

Avon Hills INITIATIVE

December 2014

People you know have conservation easements. Is one right for you?

Bob and I purchased the land we now live on decades ago, enjoying everything nature had to offer - from wildlife to woodlands. We found ourselves discussing what would happen to this beautiful place when we are no longer here. We wanted to protect it.

When the Avon Hills Initiative informed us of a grant that could help us fulfill this dream, we made the decision to complete an easement with the Minnesota Land Trust.

The process was thorough, but not difficult. All of our concerns and questions were addressed professionally and sincerely.

Now we can be assured that this land will remain as it is today, for future generations to enjoy and appreciate this beautiful wonder.

Bonnie and Bob Thomsen, Collegetown Township

New Organization to fight Milfoil in Local Lakes

When the MN DNR announced the discovery of invasive milfoil in Middle Spunk Lake in Avon, locals met and reorganized into the new Avon Area Lakes Association. Working together quickly resulted in the first treatment against the milfoil just two months after the DNR announcement.

This is the first step in a long battle to control this and other pests. Other bodies of water in the area are at risk and the AALA is reaching out to any citizens and other organizations interested in helping with this collaborative effort. Find us on Facebook or attend one of our meetings the 4th Sunday of each month at 7 p.m. at the Avon City Hall. If you have questions, don't hesitate to ask.

Charlie Nordby, 507-752-7876

\$600,000 available to help save the rural nature of the Avon Hills

Landowners in the Avon Hills have a unique opportunity to voluntarily and permanently protect the biological integrity of their farms and forests under a grant from the Minnesota Environment and Natural Resources Trust Fund. The Avon Hills includes much of Collegetown and Avon townships west of St. Cloud plus parts of other adjacent townships.

Over \$600,000 is available to pay landowners for conservation easements in the Avon Hills during this funding cycle. Saint John's University, in cooperation with the Avon Hills Initiative is overseeing the effort. Landowners themselves will determine the amount they want to be paid through a sealed bid, but it will be ranked in comparison with all bids received. Landowners have until February 4, 2015 to submit their bids and applications.

Conservation easements help preserve open space, biological diversity and the rural character of an area, primarily by restricting development. Landowners with conservation easements can continue to hunt, harvest, recreate and otherwise use their lands under the easement's provisions. Learn more about easements with the MN Land Trust on pages 2-3.

Landowners bid a per acre price for granting a conservation easement. Properties with high environmental benefits plus a lower bid will be the highest ranked while properties with lower environmental benefits combined with a high bid will be the lowest ranked. In 2011, a similar process had bids ranging from \$1 to \$3,000 per acre, not all of which were funded. The properties are scored for environmental benefits using existing databases and a formula developed by local conservation leaders.

The Avon Hills, which faces development pressures from the expanding urban area of St. Cloud, is one of the highest areas of biological diversity in central Minnesota as ranked by the Minnesota DNR. It has been designated by the Audubon Society as an Important Bird Area and is considered critical habitat by other environmental organizations including The Nature Conservancy.

Learn More:

Tom Kroll, Saint John's University

E tkroll@csbsju.edu

P 320-363-3126

csbsju.edu/outdooru/avonhillsinitiative

Understanding MN Land Trust Conservation Easements

Minnesota Land Trust was created in 1991 to help landowners and local communities preserve Minnesota's natural and scenic heritage. The land trust's mission is to preserve the natural and scenic heritage of our State by permanently protecting lands and waters that define our communities and enrich our quality of life.

Minnesota Land Trust has identified three major conservation land types that embody the range of natural experiences and features that make Minnesota unique. These include:

- *Natural habitats* for wildlife, fish and plants. These include undisturbed blocks of natural habitats, contiguous wildlife corridors, buffers to adjacent high quality habitats, restored lands and critical habitats identified by local, state and national planning efforts
- *Lakeshores, rivers and streams* – riparian areas are important areas as habitat, for their relationship to water quality, and for the scenic values long associated with Minnesota
- *Scenic landscapes* accessible or visible to the public, particularly those with local, cultural or historic significance

One key tool Minnesota Land Trust uses in its conservation efforts is the conservation easement. This tool limits development of a property and is an important strategy with respect to direct land protection projects on privately owned land.

HOW LONG DOES IT TAKE TO COMPLETE AN EASEMENT?

There is a sequence of standard steps in completing a conservation easement. These steps can take 3-6 months or more, depending on a variety of factors.

Initial contact. Interested landowners complete a landowner questionnaire to help the Land Trust learn more about the property and better understand a landowner's goals and conservation objectives.

Site Visit. A Land Trust staff member visits the site—with the landowner and the landowner's family whenever possible—to evaluate, document and photograph the property's natural and scenic values.

Gather information. The Minnesota Land Trust obtains maps, title work and other information about the property and the surrounding area. Land Trust staff and the landowner continue project discussions and identify funds needed to cover costs associated with the project, including the funding to cover the Land Trust's responsibilities for monitoring and stewardship. The landowner contacts an attorney and, if interested in potential tax benefits, arranges for the property to be appraised.

Draft conservation easement. The Land Trust staff attorney prepares a draft conservation easement for review by the landowner and the landowner's attorney.

Secure approvals. Land Trust staff prepare a project summary to present the project for review to the Land Trust's Conservation Committee. The Committee evaluates the project by examining the conservation values of the property, the public benefits pro-

vided by the project, threats to the property, transaction details, and financial considerations. The Minnesota Land Trust Board of Directors reviews and approves the project at its next regularly scheduled meeting.

Finalize and record documents. After additional review and discussion, final documents are prepared for signature and recording.

Complete project follow-up. In addition to completing the easement itself, Land Trust staff prepare a baseline property report documenting with text, photographs and maps the property's history, natural features, vegetation, structures and improvements. Land Trust staff also finalize stewardship funding, a monitoring plan, and implement any publicity plans.

Defend easement forever. In partnership with the landowner and the community in which the property sits, the Minnesota Land Trust begins its long-term commitment to protecting the land and preserving its conservation values into the future.

WHAT CAN BE EXPECTED FROM AN EASEMENT? WHAT IS RESTRICTED?

Each easement is different and is flexible to the landowner's interests and what they are trying to preserve, such as habitat, shoreline, or a combination of these things. Minnesota Land Trust negotiates each easement with landowners, though there are certain practices that the land trust prefers to include in most conservation easements.

Land Use

- Industrial uses or activity are typically prohibited
- Commercial use or activity are typically restricted, but may be allowed where they are not the primary use of the property
- Subdivision of protected property is typically prohibited
- Development rights cannot be transferred to another property
- Residential uses are often appropriate, and restrictions typically pertain only to additional, future development
- Habitat management is often encouraged, with an approved management plan
- Recreational and educational uses are often allowed and encouraged
 - Public use often encouraged, as long as they do not negatively impact the property's conservation values
 - Private uses, like hunting, hiking, etc., are generally acceptable
 - Motorized vehicle use is often acceptable, but may be limited in sensitive areas
- Timber harvesting and forest management may be allowed with a management plan
- Limited agricultural use is often allowed in conjunction with other uses, though funding for this program prioritizes natural resource protection and funds cannot be used to acquire portions of the property in agriculture.

Buildings

- Existing structures can be included in the easement
- Building envelopes are typically incorporated into an easement to confine buildings and utilities
 - Preference is to limit size of total footprint

- Structures' height, coloring, and visibility may be restricted where there are scenic concerns

Structures and Improvements

- Utilities are often allowed to serve permitted uses of the property
- Small signs are often allowed
- Existing roads may be maintained, but new roads are typically not allowed
- Trails and fences are typically allowed, but easements do not mandate public access
- Docks are typically limited to one

Other Activities

- Dumping and mining are typically prohibited
- Topography and surface alteration are typically restricted
- Alterations to water bodies or shorelines are typically prohibited, except where enhancing habitat under an approved management plan
- Vegetated buffers are often required for all water bodies
- Vegetation management is restricted as appropriate, but active ecological management is encouraged with an approved management plan

Land Trust's Rights

- In order to enforce the terms of the easement in perpetuity, the land trust needs to retain the right to visit the property on an annual basis

DOES AN EASEMENT MEAN THERE IS PUBLIC ACCESS ON MY LAND?

If a landowner wants to include public access on their property, that allowance can be included in an easement. However, easements do not regularly require public access.

WHAT HAPPENS AFTER THE EASEMENT IS COMPLETED?

Landowner: The landowner remains responsible for the land—for its maintenance and upkeep, for paying taxes and for otherwise meeting the typical obligations of land ownership. Conservation easements add a few further requirements:

- To comply with the restrictions in the easement.
- To notify the Minnesota Land Trust of proposed changes to the property.
- To allow annual monitoring visits,
- To notify the Minnesota Land Trust when selling or transferring the property.

Minnesota Land Trust: The Minnesota Land Trust is obligated to oversee and enforce the terms of the easement, and will legally defend it in the event of a violation. The Land Trust does not otherwise have the right to use the property without the landowner's permission.

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:

- **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.
- **Property Taxes:** An easement that reduces the value of the land may result in lowered property taxes.



John Brosnan, Director of Land Protection
651-917-6292 | jbrosnan@mnland.org

About Us

The Avon Hills Initiative (AHI) is a community-based organization located in central Minnesota committed to preserving the rural and natural character of roughly 50 square miles of land in or near Avon, St. Joseph, Collegetown, and St. Wendell townships. We work through education, community organization and local government to increase awareness of land development pressures facing the Avon Hills. We act to initiate meaningful dialog between stakeholders relative to these pressures, in order to preserve the rich cultural history, natural beauty, and biological diversity of the Avon Hills for generations to come.

Our Mission

- Preserve the rural character of our community;
- Protect the quality of our natural areas;
- Maintain economic productivity in our communities while respecting individual landowner rights.

Executive Committee

Karen Bobeldyk

Allan Davisson

Peter Dwyer

Bill Fahrney

Mike Leedahl

Julie Lunning

Chair, Steve Plantenberg

Lowell Rushmeyer

Chris Schellinger

Contact Us

P.O. Box 377 | Avon, MN 56310

E avonhills@gmail.com

W csbsju.edu/outdooru/avonhillsinitiative



P.O. Box 377
Avon, MN 56310

U.S. Postage
PAID
Collegeville, MN
Permit No. 9

Reimagining the **Living in the Avon Hills** Conference

This winter will be different. It's not the weather, though that is already a popular conversation topic. It is a change in the schedule for the annual *Living in the Avon Hills* conference. Friends and neighbors in the Avon Hills have gathered in the deep of winter for the past five years to learn from scores of experts in all kinds of subjects related to living in our townships and villages. **The conference has been a resounding success but we will not host the conference in 2015.**

To be utterly practical - we are short-staffed right now. John O'Reilly, the former assistant director of environmental education at Saint John's Outdoor University, our partners in planning the event, joined the faculty of the St. Cloud School District this fall as a middle school science teacher. This is great news for John and the students in St. Cloud, but this has left a significant hole in our operation. We are grateful for the work John did for past conferences and all the other educational efforts of Outdoor U. We look forward to continuing our partnership with new staff in future years.

We'd also like to take this "sabbatical" year to reimagine the event; to make it fresh. We've begun discussions of other times of year, other kinds of programs and new ideas to serve the residents, businesses and local governments within the Avon Hills. This reimagining process has just begun and we look forward to taking the next year or more to produce a renewed program for the Avon Hills. **We are accepting any suggestions and ideas for strengthening the Avon Hills communities through programs and gatherings. Share with us what would be important and valuable to you, your family and your neighbors.**

Positions Open on Avon Hills Executive Committee

Join the effort to preserve this unique area! AHI committee meetings are held the last Wednesday of most months at 4:45 p.m. at Saint John's University. Current activities include supporting a grant that provides funding for Avon Hills residents to preserve their land through conservation easements. We also facilitate the Living in the Avon Hills conference and other educational opportunities. **Even if you can't join the committee, we'd love to hear from you!**