



# MONTANA ASSOCIATION OF LAND TRUSTS

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**GUEST COMMENTARY: GLENN MARX, KEN SIDERIUS, MARILYN WOOD**

## Conservation Easements Critical to Rational Growth

The Jan. 24 edition of the *Flathead Beacon* carried a column by Dave Skinner that seemed to suggest conservation easements were not “good news” for the Flathead Valley.

The truth is conservation easements are very “good news” for the Flathead and its current and future residents and businesses. Conservation easements are good news for the Flathead quality of life and good news for the Flathead economy.

A recent Beacon cartoon by Stephen Templeton depicts two forces – one labeled “Over-development” and the other “No Development” – warring on twin peaks with the concept of “No Middle Ground” flagged dangerously between them over the precipice. The message of the cartoon is unmistakable: Some sense of common ground is essential for rational growth policies in the Flathead.

Conservation easements are a critical component of that common ground, and conservation easements are – like common ground – essential for rational growth policies in the Flathead.

Let’s briefly look at five quick facts:

- The Kalispell City Council recently approved the largest commercial development in Flathead County history (Glacier Town Center), a project that will more than double north Kalispell’s commercial district.
- About six months ago, the Kalispell City Council annexed an area (Starling development) that increased the size of Kalispell by 11 percent and came with expectations that over the next couple decades 3,000 homes will be built on site.
- In September 2007 there were a total of 8,000 lots somewhere between the “daydreaming and brainstorming” stages proposed for Kalispell. In a local newspaper article reporting on the lots, the first sentence of the article was: “Kalispell bulging at the seams.”
- The *Missoulian* ran an article on November 13, 2007 with this headline: “Flathead development on steroids.” The article outlined the massive increase in the size of residential development proposals across Flathead County. In 1999, the number of approved major subdivisions in Flathead County was zero. By 2006, that number had grown to 92.

- The population growth in Flathead County was – amazingly – the same between 2000 and 2006 as it was between 1950 and 2000. Imagine that: The population in Flathead County grew the same amount the six years after 2000 as it did the fifty years before 2000.

The reason for this startling growth is obvious. It's the lake, the mountains, the river, the views, the clean water, the open lands, the park, the wildlife and the recreation. The trick is to protect these essential Flathead assets and at the same accommodate residential and commercial growth.

And that is exactly where conservation easements come in. Conservation easements – a voluntary agreement between a landowner and a nonprofit land trust – permanently protect open lands and all the benefits that come with open lands. Conservation easements typically limit the landowner's ability to develop the property. The intent of a conservation easement is that a working farm or ranch remains a working farm or ranch, and to make sure a forest remains a forest.

In a sea of development scattered in and around Kalispell, islands of open lands protected by conservation easements preserving the valley's assets are not only responsible and practical, but essential.

Despite Mr. Skinner's assertions, virtually every landowner with an easement on their property would have profited vastly more by developing that property. Almost always, despite the federal income tax deduction, the family that places a conservation easement on their land sacrifices financial gain with that easement.

That's why landowners receive an income tax deduction. The landowner has donated the development value of their property, and oftentimes for that donation – like most charitable donations – a tax deduction is allowed.

The Johnston family, with a lengthy history in the Flathead Valley, related this anecdote in a recent newspaper article. The Johnstons had placed a conservation easement on their 700 acres near the Flathead River. A developer later stopped by and asked whether the land might be for sale. The response was that the land was under a conservation easement. "Stupid! Stupid! Stupid!" responded the developer. The developer called the decision stupid because of all the money the Johnstons willingly surrendered to ensure their property remains undeveloped.

From strictly a monetary standpoint, perhaps the Johnstons made an unwise choice. From a community standpoint and a conservation standpoint, the Johnstons made a heroic decision. They, and all landowners with conservation easements, deserve our recognition and gratitude.

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