

A scenic photograph of a rural landscape. In the foreground, a rustic wooden fence made of three horizontal rails runs across the frame. To the left, a large, dark tree trunk is visible. The background features a lush green field, more trees, and a bright sun in the upper right corner, creating a lens flare effect. The overall atmosphere is peaceful and natural.

7th Annual Pennsylvania Land Conservation Conference



PLANNING FOR DEVELOPMENT AFTER THE EASEMENT

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RETTEW
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WHAT IS OUR BUSINESS?

Conservation

People Business

Real Estate Planning Business

What Do We Do?

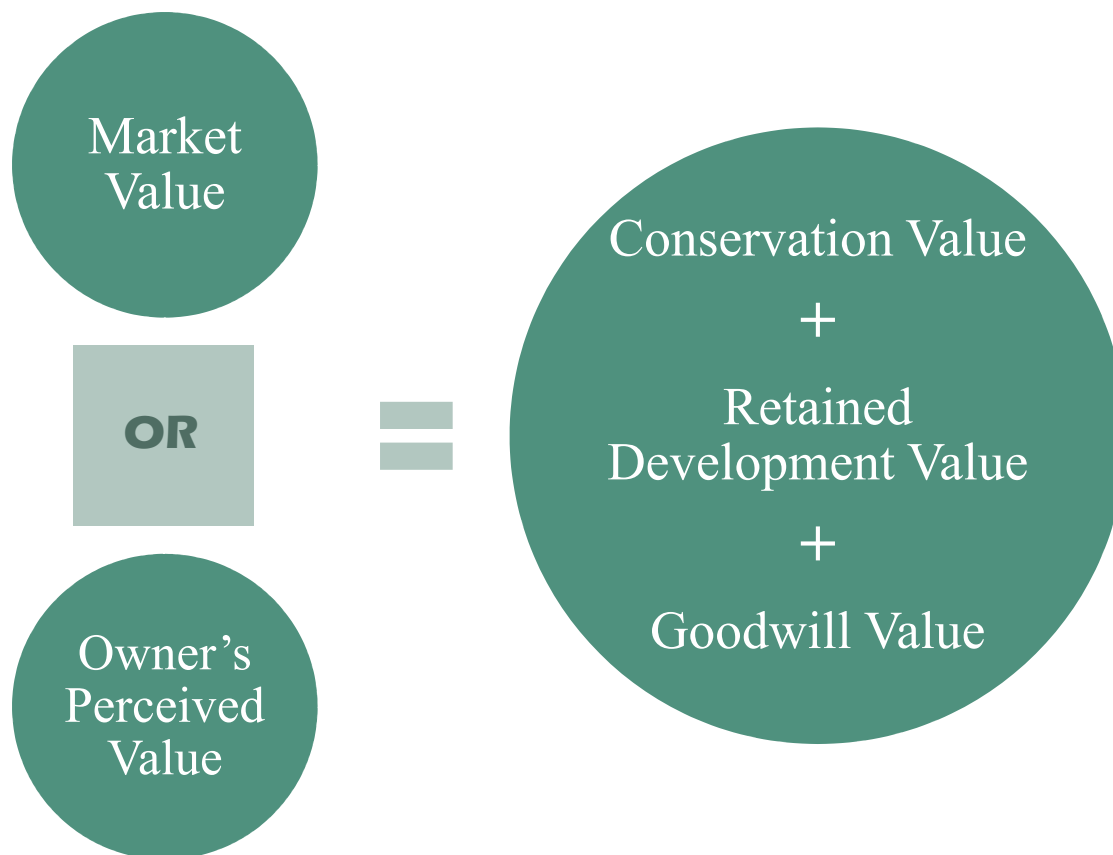
Educate

Investigate

Persuade

Expedite

PROPERTY VALUE



What We Can Control:

- Conservation Value
- Retained Development Value

What We Cannot Control:

- Goodwill Value

Our Goal – Find the Balance

Why Retain Development Rights?

- Minimum Property Value
- Cash Flow Requirement
- Family Distribution
- Business/Mortgage Collateral
- Back-Up Plan

Our Goal – Identify Owner's Objectives

Why Is It Important to Correctly Plan for Retained Development Rights?

- Meets Land Owner Objective
- Fosters Goodwill in the Community
- Gives Land Trust Credibility

Our Goal – Plan Now to Execute Later

The Process

GOALS

PHYSICAL
LAND
REQUIREMENTS

ZONING
COMPLIANCE

SUBDIVISION &
LAND
DEVELOPMENT

CONSERVATION
EASEMENT
COMPLIANCE

AGENCY
APPROVALS &
PERMITS

DUE DILIGENCE

Goals

CONSERVATION GOALS

DEVELOPMENT GOALS

GOODWILL GOALS

Physical Land Requirements

LOCATION

AREA REQUIREMENTS

ACCESS

VALUE IMPACTS

NEIGHBOR REQUIREMENTS

CONSERVATION/ENVIRONMENTAL IMPACTS

Zoning Compliance

PERMITTED USE

WETLAND

FLOOD PLAIN

RIPARIAN BUFFERS

SLOPES

WOODLAND IMPACTS

AREA & BULK REQUIREMENTS

BUILDING COVERAGE

IMPERVIOUS COVERAGE

ACCESSORY USES

ACCESSORY STRUCTURES

VARIANCES

Subdivision & Land Development

ACCESS — LOCATION — LENGTH — GRADE - STORMWATER

SEWER

STORMWATER CONTROL

WATER

DISTURBANCE

GRADING

WAIVERS

Conservation Easement Compliance

DEFINITIONS

SPECIFIC RETAINED RIGHTS

RESIDENTIAL ACCESSORY
USES & STRUCTURES

AGRICULTURAL ACCESSORY
STRUCTURES

ACCESS RIGHTS

AREA LIMITATIONS

BUILDING COVERAGE

IMPERVIOUS COVERAGE

STORMWATER

WATER & SEWER

Agency Approvals & Permits

SUBDIVISION & LAND DEVELOPMENT
APPROVALS FROM MUNICIPALITY

ZONING HEARING BOARD

SEWER PLANNING MODULE

SEWER PERMIT

WELL PERMIT

PADEP CHAPTER 102

NPDES

PHMC

CULTURAL RESOURCES/PNDI

PENNDOT HOP & MUNICIPAL
DRIVEWAY PERMIT

BUILDING PERMIT

WOODLAND IMPACTS

Due Diligence

SUBDIVISION & LD BEFORE
OR AFTER CONSERVATION
EASEMENT

ENGINEERING
CONSULTING

LEGAL CONSULTING

REVIEW WITH
TOWNSHIP, PLANNING
COMMISSION, SUPERVISORS /
COMMISSIONERS, ENGINEER,
AND ZONING OFFICER

Has everything within reason been done to assure that the successful implementation of the retained development rights, goals, and objectives can be achieved?

Case Study #1: Conditions

Conditions:

85-Acre Farm

No Existing
Improvements

Agricultural
Easement

4-Acre Exception



Case Study #1: Challenges

Conditions:

85-Acre Farm

No Existing
Improvements

Agricultural
Easement

4-Acre Exception

Challenges:

No Access Provided

High Ground Water
Soils

Sewage Disposal



Case Study #2: Conditions

Conditions:

30-Acre Property

No Improvements

Conservation
Easement Limited to
2 Dwellings

15-Acre Lot Minimum



Case Study #2: Challenges

Conditions:

30-Acre Property

No Improvements

Conservation

Easement Limited to
2 Dwellings

15-Acre Lot Minimum

Challenges:

Severe Limitations
on Driveway

2-Acre Curtilage

Unusable Pasture



Case Study #3: Conditions

Conditions:

120-Acre Farm

Agricultural Easement

15-Acre Exception

Existing Farm
Complex



Case Study #3: Challenges

Conditions:

120-Acre Farm

Agricultural Easement

15-Acre Exception

Existing Farm
Complex

Challenges:

10-Acre Lot Size

Split Easements

Non-Permittable Access

Single-Access Street —
Too Large—Too Many
Units



Case Study #4: Conditions

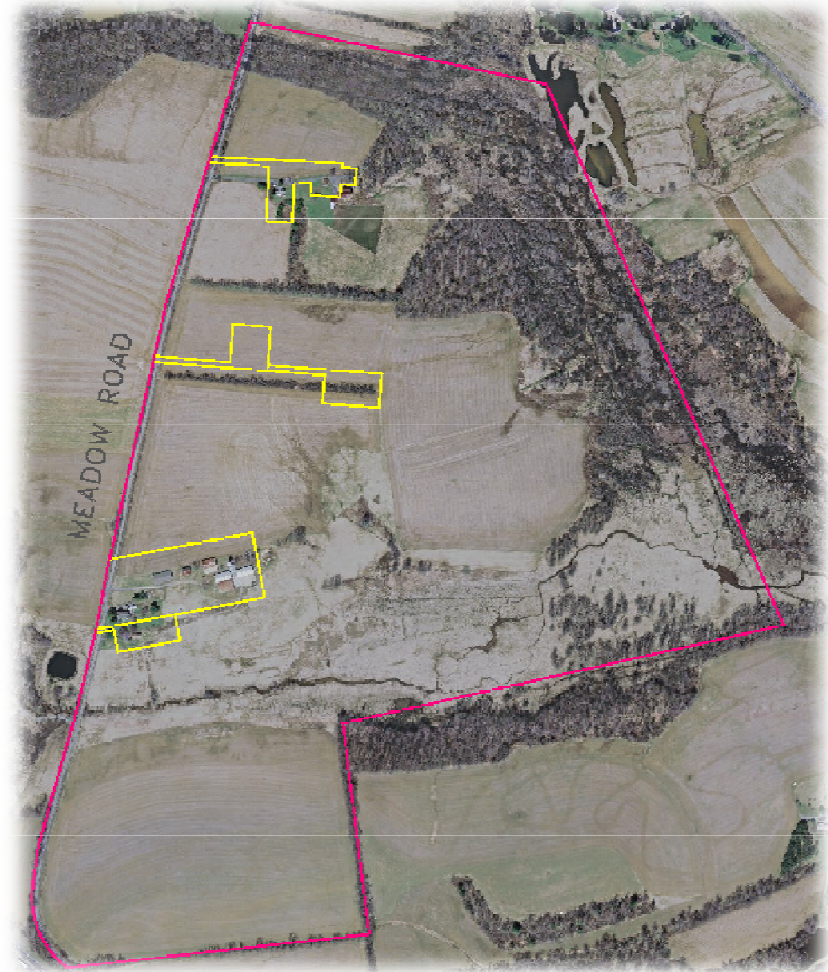
Conditions:

200-Acre Farm

Land Trust Easement

Existing Improvements

Exception Parcels



Case Study #4: Challenges

Conditions:

200-Acre Farm

Land Trust Easement

Existing
Improvements

Exception Parcels

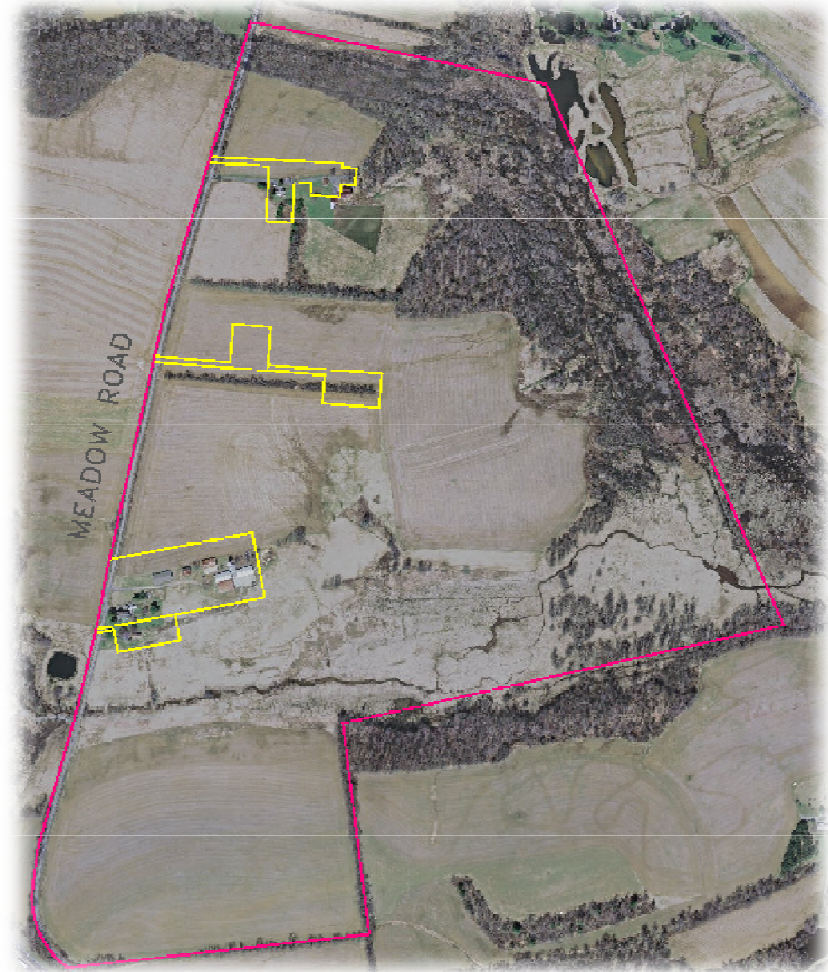
Challenges:

10-Acre Lot Size

Substandard Exception
Parcels

Subdivision of Farm
Complex Buildings

Accessory Use Structures



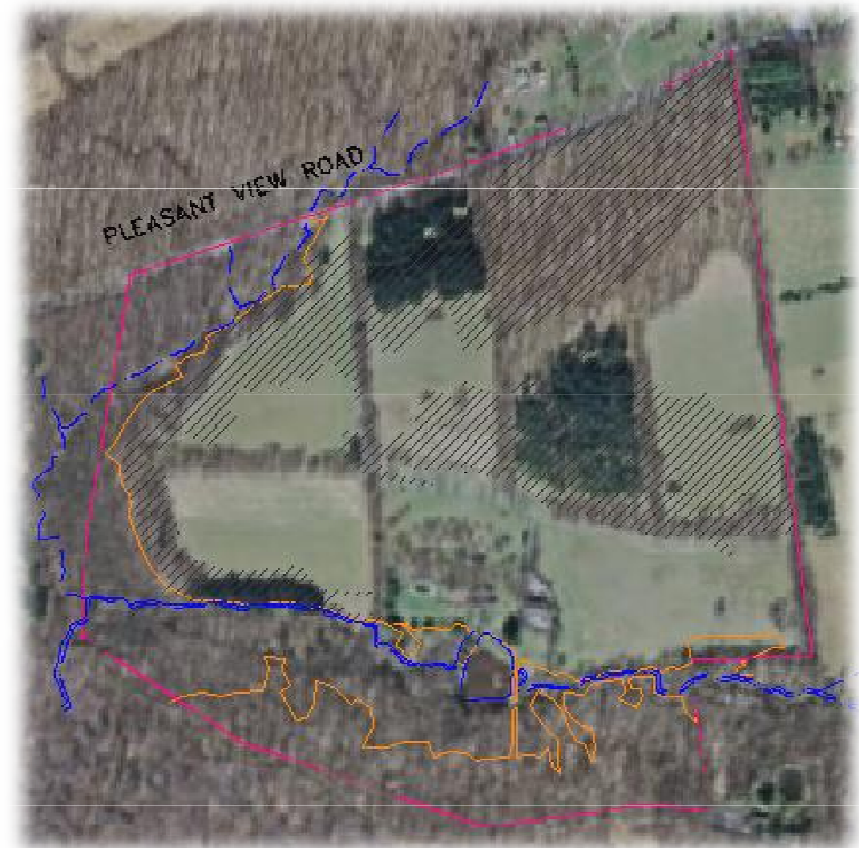
Case Study #5: Conditions

Conditions:

100-Acre Farm

Existing Buildings

Interest in Conservation
Easement



Case Study #5: Challenges

Conditions:

100-Acre Farm

Existing Buildings

Interest in Conservation
Easement

Challenges:

Order of Easement vs.
Subdivision

Lot Size for Principal and
Accessory Structures

Access

Sewer & Water

Stormwater

Shared Driveway Agreement

