

THE COMMUNITY LAND TRUST: An Alternative

BY ROBERT SWANN

While the Community Land Trust as an organization is an innovative concept in relation to recent conventional patterns of land holding in the United States, it has its roots deep in the tradition of the early settlers in New England who brought the practice of the "commons" with them from England. The Community Land Trust is not merely a method of holding land in common; it is rather a means for holding land by the community for the "common good." In our present world, this means holding land not only to protect it from overdevelopment on the one hand but also to ensure both that the best land is preserved for farmland and that ecologically sensitive areas (such as hillsides subject to erosion) are not disturbed in the process of development.

In this sense, the Community Land Trust (CLT) is closely related in concept to non-profit land-holding organizations like conservation trusts. Other examples in New England are the Trustees of Reservations in Massachusetts, Maine Coast Heritage Trust, Lake Champlain Islands Trust and the Berkshire Conservation Trust.

Unlike many private organizations which hold land for use in common, the CLT is open to anyone in the surrounding community and does not have individual memberships which can be bought and sold. By such provision, the CLT aims for a public or quasi-public status in order to avoid control of those using the land and the tendency to revert to individual ownership.

ROBERT SWANN is one of the organizers of the Community Land Trust in the Southern Berkshires in Massachusetts. The former director of the Institute for Community Economics, he resides on Trust land in Egremont, Massachusetts.

Moreover, land held by a CLT is not necessarily contiguous nor limited in the total acreage held. One CLT in Vermont, for example, holds 400 acres of land in several tracts, none of which is contiguous.

The CLT has a purpose which goes beyond simple preservation of land. It recognizes that human beings are ultimately a part of the total ecological reality and that in order to reach ecologically sound goals, we must also support economically sound objectives. For this reason the CLT encourages an approach to land use planning which includes a mixture of housing and farmland in ways that are mutually compatible and supportable.

In general, this means planning tracts of land in such a way that the houses do not intrude, or minimally intrude, on the open space farmland or forest. Just as important, however, from an economic viewpoint, the CLT recognizes that in order for farmers, young farmers in particular, to gain access to land for farming, the land must be made available to them, at comparatively low cost relative to the cost of land for development. In addition, they must also have long-term security on the land.

Without such long-term security, farmers are not encouraged to build up the soil in ways that prevent erosion and protect the land for future generations. Recent studies by the Conservation Foundation in Washington, D.C. have demonstrated that the dangerous increase in soil erosion throughout the U.S. can, in part at least, be attributed to the increase in short-term tenant farming.

In its approach to planning for land presently owned in South Egremont, the Community Land Trust in the Southern Berkshires hopes to demonstrate how these dual environmental and social objectives can be realized on a specific tract of land. While paying a fair market price for the land, the Community Land

Trust's plans call for ultimate densities of approximately 5 acres of land per household on the entire 100-acre tract it intends to purchase (currently only 10 acres are owned by the Community Land Trust). Within the limitations of current zoning regulations, it intends to site these houses in such a way as to minimally intrude on the best farm and forest land.

Similar kinds of planning where farmland and housing form an integrated pattern are being tried in different parts of the country. Some of these efforts are organized as CLTs. One such mixed planned development is in Greene County, Virginia, on a tract of 300 acres called Farm Colony. One hundred and fifty acres are being retained as farmland for growing crops and raising cattle, while a 40-acre segment is a wooded preserve. Forty-eight homesites will occupy the remainder of the land with an overall density of about six acres per homesite.

Near Uniontown, Pennsylvania there is another example known as the New Village project sponsored by the Institute for Man and Science in Rensselaerville, New York. This project, now under construction, calls for all housing to be located on 78 acres, leaving another 100 acres completely intact for open space and farming. In addition, the plan "takes advantage of natural terrain to provide solar access to each lot and to use natural drainage paths for water."

Yet another example of this type of rural planning is a project proposed for a 300-acre site in Frankford Township, New Jersey, a rolling area of farms and forest. If a standard subdivision layout were used, each of the houses would be placed on a 3-acre lot, making agricultural use impossible and giving the land an intensely developed look.

But, according to the proposal, all of the residential units would be constructed in clusters of four to eight

remember the spirit in which the procession was made, the work was done, and the feasting was enjoyed. It was a spirit of communion, of the life of each person in relation to the life of the planet and of the infinite distance and silence in which it moves. We made, in concert, an appropriate expression of that spirit.

One afternoon an old Kiowa woman talked to me, telling me of the place in Oklahoma in which she had lived for a hundred years. It was the place in which my grandparents, too, lived; and it is the place where I was born. And she told me of a time, even further back, when the Kiowas came down from the north and centered their culture in the red earth of the southern plains. She told wonderful stories, and, as I listened, I began to feel more and more sure that her voice emanated from the land itself. I asked her many things concerning the Kiowas, for I wanted to understand all that I could of my heritage. I told the old woman that I had come there to learn from her and from people like her, those in whom the old ways were preserved. And she said simply: "It is good that you have come here." I believe that her word "good" meant many things; for one thing, it meant right, or appropriate. And indeed it was appropriate she should speak of the land. She was eminently qualified to do so. She had a great reverence for the land, and an ancient perception of it, a perception that is acquired only in the course of many generations.

It is this notion of the appropriate, along with that of the beautiful, that forms the Native American perspective of the land. In a sense, these considerations are indivisible; Native American oral tradition is rich with songs and tales that celebrate natural beauty, the beauty of the natural world. What is more appropriate to our world than that which is beautiful?

*At noon
turtles
enter
slowly
into*

*the warm
dark loam.
Bees hold
the swarm.
Meadows
recede
through planes
of heat
and pure
distance.*

Very old in the Native American world view is the conviction that the earth is vital, that there is a spiritual dimension to it, a dimension in which the human rightly exists. It follows logically that there are ethical imperatives in this matter. I think: inasmuch as I am in the land, it is appropriate that I should affirm myself in the spirit of the land. I shall celebrate life in the world and the world in my life. In the natural order humans invest themselves in the landscape and at the same time incorporate the landscape into their most fundamental experience. This trust is sacred.

The process of investment and appropriation is, I believe, pre-eminently a function of the imagination. It is accomplished by means of an act of the imagination that is especially ethical in kind. We are what we imagine ourselves to be. The Native Americans are people who think of themselves, imagine themselves, in a particular way. By virtue of their experience, their idea of themselves encompasses their relationship to the land.

The quality of this imagining is determined as well by racial and cultural experience. The Native Americans' attitudes toward this landscape have been formulated over a long period of time, a span that reaches back to the end of the Ice Age. The land, *this* land, is secure in racial memory.

In our society, as a whole, we conceive of the land in terms of ownership and use. It is a lifeless medium of exchange; it has for most of us, I suspect, no more spirituality than has an automobile, say, or a re-

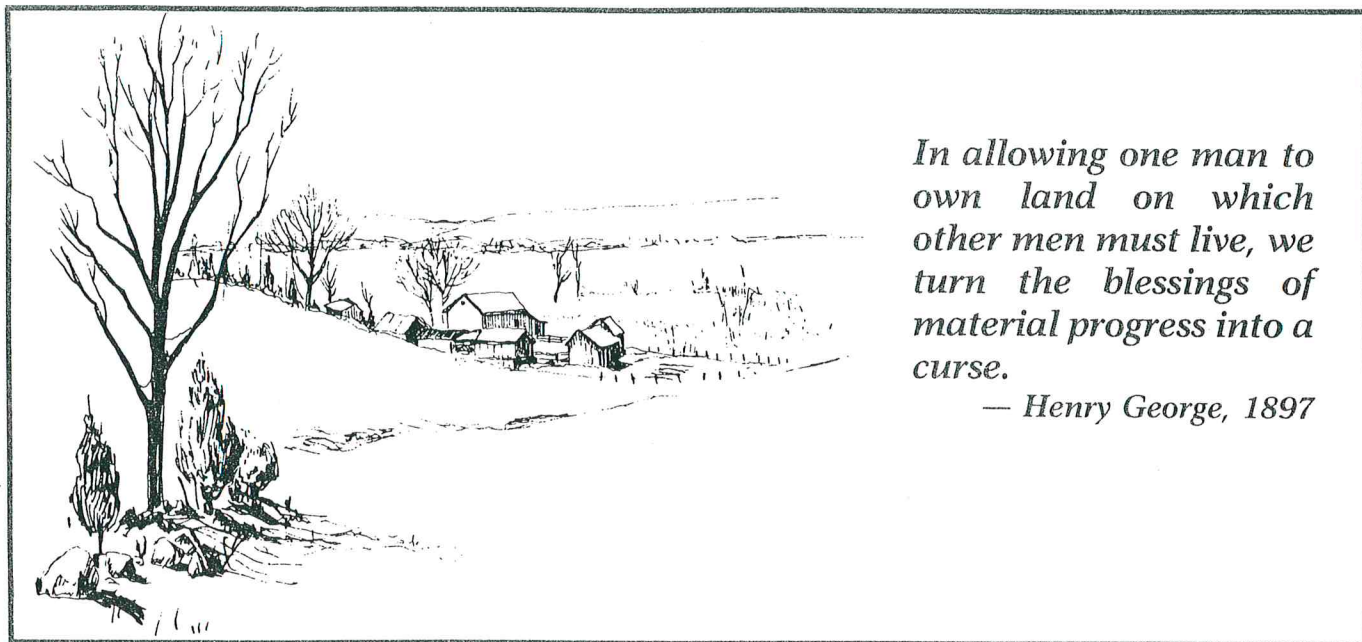
frigerator. And our laws confirm us in this view, for we can buy and sell the land, we can exclude each other from it, and in the context of ownership we can use it as we will. Ownership implies use, and use implies consumption.

But this way of thinking of the land is alien to Indians. Their cultural intelligence is opposed to these concepts; indeed, for them these are all inconceivable quantities. This fundamental distinction is easier to understand with respect to ownership than to use, perhaps. For, obviously, the Indians do use, and have always used, the land and the available resources in it. The point is that *use* does not indicate in any real way their idea of the land. "Use" is neither their word nor their idea. As an Indian I think: "You say that I *use* the land, and I reply, yes, it is true; but it is not the first truth. The first truth is that I *love* the land; I see that it is beautiful; I delight in it; I am alive in it."

In the long course of their journey from Asia and in the realization of themselves in the New World, Indians have assumed a deep ethical regard for the earth and sky, a reverence for the natural world that is antipodal to that strange tenet of modern civilization that seemingly has it that humans must destroy their environment. It is this ancient ethic of the Native American that must shape our efforts to preserve the earth and the life upon and within it.

*At dusk
the gray
foxes
stiffen
in cold;
blackbirds
are fixed
in white
branches.
Rivers
follow
the moon,
the long
white track
of the
full moon. □*





In allowing one man to own land on which other men must live, we turn the blessings of material progress into a curse.

— Henry George, 1897

houses utilizing only about one half of the total acreage and leaving the other half to be leased to farmers, subject to a deed restriction prohibiting development. Other wooded portions of the site would be open to residents for common recreational use.

In the above examples, as in the case of the CLT in the Southern Berkshires, the cost of the land itself would be primarily carried by the house lots. In this way the remainder of the land can be offered to farmers — at a price which they can afford to pay.

The method, common to all CLTs in the country, by which both the farmland, as well as the housesites, are offered to users is through a long-term lease (99 years) which is both automatically renewable and inheritable.

The user pays the trust a regular monthly rental for the land and the trust in turn pays the taxes as well as the cost of the land purchased from the income. Properly managed and financed, the income from such rentals is generally sufficient to create a revolving loan fund for the purchase of additional land. The trust, in return for helping users gain access to land, imposes lease conditions that prevent the user from building more than necessary structures, or farming it in ways that might damage the soil.

The users, however, become owners of any buildings or other improvements which they place on the land, but they are not permitted to

sell or sublease the land itself, which remains permanently owned by the trust. This concept of separating the ownership of the land from the ownership of improvements, while fundamental to the purpose and objectives of the CLT, is at once strange to many people accustomed to viewing "property" as a combination of both land and buildings. It is somewhat foreign to our legal conventions which, until recently, at least, have not separated the "development rights" from the bundle of rights which are included under "fee simple" title.

Today, however, there is both a proliferation of buildings built on leased land in urban areas, and a growing recognition of "development rights" as a separate right (similar to mineral rights, easement rights and water rights). Holding the "development rights" while the user retains the "usership rights" is not as difficult to put forward as it once was.

Bankers are occasionally perplexed as to how to place a mortgage on a building which rests on leased land. Furthermore, Farmers Home Administration, which has been giving mortgages for many years to families owning homes on land leased from tribal reservations, has been itself reluctant to make loans on leased land elsewhere in the country. Recently, however, the FHA has done so, setting a precedent.

One cannot, therefore, blame local bankers who have not had any

experience with such a practice. However, in those places where the experience has been acquired, bankers have discovered that not only is it possible but actually advantageous and more secure than the usual mortgage loan. In the town of Southampton, Pennsylvania (now a suburb of Philadelphia), the local banks began making such mortgages back in the 1930s to a local Community Land Trust which eventually developed into a group of 80 house owners on some 200 acres of land. Members of this CLT have found the local banks not only willing to give mortgages but eager to offer them at the most favorable rates.

In the long run, the Community Land Trust concept could provide an alternative to the zoning concept, which is an urban invention and does not adapt well to the needs of rural communities. Looked at from this viewpoint, the Community Land Trust can be seen as an innovative tool for planning.

The CLT depends for success upon the voluntary initiative of its members to give it positive support. Members of the Community Land Trust, through their voluntary effort, are helping to provide not only for themselves, but for the community as a whole. They are looking towards the future when open space in land will be seen as not merely a rural amenity but also a necessity for producing locally grown food no longer available from California, Texas or Florida. □