

Preserving the Avon Hills Landscape: Phase 2

Funding provided by the Minnesota Environment and Natural Resources Trust Fund



In cooperation with:





2012 -2016 Project Funded for \$778,000

Preserving the Avon Hills Landscape: Phase 2

- A unique landscape under serious threat.
- Use free-market approach (MMAPLE) for establishing easement prices at lower costs. (As pioneered by Phase 1.)
- Will result in conservation easements on 400-700 acres.
- Extend community education and support created by Phase 1.
- Support stewardship on acres enrolled in easements.

Avon Hills of Stearns County - 65,000 acres

Only 10 miles from St. Cloud
Minnesota's 4th largest city

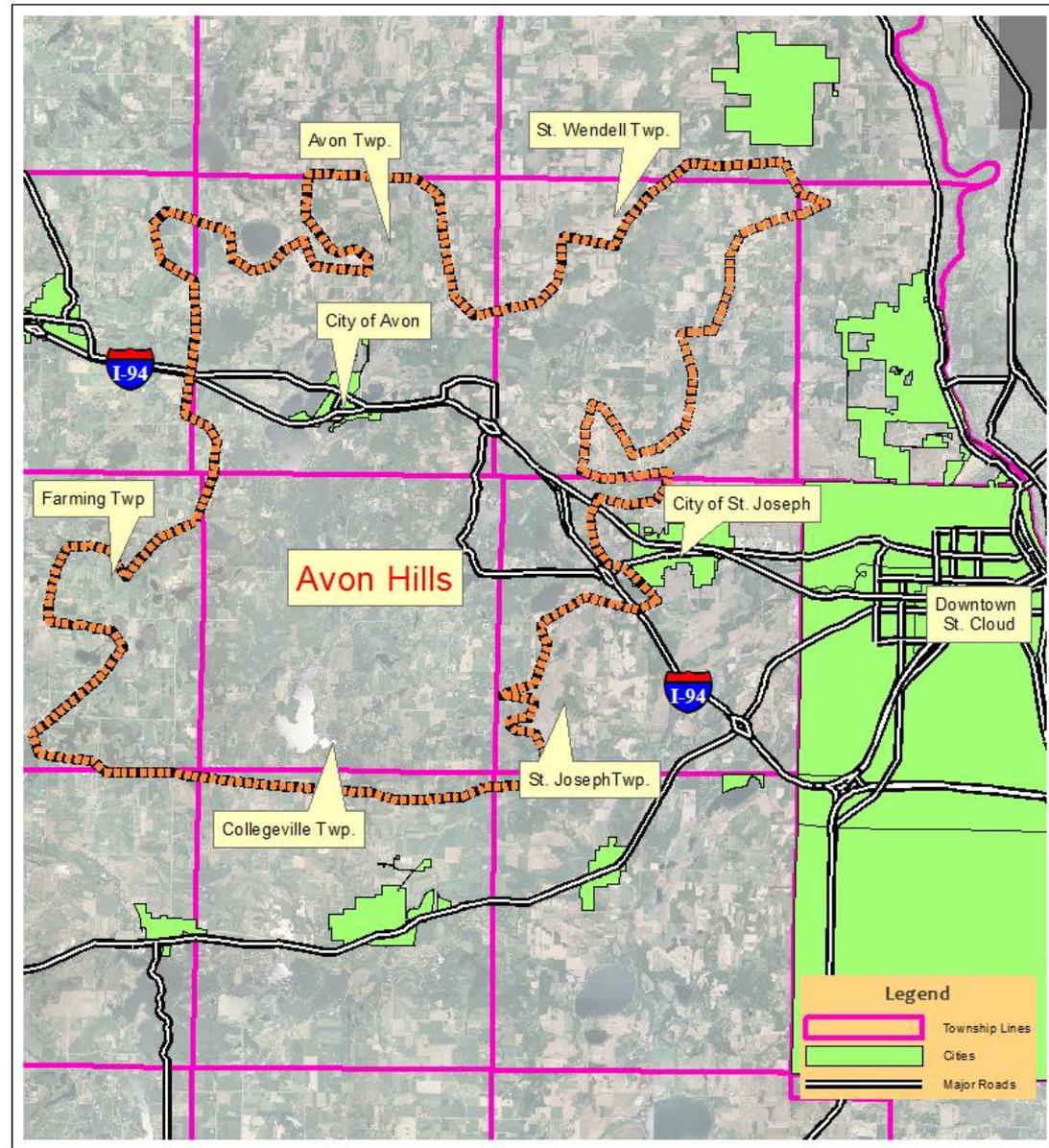
The St. Cloud Metro Area is
4th largest in MN. (2010
Census)

125,000 people live within
10 miles of the Avon Hills.

Yet the Avon Hills are still
relatively (70%) undeveloped.



Development pressure is high
and probably inevitable
without easements!



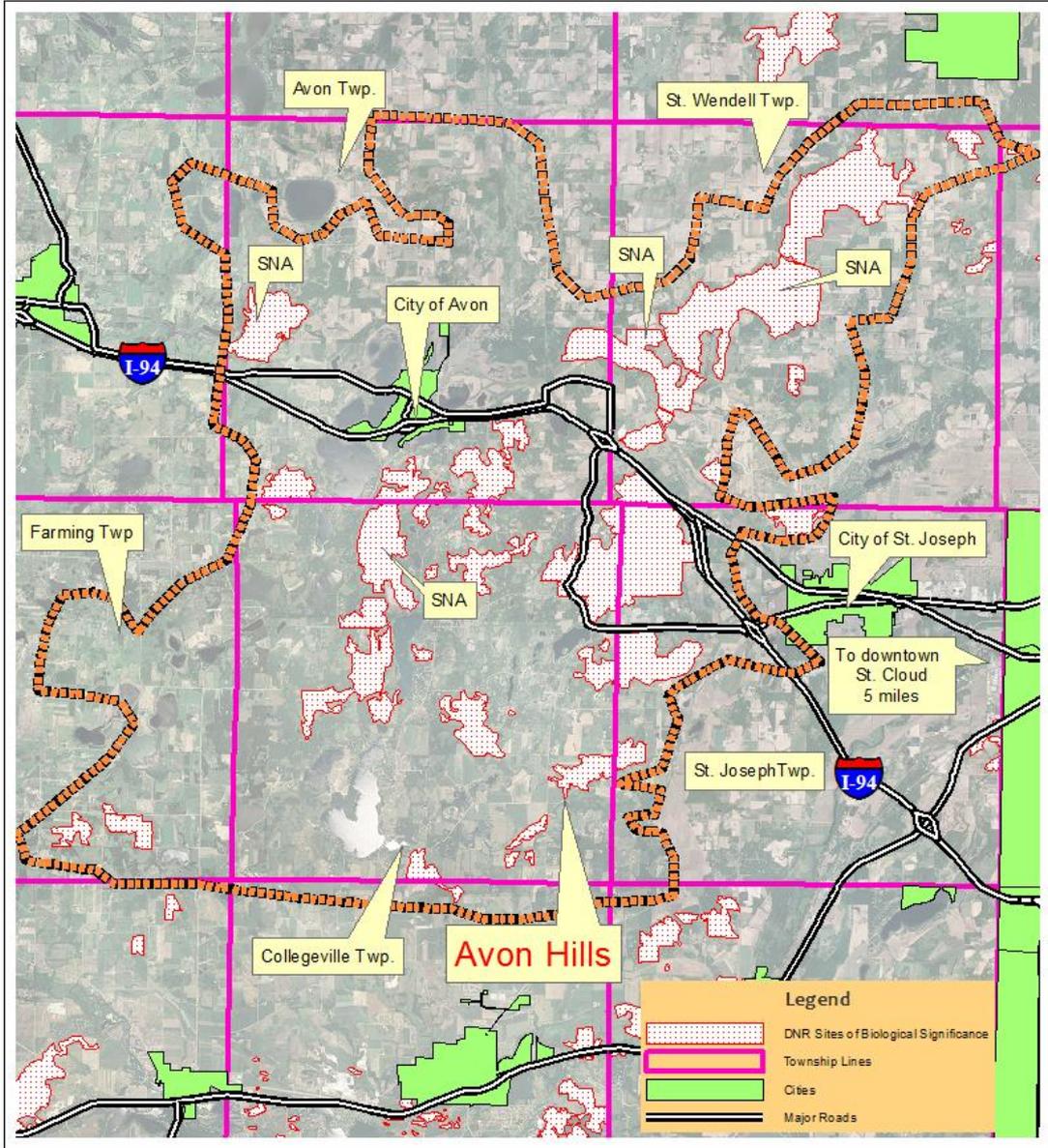
0 1.25 2.5 5 7.5 Miles



Avon Hills of Stearns County - 65,000 acres

11,000 acres of DNR Sites of Biological Significance (SOBS).

One of the most dense and diverse areas of SOBS on private land in MN.

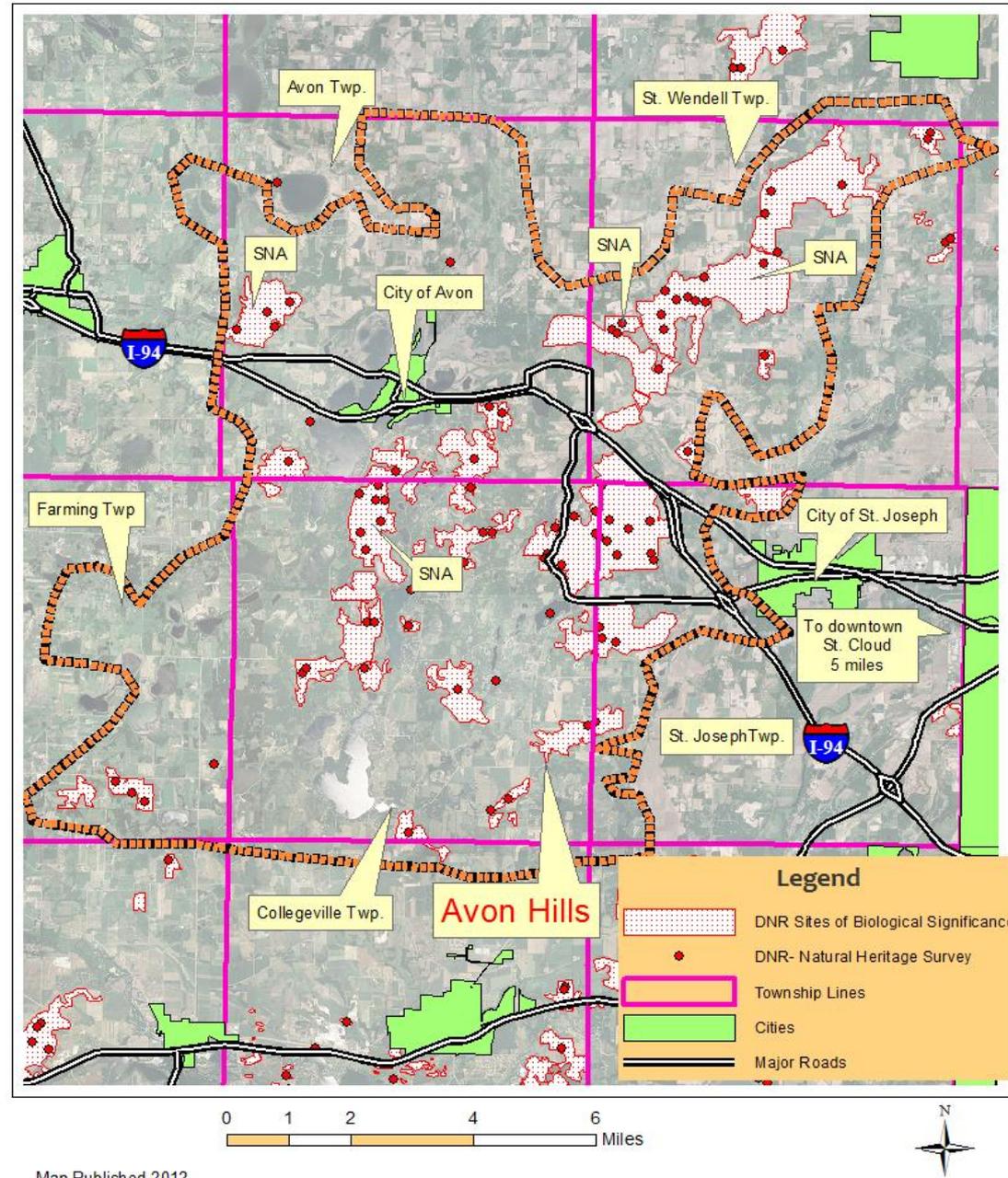


Amazing Natural Resources!

Avon Hills of Stearns County - 65,000 acres

11,000 acres of DNR Sites of Biological Significance (SOBS).

Over 80 Natural Heritage sites.



Amazing Natural Resources!

Avon Hills of Stearns County - 65,000 acres

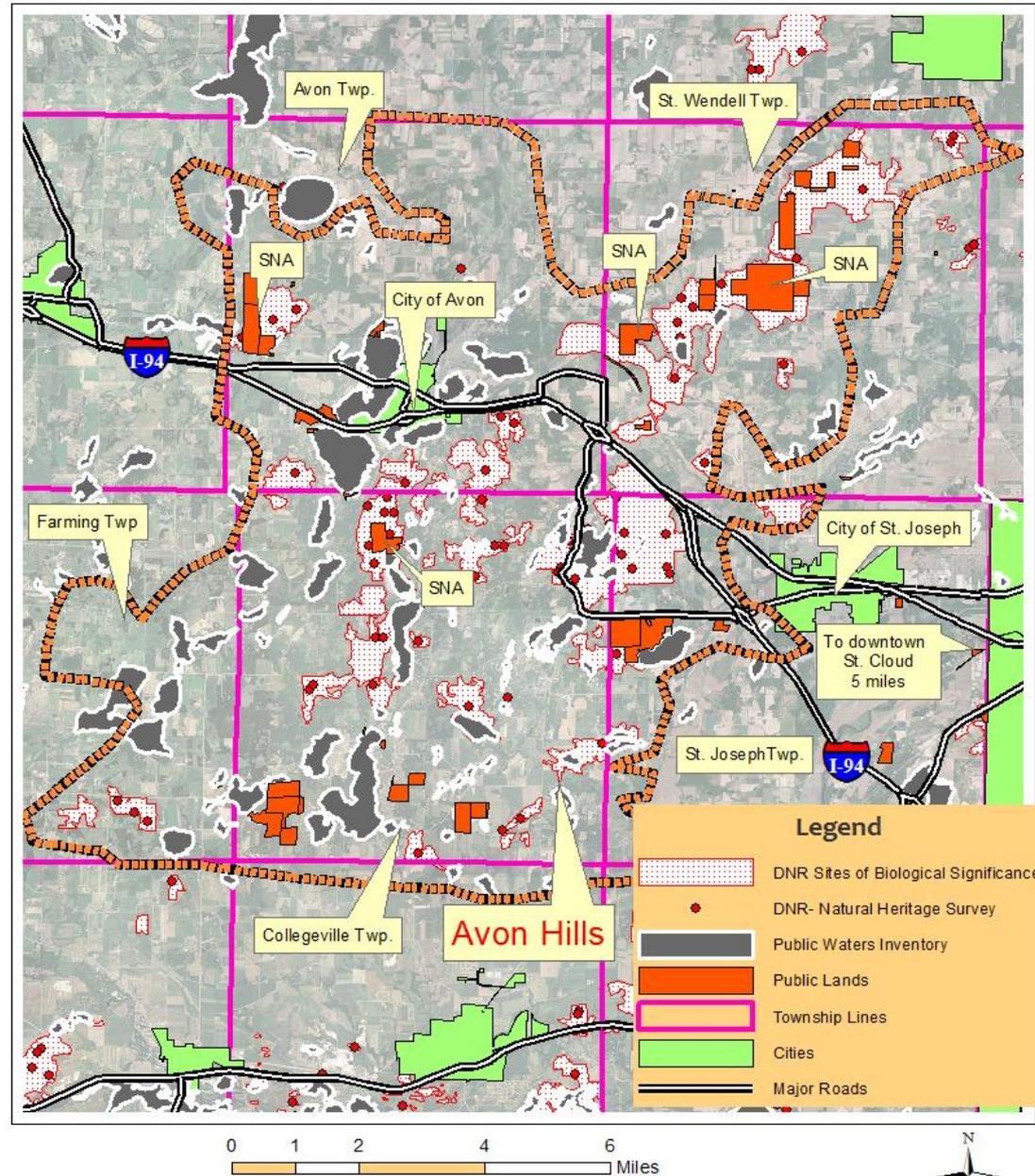
11,000 acres of DNR Sites of Biological Significance (SOBS).

Over 80 Natural Heritage sites.

6,000 acres of public lands and lakes.



Amazing Natural Resources!



Avon Hills of Stearns County - 65,000 acres

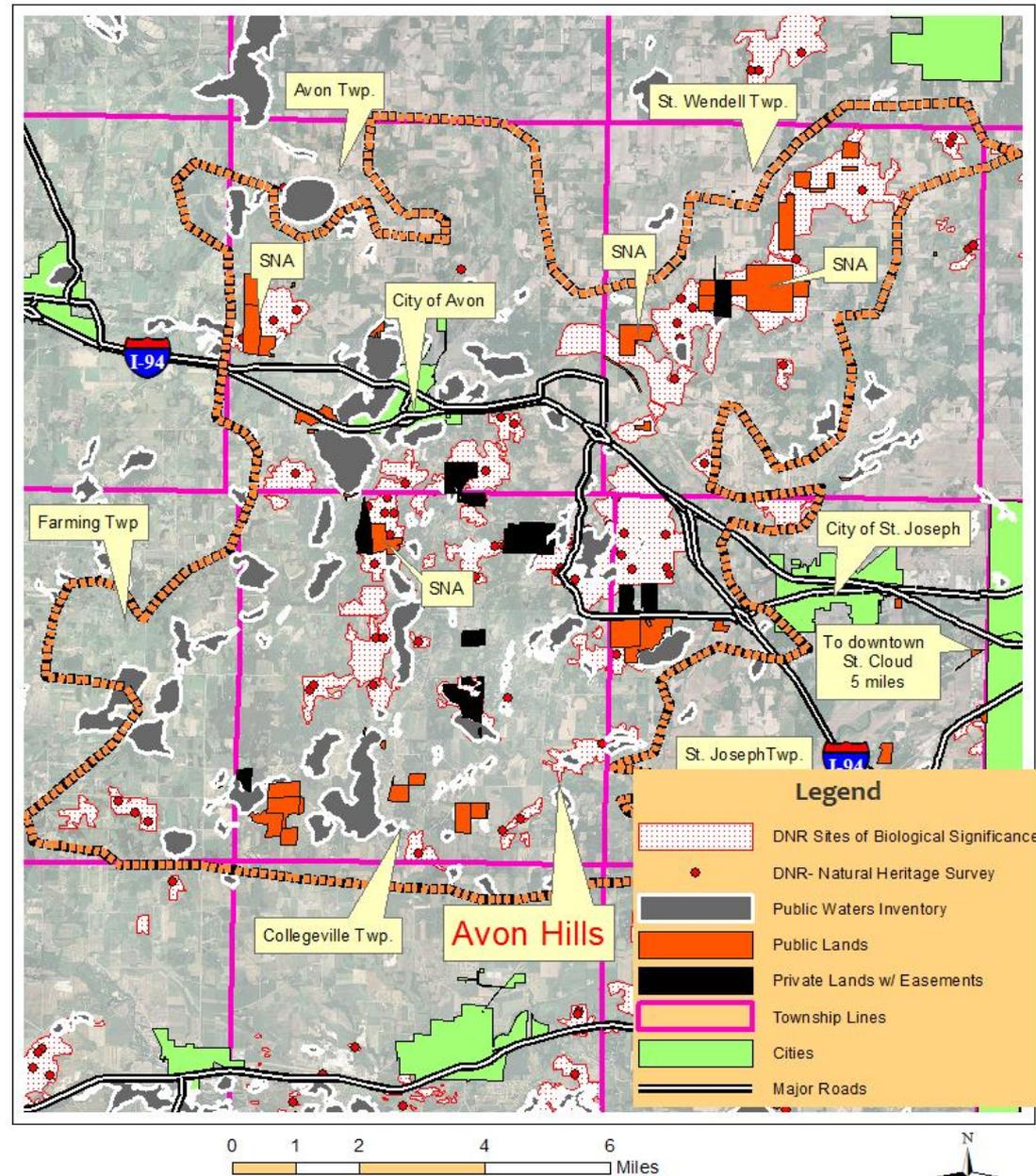
11,000 acres of DNR Sites of Biological Significance (SOBS).

Over 80 Natural Heritage sites.

6,000 acres of public lands and lakes.

1,000 acres of easements in Avon Hills.

- Many from 2011 LCCMR grant using MMAPLE process.
- 600 acres in Collegeville Twp.



Amazing Natural Resources!

Avon Hills of Stearns County - 65,000 acres

The Avon Hills are recognized for their natural resource significance.

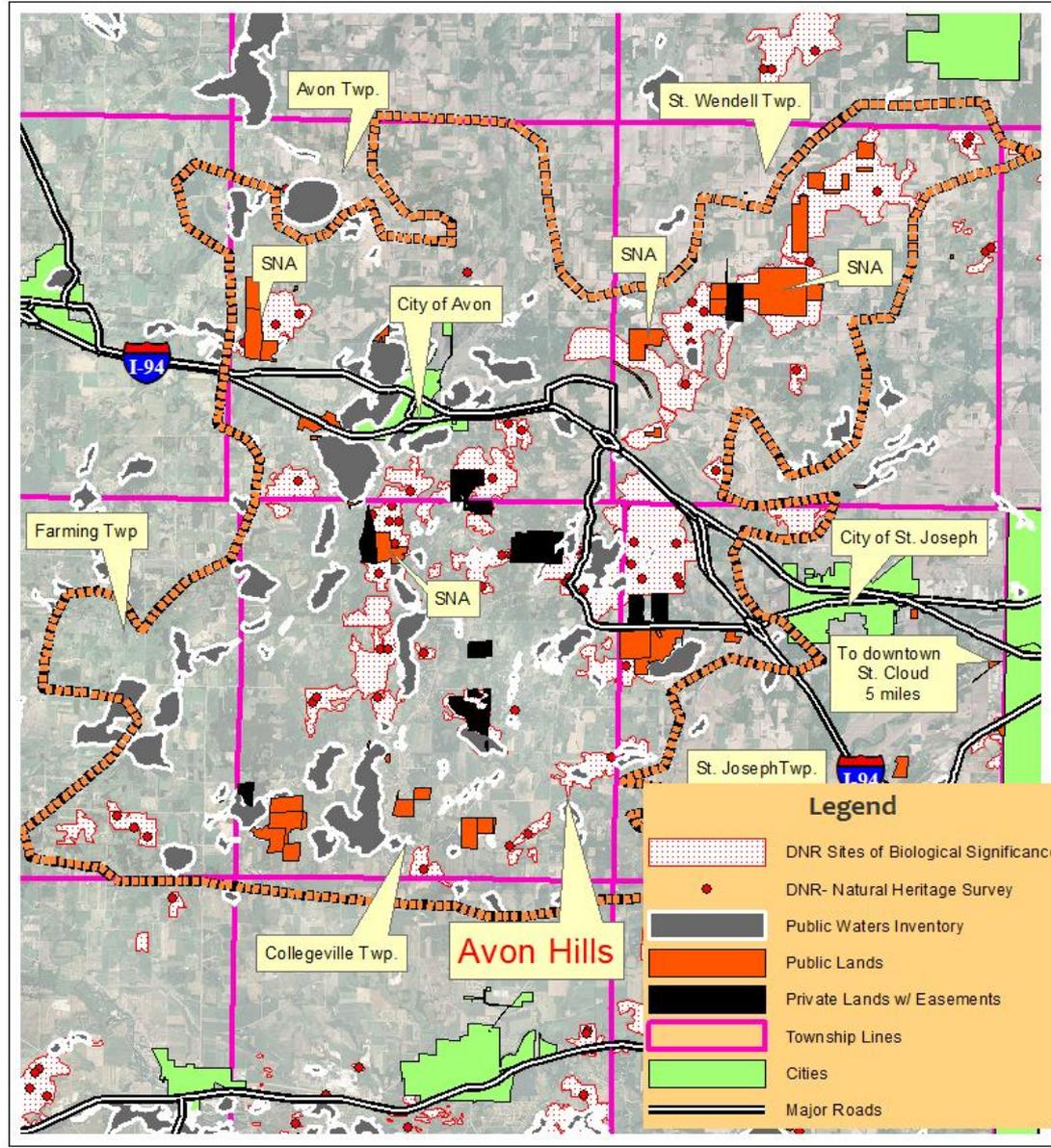


Audubon MN and MN DNR have designated the Avon Hills as Important Bird Areas (IBA)

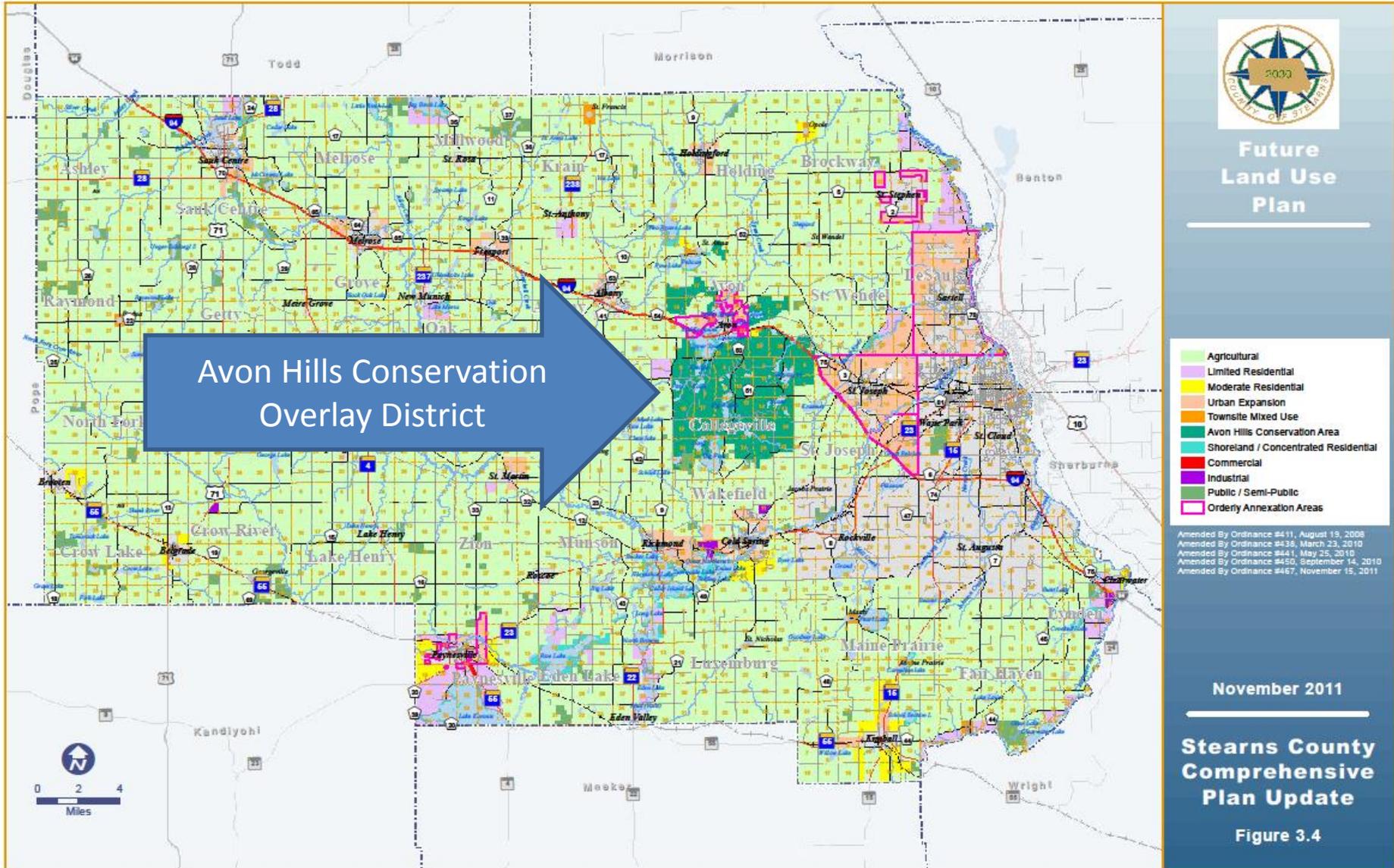
The Nature Conservancy has named the Avon Hills as a landscape priority area.



Stearns County created a Conservation Overlay District for the Avon Hills in 2008.



Stearns County Comprehensive Plan



What is a Conservation Easement?

- A conservation easement is a set of restrictions a landowner voluntarily places on his or her property in order to preserve its conservation values. The conservation values of the property and the restrictions created to preserve those values, along with the rights reserved by the landowner, are detailed in a legal document known as a conservation easement. This document is filed with the local county land records.
- A conservation easement is conveyed to a government agency or nonprofit conservation organization qualified to hold and enforce easements. Most conservation easements—including all of those held by the Minnesota Land Trust—are perpetual. They apply to the current owner and all future landowners, permanently protecting the property.
- Each conservation easement is unique, specifically tailored to the conservation values of the land and to the particular situation of the landowner.

What are the effects of a conservation easement on a landowner's property rights?

- A landowner retains all rights to the property not specifically restricted or relinquished by the easement.
- The landowner still owns the land and has the right to use it for any purpose that is consistent with the easement, to sell, to transfer or to leave it through a will.
- Typically, landowners also retain the right to restrict public access.

Conservation Easements in the Avon Hills using MMAPLE

What is MMAPLE?

Minnesota Multi-faceted Approach for Prioritizing Land Easements

What does that mean?

A free-market based approach to acquire conservation easements.

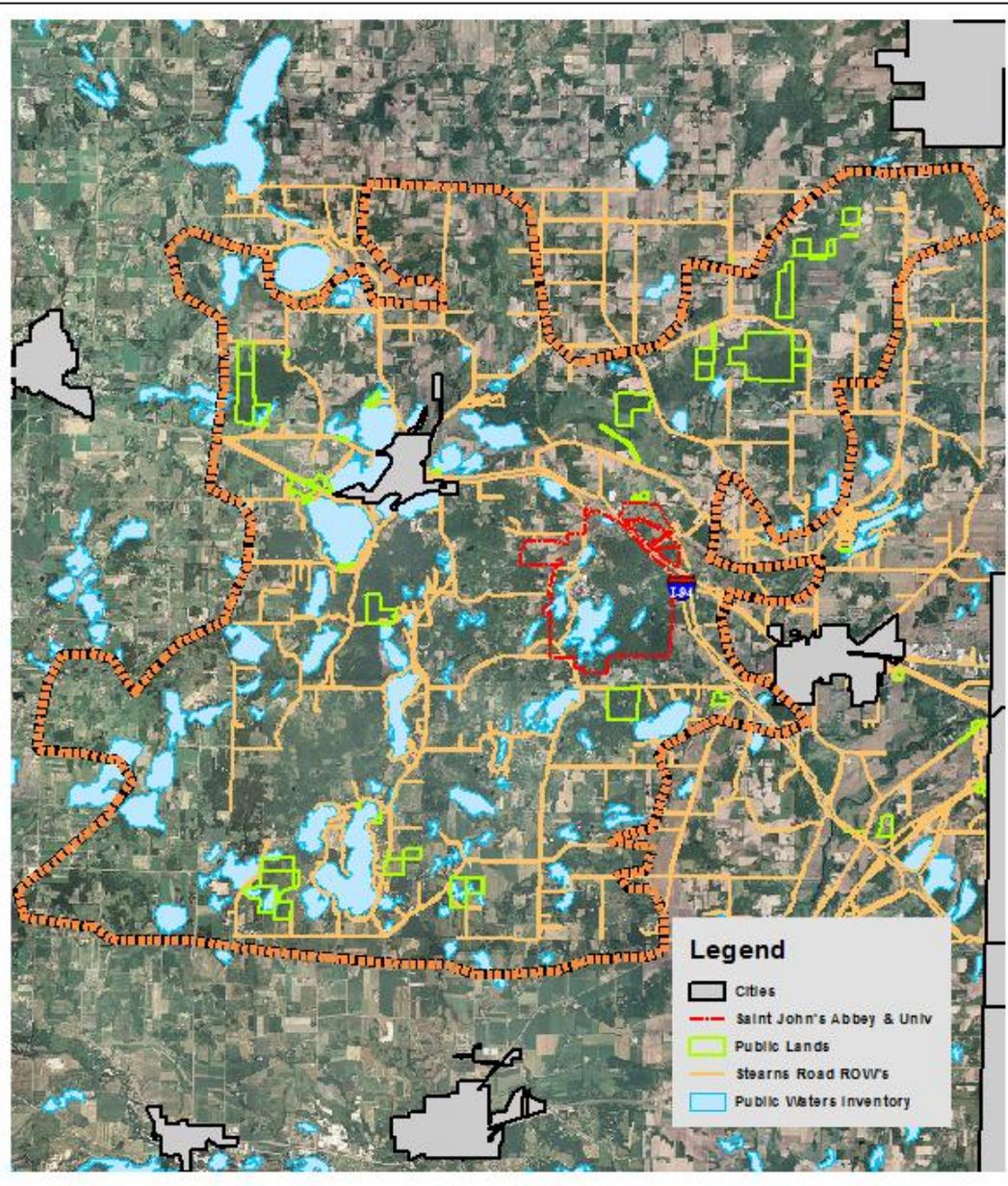
We are not searching for properties with the most environmental benefits, nor those with the lowest easement cost.

We are looking for properties that have highest ratio of environmental benefits to easement cost!

We do not assume:

- that every landowner expects the same price per acre.
- that landowner participation is driven by receiving the maximum appraised price.

Avon Hills Conservation Easements Generic Landowner Map



2006 Photo

0 0.5 1 2
Miles
1 inch = 10,417 feet

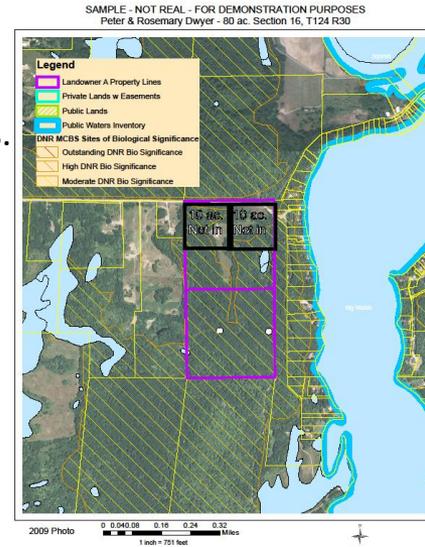


Are you in the Avon Hills area covered by the easement grant?

- All of Collegeville township.
- Most of Avon township.
- Significant areas in Farming, St. Joseph, and St. Wendell townships.
- Small parts of Albany and Brockway townships.

How does it work?

- The land's features establish the inherent environmental benefits.
 - Size of parcel. (Bigger is better!)
 - Biological significance.
 - Shoreline, wetlands, waterways to be protected.
 - Adjacency to public lands or other protected parcels.
 - Documented cultural resources protected.
 - Public access allowed.
 - Building entitlements to be extinguished.



**Property Y has 5,857
Environmental Benefit
points on 60 acres.**

- The landowner establishes the easement cost .
 - Landowners submit a sealed bid to establish their lowest price
 - A maximum allowed price per acre assures no excessive bid is accepted.
- The Conservation Value Rating sets the priority for funding.

**Assume Landowner Y bid
\$500/acre for an easement.**

**Conservation Value Rating = 11.7
(5,857 / 500)**

Bob's property is nice and has 10,000 Environmental Benefit points.

Julie's land has 8,000 environmental benefit points as scored.

Jack's land has 5,000 environmental benefit points as scored.

Rachel's land only has 1,000 environmental benefit points.

As importantly, Bob is willing to accept \$500/acre for an easement.

Julie wants \$2,000/acre for an easement.

Jack wants \$1,000/acre for an easement.

Very interested in conservation, Rachel wants only \$100/acre for an easement.

His "Conservation Value Rating" is 10,000/500 or 20.

Her "Conservation Value Rating" is 8000/2000 or 4.

His "Conservation Value Rating" is 5000/1000 or 5.

Her "Conservation Value Rating" is 1000/100 or 10.

1

4

3

2

Under the MMAPLE system, we begin funding with the highest Conservation Value Rating. (Conservation Value Rating = the ratio of Environmental Benefit Points / \$ per acre)

Assuming each owner had 100 acres and we only had \$160,000 left to spend:

First, we would fund Bob's land using \$50,000, (Conservation Value Rating = 20)

Next, we would fund Rachel's land using \$10,000, (Conservation Value Rating = 10)

Next, we would fund Jack's land using \$100,000, (Conservation Value Rating = 5)

The funding would now be gone and we would not fund an easement for Julie's land. However she may choose to bid in future rounds if funding is again available and she may choose to adjust her bid in a future round.

What are the benefits of a conservation easement?

- **Land Protection**—Conservation easements are a cost effective way to protect land, costing much less than purchasing land outright.
- **A Living Legacy**—Conservation easements give landowners the knowledge that their special place will remain an enduring legacy to their family and their community.
- **The Common Good**—Conservation easements contribute to the common good by protecting the land and water resources that provide all of us with our cherished quality of life.
- **Financial Benefits**—Conservation easements may reduce a landowner's tax obligations in the following ways:
 - **Property Taxes:** An easement that reduces the value of the land may result in lowered property taxes IF the law from 2013 is repealed.
 - **Income Taxes:** As with other charitable contributions, the donation of a conservation easement may allow the landowner to claim a federal income tax deduction for the value of the easement.
 - **Estate taxes:** A gift of a conservation easement may reduce estate taxes, making this an effective way to transfer land to the next generation.



Landowner Application
for a Non-Binding Bid to Obtain a Conservation Easement.
Avon Hills Round of Bidding Ending December 9, 2014

Form updated 4 August 2014

- **Complete, sign, and return all 4 pages of this form.**
- **Include a copy of your property map in a sealed envelope. Indicate on the map the areas you wish to include in the easement and areas you wish to leave out.**

Deliver in person or by mail to the office of Saint John's Outdoor University, New Science 104, 2346 Science Drive, (PO Box 3000), Collegeville, MN 56321-3000 so that it arrives before 3 pm on December 9, 2014.

Conservation easements are a legal tool used to restrict certain activities on private property in perpetuity in order to achieve conservation goals. Easements are negotiable, tailored to the land and the landowners. The broadest goal of an easement is to keep most of the land undeveloped.

The purpose of this form is to allow landowners to voluntarily bid and compete for public funds made available to the Avon Hills Initiative through the Legislative Citizens Commission on Minnesota Resources (LCCMR). Saint John's University is the fiscal agent for the grant and distributes the funds.

Bids will be prioritized using a method which compares the environmental benefits to the landowners bid to create a conservation value rating. (Multifaceted Approach to Prioritizing Land Easements -MAPLE) Successful bidders will be paid upon finalizing a conservation easement with the easement holder, the Minnesota Land Trust (MLT).

Landowner Information:

Name(s): _____

Yes No ---> The names above include all persons who have a legal share in this property.

Designated Easement Contact Person(s) Information:

Name(s): _____

Address: _____

Phone(s): Day: ____ - ____ - _____ Cell: ____ - ____ - _____

E-mail(s): _____

Legal Description or copy of tax statement: _____

Landowner Application for a Non-Binding Bid to Obtain a Conservation Easement.

Section 1: The following information is useful for the easement holder (Minnesota Land Trust) in determining how complicated the process of finalizing an easement might be. Answering "True" is preferred, but not necessarily required in this section. (The terms "we" and "us" means those parties which have a legal interest in the property being considered for an easement.)

T F The property which is intended to be covered by the easement (Hereafter "the property") is held free and clear by us. (No mortgages, encumbrances, liens, or delinquent taxes exist against the land.)

T F The property is not currently the subject of a lawsuit, annexation, condemnation, or a proposed utility right-of-way.

T F The property does not currently have any easements or deed restrictions that we are aware of or if they exist, we have attached a description of such deed restrictions. (A title review will be done as part of the easement process.)

T F The property not been the subject of a proposed development or plat taken before a planning commission by us within the last 3 years.

T F It is not currently our intent to develop the land intended to be covered by the easement within the next 5 years.

T F We believe we have a good understanding of easements in general.

T F We understand that an easement will have permanent restrictions on the land to benefit long-term conservation.

T F We understand that we will be able to bequeath, donate, or sell our land to any person or entity, but that those parties will continue to live with the easement restrictions. We understand that the easement will become part of the deed.

T F We believe we have a good understanding of what property uses we would like to restrict and also those we would like to retain in this easement.

T F We have discussed conservation easements in general with our family.

T F We have discussed our interest in this conservation easement with our family.

T F We have an attorney or could find one with whom we can discuss this conservation easement if we so choose.

T F We have a financial adviser or could find one with whom we can discuss this conservation easement if we so choose.

Section 2: Please indicate that you have read, understand, and agree with each of the following statements by circling either Y for yes or N for no. Answering "yes" to each question in this section is required to qualify for an easement.

Y N Our application must be received in a sealed envelope marked "Easement Bid" at the offices of Saint John's Outdoor University, New Science 104, 2346 Science Drive, (PO Box 3000), Collegeville, MN 56321-3000 so that it arrives before 3 pm on December 9, 2014. Our "code name" will be on the outside of the envelope.

Y N Information regarding completed easements will be considered public information as public funds are being used. Any information submitted on the application may be made public if the names and legal descriptions are removed.

Y N We may be party to only one application per round of bidding.

Y N At least part of our land is in the Avon Hills as described in the map [The Avon Hills Landscape of Stearns County](#) and contiguous to any part outside the map area.

Y N Separate landowners may pool their bids on a single application as a group, providing 1) they all agree to accept their combined environmental benefits score and 2) provided they all agree to the same bid rate per acre. If accepted as a group, each landowner will receive an individualized easement, but all landowners must sign their easements for any to be accepted.

Y N We are not legally committed to the easement until we agree and sign the final easement documents. We may withdraw at any time for any reason prior to signing. The only penalty for applicants who choose to withdraw after their bid is accepted is that they may not participate in a future round of bidding sponsored by the same funding source for 18 months.

Y N The MN Land Trust (MLT) will be the easement holder and is not legally committed to the easement until they agree and sign the final easement documents. MLT may withdraw at any time for any reason prior to signing without legal recourse by the applicants.

Y N To have a bid accepted, you must be able to convince the easement holder (MLT) that you can legally sign an easement within the time constraints set by the easement holder and/or the funding source which is June 30, 2016. This decision is at the sole discretion of the easement holder. Rejected landowners may apply at any future round of bidding.

Y N The Environmental Benefits Points determination is partly subjective and we accept the score as presented.

Y N The Conservation Value Rating is determined by dividing your Environmental Benefits Points by the dollars /acre you wish to be paid from funding provided by the LCCMR. Other parties may offer additional funding to specific landowners without affecting that landowner's Conservation Value Rating.

Y N Our bid must meet the minimum threshold of Environmental Benefits (500 points) and will be prioritized against any other bids based on the highest Conservation Value Rating.

Y N We understand that the landowner whose bid has the highest Conservation Value Rating will be offered the opportunity for an easement. If funds remain, the landowner with the next highest Conservation Value Rating will be offered the opportunity and so on until the available funds are expended.

Y N If a landowner is next in line for funding, but not enough funding remains to fulfill their bid the landowner may choose to: 1) Withdraw their bid and be allowed to bid without penalty in the next round. 2) Lower their bid to use all the remaining funds while keeping all the acres they originally bid for the easement.

Y N There is a limit to the amount of funding a landowner may receive which is the lesser of either the 1) appraised value of the rights given up in the easement or 2) the limit connecting Environmental Benefits to a percentage of the Assessors Township Average Market Value (ATAMV) per acre.

Y N If a landowner's bid is higher than the appraised value of the easement, the land owner may choose to: 1) Withdraw their bid and be allowed to bid without penalty in the next round. 2) Lower their bid to maximum appraised value while keeping all the acres they originally bid for the easement.

Y N The income from any payment we receive for an easement is considered taxable income.

Y N As needed, the landowner is responsible for the costs of acquiring a land management plan. (\$7-12/acre estimated)

Y N As needed, the landowner is responsible for the costs associated with surveying.

Y N The previous answers represent the full agreement of everyone applying for this easement.

Print name(s) and sign by landowner(s) or designated easement contact: (Add signature pages as needed.) Date:

Avon Hills Area Conservation Easement Bid Worksheet Using the MMAPLE Method

Complete using data from the worksheet or attach printout from worksheet.

_____ = Code name for this bid. (Use anything you want.)

28-Jul-14	
Units Affected	Enter your actual data in the blocks with the blue and green colors to determine Environmental Benefits Points. Blue is determined by the landowner. Green is determined by the land features in the easement. Purple are calculations. Orange = total Environmental Benefits Points. Red = Conservation Value Rating.
Size of Property (based on tax statement acres)	
80	Total acres owned by applicant contiguous to this proposed easement. (For information only)
75	Acres to be protected by an easement, not including any house site acres within the easement area.
80	Acres of this proposed easement plus those acres outside the easement that would fall within a full "40" or Gov. Lot) (i.e. 75 acres in easement + 5 homestead acres = 80 acres. Include only those acres owned by applicant.)
75	Total contiguous easement acres or largest block if not all acres are contiguous
Special Natural & Cultural Resources to be Protected by the Easement (count only those acres covered by the easement)	
0	Acres of Outstanding Quality DNR Sites of Biodiversity Significance (SOBS) (Rounded up to nearest 5 acres)
40	Acres of High Quality DNR Sites of Biodiversity Significance (SOBS) (Rounded up to nearest 5 acres)
0	Acres of Moderate Quality DNR Sites of Biodiversity Significance (SOBS) (Rounded up to nearest 5 acres)
538	Feet of Shoreline on "public waters" (streams, lakes+ wetlands>10 ac) from the Public Water Inventory Map (round up to nearest 10)
0	Feet of the longest contiguous section of shoreline on "public waters" for each lake on which the survey is "meandered." (round up to nearest 10)
0	Acres which are designated as a source of public drinking water or aquifer recharge area.
0	Feet of protected property boundary which is adjacent to a designated scenic road, river, trail, or other designated scenic feature.
0	# of documented sites of historical or cultural significance which will be protected.
Open Space /Working Forest /Working Ag to be Protected by the Easement (count only those acres covered by the easement)	
70	Acres to be used for working forest, prairie, preserved forest, savanna, or wetland. (Not intended for agriculture, pasturing, or horticulture.)
5	Acres to be allowed for use as agriculture, pasturing, or horticulture.
0	Acres for which a current land management plan exists. (i.e. Forest Stewardship Plan or NRCS Farm Plan)
Location of the Property to be Protected (count only those acres covered by the easement)	
0	Acres on which unrestricted public access will be allowed.
0	Feet of protected property boundary which is adjacent to either public land or other permanently protected land.
75	Acres which are inside some kind of specially designated conservation protection area. (Township, county conservation overlay district)
Building Allotments to be Extinguished, or Retained for Future Use, or are Already Used by the Applicant (within next full "40")	
(Include building areas inside the easement area plus those controlled by the applicant outside the easement that would fall within the next largest full "40" or Gov. Lot.)	
A40	Current property zoning. Examples A5, T20, A40 - Check with zoning board.
2	Total number of building allotments (used or unused) that are assigned by zoning. (Often 1 per 40 acres. Check with zoning board)
1	Number of building allotments already used or to be retained from above. (Include any existing homesites you own.)
1	Number of building allotments to be extinguished within the proposed easement area.
1	Clustering: How many unconnected areas will contain building sites? Clustered building sites that have adjoining boundaries are counted as 1 area.
Enter 1 above	Boundaries of individual building sites must adjoin on the longest or second longest side to be counted as one cluster.
1	How many separate legal easement document sets need to be created? (Multiple bidders or current/future land splits require separate easements.)
\$0	\$ /acre Admin fee for multiple easements. (\$15,000 per additional legal easement sets needed/ acres protected. \$0 fee for the first easement.)
ENVIRONMENTAL BENEFITS POINTS	
Deductions (if any) for Not Extinguishing all Building Allotments (100% protection = no deductions)	
94%	Percent of land in the easement compared to the next highest "full 40" or government lot. (Protection > 80% has no deductions.)
50%	Percent of total allotments to extinguished. (Must be >65% for full credit.)
75	Acres of protected land per homestead or developed cluster. Must exceed 75 acres for 100%. 160+ acres = max of 130%.

Hand calculate your bid below.	
10,000	(A) = Your Total Environmental Benefits points
\$ per acre	(B) = \$ per acre you want to be paid for the easement.
\$0	(C) Add this admin fee to (B) your total price /acre
	(D) = Your Conservation Value Rating
	(D) Conservation Value Ratings = (A) ÷ (B+C)
75	(E) = Total acres you are protecting with an easement.
\$	(F) = Total \$ you could receive if accepted. (F)=(B x E)

Y N The bid above represents the full agreement of everyone applying for this easement.

Print name(s) and sign by landowner(s) or designated easement contact:

Date:

Print name(s) and sign by landowner(s) or designated easement contact:

Date:

Y N The bid above represents the full agreement of everyone applying for this easement.

MMAPLE = Minnesota Multi-faceted Approach for Prioritizing Land Easements

- Conservation easements are a great tool where 96% of the land is privately owned.
- Sealed bids (free-market approach) lower easement costs.
 - Landowners empowered to be full partners in the preservation of their land.
- This is a proven process.
 - (LCCMR – March 2011)
- There is a match to Public Funding!
 - To date all landowners have bid lower than the appraised easement value which is in effect a match from them.

