

Environmental Easement Initiative



City of Rochester Hills
March 17, 2008

Types of Easements





Types of Easements

- Conservation Easement



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- Conservation Easement
- Natural Feature Easement



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- Conservation Easement
- Natural Feature Easement
- Tree Preservation Easement



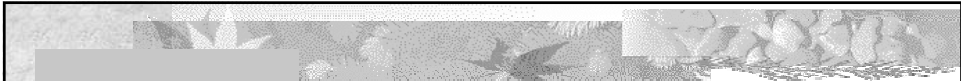
Types of Easements

- Conservation Easement
- Natural Feature Easement
- Tree Preservation Easement
- Wetland Easement



Types of Easements

- Conservation Easement
- Natural Feature Easement
- Tree Preservation Easement
- Wetland Easement
- Wetland Buffer/Easement



Ownership of Easements

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Legal instruments between landowner and:

- Michigan Department of Environmental Quality (MDEQ)

Ownership of Easements

Legal instruments between landowner and:

- MDEQ
- City of Rochester Hills

Ownership of Easements

Legal instruments between landowner and:

- MDEQ
- City of Rochester Hills
- Homeowner Associations

Ownership of Easements

Legal instruments between landowner and:

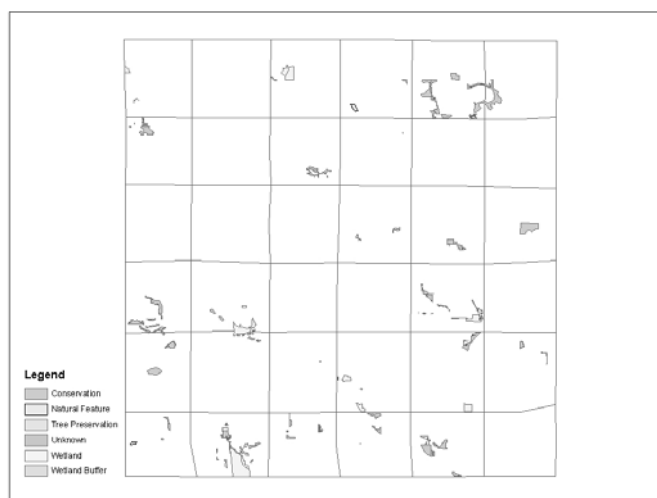
- MDEQ
- City of Rochester Hills
- Homeowner Associations
- Land Conservancy

Ownership of Easements

Legal instruments between landowner and:

- MDEQ
- City of Rochester Hills
- Homeowner Associations
- Land Conservancy
- Or any combination of above

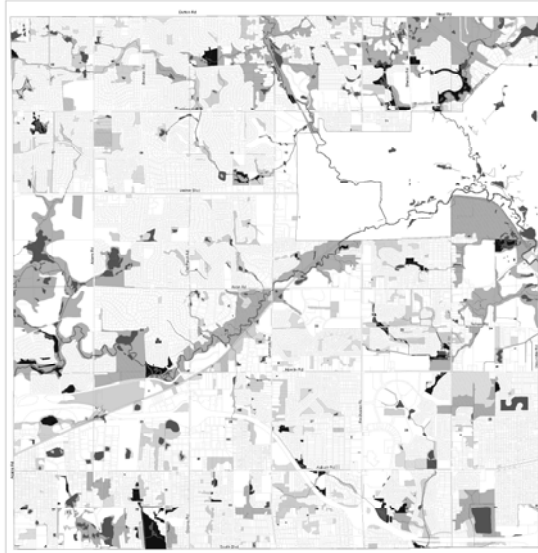
Conservation Map



Natural Features Inventory Map

Legend

-  City-Owned Parcels
 -  Conservation Easement
 -  Watercourse
 -  Parcels
- Natural Areas 2005**
- PRIORITY**
-  PRIORITY ONE
 -  PRIORITY TWO
 -  PRIORITY THREE



Purpose of these Easements



Purpose of these Easements

- **Conservation**

To protect the functions and values of established or mitigated wetlands and its natural resources.



Purpose of these Easements

- **Natural Features**

To preserve woods, wetlands and other desirable natural features, vegetation, or wildlife.



Purpose of these Easements

- **Tree Preservation**

To protect trees and woodlands in the City.



Purpose of these Easements

- **Wetland**

To protect wetlands and watercourses, and to preserve their natural state.



Purpose of these Easements

- **Wetland Buffer/Natural Features Setback**

To help prevent damage to the wetland or watercourse by providing a 25' setback from a natural feature. These areas are to be left in a natural state.



First Step – Identify Easement Encroachments

Identify Easement Encroachments

- Using aerial photography in ArcMap (GIS) we identified a total of 873 parcels or lots that are adjacent to one or more of the five types of environmental easements. Of these, it appears 345 (40%) have encroachments into the easements.

Identify Easement Encroachments

- Some lots require follow-up field verification.

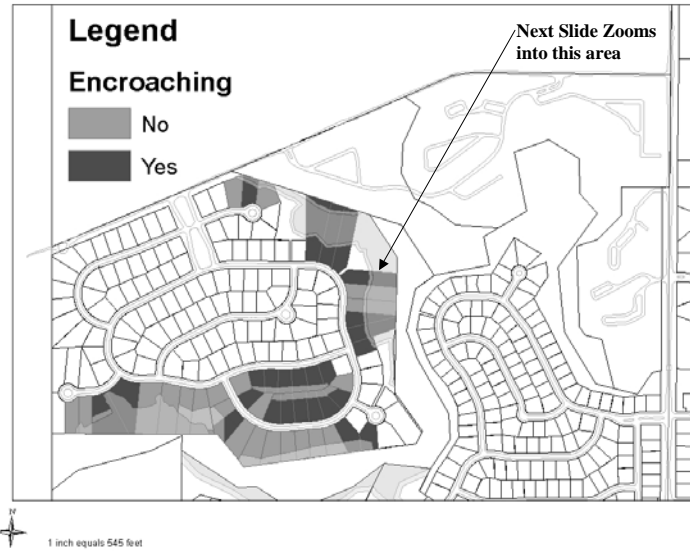
Identify Easement Encroachments

- Some lots require follow-up field verification.
 - Aerial photo was not clear, but “appears” to include encroachments.

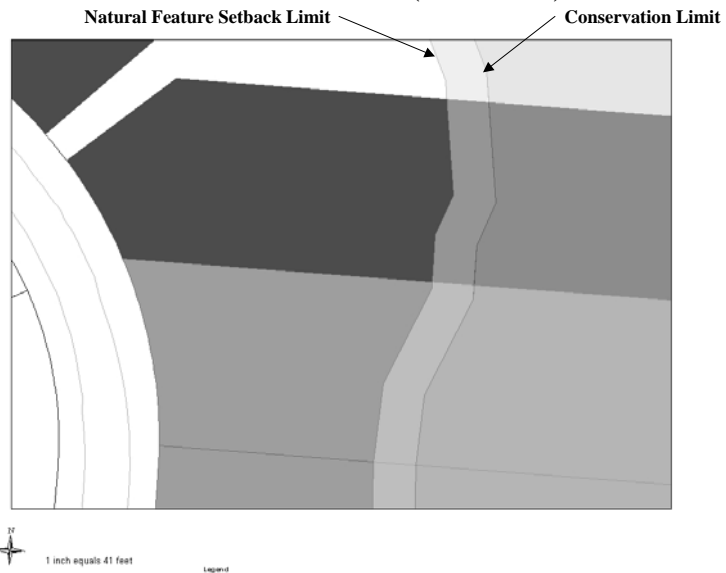
Identify Easement Encroachments

- Some lots require follow-up field verification.
 - Aerial photo was not clear.
 - Some lots have trails recently constructed, or encroachments that are not visible in aerial photos due to tree cover.

Encroachments – Section 19



Encroachments – Section 19 (Zoom-In)



Encroachments – Section 19 (Aerial Photo Overlay)

Limit Sign Post (and direction of photo in next slide)

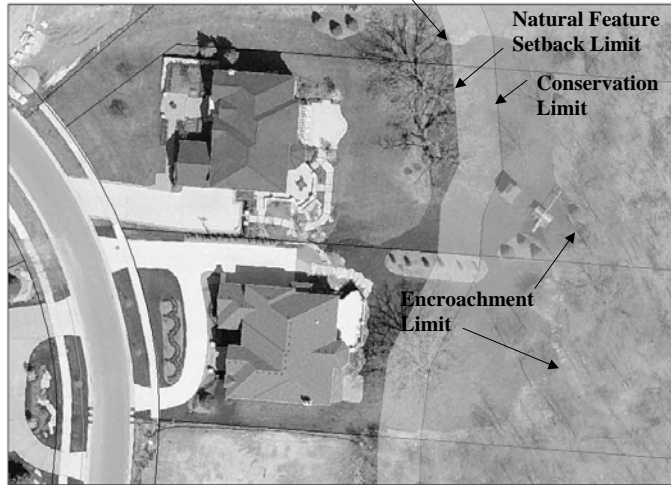


Photo – Butler Ridge Encroachment



Encroachments

- The encroachments were then broken down into three (3) levels of severity:
 - Minor = encroach up to 10'
 - Moderate = encroach 10' to 20'
 - Major = encroachment exceeds 20'

Encroachments

345 Total encroachments:

- Total Minor – 91 (27%)
- Total Moderate – 122 (35%)
- Total Major – 132 (38%)

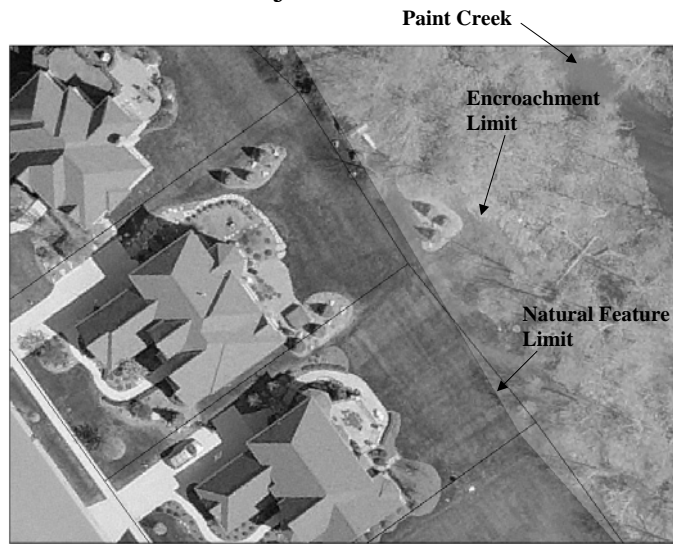
Wetland - Minor



Conservation - Moderate



Natural Feature - Major



Encroachments

Many properties have encroachments onto multiple easements. Encroachments by type:

- Conservation - 234
- Natural Feature - 11
- Tree Preservation - 22
- Wetland - 70
- Wetland Buffer - 63

Encroachments

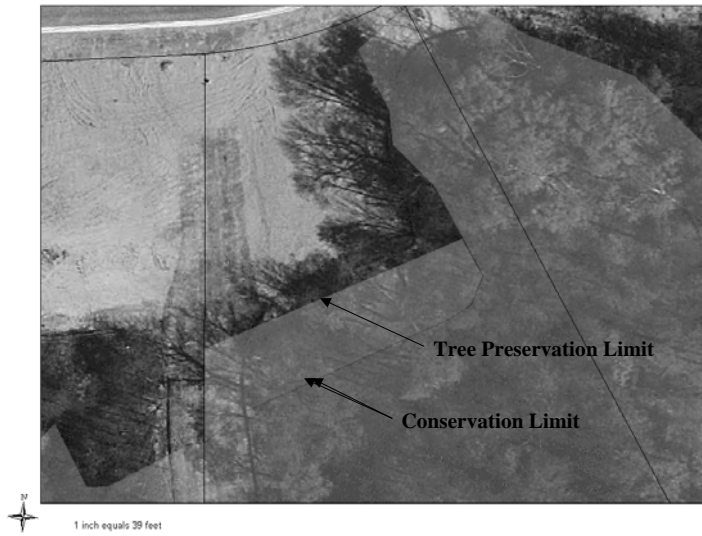
The next sequence of aerial photos show how we can identify changes in the property and possible encroachments.

2005 Aerial Photo – Without Easements Shown



1 inch equals 30 feet

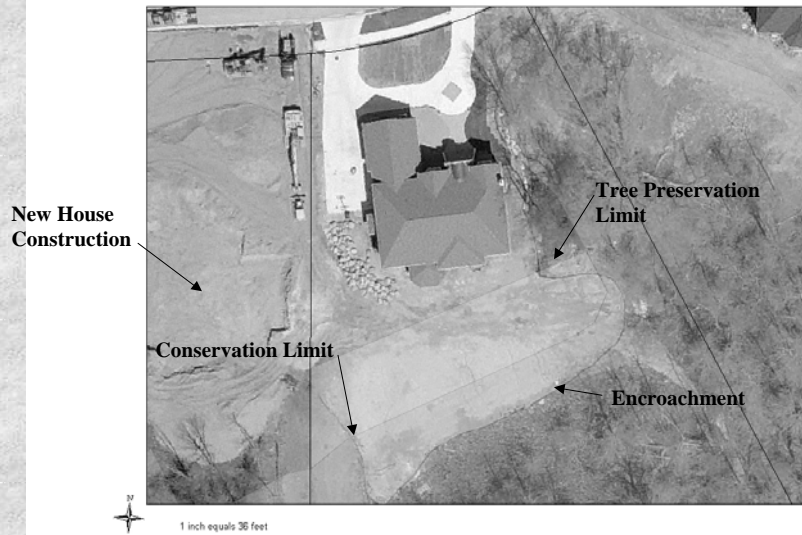
2005 Aerial Photo



2006 Aerial Photo



2007 Aerial Photo



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2. Possible lack of education or understanding by Homeowners.
3. Homeowners are unaware of environmental easements.

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4. Encroachments could have been done by prior owner, builder, or developer.

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5. Encroachments done later by Homeowners.

How did this Happen?

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5. Encroachments done later by Homeowners.
6. Homeowner chooses to ignore easements.



What can we do?



What can we do?

- Educate Homeowners



Educate Homeowners

- Location of environmental easements.



Educate Homeowners

- Location of environmental easements.
- Value and purpose of environmental easements.



Educate Homeowners

- Location of environmental easements.
- Value and purpose of environmental easements.
- Effect of encroachments.



Educate Homeowners

How do we do it?



Educate Homeowners

- *Hills Herald* Spring article.



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- Develop brochure/handout.



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- Education classes at the Environmental Education Center (EEC).

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- Develop brochure/handout.
- Channel 55 Public Service Announcement.
- Articles in local papers.
- Attend Homeowner Association meetings.
- Education classes at the EEC.
- Mail educational info to Homeowners adjacent to environmental easements.

Cost of Educational Program



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- 900 Brochures approximately \$3,000.



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- 900 Brochures approximately \$3,000.
- 900 Mailings approximately \$1,500.

Educate Homeowners

- The intent of the Educational Program is to encourage voluntary compliance.

Further steps to gain compliance will require additional staff time and City Attorney involvement.



Possible Enforcement Steps



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- Initiate Enforcement Action

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- Advisory letter to owners identifying encroachment and requesting remediation plan.
- Assist Homeowner with remediation plan and schedule.
- Second letter requesting remediation plan and compliance. Legal action to take place if plan is not submitted.

Initiate Enforcement Action

- Initial inspection survey to verify and document.
- Advisory letter to owners identifying encroachment and requesting remediation plan.
- Assist Homeowner with remediation plan and schedule.
- Second letter requesting remediation plan and compliance. Legal action to take place if plan is not submitted.
- Third letter indicating legal action.

Initiate Enforcement Action

- Initial inspection survey to verify and document.
- Advisory letter to owners identifying encroachment and requesting remediation plan.
- Assist Homeowner with remediation plan.
- Second letter requesting remediation plan and compliance. Legal action to take place if plan is not submitted.
- Third letter indicating legal action.
- Filing in Circuit Court if required.



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- Dependant on level of cooperation.
- Best Case: Compliance gained after advisory letter.
- Worst Case: Circuit Court.

Possible Future Maintenance



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- Continue to monitor with periodic review of most recent aerial photography available for any subsequent violations.



Possible Future Maintenance

- Continue to monitor with periodic review of most recent aerial photography available for any subsequent violations.
- Continue Education Program.



Game Plan



Game Plan

- Educate Homeowners

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 - Cost
 - 900 Brochures approximately \$3,000

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 - Cost
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Game Plan

- Educate Homeowners
- Report to City Council on how the Education Program is going.

Game Plan

- Educate Homeowners
- Report to City Council on how the Education Program is going.
- Future Enforcement action to be determined by City Council.



Any Questions?