

Stewardship Network Notes

11 Sep 07

Bruegger's Bagels

The Stewardship Network meets the second Tuesday of the month at Bruegger's Bagels on North University, UM--Ann Arbor Campus, from 7:30 to 8:30 AM. The same topic is repeated on the third Thursday of the month at The Nonprofit Enterprise at Work (NEW) Center, 1100 N. Main, Ann Arbor, from 12:00 to 1:00 PM.

Topic: Land Preservation

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Summary: Land preservation is typically a joint effort among two or more agencies, such as city or township governments, land conservancies, and private land owners. Laws governing land preservation mechanisms and monitoring are weak, not well tested, or absent, and evolving. Monitoring land preservation agreements "in perpetuity" is expensive.

The **City of Ann Arbor** buys property within City limits, or adjacent to the City, for preservation. The **Greenbelt** is a City project which buys development rights within an 11-mile range of the City (recently extended from the original 10-mile range).

AA City contracts with the board of the **Conservation Fund** to administer City land preservation funds. The Conservation Fund is a national organization which raises money for its own goals, but not for the City. AA voters have approved a 30-year millage to buy development rights.

The City of AA has loose agreements on preservation goals with several adjacent townships. **Pittsfield, Scio, and Ann Arbor townships** have significant voter-approved funds to purchase development rights.

Preservation easements place limitations on future development on particular properties. Conservation easements are contracts that can be written up with extreme flexibility. The land owner usually grants the easement to a land conservation organization in return for tax benefits (some measure of the difference in value of the property with easement versus the property commercially developed), as the easement remains with the property through future changes of ownership. But the conservation organization may sometimes buy valuable plots, or the landowner may often give additional funds to pay for future monitoring by the organization in order to determine that the easement has not been violated by owners, future owners, terms of sale, etc. Farm easements may require that the land remain tillable, under which restriction it could revert to grassland, but not woods. Or the easement contract may allow a specific number of future buildings on site, or other conditions reflecting the goals of the granting owner.

The Southeast Michigan Land Conservancy makes yearly site visits to properties

whose easements it monitors. But it looks for "active harm," violation of the easement agreement. It does not have the resources to monitor and address erosion, invasion, and other natural processes.

The Washtenaw Land Trust consists of more than 200 land use planning agencies which must cooperate and coordinate when a landowner grants an easement, then donates the land to a conservancy. This monitoring is required by the IRS in order for the donor to receive tax benefits.

Monitoring difficulties

- Best practice would require a different agency to monitor preserved properties than the agency which owns them, but this is rarely the case.
- The State of MI easements are monitored by the State Department of Natural Resources.
- University of Michigan properties are not protected by easements, as they are state-owned.
- The City of AA is just beginning the process to protect its own properties from its own bureaucratic processes of development, rezoning, or sale.