

PRESERVING PUBLIC OPEN SPACE

Open space that extends across community boundaries provides opportunities for parks and recreation use by people and for conserving natural features such as habitat for plants and animals. In addition to the environmental and recreational aspects of open space, these areas also provide transportation opportunities through linear trails and bike paths, allow for the preservation of historical areas, and preserve the character of the community.

Often, communities become concerned after discovering that the development pattern established from existing planning and regulatory measures has resulted in little or no valuable open space. In an attempt to remediate this problem, communities find themselves left with a poor selection of land suitable for parks and recreation areas, natural resource protection, or private on-site open space. Very often acquisition costs are so high that acquiring useful parcels is not affordable.

Recognizing this issue, local land use management practices and policies are needed to respond to both the demands for development and protection of open space areas that have natural resource, recreation, and aesthetic value. The tools and techniques that follow provide some direction and options for creating and/or protecting unique and special open space areas. Among these are parkland acquisition, greenways planning, and conservation easements. (Other techniques for maintaining open space can be found in the chapter on Managing Residential Development).

KEEPING IT CONNECTED

Acquiring and maintaining public open spaces offers benefits beyond recreational opportunities. Parks and recreation increase economic development by attracting tourists, businesses, retirees, and enhancing real estate values. In addition, using open space for parks and recreation can alleviate social problems such as youth crime, relieving stress, and adding to a healthy lifestyle. Finally, parks and recreation can also encompass environmental stewardship by protecting historic sites and the natural environment.

Source: Crompton, Parks and Economic Development, 2001.



Active recreation in Macomb Township.

Planning and Regulatory Considerations

Federal, state, regional, and local entities have taken an active role in preserving of public open space. Both federal and state governments not only acquire land for public open space, but have passed legislation to support acquisition and development of public open space at the local level.

To be eligible to apply for these grants, a local unit of government must have a current community recreation plan on file with the Michigan Department of Natural Resources (MDNR) that complies with current MDNR requirements. These requirements include the prioritization of needs and inclusion of a capital program for land acquisition, facility development, and maintenance schedule. In addition, the plan must be updated every five years.

The federal and state government also compensate landowners for preserving their land as open space through conservation easements. These easements restrict the use on the land in exchange for certain tax benefits and exemptions from various special assessments.

Another mechanism to establish an open space easement is under the “open space” provisions of the Farmland and Open Space Preservation Act, (Part 361 of the Natural Resources and Environmental Protection Act (NREPA), but commonly known as P.A. 116). Property owners may dedicate a portion of their development rights to either the state or local communities. The act enables the property owner to enter into a development rights easement in exchange for property tax relief over a 10-year period.

Tools for Acquiring and Maintaining Public Open Space

Although state and federal government have taken an active role in open space preservation, local communities provide the genesis for most open space preservation efforts. The tools and techniques that can be used to create and protect public open space include:

- Developing a parks and recreation plan.
- Acquiring parkland.
- Financing parkland acquisition.
- Utilizing open space and conservation easements.
- Developing a greenway plan.

Developing a parks and recreation plan

A community parks and recreation plan is a prerequisite for communities interested in receiving federal or state grants. However, as noted above, this is not the only benefit of planning for your community's parks and recreation. In preparing the plan, communities are encouraged to consider local benefits and the overall needs of the community, as opposed to simply focusing on state mandates.



Consider incorporating both active and passive recreational opportunities, such as Waldenburg Park in Macomb Township, when developing parks. This allows various recreational opportunities along with providing essential habitat.

Specifically, the plan can encompass such items as environmental protection and alternative transportation mechanisms. For communities interested in going beyond state requirements, suggested goals to include in a parks and recreation plan follow.

- Appropriately utilize (while preserving and restoring) areas of natural, historical, or architectural significance.

- Enhance and protect the natural resources in the community. Park development and acquisition affecting these natural resources should restore and preserve the resource, improve water quality, preserve wildlife habitat, manage storm water, and enhance recreation opportunities.
- Incorporate alternative transportation opportunities for residents through greenways and trail systems.

Acquiring parkland

One mechanism local communities can employ to provide public open space is directly purchasing land for parks and recreation. Priority areas for parkland acquisition should be clearly stated in the community's parks and recreation plan. In addition, the parks and recreation plan should contain criteria to evaluate a parcel being considered for acquisition.

Following is a listing of possible evaluation criteria. These criteria may be summarized and quantified on an evaluation sheet, however, they are not meant to exclude other salient considerations, such as urgency driven by a parcel's uniqueness, limited time availability, or an emerging recreation activity. The criteria are meant to aid in making a subjective decision to acquire the land using objective information.

Natural resource frontage. If a natural feature (such as a river system) is integral to the community's quality of life, acquisitions along the feature which protect or enable better public identity and use of this asset should be highly rated.

Community-wide system balance/geographic distribution. The location and type of acquisition being evaluated should be considered in relation to what other facilities are nearby. System balance refers to open space, natural areas, and recreation opportunities convenient to all.

Natural resource protection. This evaluation should consider how a proposed acquisition may protect an existing open space from urban degradation, protect a historic or cultural site, or incorporate unique and valuable natural features into the park system.

Environmental enhancement. Some parcels available for open space may have been subject to possible environmental contamination based on prior use. The community can significantly improve the quality of life for its residents by expediting mitigation and making that land available for public use. Parcels with low risk and a strong possibility of successful mitigation would rate high in this category.

Open space and green space imagery/aesthetics. An acquisition which contributes to the visual enjoyment of the community and parks would rate high for this criterion.

Enhance access and linkage. This includes connectivity and linkage of traffic corridors for both pedestrians and wildlife.

Appropriate to adjacent land use. When a site enhances, protects, provides connectivity, or adds missing recreation opportunities to an adjacent park property, it would rate higher in this category.

Protection of watersheds and water quality. Areas that protect or restore the watershed by incorporating fragile or important watershed features into the park system would rate higher in this category.

Suitability for intended use. Sites that help meet a specific need identified to enhance recreation opportunities or provide better balance of park or recreation facilities would rate high on this criterion.

Recreation value. A proposed acquisition would rate high if it provided an opportunity to meet a specific need that was missing in a particular location, and had buildable land for fields or structures.

Method of acquisition/direct costs. Provides the opportunity to rate a site's value relative to how it will be acquired. Grants or gifts would rate higher than purchases. Dedications, easements, and leases may also be preferable.

Multiple-use benefit. Sites which provide opportunities for many recreation activities, active and passive, should be rated high on this criterion.

Community benefit. It is important that the benefit for the entire parks system is considered when evaluating a parcel of land for acquisition. A parcel of land that would benefit the entire community would rate highest in this category.

Provides for future needs/anticipates growth. If the community is growing, future needs for residents must be anticipated and accommodated. A site that addresses future growth and recognizes other agency plans and impacts would rate highest in this category.

Overall cost/benefit to parks system. Each proposed acquisition should be rated according to how well it meets park system objectives of balance and accessibility. Sites benefiting larger constituencies, satisfying recreation needs not otherwise met, or resolving gaps in connectivity would rate higher.

Long-term development and maintenance costs. Excessive development and maintenance costs that a potential acquisition site requires would be a factor in the perceived value of the acquisition. Sites requiring minimal anticipated development and/or maintenance costs would rate higher in this category.

Urgency for acquisition. Certain parcels of land may require a faster decision-making process because there is a high potential for development that would lead to a loss of desirable land.

Consistency with parks and recreation plan. Any proposed acquisition should contribute to fulfillment of the parks and recreation plan based on projected needs. A site which is specifically identified in the plan for acquisition would receive the highest rating in this category.

Source: Ann Arbor Parks, Recreation, and Open Space Plan, 2000-2005.

Financing parkland acquisition

Another issue facing many communities is having the financial resources necessary to acquire land, develop parks, maintain parks and recreation facilities, and carry out recreation programs. Financial assistance is available through state and federal sources to assist communities with acquisition of lands for park and recreational purposes or merely to retain open space and public viewing of a particularly scenic resource. In addition, communities in Southeast Michigan have passed millages specifically dedicated to acquiring land for recreation purposes, and for maintaining and operating parks

Table 4
Recreation Grant Programs
Local Government Funding Limits

Grant Program	Land Acquisition Grants		Facility Development Grants	
	Minimum	Maximum	Minimum	Maximum
Michigan Natural Resources Trust Fund	None	None	\$15,000	\$500,000
Land and Water Conservation Fund	\$30,000	\$500,000	\$30,000	\$500,000

Source: Recreation Grants Selection Process, MDNR, 2003.

and recreation programs. There are two primary grant programs available to local governments on an annual funding cycle—the Michigan Natural Resources Trust Fund and the Land and Water Conservation Fund. The Michigan Natural Resources Trust Fund is a state program that provides a source of funds for public acquisition of land for recreational purposes or for the protection of land deemed to have environmental importance or scenic beauty. These funds are also available for outdoor facility development. The Land and Water Conservation Fund is a federal program that distributes funds to states on an annual basis for community recreation projects and trailway improvement projects.

Table 4 summarizes local government funding limits for both recreation land acquisition and facility development under the two recreation grant programs.

There are several other state programs that offer targeted recreation grant assistance to local communities:

- Boating Waterways Fund, MDNR, (517) 373-9900.
- Coastal Zone Management Program, Michigan Department of Environmental Quality Land and Water Management Division, (517) 335-3456.
- Inland Fisheries Cooperative Grants, MDNR Fisheries Division, (517) 373-6762.
- Nongame Wildlife Fund, MDNR, (517) 241-4632.
- Recreation Improvement Fund, MDNR, (517) 373-1263.
- Southeast Michigan GreenWays Initiative, (313) 961-6675.

Utilizing open space and conservation easements

Another mechanism for preserving public open space is the use of conservation easements. An easement is a restriction on private property which is legally binding on present and future landowners. Initiation of easements by the landowner is voluntary. However, after signing, the easement is an enforceable document binding both parties. When an owner places a conservation easement on land, certain rights are transferred to another person or organization. When the easement document is properly signed and recorded in the county land records, owners cannot exercise the rights which have been given up.

Open space easements allow for certain limited uses and activities such as farming, grazing, or recreational uses. The focus of an open space easement is to maintain open space for human use. For example, conservation easements can be used to provide a guarantee that the open space within a cluster development plan will not be the future site of more structures.

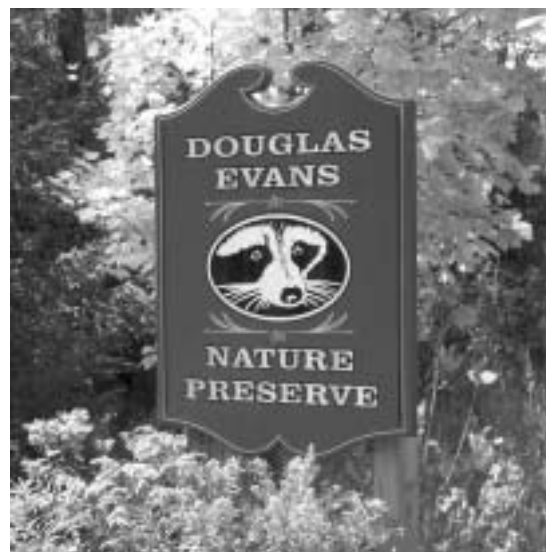
A conservation easement may provide for the land to be left completely in its natural state or provide for limited access. The conservation easement is an

effective tool to protect land which is environmentally sensitive or unique.

These easements are often transferred to a land conservancy (or land trust). Land conservancies provide first-hand involvement in land transaction or management. Often, land conservancies help to negotiate conservation agreements and work in cooperation with government agencies to determine open space needs and priorities. Some land conservancies manage land owned by others or advise landowners how to protect and preserve the natural character of their land. Land conservancies also purchase or accept donations of land or conservation easements. Table 5 lists the land conservancies in Southeast Michigan. Local officials can take several steps to encourage use of conservation easements:

1. Identify priority resource areas where conservation easements would be the appropriate tool for protecting water quality, wildlife habitat, and environmentally sensitive lands.
2. Contact landowners in the selected areas to inform them of the option of easements and related financial incentives.
3. Encourage the formation of (or partner with existing) a local conservancy organization to promote the easement concept and receive conservation easements if there is a high degree of citizen interest in preserving open space.

Local governments cannot determine where easements will be executed. They can, however, encourage the use of conservation easements as a means of saving taxpayers land acquisition costs associated with purchase of open land.



Douglas Evans Nature Preserve in Beverly Hills.

Table 5
Land Conservancies/Land Trusts
in Southeast Michigan

Blue Water Land Conservancy, Port Huron
Grosse Ile Nature and Land Conservancy, Grosse Ile
Holly Land Trust, Holly
Independence Land Conservancy, Clarkston
Livingston Land Conservancy, Brighton
Macomb Land Conservancy, Romeo
Michigan Nature Association, Avoca
Monroe County Land Conservancy, Dundee
The Nature Conservancy, Michigan Chapter, East Lansing
North Oakland Headwaters Land Conservancy, Clarkston
Oakland Land Conservancy, Rochester
Raisin Valley Land Trust, Manchester
Southeast Michigan Land Conservancy, Ann Arbor
Superior Land Conservancy, Ypsilanti
Washtenaw Land Trust, Ann Arbor
West Bloomfield Land Conservancy, West Bloomfield

Developing a greenways plan

Greenways are open space corridors that can be managed for conservation, recreation, and/or alternative transportation. Greenways often follow natural or existing land or water features such as rivers, utility corridors, and abandoned rail lines. Although each greenway is unique, most connect recreational, natural, cultural, and/or historical areas. A greenway plan can provide natural features preservation, facilities for alternate modes of transportation, and recreation opportunities. As in most planning documents, a greenway plan requires goals and objectives. These principles guide development of the plan and assist in decision-making. Often times, communities solicit public input in developing a greenway plan, which helps to identify corridors, destinations, and points of interest along the way.

Sample goals and objective

Goal: Develop a greenway system that helps protect cultural and sensitive environmental areas.

Objective: Acquire property or conservation easements (or the like) along environmentally-sensitive corridors such as rivers, streams, wetlands, woodlands, and wildlife habitat corridors to protect and integrate these areas as part of the greenway system.

Goal: Develop the greenway system through cooperation and coordination with private land owners, land conservancies, developers, recreation and environmental groups, and other public agencies.

Objective: Build on existing relationships between the community and public and private groups to plan, finance, and implement the greenway system.

Other important goals would discuss the approach to funding and maintaining the greenway trail.

A greenway plan can be created by combining layers of information about the community, its natural resources, and cultural assets.

Step 1: Determine greenway elements.

Determine the important destinations within the community that should be connected by a nonmotorized path system. These elements could include existing parks, schools, and historic and cultural points of interest.

Step 2: Determine natural features.

Identify natural features that should be preserved, particularly natural river and stream corridors.

Step 3: Determine human-made features.

Identify human-made corridors such as roads, abandoned railroad rights-of-way, tree rows, natural beauty roads, and utility line corridors. Other amenities to identify are existing and planned trail systems offered through other state, county, or local agencies.

Step 4: Create and map the greenway.

When all this information is combined on a map, the potential routes and destinations present themselves by the pattern of overlapping data. The actual trail and points of interest can be considered and finalized, culminating in a greenway plan map.

A greenway plan can be a stand-alone document, or can be a chapter in the community's Recreation Master Plan. If it is a stand-alone document, descriptions of the community's relevant features, such as streams and rivers, other natural resources and cultural destination points, need to be included as background information for the greenway plan itself.

Intergovernmental cooperation is key

When establishing a local greenway program, it is essential for the community to interact with programs existing at the county, regional, and state/national level. Your community may be incorporated into a larger scale greenways plan. Therefore, partnering with other organizations could result in a coordinated, shared vision by all entities. This will significantly increase the value of the greenway for alternative transportation and recreation purposes. Following is information on some of these programs.

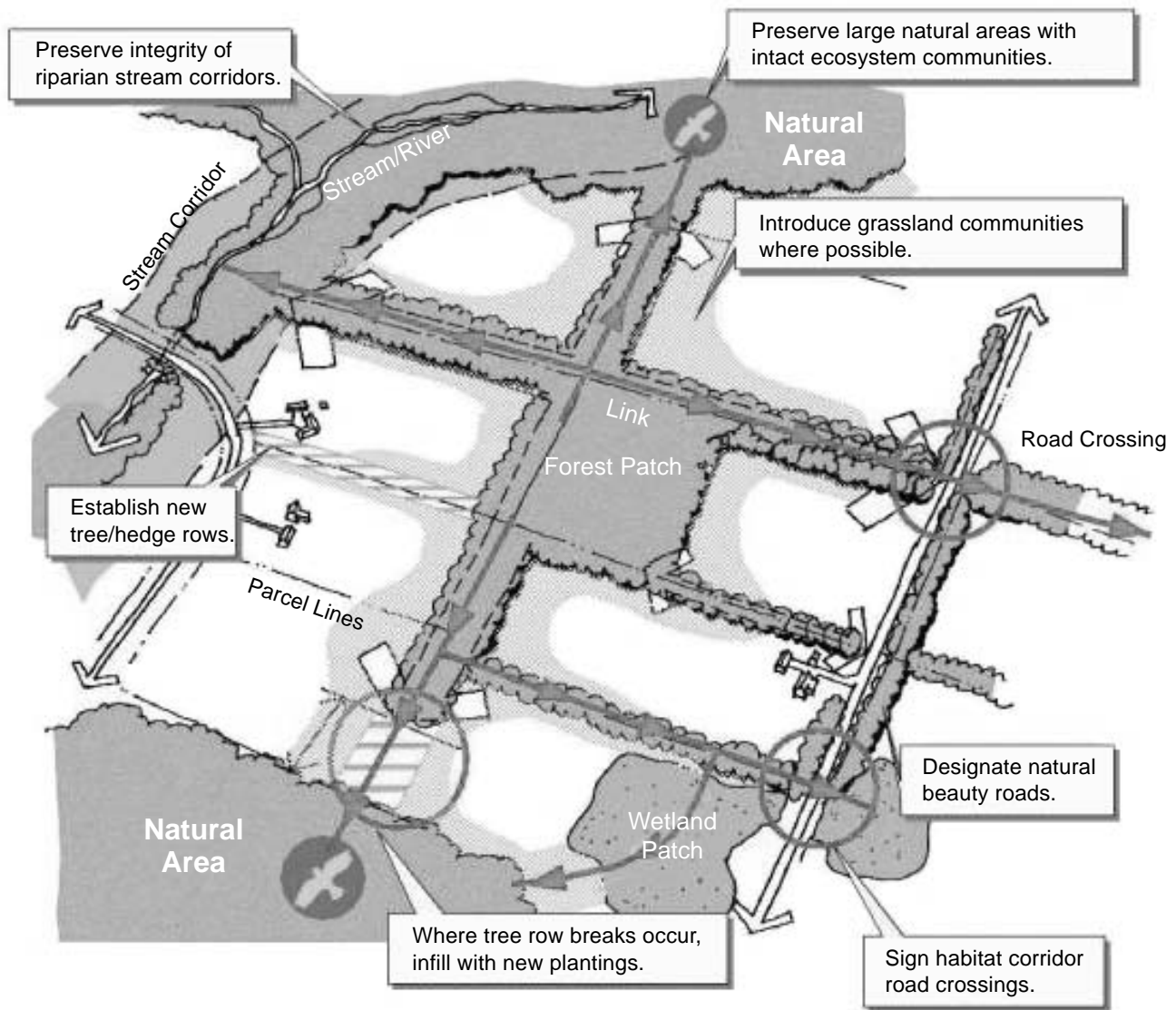
State and national level. The “Rails-to-Trails Conservancy” is a national program which promotes the conversion of abandoned rail corridors to trails which can be used for nonmotorized transportation such as walking and bicycling. This popular program allows for the establishment of a trail without the need to move homes or condemn property because the new trail can use existing bridge structures and crossings.

Regional level. The Greenways Initiative is a program of the Community Foundation for Southeast Michigan, and is designed to improve and enhance Southeast Michigan by engaging people, organizations, and resources in construction and implementing greenways projects in the

seven counties of Southeast Michigan. The initiative is dedicated to developing this region’s vision and capacity to continue greenways work for years to come.

County level. One example of a county program is the Oakland County Trails Initiative, which has provided a greenway vision for the county. As of printing this report, over \$9 million has been awarded to Oakland County trail interests for trail acquisition, planning, and development. Of the approximately 152 miles of the primary trail system envisioned, 27 percent (41 miles) has been completed, 19 percent (29 miles) are in the detail planning/design/development phase, and 54 percent (82 miles) are being considered as an option locally.

Figure 5
Potential Natural Landscape Corridor Connections



There are many opportunities for establishing a network of natural landscape corridors. This includes linking hedge/tree rows, stream corridors, and patches of wetlands and woodlands.

Source: Oakland County Planning and Economic Development Services.

CASE EXAMPLE

Comprehensive Parks, Recreation, and Open Space Plan

Community: City of Ann Arbor

Contact: Amy Kuras, (734) 994-1827

In 2000, the City of Ann Arbor adopted a comprehensive parks, recreation, and open space plan. This plan promotes environmental stewardship by recognizing the importance of the Huron River to the city. Following is one goal and the corresponding objectives found in their plan:

Goal: Enhance the Huron River and its tributaries as Ann Arbor's most significant natural resource and a source of its domestic water supply. Park development and acquisition affecting the Huron River watershed should restore and preserve the Huron River and its tributaries, improve water quality, preserve wildlife habitat, manage storm water, and enhance recreation opportunities.

Objectives: Plan and utilize storm water management as a resource for recreational or educational use, rather than a waste product to be removed quickly.

- Work to restore eroded stream banks through revegetation and erosion control to enhance water quality.
- Enforce buffer zones of no mowing adjacent to streams and the river.
- Coordinate water quality monitoring activities with other organizations such as the Huron River Watershed Council.

Huron Valley Trail

Community: Lyon Township, Milford Township, and South Lyon.

Contact: Patricia Carcone, (248) 437-2240

Three local governments in Southwest Oakland County cooperated on the development of a 12.25 mile greenways corridor. The scenic corridor links Kensington Metro Park to Lyon Township to the north and the City of South Lyon to the south. This corridor is also part of a county-wide greenways plan which may eventually stretch eastward across the county and connect with the Clinton River Trail.

Other partners in this project included: Michigan Department of Natural Resources Parks Division, Huron-Clinton Metropolitan Authority, Michigan Department of Transportation, Rail-to-Trails Conservancy, Oakland County Parks, and Oakland County Planning and Economic Development Services.



Bicycling along the Huron Valley Trail.

Photo courtesy of Oakland County Planning and Economic Development Services.

Additional Resources

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