developable land than from a traditional development. Second, the regulatory path may be easier with limited development, whether it is driven by the need to meet state and federal environmental regulations or driven by local government regulatory requirements. Finally, developers may only be able to purchase land from local governments or land trusts with site control under the condition that the developer may only undertake limited development. (See, for example, McMahon 2010, in which most of the examples are developer-led limited developments.) For many developers, limited development achieves Benjamin Franklin’s adage of “doing well by doing good.”

In contrast, local governments usually have a more complicated equation than land trusts or developers as owners, master developers, or facilitators of limited development projects. Local governments have multiple stakeholders and multiple objectives, often with competing agendas.

For local governments, limited development is typically foremost about preserving land with conservation, recreation, agricultural, or scenic resources. Secondary objectives, however, can be critically important. Limited developments can include commercial development and subsidized affordable, entry, attainable, or market-rate housing (Figure 1, p. 1). Limited development can include the entitlement of new commercial and

residential development opportunities to increase the supply and thereby limit inflation in land values. Limited development can also include anything from solar photovoltaics to green cemeteries.

While conservation projects dominate, the preserved land might also be used for greenways, blueways (blues can include trails along a river and, at least for the National Blueway program, a focus on source to the sea), parks, farmland, or any other open space use. Agricultural- or food-centered development, or “agrihoods,” preserve both open space and local agriculture while supporting some limited development. In urban areas, the agriculture component might include, for example, a community garden, farmers/makers’ market, or food trucks, while in suburban and rural areas the agriculture might be a community garden, private farm, or community supported agriculture (CSA). (See, for example, Norris, Carey, MacCleery, and Marshall 2016; Murphy 2014; and South Village 2019.)

Limited development provides the potential to preserve open space and advance conservation values at less cost than other methods, while achieving multiple community objectives. They can be, however, more complex and risky and require an experienced team as compared with a simple regulatory approach or deferring to other partners, like land trusts, to take on the task.

Successful limited developments often entail some kind of partnership between local governments, land trusts, and/or private developers or investors (Figure 2). These are part of the much larger category of public-private partnerships (P3s). Local governments can decide if they want to cooperate with land-trust or developer-led projects, or fill the void and achieve their multiple objectives by taking the lead.

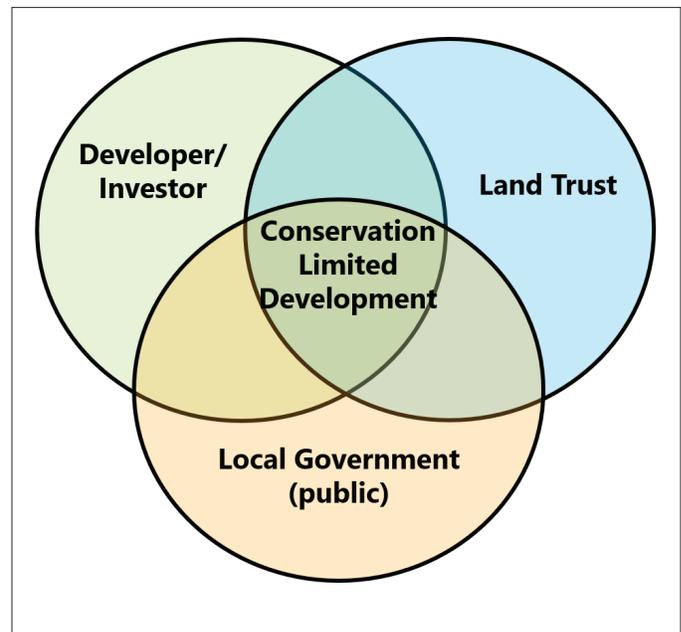


Figure 2. Creating a conservation limited development as a public-private partnership (P3) can often advance projects faster than any party could alone, spreading risks and financing needs. Image courtesy Wayne Feiden.

Limited Developments Can Finance Conservation

The small town of Norwell, Massachusetts (pop. 10,500), wanted to preserve the 175-acre Donovan estate, but at a cost of \$3.9 million (1998 dollars) and no available outside funding, it was a challenge.

Norwell hired Dodson and Flinker Associates to coordinate a shared community vision, with public participation, master planning, and rezoning. What emerged was a plan for 40 market-rate senior housing units on 15 acres with a 30-acre permanently protected central green. The town purchased the 175 acres and, once a community consensus and new zoning

was in place, was then able to sell the 45-acre limited development parcel to a developer for more than the town paid for the entire 175 acres, allowing an additional 130 acres to be permanently protected for open space and a cemetery (Arendt 2015).

The Norwell Master Plan cites Donovan Farms as its only conservation subdivision, with 40 townhouses that add to area property values and fit well in a town dominated by single-family homes. The project protects valuable open space and the new cemetery while creating senior housing and a sense of identity (Norwell 2005).

Opportunities for Local Government-Driven Limited Developments

Local governments may serve as limited development initiators, sponsors, master developers, project managers, partners, funders, or approving agencies. This *PAS Memo* focuses mostly on the role of local governments as master developers, as it is the most complex and illustrates points that also apply for simpler approaches.

Often, local governments serve multiple roles at once. As with most public-sector planning, the most important conversation is to identify the local government's goals and objectives, from a duly adopted plan or from a project-based public participation

planning process, as they relate to a specific potential limited development or to limited development in general.

Limited developments can be used as a growth management tool, allowing local governments to steer development to appropriate locations. In those few communities with unbridled and problematic growth, limited development might slow the rate of development. More importantly, in all communities, limited development can allow local government, through elected and appointed officials, a deciding voice in which portion of property gets developed, and which portion gets preserved, all to further planning objectives.

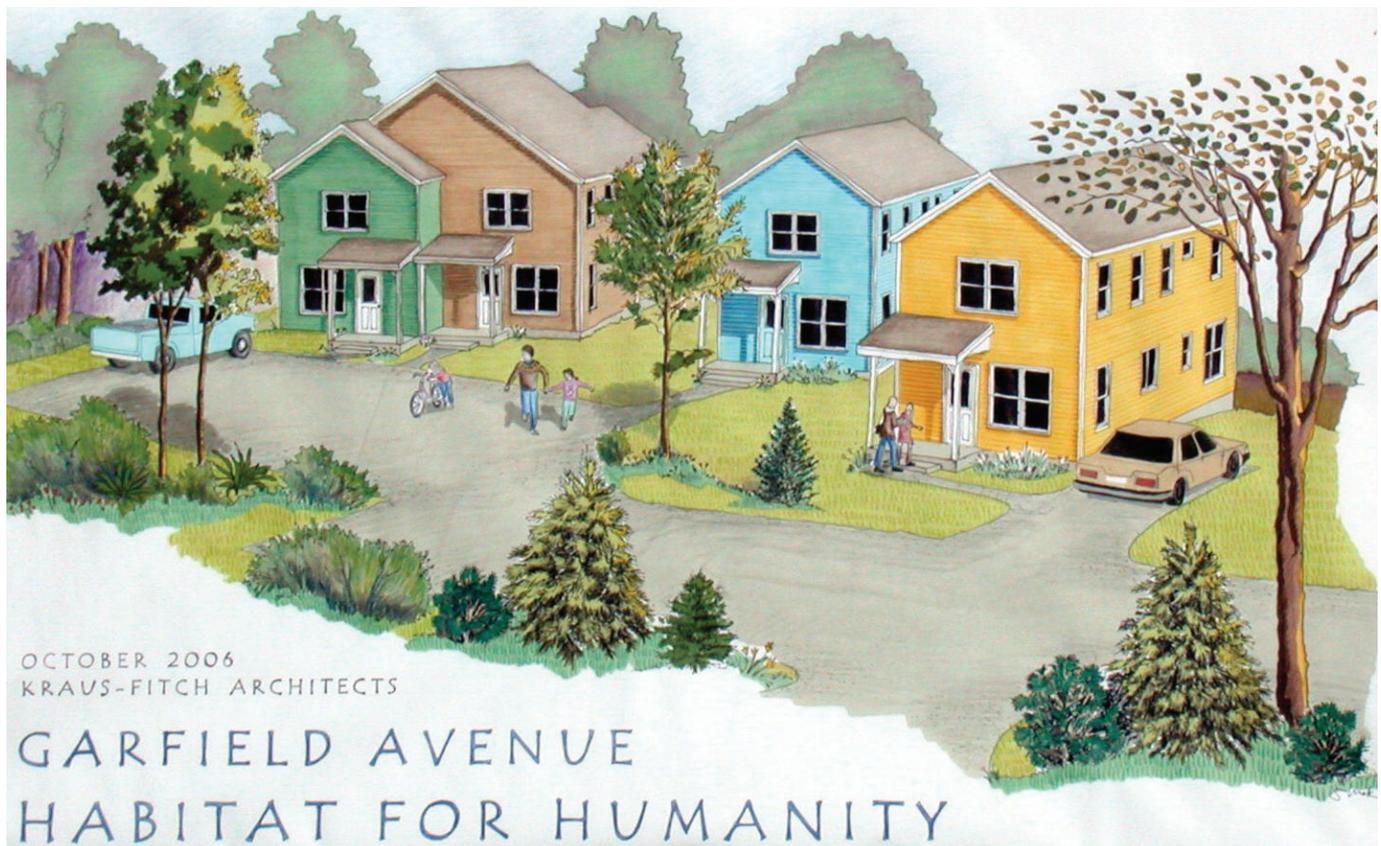


Figure 3. Limited developments can provide affordable and attainable housing or market rate housing, in this case a Habitat for Humanity affordable housing development in Northampton. Image courtesy Laura Fitch and Mary Kraus; rendering by Laura Fitch.



Figure 4. A limited development can tie greenways together, add parks, serve low-income or environmental justice populations, and encourage economic activity. Image courtesy City of Northampton; design by Berkshire Design.

Limited development can also direct what is developed. For example, aggressive open space preservation might have the undesired effect of driving up land prices and making housing or other kinds of development unattainable for major segments of the population, especially lower-income residents facing a rapid inflation in housing costs. Identifying land for development within a limited development can complement encouraging greater density and attainable housing in appropriate locations (Figure 3, p. 4).

In Northampton, for example, the city replaced its target for open space from a percentage of the city’s land area to a new objective of “Ensure new residential building lots and building opportunities are created to prevent open space preservation efforts from driving up the cost of residential development” (Northampton 2018). The city is creating these new residential opportunities through a combination of regulatory changes, public investments, and limited development projects. And in addition to housing, limited development can address any other need, from economic development to municipal uses to clean energy.

Limited development might also be closely linked to the conservation values for which land is being protected. For example, limited development can include housing, processing, and ancillary services for those who work permanently protected farmland and working landscapes. Land trusts have pioneered some of these techniques to help keep traditional ways of life alive, whether it is the Nature Conservancy’s ranch and farmland preservation efforts or the Mohonk Trust, which

carved out 1,200 acres for the historic Mohonk Mountain House resort and preserved 8,000 acres of open space in New York State (Mohonk Mountain House n.d.).

Limited development may also be used to achieve other planning objectives (Figure 4). They can help create clear boundaries between urban and rural areas or provide space for other municipal needs (e.g., water towers, landfill buffers, or solar photovoltaics for community solar or local green energy needs). Limited developments may also be used to demonstrate to the private investment community what is possible, in the hope that private investors will use the same concepts and regulatory and financial incentives for their own future projects.

Local government-led limited developments can also promote new ideas. For example, design competitions for the development can engage the community and inform community conversations about community goals. In concert with new and controversial upzoning that dramatically reduced minimum lot size and frontage in residential neighborhoods abutting downtown and commercial centers, the city of Northampton acted as the master developer for a limited development with lots that complied with the new zoning but were smaller and narrower than most lots in the neighborhood. The city co-sponsored a narrow lot design competition with the Western Massachusetts American Institute of Architects (WMAIA) in which it invited architects from western Massachusetts and beyond to design homes for small and narrow lots. The results were displayed in a downtown art gallery for a week and promoted the show widely on media and social media.

Just Big Enough--Green Housing for ALL Architectural Design Competition Invitation for Designs

Sponsored by the City of Northampton | Co-sponsored AIA Western Massachusetts
Supported by Boston Society of Architects Foundation and PV Habitat for Humanity



AIA Western
Massachusetts

BSA FOUNDATION



Objective:

Demonstrate potential for small, green, and affordable housing units

Figure 5. A limited development provided the canvas for the "Just Big Enough" design competition, promoting the virtues of small green homes and attracting hundreds of people to the design exhibition. Top and middle images, courtesy Wayne Feiden, City of Northampton; bottom image courtesy Simple City Studio.



A second competition for another limited development was also sponsored by the city and WMAIA with support from the Boston Society of Architects. “Just Big Enough: Green Housing for All,” promoted very small and extremely energy efficient homes (Figure 5, p. 5). In both cases, the city was the limited development master developer, purchasing the entire property and then donating or selling lots below market rate to promote these designs and more attainable housing.

Finally, local government-sponsored limited developments are a great way to broaden government staff perspectives. There is nothing like having planners serve as master developers to get them to think about the quality of their own regulations and the challenges facing developers in the permitting process. (See, for example, West 2016.)

Challenges for Local Government-Driven Limited Development

Limited development can create both unparalleled opportunities and various new challenges for local governments. How well they address those challenges is often a function of the local culture.

Conflicts of Interest and Regulatory and Ethical Obligations

Planning offices may both manage limited developments and coordinate the permitting and entitlement process, potentially creating real or perceived conflicts of interest. The deeper a local government is involved in a limited development (on the continuum from being the project lead and investor to simply giving support to a developer- or land trust–led effort), the deeper the potential, but avoidable, conflicts can appear. Because the perception of a conflict of interest as important as a real conflict, this issue must be carefully addressed.

There are a few key ways to address these issues. First, as in all planning functions, it is critical that there be no personal financial conflict: no city staff who will benefit personally in any way from the project.

Second, transparency and disclosure on limited development are critical, especially in obtaining whatever internal approvals are required (e.g., mayor, city council, or city manager); when appearing before any regulatory board (e.g., planning commission, zoning board, or stormwater approving authority); and when presenting to the community at public forums, including forums on the project before it enters the regulatory process.

Third, it is important to create an ethical wall between the staff working on permitting and entitlements and the staff working on the limited development. This ethical wall extends to any development partner to ensure that no developer either feels any pressure to become a community partner or expects to be treated any differently on unrelated projects.

Fourth, local government projects must not receive any regulatory advantage over similar developer-sponsored projects. Governments can take advantage of zoning and regulatory incentives that are open to all applicants, such as incentives for projects with more open space and less traffic, but cannot otherwise get favorable treatment.

Competition With Developers

In addition to formal conflicts of interest, some developers consider government involvement coordinating limited developments, especially when the local government purchases land for development, to be an inappropriate conflict with private development. For public taxes to allow governments to purchase land and compete with developers is unacceptable in some communities.

In some communities, the culture of what is appropriate for the private sector versus the public sector may make a government-led limited development infeasible. In those communities, the only option may be for a land trust or developer to manage the project. For some governments, one of the major benefits of doing a limited development is to demonstrate to developers and land trusts that it is a feasible development option, which might require pushing the political envelope.

Neighborhood Concerns and Consensus Building

In many communities, neighborhood concerns can be a major obstacle to any development, whether those concerns are legitimate neighborhood issues and community planning objectives, a result of a not-in-my-backyard attitude, or some combination of the two. Limited developments may not be any different.

Limited developments, however, often provide an opportunity to win over a neighborhood and create the project’s biggest advocates. If a limited development will have demonstratively better outcomes than a private development, neighbors may provide support. These outcomes may include the creation of greenways, parks, recreation areas, and protected open space; less traffic than from alternative development scenarios; a more responsive master developer; donations of strips of land to abutters; and other public benefits. Sometimes, it is the neighbors who ask for or drive support for a limited development to avoid private-sector design solutions they do not want.

As emphasized above, public conversation and transparency is critical at every step of the process. The project advocate must demonstrate how a project serves community planning objectives. As in many new ideas, starting small—not quite at the prototype level but close to it—is a way to demonstrate that multiple objectives can be achieved successfully. A project, for example, that includes open space, multiuse trails, recreation, affordable housing, and market-rate housing may win over many advocates, but a community might be better served if its first limited development has only one or two simple goals.

Avoiding Sprawl

Limited developments can happen in the densest urban core areas—where a 100-square-foot pocket park may be critically needed—or in the most rural areas. More often they are in less dense areas (small city, suburban, exurban, and rural settings). Because limited developments are so effective, it is easy for them to become a hammer in search of a nail. There are many

Government-Driven Conservation Limited Development in Northampton

Limited developments come about for many different reasons. A project designed to help pencil out a conservation deal will be very different than one designed to serve other planning objectives. The city of Northampton, for example, built incentives for conservation subdivisions, land donations, and limited development into its zoning:

- **§350-6.3(C & D)** reduces density and dimensional regulations for land donations and for takings
- **§350-10(C)(7)** adds compliance with city planning objectives defined in comprehensive or study plans to special permit criteria
- **§350-10.5** establishes open space or cluster residential development
- **§350-17** establishes a Farms, Forests and Rivers District that applies additional criteria to open space residential development

It has also addressed this topic in its subdivision regulations:

- **§290-5** allows the city to waive strict regulatory compliance in exchange for permanent protection of certain types or quantities of open space
- **§290-29 (B)(2)** allows dead-end streets only where adjacent to permanently protected open space

Developers take advantage of conservation subdivisions, which now make up nearly all residential development for projects that require new roads. However, neither developers nor land trusts have been doing more aggressive limited developments.

To address that gap, the Northampton Office of Planning & Sustainability has served as the master developer for 15 limited developments (Figure 6; Table 1, p. 8). As a small city with slow growth, these projects are relatively modest. They have, however, created significant amounts of protected open space and most of the scattered site first-time homebuyer affordable housing in the city (although the vast majority of new affordable housing in the city is rental housing stock in urban and village core areas unrelated to limited developments).



Figure 6. The Burts Pit Road development produced nine affordable units and six market rate units while permanently preserving 114 acres as a greenway, including rare turtle habitat and vernal pools, with a multiuse trail to knit abutting neighborhoods together. Image courtesy Wayne Feiden, City of Northampton.

Table 1. Northampton Conservation Limited Developments

<i>Limited Development</i>	<i>Open Space Protected</i>	<i>Dwelling Units Permitted*</i>	<i>Other Public Benefits</i>
Burts Pit Road	114-acre greenway	9 affordable units 6 market-rate units	Multiuse trail; community engagement with “Just Big Enough” design competition
Coles Meadow Road	33-acre greenway	1 market-rate unit	Ended land-use litigation
Damon Road	11-acre greenway 6-acre recreation	None	Permitted up to 45,000 square-foot offices
Easthampton Road	50-acre greenway	None	5 acres for future economic development or city uses
Garfield Avenue	12.5-acre greenway	6 affordable units 1 market-rate unit	Cap improper dump site; narrow-lot design competition
Glendale Road	53-acre greenway	4 affordable units	
Morningside Drive	1-acre greenway	1 market-rate unit	
North King Street	12-acre greenway	2 market-rate units	
Ryan Road	85-acre greenway	2 affordable units	Trail access
Ryan/Sylvester Roads	20-acre greenway	4 market-rate units	Future city water tower site
Spring Street	4.7-acre greenway	3 market-rate units	Part of larger transaction: <ul style="list-style-type: none"> • 24 acres recreation • 116 acres farmland easement • 37 acres greenway
Sylvester Road	88-acre greenway	2 market-rate units	Farmland protected
Turkey Hill	5-acre greenway	4 affordable units	
Turkey Hill (II)	120-acre greenway 30-acre conservation easement	7 market-rate units	Built in collaboration with abutting town
Westhampton Road	12-acre greenway 1-acre recreation	6 affordable units 2 market-rate units	Landfill buffer for expansion; multiuse trail right-of-way

*not all permitted units ended up being developed by ultimate lot purchasers

cases where a limited development is simply not a good project and might promote sprawl or an anti-urban agenda. Before starting any such project, planners should first examine how the project will fit into community planning objectives and avoid sprawl, poor development patterns, and social inequity.

Financing and Financial Risk

Limited developments can be crafted in many ways, with risk borne or shared by multiple parties: sellers, private developers, land trusts, local nonprofits, community foundations, local governments, conservation buyers, donors, and other potential partners. Involving more partners may add to project complexity but may also allow greater risk sharing.

Risk tolerance varies dramatically between governments, based on the local government climate (entrepreneurial governments may have the greatest risk tolerance). It also

varies based on the expertise and track record of the government and its partners. Generally, the greater risks parties are willing to undertake, the greater are the potential rewards. For example, some sellers are willing to hold land through all due diligence, including permitting and marketing of the limited development phase of the project, reducing risk but generally requiring a premium in the form of a higher sales price or a higher option price. The more a community can quantify a risk the more it can potentially save. If a seller will sell an option for a few months and bargain-sell a property, that may be a better deal than a very long full-deal due diligence arrangement.

Each project is different with different implementation mechanisms. Is financing from donors, government, investors, partners, grants, or conservation buyers? Will a failure to sell some of the limited development land create problems, or is the deal so successful that even if a portion of the land doesn't



Figure 7. A continuum of conservation limited development partnerships. Image courtesy Wayne Feiden.

sell it is still a more favorable deal than a straightforward open space preservation project? Each variable needs to be weighed before proceeding.

Putting Together a Conservation Limited Development

Each limited development is different, but there are some common steps local governments should follow to achieve the best outcomes.

First, identify community goals and objectives. Limited developments can be successful because they can help achieve multiple community goals and objectives, but if those goals and objectives are not clear this can be a challenge and can threaten consensus. This may be easier for developers and land trusts, which tend to have fewer conflicting goals and objectives than local governments.

Second, identify how a limited development supports multiple goals and objectives. Planning is, in part, a story-telling enterprise. Projects need to be goal and objective driven, and planners need to convey those stories to sellers, outside partners, abutters, the community, approving political and administrative authorities, regulatory authorities, and funding sources. If a project doesn't make for a good elevator talk, it may not be the right project.

Third, build partnerships and trust with sellers, land trusts, developers, funders, and community administrative and political leadership. Strong partnerships make for great projects. Whether partnerships are one-offs related to a specific project or long-term partnerships, it is critical to build trust and create agreement on the shared journey. Limited developments are not zero-sum games. They make the pie bigger so everyone can gain. Identify who is the lead partner or the master developer. There may be one lead partner at every stage of a transaction or different entities can act as leads for different steps—due diligence, financing, regulatory approvals, purchase of land, sale of lots, and preservation of open space.

Fourth, build neighborhood buy-in. Share the story with the neighborhood early and often. Include a consultative role for the neighborhood (but not necessarily a veto). Address concerns and, when possible, mitigate those concerns. Neighbors' respect and conversation is critical, even when their

support is not possible. Neighborhood support may come simply from an understanding that the limited project is better than the "best alternative to a negotiated agreement" (i.e., the limited development) (Fisher, Ury, and Patton 1992).

Fifth, build the deal. Reach an agreement with the seller for the land (usually in the form of an option where the seller agrees to sell at a set price but the buyer is not yet committed). Sometimes, the seller will retain the limited development areas while other times the local government or a partner will buy all of the land and then flip the limited development (Figure 7). Do full due diligence applicable to any real estate transaction (e.g., appraisal, title search, surveys, hazardous waste investigation, infrastructure capacity, and regulatory limits) and due diligence unique to limited development (e.g., buildout analysis, permit/entitlement analysis, regulatory approvals, and market research). Build financing and funding. Obtain all necessary regulatory approvals. Identify end users for the open space. Identify end users or markets and marketing approaches for the limited development. Address procurement requirements. At every step, understand levels of confidence and risk, and ensure transparency with all partners on the story of goals, objectives, benefits, and risks.

Finally, implement the project and make the deal happen. Be nimble enough that the inevitable changes in schedule, project setbacks, and shifting uncertainties can be addressed. The final project should be a cause of celebration for all stakeholders. Address concerns of all stakeholders early and often to maintain consensus.

Action Steps for Planners

As discussed above, understanding goals, objectives, opportunities, policy options, potential partners, and project teams are always the first steps for a local government in adding limited developments to its tool box. Whether a local government might someday want to manage a limited development, initiate a project and then turn it over to partners, support a partner's limited development, or simply enable limited developments by land trusts or developers, there are a few common approaches it can take to be ready for limited developments.

Local Regulatory Scheme

Regulatory systems should help move local planning goals and objectives forward. A regulatory system should make the desired action the easy action. Many communities’ regulations, unfortunately, are not written with an eye towards limited developments and may create road blocks or a discouraging climate.

Table 2 shows some of the common regulatory incentives for limited developments. Drafting regulatory changes is easy. The complicated part is figuring out the desirable patterns the community is working to encourage.

Develop Lasting Partnerships Early

When a limited development opportunity arises, there may

be time pressures that limit the formation of new community partnerships, relationships, and trust. Start early to form partnerships that require relationship building (e.g., with land trusts, community nonprofits, community and other area foundations, environmental groups, neighborhood organizations, and low-income and minority communities).

Fundraising, for example, might be a key component of a limited development. This can happen at the local government level (possible in many communities when legal and ethical challenges are addressed), a “friends of” group, a land trust, or other partners. Fundraising is critical for many projects and is often a way to build stronger partnerships—but if poorly done it can create ethical challenges, promote competition instead of partnerships, and end in failed projects.

Table 2. Regulatory Schemes to Encourage Limited Development

<i>Regulatory Technique</i>	<i>How It Can Work</i>
Remove disincentives to prevent property owners from donating open space	Often a property owner cannot dedicate land for open space because of dimensional standards. Instead, a community can adopt a provision that land dedicated for permanent open space counts for dimensional requirements (e.g., lot size, setbacks, frontage, and floor area ratio) as if the developer still owned the land.
Density or other bonuses	Regulations can provide bonus density or incentives for desired actions (e.g., affordable housing and open space).
Inclusionary requirements	Regulations can require desired actions (e.g., affordable housing and open space).
Infrastructure requirements	Infrastructure requirements are often required based on traditional development patterns. Instead, a community can change standards to promote limited developments. For example, dead-end street limits (total prohibitions or distance limits) or requirements for looping water lines could be waived when a project ends at permanent open space or otherwise promotes desired limited development patterns and reduces overall infrastructure burdens.
Regulatory process	Lowering regulatory review burdens can encourage limited developments, especially replacing discretionary permits (e.g., special permits, conditional use permits, special exceptions) with nondiscretionary review (e.g., typically site plan or plan approval).
Impact fees, linkage requirements, exactions, mitigation fees, application fees	Ensure that impact fees are set at levels that cover all of the impacts of less-desirable projects, and reduce exactions and fees for desirable and multi-objective projects to levels that reflect lower costs to local governments (e.g., traffic mitigation or impact fees might be less, not just in total but even per unit, for a limited development).
Local funding	Local cost sharing (from impact fees or other revenue sources) can help make marginal projects possible.
Public dedication options	The willingness of a local government or land trust to take title to and responsibility for open space may be attractive to a developer who doesn’t want that permanent burden.
Consider total environmental footprints	Regulations often focus on one resource (e.g., air, water, stormwater, wastewater) and may not always focus on the total environmental footprint. Focusing on the overall footprint for a limited development might require less mitigation because of the ecosystem or ecological services being retained. It might take some regulatory reform, for example, to require less stormwater nutrient and suspended solid reduction when wetlands and forest are preserved.

Planning requires a healthy mix of outcome-focused and process-focused activities. Partnership building, however, requires more process-focused emphasis, which requires time.

Plan Strategically

Planners excel at identifying and implementing complicated strategies. Because government-involved or government-led limited developments are not typical, strategic thinking to build consensus, partners, expertise, and approaches is critical.

In Northampton, for example, the city has been leading limited development and traditional conservation projects for so long that the development and legal communities are aware that in three decades, the city has never signed an option for conservation purchases that it has not exercised (except when hazardous materials are found during due diligence). Because sellers are convinced that transactions will go through, the city has been able to obtain options on more than 100 purchases for no consideration, even though most option holders need to pay for options. This has saved the city tens of thousands of dollars, especially early in projects when money is hard to come by. This kind of savings is only possible through careful strategy building and a solid track record.

Communities should develop their strategy for conservation projects, decide where limited developments fit into that strategy, and identify how to build capacity and approvals to address those needs.

Conclusion

Conservation limited developments can be one of the most cost-effective ways to achieve conservation and multiple planning objectives. At the same time, however, they “can be complex, time-consuming, controversial and financially risky... Be very cautious, well informed, and have good access to variety of experts in the real estate and development fields before taking on such a project” (Pennsylvania Land Trust Association n.d.).

Limited developments are not a panacea and may not be appropriate for most projects. When they are appropriate, however, they can be extremely effective. Any potential project must begin with an honest assessment of whether the benefits from a limited development are worth the costs and energy, and what partnership model works best in a given situation.

Local government planners can be uniquely suited to serve as master developers and lead limited developments. Local planners have a complementary skill set, knowledge of and sensitivity to conservation and other local planning concerns, expertise in the local regulatory scheme, experience at building collaborations, and understanding of the local landscape that may be stronger than that of land trusts and developers.

For a local government with an entrepreneurial spirit, limited developments are a great way to preserve open space and achieve other planning objectives for certain projects. Whether and how to partner and what role is appropriate for local government will depend on the local culture, potential partnerships, and specific opportunities. The first step is to look

at local incentives and disincentives and potential partnerships and do the groundwork before a specific project arises.

About the Author

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