

by Barry Lonik

Ten years ago, at the peak of Washtenaw County's housing frenzy, Bloomfield Hills-based Colt Farms applied to rezone 286 acres in Ann Arbor Township from agricultural use to a mobile home park. The panoramic vistas of the Braun centennial farm, two miles north of the Ann Arbor city limits, were to be replaced by 1,000 manufactured housing units, along with 300 "stick-built" homes, all served by a new wastewater treatment plant. "The township's population would have doubled," recalls township supervisor Mike Moran, "and our entire way of life would have changed. Police, fire, roads, infrastructure, all would have been insufficient. It would have been disastrous."

Webster Township faced a similar proposal in 2003. Farmington Hills-based Grand Sakwa sought mobile home park zoning on the 320-acre Nixon property in the core of the township's southern agricultural district. Sakwa's plan featured more than 1,000 units to be sited south of Daly Road west of Zeeb. Sewage would be handled either by an on-site treatment plant, or by extending lines from Loch Alpine—an action that would have opened the entire Joy Road corridor west to Dexter for high-density residential development. "I can't imagine the amount of road traffic there would have been," says neighboring farmer Nick Heller.

During the housing bubble, residential development ran rampant in Washtenaw County. Figures from the U.S. Census of Agriculture show that between 1982 and 1997 more than 50,000 acres of county farmland were converted to other uses,



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The inside story of how area residents have saved more than 15,000 acres from development

primarily residential; that translates to nine acres a day. A study found that county voters approved more than \$1 billion in new taxes to underwrite development in the 1990s alone, primarily to build new schools. Fledgling preservation efforts, spearheaded by local land conservancies, achieved notable successes but

were unable to compete financially with developers.

Yet today, both the Braun and Nixon properties are protected by permanent deed restrictions called "conservation easements." Local governments bought them after voters overwhelmingly approved land preservation millages. Instead

of sprawling seas of trailers, those properties now form the cores of two of the largest blocks of protected farmland surrounding Ann Arbor—land that will remain undeveloped forever.

Dramatic as it is, the rescue of the Braun and Nixon farms is only the latest success in ongoing conservation efforts that have protected more than 15,000 acres of farmland and natural areas in Washtenaw County—one of the highest totals in the state—and secured numerous popular natural areas like Ann Arbor's Bird Hills Park. The origin of these efforts dates back forty years, to when Michigan's first land conservancy was established in Ann Arbor.

In 1971 a small group of citizens incorporated the Washtenaw Land Conservancy. Also known as land trusts, conservancies are nonprofits that protect a property's natural, agricultural, and historic resources through land and deed restrictions.

WLC carved out an important niche by "pre-acquiring" select properties threatened with development, then transferring ownership to public agencies when funding was assembled. "We were able to utilize the creative talents of our board members to work with landowners who had an environmental ethic and wanted to preserve their land," recalls Bill Martin, the commercial real estate developer who served as WLC's board president for more than a decade.

Properties protected by WLC in this manner include Black Pond Woods, a thirty-four-acre woodland adjacent to the Leslie Science and Nature Center that's known for spring amphibian calls and wildflower blooms. "The city had already



(Top of page) supervisor Mike Moran on the Ann Arbor Township farm once slated for a mobile home park. (Above) Howard and Kelven Braun worked with writer Barry Lonik to protect their York Township farm.

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approved zoning allowing development, but there was strong public commitment to save the land,” recalls real estate attorney Karl Frankena, who was recruited to the WLC board as a “young liberal” and later made a career representing developers. “We were able to help the landowner recognize the reality that residential development wasn’t suitable for the property.”

The land conservancy model fostered the formation of other area groups in the late ’80s and early ’90s: the Raisin Valley Land Trust in the Manchester area; the Southeast Michigan Land Conservancy covering seven counties including Washtenaw; and the Potawatomi Community Land Trust (PCLT), the group I joined.

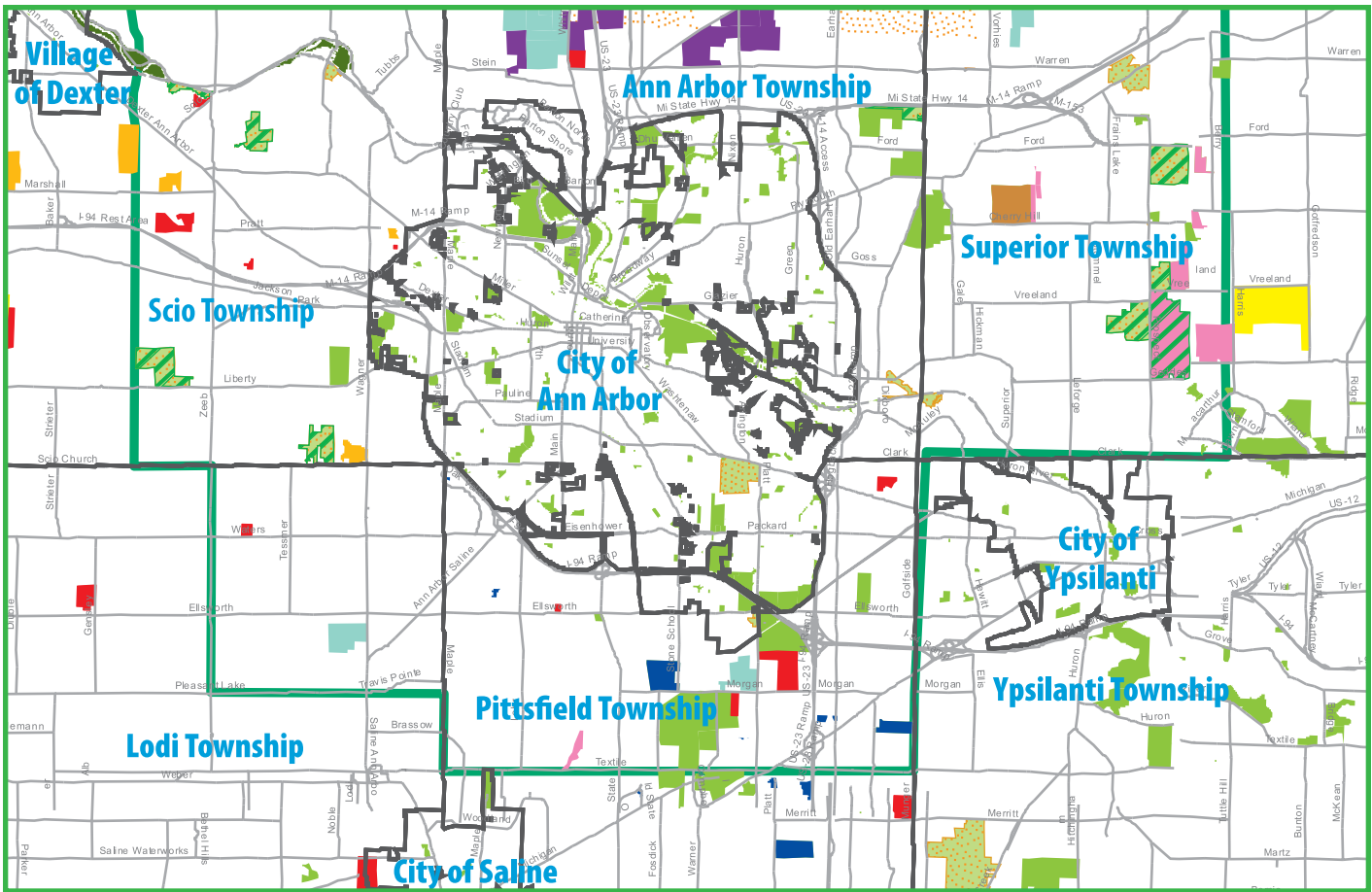
I came to Ann Arbor in 1983 to pursue a graduate degree at the U-M School of Natural Resources. I began exploring the countryside and found many wild and beautiful places within a short drive of downtown. Having grown up in a Detroit suburb where open land was nonexistent, I was enraptured by the rolling landscape of farms and woods and decided to make the area my home.

“We had our guts ripped out,” says the Ecology Center’s Mike Garfield of the 1998 millage vote. “We were demoralized, our high hopes for change dashed.”

By then development was underway in earnest, so when I was invited to join PCLT’s board of directors in 1991, I enthusiastically accepted. At that time the board’s sole focus was purchasing a permanent home for the Community Farm of Ann Arbor, the state’s first community-supported agriculture (CSA) enterprise. Our annual budget was \$1,500.

Knowing that land trusts elsewhere were using conservation easements to acquire the development rights to natural and agricultural properties, I proposed that in addition to looking for a home for the Community Farm, PCLT seek easement donations on other lands. In 1994 I became the trust’s executive director.

The following year the Michigan Environmental Council received the first of several grants to promote better land use planning. “Folks at the Kellogg, Mott, and Americana foundations were visionaries back then,” recalls former MEC executive director Lana Pollack. “They recognized Michigan’s landscapes were disappearing fast to strip malls and look-alike subdivisions. MEC hired me to lead a program focused on Washtenaw County. After a series of presentations on different options, a citizens’ group formed and chose to promote the purchase of development rights (PDR) on farmland as its preferred tool to preserve rural land.



Governments and non-profits have protected more than 15,000 acres of farms and natural areas in the county. The green line is the boundary of the Ann Arbor Greenbelt.

Often I met with farmland owners who were enthusiastic about preventing development on their property, but who were not in a financial position to donate what was in essence their retirement account. PDR promised to be a solution. It leaves the land as it is, while compensating landowners for much of the value they would have realized if the property had been sold for development.

The citizens’ group approached the county’s board of commissioners in July 1996 with a pitch for a ballot proposal to fund a PDR program. The following year, a county task force recommended placing two millages on the 1998 ballot: one to fund farmland PDR and one to purchase natural areas as preserves. The board combined them with other programs to create an omnibus ballot proposal—a difficult sell even without active opposition. And there was active opposition: the Washtenaw County Home Builders Association and the Ann Arbor Area Board of Realtors both mobilized to defend the proposal.

Flush with a \$330,000 campaign war chest, they focused on PDR being a new concept and the proposal a new tax. To confuse and alienate voters, their campaign director on more than one occasion publicly claimed that homeless shelters could be erected on private property after development rights had been sold.

We proponents raised \$220,000 of our own, making it by far the most expensive ballot proposal campaign ever in Washtenaw County. The final vote was 58 percent opposed. The proposal won only in Ann Arbor and Ann Arbor Township—which would have future significance.

“We had our guts ripped out,” recalls the Ecology Center’s Mike Garfield, one of the proposal’s main supporters. “We were demoralized, our high hopes for change dashed.”

It was a crushing defeat, but we recovered quickly. In 1999, Ann Arbor’s parks acquisition millage was about to expire. City council was not supportive of a renewal, so environmentalists launched a petition drive to force the issue onto the ballot. “We became aware of the pending loss of funding and engaged,” recalls Doug Cowherd, then co-chair of the local Sierra Club group. “We needed 5,000 voter signatures. On the last day thousands of signatures arrived, collected by people who’d never before participated. We’d struck a chord.” The five-year millage passed with 65 percent approval.

Buoyed by this success, activists turned back to a county task force recommendation that the HBA and Realtors supported: a natural areas preservation program funded by voters and run by Washtenaw County Parks. Once-bitter adversaries jointly approached the county board in 2000 in support of a quarter-mill property tax for the program. Voters passed the natural areas millage with 64 percent approval, creating a \$30 million fund.

Meanwhile the land conservancies were quietly protecting farmland. The Southeast Michigan Land Conservancy purchased a keystone property of woods and fields along Prospect north of Geddes, made possible by loans from members. “LeFurge Woods was a top priority in the natural features inventory of Superior Township,” says former SMLC executive director Jack Smiley. “We also wanted to bolster the township’s master plan by preventing water and sewer lines extending north of Geddes,” thereby decreasing the threat of big subdivisions. The group won a state PDR grant and used the proceeds to repay the loans and protect adjoining property.



Potawatomi—which later merged with the Washtenaw Land Conservancy to become today’s Legacy Land Conservancy—offered my assistance to any landowner who wanted to apply for state PDR funds. My single proudest accomplishment was protecting the 477-acre centennial farm of Howard and Kelven Braun in York Township. The Braun farm has frontage on four public roads, borders the city of Saline for more than two miles, and is widely known for its two sets of immaculate barns. The brothers (no relation to the Ann Arbor Township Brauns) were innovative farmers, very successful and passionately dedicated to their land. “As we saw subdivisions closing in around us, we thought ‘Do we want houses growing up on this farm?’” Kelven Braun recalls. “It didn’t take long to decide that we did not.”

Despite the 1998 defeat, activists kept pushing for locally funded PDR programs. “We felt very strongly about offering

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an alternative for landowners to realize value from their land without selling for development,” recalls Ann Arbor Township supervisor Moran. During the summer of 2003, leaders there and in the city of Ann Arbor—the two places where the 1998 proposal had passed—started quietly discussing the idea of simultaneous ballot issues. In Ann Arbor it was to be a thirty-year extension of the 1999 parks acquisition renewal, with two-thirds of funds available to acquire land and development rights outside the city limits. Ann Arbor Township’s proposal would be for a new, twenty-year 0.7-mill property tax to fund farmland PDR.

“There had already been talk for years about land preservation without a solution,” Ann Arbor mayor John Hieftje recalls. “We simply offered the citizens another opportunity to speak through a public vote.”

No city in Michigan had ever asked its citizens to tax themselves to preserve lands outside the city limits. Indeed, few U.S. cities had ever done it. Since 1998, activists had built ties with the Realtors, and they now took a neutral position on PDR—but no one doubted that the homebuilders would again fight any governmental effort to block development.

To provide the HBA with less time to mount its campaign Moran and Hieftje held off announcing the ballot issues until late in August. Taking an assertive approach and learning from their mistakes in 1998, supporters vowed to identify the HBA as the sole opponent, publicize its out-of-town contributions, and counter every claim immediately.

As expected, the HBA mobilized a strong campaign. It focused on the city proposal, which would generate upwards of \$60 million for land preservation. The opponents ran a television commercial featuring actors sitting in a staged kitchen, claiming the proposal would be bad for parks and schools.

Supporters quickly countered with their own ad, using the same footage but exposing its origin. The counter-ad was the work of an A-list campaign consultant, whose hiring was made possible by a \$60,000 personal loan from the Sierra Club’s Cowherd. “I wanted to see the campaign succeed and knew from 1998 that it wouldn’t without sufficient finances to counteract a well-funded opposition,” Cowherd recalls. (The loan was later repaid from the club’s gift card program.)

Also prominent in the process was a debate held at the Michigan Theater, where the public packed the main floor to hear McKinley CEO Albert Berriz join Hieftje in an effective presentation against HBA spokespeople. In the end, 67 percent of voters said yes to the greenbelt proposal.

The vote in Ann Arbor Township was even higher—80 percent in favor—making it just the second township in Michigan to fund farmland preservation. Scio Township voters followed suit in 2004 and Webster Township in 2005, with both

proposals passing by similar landslide margins.

By working together, local governments can now leverage mutual resources as well as state and federal matching funds and donations from landowners. For example, when Washtenaw County Parks purchased the Fox Science Preserve, both Scio Township and the Ann Arbor greenbelt program chipped in. The former gravel pit off Peters Road in Scio Township had long been used by public schools to study glacial history, geology, and land reclamation. “Mel and Betty Fox were very generous to allow over 40,000 students access to their property, and we wanted to ensure that access continued,” says county parks director Bob Tetens. “Partnering with other agencies made that far more possible.”

Protection efforts also benefited from matching grants from the federal Farm and Ranchlands Protection Program. With few other applicants statewide, Washtenaw County programs have received more than \$12 million in FRPP grants for twenty-four projects including the Braun and Nixon properties that were slated for mobile home parks.

Initially, development rights values—which are determined by independent real estate appraisers—reflected the wildly speculative land market. Ann Arbor Township’s first farmland project in 2006 paid its owner \$15,000 an acre for development rights; just four years later, two projects there closed at half that per-acre price. Once it became clear that the public programs were the only game in town, deals started getting done in bunches. A number of elderly owners have used the proceeds to enter their retirement years free from debt and knowing their land will remain undeveloped.

A decade ago planners, developers, and landowners all viewed agricultural lands—having already been cleared—as a holding zone for future residential development. Now landowners like the Ann Arbor Township Brauns are investing in their farming operations by purchasing new farming equipment and other easement-protected land. “Chuck’s whole life has been farming,” notes his wife, Cathy, formerly the longtime township clerk. “He sees farmland as a scarce commodity that should be preserved for future generations and used wisely.” The Brauns’ children and stepchildren are now part of their operation.

In addition to the farmland PDRs, Washtenaw County Parks bought seventeen new preserves in the Natural Area Preservation Program’s first ten years, including river frontage, woods, and unique natural communities. Last year, voters renewed funding for the program during the worst economic conditions since the Great Depression. Significantly, the county program now allows for 25 percent of millage proceeds to be used for farmland PDR, resulting in a comprehensive land preservation strategy unlike any other place in Michigan.

The local conservancies also remain busy. SMLC’s acquisitions have grown into a Superior Township greenway en-

compassing 1,000 contiguous acres, with more projects in the surrounding area. Legacy Land Conservancy has protected nearly 5,000 acres and is partnering with the state to add key parcels to the Pinckney and Waterloo State Recreation Areas west and northwest of Ann Arbor.

In Ann Arbor Township, leaders are trying to catalyze the burgeoning local food movement on 153 acres of township-owned land. “We recognized that the lands we were protecting were growing row crops, often sold out of the local area,” reflects Moran. “While that’s important to the agricultural economy, we also recognized the wave of interest from younger people with a different idea of farming but who were having trouble starting and operating small farms. With our own property, we have the luxury to experiment.”

This spring a program providing training for beginning farmers—funded by a grant from the Department of Agriculture—will get under way, focused around a 100-year-old barn on township land along Pontiac Trail; a second similar program is awaiting USDA funding. Within five years the township hopes to have most of its property’s 110 tillable acres devoted to small farm businesses producing food for local markets and using shared resources like water, electricity, and equipment. The hope is that some of those businesses will relocate on other lands in the township or nearby, significantly increasing the quantity of fresh food grown in the area.

The outcome of all these efforts is the development of a greenbelt around Ann Arbor, a blend of public and private lands providing recreational opportunities, open space, and agricultural production. “The lands we’re setting aside today will set us apart for a long time,” Hieftje states. “No one organization could have accomplished it alone. It’s been a true team effort.”

And it’s not over yet. In its 100-year strategic plan, Legacy Land Conservancy articulated the following vision: “As the 21st century comes to an end, visitors to the community will be struck by the connected, contiguous open spaces characterizing the community. Most specifically, an arc of open land will run from the Pinckney State Recreation Area in the north through the Sharonville State Game Area in the south, through the Waterloo area. This arc will continue in ‘arms’ at either end, encompassing the Huron, Raisin, and Saline River systems.



COURTESY LEGACY LAND CONSERVANCY

The Legacy Land Conservancy aims to protect an additional 25,000 acres by the end of the century. A step in that direction: the new, 110-acre Badgley-Smith Preserve in Sylvan Township.

Nestled within the arc will be an economically healthy farming community.”

To achieve this vision, Legacy established a goal of protecting 25,000 acres, focusing on larger parcels adjacent to the state recreation areas, prime agricultural soils in southwest Washtenaw County, and the upper watersheds of major rivers. It’s hugely ambitious—yet Legacy executive director Susan Lackey notes that more than 4,000 acres already have been protected since it was adopted in 2005.

Lackey sees two major challenges ahead. The Michigan Natural Resources Trust Fund earmarked \$2.5 million to purchase additions to the state recreation areas with the conservancy’s assistance, but, she says, “the drop in land values in our area is starting to make owners reluctant to sell.” Of greater concern, Lackey says, “governments may decide public lands are a luxury that can no longer be afforded,” which could lead to the sale of public lands or conversion to private use.

When I talk to local groups about land preservation, I tell them that while I don’t know what the future holds, bipeds looking a lot like us have been planting seeds in dirt and consuming the plants that grow for a few thousand years. Chances are that’s still going to be essential to our health and survival in the years ahead, so it’s best to have a place to do that nearby, especially in the post-petroleum era. I also believe the availability of open space is essential to the psyche of our species, and the absence of it is the source of many of the world’s ills. Thanks to the county’s land conservancies and far-sighted voters, we and our children will have that space nearby.

Legacy Land Conservancy’s fortieth anniversary “Back to the Country” gala is set for June 9 at Misty Farms in Scio Township. ■