
CITY OF ROCHESTER HILLS

Public
Services

Roger H. Rousse, Director

DATE: January 20, 2006

TO: CDV Members

RE: Conservation Easements

During our last discussion concerning conservation easements, it was determined that a clearly defined policy on the maintenance of conservation easements did not exist and that the City of Rochester Hills should explore the possibility of developing such a policy. In that effort, I have provided some basic questions that can be used as an outline for policy development.

The largest issue in the development of a conservation easement management program is the cost associated with inventory, education and enforcement concerns. In a prior communication, a suggestion was made that the City might look into a contract with the Oakland Land Conservancy in a multi-year program. However, such a contract's success will still require significant "start-up" costs. It is uncertain what resources they have available and what knowledge would have to be gained to implement such a service.

Another option would be to hire an in-house property management employee either on a part time temporary or permanent basis. Under current staffing and funding limits, neither DPS/ Engineering, nor the building departments are in a position to absorb this responsibility without a significant impact on existing department workload. Other issues concerning the appropriate funds used to enforce encroachments questions how enterprise funds (sewer, water, or drains) can be expended for this property rights/management problem. It may default to a general fund expense.

It is my understanding that the establishment of conservation easements began with the Planning Commission during the approval of various Plats and subsequent Site Condo developments in the City. It can easily be understood that these were imposed to further the protection of sensitive areas and work to ensure their preservation. Perhaps Mr. Rosen, as a new member of the CDV Committee, can provide further information as to how the City began establishing Conservation Easements dedicated to the City. I believe the development of the solution and it's implementation lies with the Administration. However, to best shape the solution/implementation, I am asking that we start with a discussion of the following questions.

1. Which City Department is expected to maintain the easements?
2. Who should the easements be conveyed to?
3. What criteria are used for making decisions about what can be done within the easement?
4. Is there an appeal process?
5. What are the penalties for violation?
6. Are there restoration requirements?
7. How would revenue be generated to fund maintenance activities?
8. Should signs or other markings be required to identify boundary limits?
9. Should a policy on maintaining the easements be prepared?
10. Should the City handle these easements proactively or reactively?