

SECTION 6. OPEN SPACE

Introduction

Natural areas within towns and cities have always been considered a great resource for relaxation and recreation by citizens and also a major tool in the creation and preservation of natural beauty within the City. This is most certainly true for the residents of Saint Hedwig where the preservation of natural areas ensures not only the rural and natural beauty of the City, but also a rural way of life. To ensure that the rural preservation of the community is solidified, a proactive strategy is necessary. This strategy is three-pronged and includes the creation and preservation of parks and open space.

6.1 Parks

Plans for a City Park are in the works for land adjacent to the Saint Hedwig City Hall on FM 1346. The park would be an excellent resource for the residents of Saint Hedwig and neighboring communities. The park would provide an adequate level of recreational opportunities for the City. It is important to note that the Community Center, as discussed and shown in the Future Land Use Plan, will be an appropriate area for some recreational activities should interest and funding levels become sufficient to warrant the construction and maintenance of those facilities. Given this, the City has chosen to focus its efforts on physical improvements to the land next to City Hall. Saint Hedwig will also encourage open space set-asides for newly developing residential parcels throughout the City.

6.2 Open Space

Open space by definition means natural areas of land that provide areas for passive recreation like reading or walking or simply providing scenic views of vast, open territory uninterrupted by the built environment.



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Open space is generally thought of as public land but may also be private land. For Saint Hedwig, open space is overwhelmingly held by private hands and generally has a residential or agricultural use associated with it. The residents of the City have chosen to protect this open space through a number of measures, but principally through the creation of zoning districts that create and support open areas (refer to the Future Land Use plan section for details). These measures have proven very successful and it the desire of the City to continue this zoning strategy and, as such, is reflected in this Master Plan.



Open space is primarily dependent upon the large lot acreage of residences and agricultural areas within the City.

Currently, the City owns virtually no public open space land. It is recommended that lotting arrangements creating additional open space in high density residential developments be encouraged through either voluntary or mandatory participation. Such lot arrangements (or site plans) are simple and create what is known as open space set-asides. The number, or density, of residential units allowed in a particular land use category remains unchanged. What changes is that smaller lots are allowed to then create open space for the use and enjoyment of the entire community. This open space could remain in private hands (though accessible to the public) and maintained by a Home Owners Association (HOA) or donated to the City for maintenance and legal responsibility. Such a decision could be reached during the development review process of a particular high density residential development. Allowing developers this option provides additional areas for open space and increases the ability of the City to further realize its rural vision for the future.

If the City wishes to *require* that a certain parcel(s) of land participate in this development style, a valid reason must be established, such as for environmental reasons or the unique beauty of the property. In such a case, certain benefits should be provided like allowing for additional lots/units, reduced setback requirements and/or reduced minimum square footage of dwelling units.

Saint Hedwig could further enhance and expand its open space areas through a variety of legal tools and practices aimed at allowing private property owners to restrict raw land from development and thus create open space for themselves and the City. These legal tools and practices fall into two categories for protecting open space: preservation and reservation. *Preservation* refers to the protection of open space in perpetuity (i.e. beyond the lives of the successive property owners). *Reservation* refers to the protection of open space for only a limited time, however substantial that amount of time is. Ultimately, only easements and deed restrictions are legally enforceable.

It is recommended that the City play an active role in ensuring the City's property owners are aware of the legal tools and practices, managed by land trusts or a government entity such as the local municipality, available to them. The following methods are for the *preservation* of open space:

- *Conservation Easements:* This voluntary legal agreement is the most widely used and one of the most flexible conservation tools. A conservation easement allows the landowner to use, own, and pass down the land while permanently limiting how it can be used. As holder of the easement, it is a land trust's duty to monitor the property in perpetuity, thus insuring that the terms of the easement are followed and that the land's conservation values are forever protected.
- *Conservation Developments:* Through the conservation development approach, a parcel of land can be divided, combining residential and/or commercial development with conservation of open space via a conservation easement. This strategy can generate needed cash through profitable development and, at the same time, guarantee the conservation of open space and recreational lands.
- *Gifts of Land:* An outright gift of land for conservation is one of the most generous legacies a landowner can make to future generations. A donation will release the landowner from the responsibility of managing the land and may provide substantial income tax deductions and estate tax benefits.
- *Gifts of Remainder Interests:* A landowner may donate land and continue to live on it for the duration of his or her lifetime; this is known as a gift of a remainder interest, or a gift of land with a reserved life estate. Donors and their beneficiaries reserve the right to continue to live on and continue to use the property during their lifetimes. At the end of the specified life interests, full title and control of the property automatically transfers to a land trust. Usually, the land trust will resell the land, subject to a permanent conservation easement.

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- *Bargain Sales:* Land trusts may facilitate a third party to purchase property at less than full-market value. With this strategy, the sale produces needed income for the landowner and the landowner can claim the difference between the sale price and full-market value as a tax-deductible donation.
- *Land Purchases:* Land trusts may facilitate a third party to pay full value for land considered highly significant regarding the land's conservation values or how the property adds to a community's quality of life.

The following are the main methods for the *reservation* of open space:

- *Agriculture exemption:* classifying land for agriculture use is a “holding” category and not a zoning district. The classification does allow for some minimal development such as a dwelling unit. The classification does not give exemption to property taxes, but substantially reduces the amount of property taxes ordinarily required under its assessed value. When land passes to an heir, it is critical that this classification continue, and not end at the transfer of the land. Failing to do so may result in a substantial increase in property taxes and force the land to become available for development to offset property taxes.
- *Wildlife exemption:* often times, land that is classified as agriculture may not rightfully stay as such if the heir does not intend to make a living off of the land or lease it out for agricultural purposes. In such a circumstance, the land may be classified for wildlife use, based on a review by the appraisal district, and the same property tax reduction enjoyed. Under this classification, the land would not have to be leased out continuously for agricultural uses.

Sometimes, property owners will want to set aside land for open space because of their strong commitment to the enhancement of the community and/or their desire to have the land that they have enjoyed, and want to pass on to future generations of their family, to never be allowed to develop. The City can play a positive role by acknowledging persons for their stewardship of the land and commitment to the community. This acknowledgement may just be awarding a plaque to the property owner at a city meeting. Whatever the acknowledgement, it is a simple way for the City to give thanks for these generous and thoughtful actions by property owners.

Whatever legal tool or practice is employed for protecting open space, professionals at a land trust should always be consulted to ensure all proper procedures are followed.

One existing feature within the City holds an opportunity for additional open space preservation. The feature that presents an opportunity for open space preservation is the floodplain along Martinez Creek. It is recommended that development within the floodplain be strongly discouraged through adopting measures during the development review process.



Floodplain areas, like that defined by Martinez Creek in the background, should be preserved for open space and development discouraged.

Please refer to the Open Space (Plate 7.1) in this section for locations of the floodplain and the utility easement discussed.

6.3 Partnering with the National Parks Service, Texas Parks and Wildlife
Reserved