# Land Trusts and Planning Commissions:

## Forging Strategic Alliances

*by Joel S. Russell*

Preservation of open space has become a critical element of community planning practice, especially for those concerned with controlling sprawl and protecting natural resources. It is also one of the most challenging, because purchasing open space land is costly and regulating land use to protect such land poses legal and political difficulties. The maturing of the land trust movement over the past decade provides planning commissions an important resource in meeting this challenge.

### What is a Land Trust?

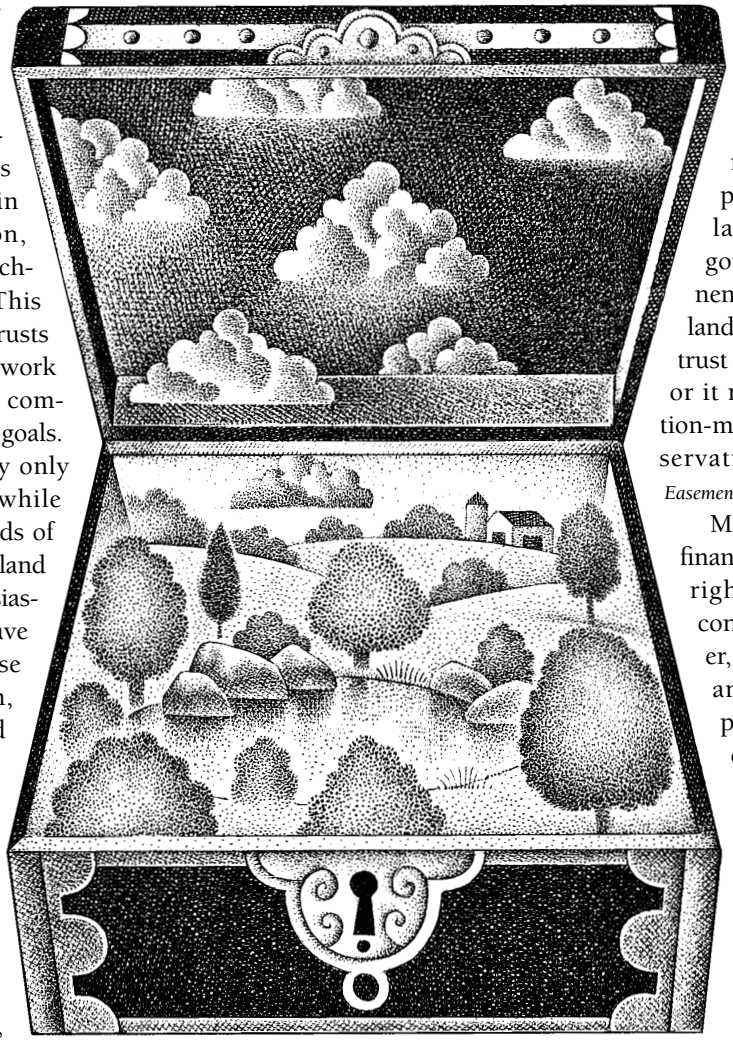
Land trusts are nonprofit organizations whose primary purpose is the preservation of undeveloped open land of conservation value to the community. There is tremendous variation among land trusts, in size and scope, sophistication, types of land protected, and techniques used to protect land. This article will discuss how land trusts and planning commissions can work cooperatively to achieve their community's open space protection goals.

Some local land trusts may only manage one small preserve, while others own or protect thousands of acres in several counties. Some land trusts are run entirely by enthusiastic volunteers, while others have professional staff with expertise in planning, landscape design, real estate, ecology, law, and other related fields. Some land trusts concern themselves with all kinds of open space land, while others focus on specific resources, such as farmland, prairie, mountain ridges, watersheds, river corridors, lakes, parks, or community gardens. Some are rural, some suburban, and some are urban, depending upon the population and geography they serve. *Community Land Trusts, p.18*

Land trusts are generally locally-based, grass roots organizations that work cooperatively with landowners to implement voluntary land protection measures. As private, nonprofit organizations they enjoy certain advantages over government agencies. They can usually act more quickly and more flexibly to protect parcels at risk of inappropriate development. Because they are non-governmental, they are often more effective than government in involving landowners who may wish to protect their land but distrust government or want to protect their privacy.

What most land trust techniques have in common is a reliance on voluntary cooperation from landowners and others concerned with the quality of the local environment.

Land trusts use a variety of techniques for preservation of open space land. The most common are acquisition of land through donation or purchase and acquisition of conservation easements (or "development rights") to land. Land that is purchased by or donated to a land trust may be resold to a government agency for permanent protection as parkland. Such land might also be kept by the land trust as a preserve that it manages, or it may be resold to a conservation-minded buyer subject to a conservation easement. *Conservation Easements, p. 12.*



Most land trusts do not have the financial resources to purchase outright large amounts of land or conservation easements. However, because they can act quickly and negotiate effectively with private landowners, they often can "pre-acquire" land that government agencies have on their acquisition lists at less cost and in less time than it takes these agencies to act. The agencies then take title and reimburse the land trust for the land and associated

*continued on page 12*

*View of a portion of the Damariscotta River Association's "Upper River Conservation Area." Most of the properties shown here have been protected as open space by conservation easements, gifts, or purchases.*

## Damariscotta River Association

Between 1970 and 1990, following a century of stability, the population of the eight towns of the Damariscotta region in mid-coast Maine grew by 48 percent.

With 1,000 members, the Damariscotta River Association (DRA) sees its mission as preserving those sensitive natural areas and open spaces most important to the region's traditional quality of life and economy. The DRA currently holds conservation easements on 19 parcels of private land totaling over 700 acres and nearly seven miles of shorefront, and also owns outright approximately 260 acres of preserve lands (which it manages to benefit wildlife habitat and public access). Additionally, the organization has helped acquire and serves as steward for nearly 650 acres of open land owned by federal, state, and local government agencies.

P.J. BLADES-ECKELBARGER

*The DRA participated in the purchase of this 510 acre property on the Damariscotta River in 1989 and now shares stewardship functions with Maine's Department of Conservation.*

## Natural Lands Trust

The Natural Lands Trust is a nonprofit, regional conservation organization dedicated to protecting significant open lands in the greater Philadelphia region. Since its founding in 1961, the Trust has helped conserve more than 100,000 acres of open space, including a system of 47 nature preserves in the Philadelphia area.

The Natural Lands Trust also emphasizes conservation planning, and has worked with landowners and local governments on developing conservation-oriented plans and ordinances. Randall Arendt, the Trust's Vice President for Conservation, has authored several nationally recognized books. Arendt's article, "Growing Greener: Conservation Subdivision Design," appeared in the Winter 1999 issue of the *Planning Commissioners Journal*.

## Grand Prairie Friends

As recently as the 1820s, prairie covered about 22 million acres in Illinois. The state was at the easternmost reach of the tallgrass prairie regions. Today, less than 2,500 acres of high-quality prairie remain — mainly in scattered remnants, often found in pioneer cemeteries, along railroad rights-of-way, and on steep bluffs high above rivers.

*Shortline Prairie protected by Grand Prairie Friends.*

Since its founding, the Grand Prairie Friends has been involved in preserving and restoring eleven natural prairie areas in central Illinois, a total of 75 acres of prairie remnants and reconstructions. Grand Prairie Friends also seeks to generate interest in prairies through educational and local community programs.

## The Trust for Public Land

The Trust for Public Land is a national non-profit organization that works with landowners, government agencies, and community groups to:

- create urban parks, gardens, greenways, and riverways.
- help communities grow smart by setting aside open space in the path of urban sprawl.
- conserve land for watershed protection, scenic beauty, and close-to-home recreation.
- safeguard the character of communities by preserving historic landmarks and landscapes.

One of TPL's focus areas is watershed protection. TPL helps communities across the country protect water quality through the purchase of land or development rights in their watersheds. In one important transaction, TPL and the Open Space Institute negotiated the purchase of more than 15,000 acres in New York's Sterling Forest, source of drinking water for more than two million New Jersey residents.

## Land Trust Contacts

**American Farmland Trust**
800-370-4879 (publications)
413-586-4593 (advisory service)
info@farmland.org
www.farmland.org/

**Crested Butte Land Trust**
970-349-1206
cblt@crestedbutte.net
http://welcome.crestedbutte.net/cblt/

**Damariscotta River Association**
207-563-1393 (Peter Knauss)
dra@maine.maine.edu
http://lincoln.midcoast.com/~dra/

**Finger Lakes Land Trust**
607- 275-9487 (Gay Nicholson)
fllt@cornell.edu
www.cfe.cornell.edu/fllt/

**Foothills Land Conservancy**
423-681-8326 (Randy Brown)
foothill@mindspring.com
www.foothillsland.org/orginfo.htm

**Grafton Land Trust**
508-839-7664 (Ken Crater)
ken@control.com
www.grafton-ma.org/glt/

**Grand Prairie Friends**
gpf@prairienet.org
www.prairienet.org/gpf/

**Lancaster Farmland Trust**
717-293-0707 (Jessica Abernathy)
lft@savelancasterfarms.org
www.savelancasterfarms.org/

**Land Trust Alliance**
202-638-4725 (Martha Nudel)
www.lta.org

**Natural Lands Trust**
610-353-5587 (Oliver Bass)
natlands@natlands.org
www.natlands.org

**Piedmont Land Conservancy**
336-691-0088 (Palmer Smith)
plcland@concentric.net
www.greensboro.com/plc

**Southeastern Cave Conservancy**
770-822-0003 (Bill Putnam)
scc@scci.org
www.scci.org/

**Sycamore Land Trust**
812-336-5386 (Tom Zeller)
sycamore@bloomington.in.us
www.bloomington.in.us/~sycamore/

**The Nature Conservancy of Texas**
210-224-8774
txfo@tnc.org
www.tnc.org/texas

**Trust for Public Land**
415-495-4014
webmaster@tpl.org
www.igc.apc.org/tpl/

## Conservation Easements

*by Joel Russell*

A conservation easement is a restriction on future development of land (almost always in perpetuity), negotiated between the landowner and the land trust. It is recorded along with the deed to the land and is binding on all future owners of the land. The land trust monitors compliance with the conservation easement and enforces the agreement in the event of a violation. It is important to remember that while the land trust holds the conservation easement, ownership of the land itself remains with the original landowner who granted the conservation easement. That owner is free to transfer the land to any new owner, subject to the restrictions of the conservation easement.

The conservation easement is a highly flexible tool, which can be adapted to the needs of each individual landowner and the unique circumstances of each tract of land. For example, a conservation easement can provide for limited development of a parcel in predetermined locations to enable the landowner's family to realize some economic return on the land, while protecting the most ecologically fragile or scenically important portions.

While serving as Executive Director of the Dutchess Land Conservancy in New York State, I helped Dutchess County and several towns achieve the open space goals of their master plans by obtaining donations of conservation easements on several thousand acres of farmland, woodlands, and wetlands. Many land trusts have similar conservation easement donation programs that rely primarily upon the conservation motivation of landowners, supplemented by income and estate tax benefits. Of course, not all landowners are in a position to donate significant land value and benefit from tax deductions.

Where public agencies have funds to purchase conservation easements (also known as "purchase of development rights programs"), a land trust can sometimes purchase the conservation easement and then resell it to the agency. Alternatively, if the owner is only willing to sell the land outright, the land trust can purchase the property, sell a conservation easement to the agency and sell the restricted land to a private buyer.

**Land Trusts & Planning Commissions...**

*continued from page 10*

acquisition costs. Land trusts can also accept gifts or partial gifts (known as bargain-sales) of land or conservation easements. When they do so, the owners can deduct the value of the gift as a charitable donation on their federal and state income taxes.

While most land trusts focus primarily on land transactions to protect land, many also engage in community education programs. Some involve themselves in local planning issues, especially open space or comprehensive planning, or specific projects such as designation of scenic roads or historic landscapes. Relatively few engage in environmental advocacy or intervene in site-specific land use conflicts. By avoiding adversarial roles, most land trusts are able to maintain good relations with landowners and local planning commissions.

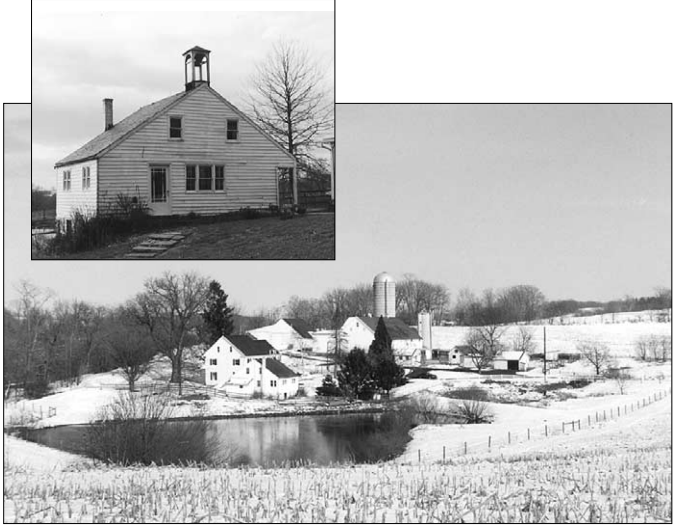
### How Can Land Trusts Assist Planning Commissions?

Land trusts have valuable contributions to make in helping planning commissions to develop and implement open space plans and related elements of a comprehensive plan. They can also be helpful in securing open space set-asides as part of the development approval process. It is best when land trusts and planning commissions maintain a professional arms-length distance, while actively cooperating to achieve their common goals.

As grass-roots organizations, land trusts can help planners in the outreach process necessary to do good open space and comprehensive planning. The members and supporters of land trusts often have intimate knowledge of important natural areas and other lands targeted for protection as open space. They also form an important and vocal constituency favoring the formulation and implementation of open space plans.

Land trusts that have professional staff can also provide important information and services to planning commissions that lack adequate staff

*continued on page 14*



*Views of the "Witness" farm preserved by the Lancaster Farmland Trust.*

## Lancaster Farmland Trust

Established ten years ago, the Lancaster (Pennsylvania) Farmland Trust has already preserved 97 farms and 6,200 acres in perpetuity — including the farm where the movie "Witness" was filmed. According to Thomas Stouffer, LFT's executive director, "That's the good news. The bad news is that Lancaster County loses more than 1,000 acres of farmland each year to development and that our farms and farm heritage are at a critical crossroads. Both are facing unprecedented economic development pressures." The Trust's 1,800 members are working to meet this challenge.

## Piedmont Land Conservancy

The Piedmont Land Conservancy is a non-profit, grassroots land trust representing nine counties in north-central North Carolina. One example of the Conservancy's work is Lindale Farms, a 107 acre farm within the city limits of High Point (see photo). The owner, Frances Austin, donated a conservation easement to the Conservancy in 1995. This helped assure that Mrs. Austin's children would be able to afford to inherit the land without having to sell it off to pay estate taxes. Being located within the city of High Point, surrounded on three sides by development, Lindale Farms had a high development value.

The Conservancy also worked with the City of Greensboro, Guilford County, a neighborhood association, and a local foundation to complete the Lake Brandt Greenway, a three mile greenway along an abandoned railroad corridor with a bridge over Lake Brandt, connecting a National Park, a regional park, and thirty miles of hiking trails. According to Palmer Smith, the Conservancy's program director, "neighbors were originally concerned about a trail in their backyard, but as a private organization, we were able to bring together all interests to bring a positive outcome for the project." As Smith notes, "the greenway is now enjoyed by hundreds of people of all ages every week."

*Lindale Farms, High Point, North Carolina*

## Finger Lakes Land Trust

The Finger Lakes Land Trust can claim stewardship of the world's first temperate zone preserve for research in chemical ecology. The nature preserve is located 12 miles south of Ithaca, N.Y., and includes hardwood forests, wetlands and ponds, and open meadows. The Schering-Plough Corporation is providing $300,000 to enable Cornell mycologists to "bio-prospect" for potential medicines from fungi on the 286-acre biodiversity preserve owned by the land trust. According to Gay Nicholson, the Trust's executive director, "this arrangement will not only lead to public health benefits, but the royalties from any new medicinals will strengthen our conservation efforts, allowing us to protect additional natural areas."

The land trust also maintains seventeen nature preserves, and holds trail easements along private sections of the 550-mile-long Finger Lakes Trail.

## Sycamore Land Trust

Operating since 1990, the Sycamore (Indiana) Land Trust currently owns nine properties totaling over 521 acres: one in Bartholomew County and six in Monroe County. The land trust uses a variety of means to protect properties, including outright ownership and conservation easements.

The Beanblossom Bottoms Nature Preserve represents a high quality ninety-four acre hardwood wetland, and contains two great blue heron rookeries. It has been dedicated by the Indiana Department of Natural Resources as an Indiana Nature Preserve.

MARIE READ

*View of the biodiversity preserve owned by the Finger Lakes Land Trust.*

*Fungus in the preserve.*

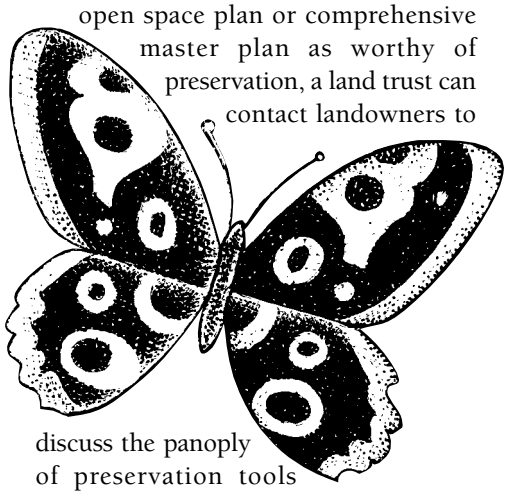
*The Beanblossom Bottoms Nature Preserve.*

**Land Trusts & Planning Commissions...**

*continued from page 12*

resources. Land trust staff or volunteers may be able to provide inventory, analysis, and mapping of important open space resources. They can also help planning commissions develop implementation measures to achieve the goals of open space protection and growth management.

Once land has been identified in an open space plan or comprehensive master plan as worthy of preservation, a land trust can contact landowners to discuss the panoply of preservation tools that are available, creatively combining conservation easements, limited development, donations, bargain-sales, and purchase of land or conservation easements.



Sometimes a land trust may be able to package a transaction that could not easily be put together by the local government or the landowner. For example, a land trust may be able to help an elderly farm owner creatively protect a large farm property. A solution may involve several approaches, such as the sale of development rights (i.e. a conservation easement) on the farmland to the state or county; limited subdivision of a portion of the property for future sale or family use; pre-acquisition of a portion of the property for resale to a park and recreation commission; and/or sale of the farmland (restricted by the conservation easement) to another farmer.

After land has been acquired or protected, land trusts can play a continuing role in its management and stewardship. Some land trusts own and manage the land, while others only hold conservation easements. Some land trusts also engage in cooperative agreements performing land management services for local governments or private landowners.

Land trusts with professional staff may be able to assist planning commissions by serving as consultants in the development of open space plans, master plans, or zoning ordinances.

Finally, land trusts can be of assistance in the design and review of individual development projects, especially cluster developments (also called "open space" or "conservation" developments) in which a substantial portion of a tract of land is protected as open space. The land trust can help with the land analysis necessary to determine which portions of the site should be protected as open space.

More importantly, land trusts can provide expertise in the use of conservation easements to ensure that the open space to be set aside is properly protected in perpetuity. Without such protection, the open space could be subject to development in the future through changes in zoning or amendments to the subdivision approval or homeowners association agreement. (As a cautionary note, if a planning commission is going to require open space land in a cluster development to be preserved by a conservation easement which could be held by a land trust, it is important to be sure that such a requirement is authorized by the zoning ordinance, subdivision regulations, and/or general provisions of state law. A specific authorization in local regulations is a good idea to make all parties aware of the conservation easement requirement.)

Some planning commissions routinely suggest that subdivision applicants discuss the open space protection component of their development plan with the local land trust. The goal of such consultation is to work together cooperatively to implement important elements of the community's open space plan.

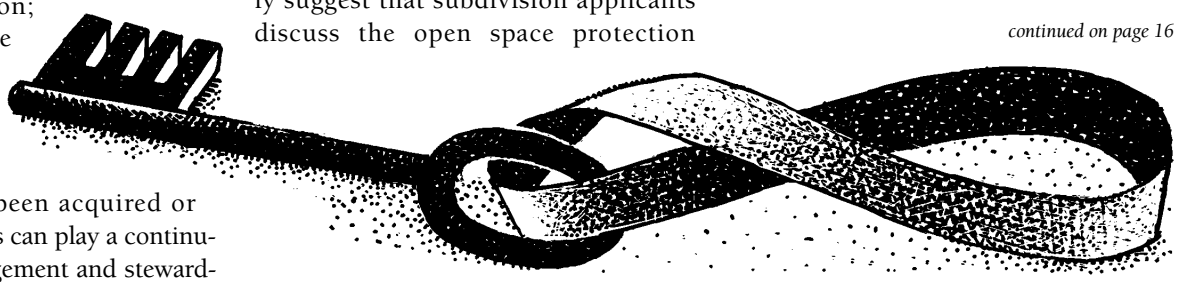
Smart developers realize that open space can help sell a development both to the community and to prospective homebuyers. And land trust participation in the project can be an important selling point. Land trusts, however, have to be careful not to be co-opted into supporting a project that does not meet their conservation objectives. The land trust's endorsement can be important, but it should not be given lightly.

### What are the Potential Pitfalls of Working with Land Trusts?

In certain communities, land trusts may be perceived to be associated with one faction: usually some combination of environmentalists, newcomers, and/or the wealthy. While this perception sometimes has a grain of truth, it is usually exaggerated. If a planning commission is too closely associated with a land trust that is perceived (or misperceived) in this way, such a perception can compromise the commission's own standing as an objective body that represents a cross-section of the community. Where the land trust is itself broadly representative of the community and has a diverse board of directors, such a perception problem is less likely to occur.

If a land trust takes the lead in a planning process or makes substantial financial contributions to it, the credibility of the planning process can be undermined. It is much better for the land trust to contribute funds to the municipality with "no strings attached," and participate on an equal basis with other organizations and citizens in the community. Any funds going into a planning process from

*continued on page 16*



DONNA WILLIAMS, TOWN OF GRAFTON CONSERVATION COMMISSION

*The Hennessy farm was preserved through cooperative actions taken by the Grafton Land Trust and town officials.*

## Grafton Land Trust

Land trusts don't have to serve large populations to be effective. The Grafton Land Trust is one example of the many thriving smaller land trusts found across the country. It serves Grafton, a central Massachusetts town with a population around 13,000. The land trust has helped preserve important open space in the town through conservation easements and the management of several properties.

The value of having a local land trust was vividly illustrated when the Town received notice last year under the state tax abatement law that the 124 acre Hennessy farm was for sale to a developer for $1.5 million. In the short notice period allotted to the town for their right-of-first-refusal (provided since the farm had been enrolled in a state tax incentive program), the land trust sprang into action.

According to Ken Crater, President of the Grafton Land Trust, "we set up an ad-hoc committee, including the Chair of our town's Planning Board, a Selectman, several people from the town's Finance Committee, Conservation Commission, and Board of Sewer Commissioners, as well as some interested residents. Meeting weekly over a two month period, we put together a plan for the limited development of the parcel — the land trust provided $14,000 for the development plan, while the Blackstone River Valley Regional Heritage Corridor Commission provided $4,000 for appraisals."

In September the ad-hoc committee brought a measure before Town Meeting showing how the $1.5 million would be paid back through the sale of a small number of lots and some state aid, leaving over 100 acres of preserved land to the town. As Crater describes, "because we had done our homework (and legwork), the measure carried the recommendation of the Selectmen, the Finance Committee, and the Conservation Commission. It passed by an overwhelming margin." An official town committee was then appointed to oversee the rest of the project.

In reflecting back on the rapid sequence of events, Crater notes that, "the key was the flexibility provided by the land trust as a private organization, able to make decisions and commit a small amount of funding quickly. We were able to meet privately with the developers, without the constraints of public meeting laws, to gather information. And, we were able to work with service providers to get plans and appraisals done quickly. Now that the project is in the hands of the town, there is time to complete it 'by the book.'

## The Nature Conservancy of Texas

The Nature Conservancy of Texas is a chapter of perhaps the most important land conservation organization in the U.S., The Nature Conservancy (which has some 900,000 members, and has preserved 10.5 million acres through ownership or conservation easement).

CAROLYN FANNON

*An Attwater's prairie chicken at the Conservancy's Galveston Bay Prairie Preserve in Texas City, south of Houston. The preserve features rare coastal prairie habitat and is one of the last three remaining sites which support wild Attwater's prairie chickens.*

THE NATURE CONSERVANCY OF TEXAS

*Wildflowers at the Nature Conservancy's Clymer Meadow Preserve in North Texas. Two globally imperiled prairie plant communities are represented at this virgin Blackland Prairie location.*

The Texas Chapter is quite substantial in its own right. Supported by 29,000 members, The Nature Conservancy of Texas has acquired or helped to acquire over 365,000 acres of unique natural areas — from the Lower Rio Grande Valley to the Blackland Prairies, from the mountains of the Trans-Pecos to the wetlands of the Gulf Coast. One of the organization's guiding values is to "work in a non-confrontational manner, emphasizing the effectiveness of collaborative efforts."

## American Farmland Trust

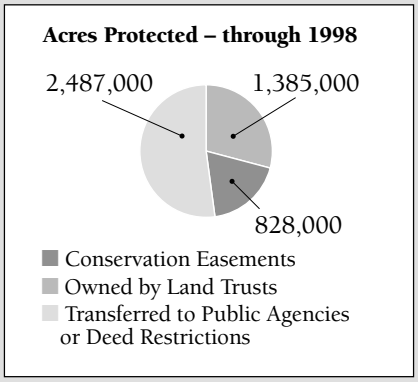
The American Farmland Trust (AFT) is one of the principal organizations working to protect active farmland. AFT is engaged in a wide range of programs, including direct land protection (often working with local land trusts) as well as research documenting the impacts that uncontrolled growth has had on farmland in many parts of the country.

AFT also has a number of useful publications and fact sheets available. Some of these are also available on AFT's excellent Web site: www.farmland.org. Of particular note to planners are two recent publications: *Sharing the Responsibility: What Agricultural Landowners Think About Property Rights, Government Regulation and the Environment* (this report was briefly noted in the *PCJ's* Fall 1998 issue), and *Saving American Farmland: What Works* (a comprehensive guidebook to farmland protection strategies).

## The Land Trust Census

The Land Trust Alliance conducted a comprehensive survey of land trusts last year. Among the findings:

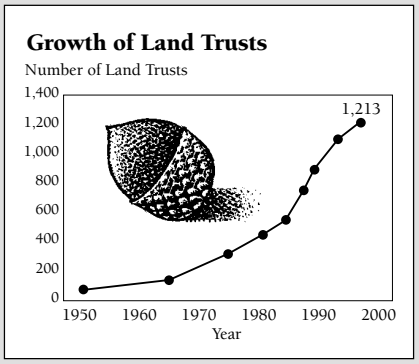
- Over the past ten years, the number of land trusts in the U.S. grew from 743 to 1,213 — a 63 percent increase.
- As of 1998, approximately 4.7 million acres have been protected by land trusts, an area larger than the states of Connecticut and Rhode Island combined. This represents a 135 percent increase from 1988.
- About one million Americans are members of a land trust, and more than 50,000 are active volunteers.




**Top activities of land trusts, besides protecting land**

*(% of land trusts engaged in the following):*

| | |
|---|---|
| • Maintaining land for recreation/public access | 78 % |
| • Environmental education | 75 % |
| • Land use planning | 60 % |
| • Biological monitoring/research | 46 % |
| • Ecological restoration | 46 % |




**Land Trusts & Planning Commissions...**

*continued from page 14*

a land trust should be insulated from control by the land trust and entrusted to the appropriate municipal planning authorities.

The need to maintain objectivity illustrates why it is important to maintain an arms-length relationship between the commission and the land trust. However, some overlap between the organizations can be helpful, such as having the planning director or a planning commissioner serve on the board of directors of a land trust, or having some of the planning commissioners or staff also be members of the land trust.

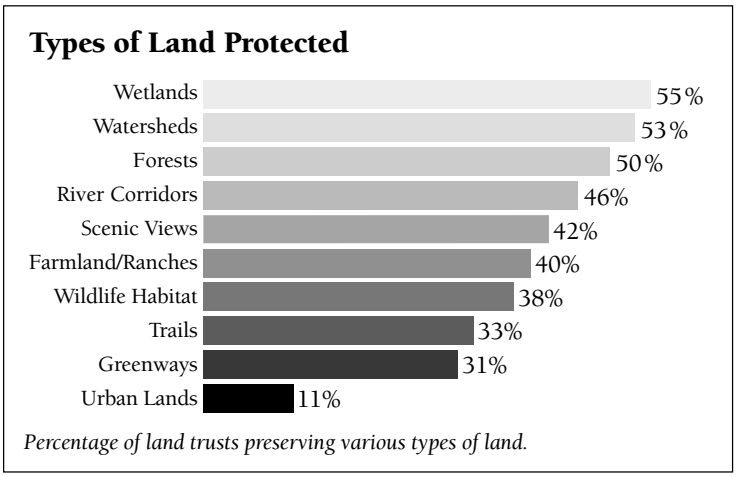
While overlapping connections are usually constructive, they also require scrupulous attention to complying with applicable conflict of interest rules. The planning commission and other governmental agencies should also ensure that a land acquisition agenda or other program of local government be based on the local government's own plan, and not on an agenda formulated for it by the land trust.

An opposite kind of perception problem can occur when a land trust works with a developer, or engages in limited development of its own land. In such situations, the land trust may be perceived as being too closely associated with development interests. This is more of a problem for the land trust than for the planning commission. However, it is important for the credibility of all involved that the land trust observe high standards of integrity in fulfilling its conservation mission, while still being realistic and fair to the economic interests of landowners and developers. (There have been situations where developers have actually tried to start their own land trusts, to trade on the advantages of land trust involvement while maintaining control over the new land trust. These attempts have usually backfired, and such phony land trusts normally cannot satisfy the IRS requirements for non-profit status and tax-deductibility.)

One issue that is often raised is the impact of land trust activities on the municipal tax base. In many communities it is still assumed that land preservation negatively affects the tax base. Numerous studies have shown this is generally untrue. While the preservation of land may reduce the total valuation of the tax base, it usually reduces the long-term cost of providing municipal services even more.[1]

When land trusts and local governments work together there is one kind of potential conflict of interest that is real, and not merely a matter of appearances. This has to do with attempts by a land trust to purchase land on which a development proposal is pending. If a planning commission holds approval of a proposed development project hostage in order to reduce the price of a parcel of

*continued on page 18*




*Percentage of land trusts preserving various types of land.*

**1** Discussion of the fiscal impacts of land conservation, and the relative impacts of different types of development, would require a full article in itself. One good source of information on studies attempting to assess these impacts is the American Farmland Trust. An overview of "cost of community services" studies is available on their Web site at: www.farmland.org/ (or can be obtained by calling their technical assistance number: 413-586-4593).

RICHARD WEISSER

*Former farmland, now developed, outside Smoky Mountains National Park.*

## The Foothills Land Conservancy

The Foothills Land Conservancy is undertaking a series of large land acquisition projects designed to create a "buffer zone" between Great Smoky Mountains National Park and the suburban sprawl of the Greater Knoxville Metropolitan Area.

Since 1995 the Foothills Conservancy has raised $2 million to purchase 6,200 acres along the Park boundary threatened with commercial development.

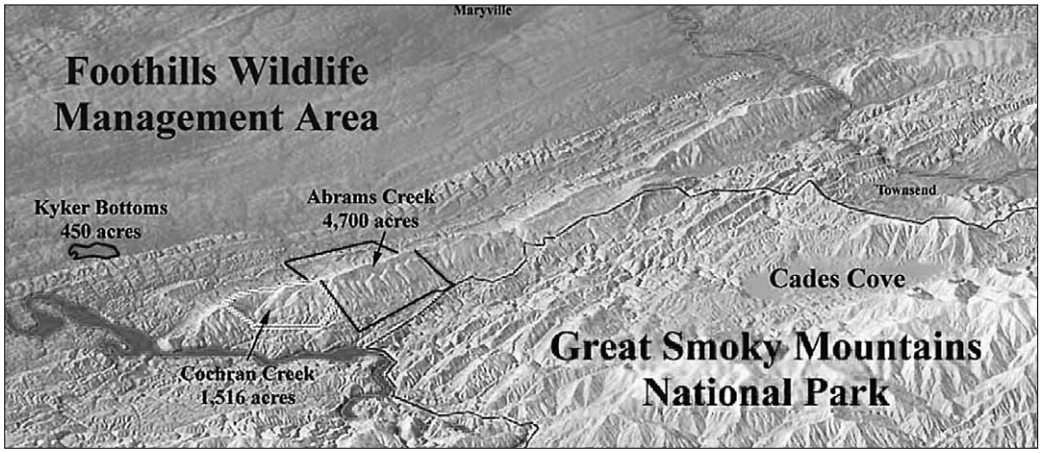
## The Crested Butte Land Trust

The Crested Butte (Colorado) Land Trust has more than 500 members who support preserving open space. The land trust's most ambitious achievement came in 1997 at a cost of $1.2 million when it closed on the Robinson parcel, 154 acres of spectacular ranchland.

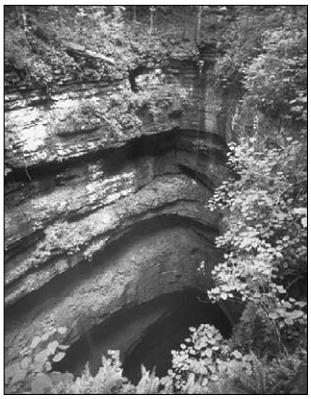
Also of note, in 1991 the Town of Crested Butte passed a 1.5% real estate transfer tax, the proceeds of which go toward the purchase of open space. Last year, Gunnison County passed its own real estate transfer tax. Nearly a hundred local businesses also provide support by asking their customers to donate one percent of the value of their purchases for open space protection.

## Southeastern Cave Conservancy

One of the Southeastern Cave Conservancy's primary activities is the acquisition of caves through purchase, lease, easement, donation, or management agreements. The Conservancy has preserved 26 caves in Georgia, Alabama, Tennessee, Florida, Kentucky, and West Virginia totaling 692 acres. In considering possible acquisitions, the Conservancy evaluates the presence of endangered plants or animals, significant geological and hydrological features, wilderness quality, threats from development or exploitation, and access issues. The Conservancy also works with other organizations to develop educational programs to teach people about the importance and value of cave and karst ecosystems, geology, and hydrology.




*In 1995, the Foothills Land Conservancy completed the Abrams Creek Project, protecting 4,700 acres of forest adjoining Great Smoky Mountains National Park. The Conservancy gave 400 acres to the Park, insuring that the entire Abrams Creek area is protected. The remaining 4,300 acres were given to the Tennessee Wildlife Resources Agency, which established the Foothills Wildlife Management Area. In 1997, the Conservancy completed its Cochran Creek Project, protecting an additional 1,516 acres to be included in the Foothills WMA.*



*The Cave Conservancy recently purchased Neversink, a beautiful 162 foot open air pit in Jackson County, Alabama, with covered ledges (including some rare and endangered ferns), waterfalls, and other features.*

## Land Trusts & Sprawl

*by Jean Hocker*

The million people who are members of local land trusts have already taken a stand. Maybe they don't know they are against sprawl. But they do know they are for the open space that enriches their communities and their lives. They see that there are alternatives to relentless development. And they know open space is worth an investment of time and money, both public and private.

In community after community, land trusts are ensuring that parks, wetlands, farm and ranch lands, and woodlots will not be buried by townhomes and parking lots. Local and regional land trusts alone have conserved 4.7 million acres that future generations will enjoy as open space. And the amount of protect land grows monthly. The growth of land trusts is nothing short of remarkable.

The positive, results-oriented, business-like approach of land trusts attracts people who may not think of themselves as "environmentalists." But they do care very much about the environment around them. Members and supporters of land trusts give their time and money because they see the products of their support on the ground, every day, in the communities where they live.

I'm convinced that when people voluntarily invest their time and money in protecting the places they love, they begin to understand the threats and costs of poorly-planned development. They begin to look less favorably on public policies that subsidize inappropriate growth because they know how hard it is to protect green space. I believe people who get involved with land trusts begin to support other solutions to sprawl, such as spending tax dollars to buy open space or development rights, establishing urban growth boundaries, and advancing better transportation policies.

By engaging people in protecting places they love, land trusts demonstrate the power of people to shape their communities in a whole host of ways. That empowerment, coupled with their direct protection of open space, will make land trusts a key part of the solutions to sprawl in the 21st Century.

*Jean Hocker is President of the Land Trust Alliance, a coalition of land trusts from across the country and overseas.*

## Resources:

The following are just some of the publications available from the Land Trust Alliance. To order, call: 202-638-4725, or fax: 202-638-4730

• *Conservation Easement Handbook* (269 pp., co-published with the Trust for Public Land). The "bible" on conservation easements, covers criteria for tax-deductible easement gifts, monitoring of easements, and more. Also includes "Model Conservation Easement and Historic Preservation Easement."

• *Doing Deals: A Guide to Buying Land for Conservation* (175 pp., written by the Trust for Public Land). Basic real estate, financial, and strategic principles involved in buying conservation land. Includes a glossary of terms, tables illustrating tax savings, and feedback from landowners.

• *Starting A Land Trust: A Guide to Forming a Land Conservation Organization* (184 pp.).

• *Exchange.* The Land Trust Alliance's quarterly journal is the only national publication just on land trusts. Available to LTA members.

*Editor's Note:*

## Community Land Trusts

There is another kind of land trust, known as a "community land trust," which generally focuses on creation of affordable housing and community economic development. For more on community land trusts, take a look at Tom Peterson's article, "Community Land Trusts: An Introduction," in *PCJ* #23 (Summer 1996).

**Land Trusts & Planning Commissions...**

*continued from page 16*

land a land trust seeks to acquire, this is a conflict of interest and a misuse of its authority under the police power. It is particularly important in such situations for planning commissions to insulate themselves from the land trust to avoid the reality (or even the appearance) of such collusion.

### Summing Up:

Land trusts can bring expertise — and enthusiasm — to the process of identifying and conserving important lands. Most land trusts are also able to work effectively with private landowners, who are often leery of dealing directly with public agencies.

While planning commissions (and land trusts) should be careful to maintain an arms-length relationship, this does not mean they should not work cooperatively. Indeed, building cooperative relationships between planning commissions and land trusts can offer significant opportunities to protect valued open space resources, contain sprawl, and give communities greater control over their future. The public sector cannot do it alone, with either regulation or acquisition. Partnerships build on the strengths of both sectors, and make possible creative solutions that would otherwise be out of reach.◆

*Joel S. Russell is a land use planning consultant and attorney based in Northampton, Massachusetts. He was the founding executive director of the Dutchess (NY) Land Conservancy, and works with landowners, municipalities, developers, and land trusts on land planning, consensus building, and land use regulation. He can be reached at: Woodlea Associates, 28 Ward Avenue, Northampton, MA 01060; (413) 584-7228.*

*Russell's previous contributions to the Planning Commissioners Journal have included: "Diagnosing Your Community Before You Plan," in PCJ #26 (Spring 1997) and "Rethinking Conventional Zoning," in PCJ #15 (Summer 1994).*