

By Jennifer Anderson

Protecting Land Through Conservation Development: Lessons from Land Trust Experience

Around for about 40 years, conservation development—projects that combine real-estate development with conservation of land and other natural resources—is not new. But how prevalent is it? From October 2007 through April 2010, Jeffrey Milder, then a researcher at Cornell University, and Story Clark, a conservation finance expert, decided to find out.

The resulting paper, “Conservation Development Practices, Extent, and Land-Use Effects in the United States,” published in 2011 in *Conservation Biology*, reveals that conservation development projects have protected roughly 9.8 million acres of land. Advanced through different techniques involving land trusts, conservation development deserves a closer look.

As Milder and Clark explain, “Conservation development permanently protects a portion of the project site (typically anywhere from 40% to 99%), frequently at little or no net upfront cost to public or private conservation organizations. Thus, it effectively generates an additional source of funds that can supplement public and philanthropic funding streams on which conservation efforts have historically relied.”

The roles that land trusts play in conservation development may include holding easements, participating in stewardship of conserved lands and/or working with developers and landowners at the predevelopment and development stages to promote conservation-friendly outcomes.

The paper identified four main approaches to conservation development: conservation easements with reserved homesites, limited development projects, conservation subdivisions and conservation-oriented, master-planned communities. Each offers different opportunities for land protection and different roles for land trusts. Reserved homesites, the approach used most by land trusts, will be covered in a future article. Here are a few examples of the other types.

Limited Development

Limited development is among the conservation approaches that suit Massachusetts’ Greater Worcester Land Trust, which works in an area where funding is limited and homes along a rural stretch of road are an integral part of the historic landscape.

“This is not the far West; there is development everywhere,” explains Colin M.J. Novick, executive director. “If you think of land trusts as trying to preserve a sense of place or community, house lots on an old road are a reality of New England.”

Plus, allowing limited development while still conserving a tract’s most valuable resources defrays, or even eliminates, the burden of fundraising. “There’s only so much money out there,” Novick says.

Land trusts can accomplish limited development through a variety of means, which Jeffrey Milder outlined in his 2006 article in *Saving Lands’* predecessor, *Exchange* (Spring 2006):

- **Buy, Restrict, Sell** – The land trust purchases a property, retains or places a conservation easement over the areas of conservation value and sells some of the remaining land for development to finance the project.
- **Partner with a Developer** – The land trust partners with a private developer, who typically acquires the site and leads the permitting and development processes, but the land trust is actively involved in site planning and in identifying the conservation areas. One advantage of this structure is that the developer assumes the financial risk of development.
- **Partner with Conservation Investors** – The land trust collaborates with a group of conservation investors who help finance the project and share in its benefits.
- **Work with a Landowner** – A common technique used when a landowner is interested in conserving his or her property but is unwilling or unable to part with its entire economic value.

Greater Worcester recently pursued this last option in conserving a property known as Antell Farm. After the owner passed away, the descendants wanted to sell the 325-acre farm and share the financial assets with other family members. But they also wanted to preserve the land’s historical use as a New England farm. A dip in the

Advice from Peers

“We hold an easement on a conservation development. In general, my one caveat would be this: Make sure the protected portions of the land are clearly (and permanently) delineated. I would also caution that you get an adequate monitoring endowment; probably greater than your standard requirement, as there will no doubt be landowner issues over time that are more extensive than typical.”

“That said, some of our best landowners live in this development, and some of them have become good volunteers and active land stewards.”

Susan Lackey, Legacy Land Conservancy (MI)

“Design and planning of the open space [in conservation development] should be based, as with any other conservation project, on the natural resources on the parcel and in the surrounding area. Goals should include connecting the subdivision open space to neighboring existing—and potential—protected areas, with connections serving both people and wildlife.”

“Applaud your developer for his or her interest in conservation, but make sure you know who that person is and have clear agreements about who controls what and what principles are being followed. The public will inevitably associate your land trust with this project and with the developer, and the relationship needs to be clean and clear.”

Gerrit Stover, land trust volunteer (MA)

economy provided a window to broker a deal. “We weren’t fighting off people banging down the door,” Novick says.

Two potential buyers stepped forward—one who wanted the portion of the farm that had the original farmhouse and another who wanted the bulk of the land for silviculture. The family wanted \$850,000 for the land, but the buyers were not able to meet that price, given that their plans were to keep the bulk of the land for conservation purposes.

To meet the buyers part way, the land trust carved out four additional developable lots to increase the value beyond its value as conservation land. Two lots were set aside with the 260 acres that would be forested, and two additional lots were associated with the land containing the original farmhouse.

In the end, Greater Worcester negotiated with the family to a \$600,000 purchase price, divided between the two buyers, with an additional \$150,000 from the state Department of Conservation and Recreation for the conservation restriction on the 260 acres to be used for silviculture.

“Both buyers reached a little further than they originally wanted, and the family accepted a little less,” Novick says.

The deal also was a success for the land trust. “Basically, we put no money into it except our time,” Novick says. And while neither buyer has yet to build, even if they do, all of the 2.5-acre buildable lots are on an existing road already dotted with homes.

“The area that would be impacted already is more or less a neighborhood,” Novick says. “This project expands the block of state forest land, while it preserves active haying fields, a scenic drive and the rural agricultural land use pattern of the town of Spencer. Everyone is happy with the outcome.”

Conservation Subdivision

Limited development might plan for three to five houses rather than the maximum number allowed under zoning laws. In contrast, a conservation subdivision would include the maximum number of homes, but those homes, explains Kris Larson, executive director of Minnesota Land Trust, would be clustered on small lots so that at least half of the entire tract remains open.

The first conservation subdivision in the state, Fields of St. Croix, was completed in 2004, with 60% of the entire 241 acres held under a conservation easement. The preserved land includes a renovated Civil War-era barn, restored prairies and trails circling a series of marshes and native wetland plants used to treat wastewater.

Since the Fields of St. Croix project, Minnesota Land Trust has facilitated approximately 40 conservation subdivisions (also called low-impact development) around the state, mostly in the Minneapolis-St. Paul metropolitan area. These subdivisions, on tracts ranging from 40 to 400 acres, are being built in places that would already have been targeted for development in areas surrounding urban centers that Larson calls the suburban fringe.

While conservation subdivisions occasionally come about because residents or a municipal government want conservation incorporated into development, not all municipalities see their benefits,

Table 1. Characteristics of four different conservation development models, as implemented in the United States between 1968 and 2008. The table is based on data from Milder and Clark (2011).*

Conservation development model	Number of projects studied	Median project size (acres)	Median % protected land	Total area of all projects (acres)	Total conserved area in all projects (acres)	Aggregate % protected land in these projects
Reserved homesite projects 	3,132	200	98.2%	1,804,446	1,776,431	98.4%
Limited development projects 	219	215	85.9%	845,619	790,516	93.5%
Conservation subdivisions 	477	79	52.7%	85,467	48,815	57.1%
Conservation-oriented master-planned communities 	56	1,601	53.7%	678,171	483,280	71.3%
Total	3,884			3,416,703	3,099,042	

*Milder, J.C. and S. Clark. 2011. Conservation Development Practices, Extent, and Land-Use Effects in the United States. Conservation Biology 25: 697-707.

Larson says. In fact, he believes that convincing everyone from elected city officials to engineers and mortgage brokers that conservation subdivisions have value can be a formidable task. “We’re fighting 40 to 50 years of inertia,” he says.

The land trust hosts workshops to educate the community about land conservation, and it also accepts compromise. “Conservation development is essentially a compromise between a community’s desire to grow and its needs for clean water, wildlife habitat, local foods and outdoor recreation,” Larson says. “When done right, an important balance can be struck and land trusts can achieve great conservation in the process.”

For conservation subdivisions that are approved, there are lessons to learn along the way. In one subdivision the land intended for open space ultimately was developed because the municipality never required the developer to establish an easement on the open space. The developer came back a few years later and sold what was considered community open space for private homes. In others there is tension between the homeowners’ desires for a gated community and the land trust’s interest in public access. “The idea is that these projects are better for the greater community than a standard subdivision. When the project has trails intended for public use, we’ve started putting a requirement for public access into the terms of the easement so the homeowners can’t unilaterally restrict the public from using the trails,” says Larson.

The economic downturn has stalled conservation subdivision projects, but Larson says there are indications things may be changing. “We have been recently contacted by two developers to revisit two projects that were approved but not completed, suggesting the market is coming back.”

“One of the fastest growing areas in the country is the suburban landscape, period,” Larson says. Conservation subdivisions would not be effective in saving true working lands, such as large agricultural or forest districts, he says, “but it’s a great tool in the right circumstances.”

Master-Planned Community

When Commonweal Conservancy was founded in 2003 as a spin-off from the Trust for Public Land, the nonprofit conservation-based community development organization foresaw an opportunity to integrate environmentally responsible development with large-scale conservation initiatives in the American Southwest.

Commonweal negotiated a bargain sale purchase agreement with a family that owned a ranch located 13 miles southeast of Santa Fe, New Mexico. The family had previously contracted to sell the ranch to two different developers—both of whom planned to subdivide the property—but both contracts termed out after the developers failed to put their financing together.

Ted Harrison, Commonweal’s founder and president, was encouraged to approach the landowners with a conservation development proposal by the then-director of Santa Fe County Land Use Planning, who feared that a portion of the property already

acquired by the county in 2001 would become a mere protected artifact, with the surrounding open space lost to business-as-usual development. Commonweal took the challenge.

The project, the Galisteo Basin Preserve, was planned as a small collection of conservation neighborhoods that would adjoin a 300-acre mixed-use/mixed income community development initiative, known as Trenza. Encompassing nearly 20 square miles of iconic western scenery, cultural resources and wildlife corridors,

“Conservation development is essentially a compromise between a community’s desire to grow and its needs for clean water, wildlife habitat, local foods and outdoor recreation. When done right, an important balance can be struck and land trusts can achieve great conservation in the process.”

96% of the Preserve would be conserved as publicly accessible open space, with a community of more than 900 homes, a small commercial center, an environmentally oriented charter high school and 50 miles of public trails. However, things didn’t quite go as planned.

“It turned out the ‘enlightened developers’ we had hoped to attract to the project didn’t share our enthusiasm for Trenza’s ambitious conservation vision and green development plan,” says Harrison. So Commonweal stepped in as the nonprofit developer, securing financing and partially developing some of the Preserve during the project’s first four years. Then the recession hit. Financing dried up, interest in new housing dissolved and Commonweal had to reconsider its plans for Trenza and make available for sale a small collection of conservation ranches to environmentally oriented investors.

The Trenza master plan has been put on hold, but Commonweal anticipates submitting a revised development plan this fall—one that will likely include fewer home sites and a less ambitious commercial plan.

Still, Harrison observes, “We’ve been able to attract buyers to the project when more traditional land development strategies in the county found little enthusiasm. There is a deep longing for meaning and service in our society; people want to be part of something bigger than themselves. For communities that embrace conservation as a defining purpose, the opportunity for them to forge meaningful connections to the earth and each other is made real.” 🌱

JENNIFER ANDERSON IS A FREELANCE WRITER IN FALLS CHURCH, VIRGINIA, WHO OFTEN WRITES ABOUT CONSERVATION. SHE CAN BE REACHED AT JENNIFER_ANDERSON@VERIZON.NET. WE THANK JEFFREY MILDER FOR HIS ASSISTANCE WITH THIS ARTICLE.