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The Land Trust Solution: How Baltimore Green Space Uses Land Ownership to Help Neighborhoods

Baltimore Green Space is a land trust that protects community-managed open spaces, such as community gardens, through fee simple land ownership. The case of the Upper Fells Point Community Garden illustrates how protection by Baltimore Green Space makes it easier for gardeners to improve their sites and have a say in decisions about the land they care for.

Keywords

land trust, Baltimore, community garden, stewardship

INTRODUCTION

This article focuses on Baltimore Green Space's work with community gardens, pocket parks, and similar spaces. Baltimore Green Space, founded in 2007, is a land trust that partners with communities to preserve and support community gardens, forest patches, pocket parks, and other community-managed open spaces. We currently preserve eight sites: five vegetable gardens ranging in size from 500 square feet to about half an acre, two pocket parks, and a horseshoe pit. We also coordinate a Forest Stewardship Network for people caring for Baltimore's many forest patches.

Advocacy is a core part of our work. For example, we worked with Baltimore's government to establish a policy and process to transfer land in community use to qualified land trusts for \$1 per lot. A current project is to promote awareness that forest patches outside parks – which include native trees and abundant wildlife – account for 20 percent of Baltimore's tree canopy, and to find avenues for their care and preservation.

We have a staff of three: the executive director, the program manager, and a temporary one-year staff member focused on forest patches. We split our time among land preservation, technical assistance and outreach, advocacy and research, marketing, and administrative needs. We are funded through government contracts, foundation grants, and donations.

HOW WE PRESERVE LAND

Land is an abundant resource in Baltimore – in 2013 there were 13,000 vacant lots, concentrated in neighborhoods with greater poverty¹. Baltimore Green Space knows of about 260 community-managed open spaces on land that can be bought and sold; these open spaces are located on about 870 separate lots.² It is relatively easy to get permission to use land owned by Baltimore City, and residents also make good use of Maryland's self-help nuisance abatement law.³ Neither of these arrangements is permanent.

Community gardens, parks, and other spaces create numerous benefits. Social benefits include physical and mental health, reductions in crime, and increased neighborhood sociability. Green spaces provide respite for birds and other animals, and can also absorb stormwater⁴. The Duncan Street Miracle Garden, for example (see Figure 1), is a lovely and productive half-acre garden on what was once a site of dumping and crime, including violent crime. Nearly 30 years'

¹ City of Baltimore (2014), *Green Pattern Book: Using Vacant Land to Create Greener Neighborhoods*, accessed on January 29, 2015, <http://goo.gl/efdUI5>

² These figures are taken from a database maintained by Baltimore Green Space. We track community-managed open spaces on land that can be bought and sold. That is, we exclude gardens in parks, on road medians, and on school grounds. We also exclude any site on a lot that also includes a permanent structure.

³ For information on self-help nuisance abatement as used with vacant lots, see <http://communitylaw.org/wp-content/uploads/2012/08/self-help-nuisance-abatement-handout.pdf>. See also the contribution by Rebecca Witt in this volume.

⁴ Gomez-Baggethun, E. P., Gren, Å., Barton, D., McPhearson, T., O'Farrell, P., Andersson, E., ... Kremer, P. (2013), "Urban Ecosystem Services," in T. Elmqvist, M. Fragkias, J. Goodness, B. Güneralp, P. J. Marcotullio, R. I. McDonald, C. Wilkinson (Eds.), *Global Urbanization, Biodiversity, and Ecosystems – Challenges and Opportunities Cities and Biodiversity Outlook – Scientific Analyses and Assessments* (pp. 175–251). Dordrecht, NL: Springer Verlag.

gardening has created well-tilled soil that soaks up stormwater. Goldfinches flock to sunflowers, truckloads of produce are donated to food pantries and soup kitchens, and elders have a place to enjoy the outdoors and do useful work. Gardens can also contribute to an increase in property values nearby⁵.



Figure 1. The Duncan Street Miracle Garden

Baltimore Green Space works with groups of residents who would like to ensure that the oases they've created become permanent fixtures. When we own land for a neighborhood, we provide security from development for the green space. We also provide basic liability insurance and technical assistance, and we handle the hassles of land ownership, a task that few community organizations are equipped for.

Our preservation strategy is to own the land. In contrast, most land trusts are rural and focus on protection through perpetual conservation easements. With a conservation easement, a landowner gives away development rights to a land trust but continues to own the land. The land can change hands, but in theory can never be built on. The environment in a city is very different; we are not seeking to preserve large tracts with an involved owner. Instead, community-managed open spaces typically spring up on land that is not cared for. There is no benefit to either our city government or to private landowners to continue to own land they do not benefit from. In addition, in the unfortunate case that a protected green space is no longer cared for, and we cannot find a new group of residents to start a new project on the land, we need to be able to sell the land for a new use that could benefit the neighborhood. An abandoned garden is just another abandoned lot.

⁵ For example see: Voicu, I., & Been, V. (2008), "The Effect of Community Gardens on Neighboring Property Values," *Real Estate Economics*: 241–283.

The application and acquisition processes are relatively lengthy. Partly that is due to the organization's minimal staffing, the pace at which community volunteers sometimes work, and the number of steps required for the transfer of land from city government. Yet we have learned that a slow tempo is often a good thing: land preservation is permanent, and it takes time to build a trusting relationship between the community and Baltimore Green Space.

The application process focuses on ensuring that a site meets four criteria:

- 1.) The request for preservation must come from the community. This is to ensure that the land trust serves as an *agent* of neighborhoods, and also to ensure that city government does not transfer land to us as a way to reduce the number of vacant lots that it owns.
- 2.) The site must create real benefits for the neighborhood, such as food production, gathering space, and many more possibilities. We also want to make sure that the site benefits people who are not involved, often simply by providing a pleasant view.
- 3.) There must be a reasonable match between the activities that take place on the site and any likely risks in the soil.
- 4.) We assess the likelihood that the site will be well maintained into the future. Is there a site manager and one or more assistant site managers? Is the project at least five years old? Are there enough volunteers to care for the site? Is it well cared for?

Once we are convinced that the site is a good match for preservation by Baltimore Green Space, and that there is a reasonable strategy for acquisition, we turn to the acquisition process.⁶ If the site is on City-owned land, the process is relatively straightforward though lengthy. If the site is privately owned but has major liens, the City can foreclose on it and then transfer the land to us; this has happened twice. Other cases require different strategies. For example, we are working with a garden that is located on six lots: four city-owned, one in the process of foreclosure by city government, and one privately owned. We expect to own the first four lots within a year. The lot in the foreclosure process will follow in the next few years. We believe these acquisitions should improve our negotiating position with the private owner and enable the acquisition of the remaining lot.

Sites receive our technical assistance from the time they apply for preservation. Once a site is acquired, we stay in touch through informal communication as well as through an annual review process.

UPPER FELL'S POINT COMMUNITY GARDEN

The Upper Fell's Point Community Garden (shown in Figure 2) is a good example of how gardeners can benefit from working with a land trust. This community garden – the only unpaved area in its neighborhood – was founded in 1987 by the Upper Fell's Point Improvement Association to remedy a “rat habitat” on three lots where rowhouses had been demolished. Over the years, the neighborhood became more attractive to both residents and developers, and in the

⁶ The acquisition process is detailed in Baltimore City Department of Planning (2010), *Preservation of Community-Managed Open Spaces: Criteria and Process*, available at <http://www.baltimoresustainability.org/resources> and at http://baltimoregreenspace.org/downloads/CMOSguide_000.pdf.

1990s the gardeners decided to find a way to protect their garden from development. Two of the lots were owned by Baltimore City; the third was privately owned, with high liens from unpaid taxes.

The garden was a good match for Baltimore Green Space because the gardeners were eager to see the land preserved; the site's good track record suggested future success; it was clear that the neighborhood benefited from the site; and the soil had very low levels of contaminants.



Figure 2. The Upper Fell's Point Community Garden

Baltimore Green Space acquired the City-owned lots in 2009, before the city instituted its \$1 lot policy⁷ (Baltimore City, 2010). At the time, there was no clear process for transfer of land in community use – except that the process was by definition adversarial: the city sought the highest price for virtually every parcel it sold. Negotiations over the garden parcels (which started before the founding of Baltimore Green Space) took years. The gardeners were asked to pay for an appraisal, which formed the city's starting bid: \$30,000. In response, the gardeners accounted for all the money and time they had put into the garden: \$32,000. They asked the City to give them the garden, and another \$2,000. Negotiations dragged on. Baltimore Green Space became involved in 2007, when the land trust was founded, and in 2009 – after a city council member stepped in – the City sold the lots to Baltimore Green Space for \$1,000 each. Once the \$1 lot policy was put in place in 2009, we asked city government to foreclose on the third lot so that it could be sold to us. Thanks to the new policy, and the relationships built with government staff, the foreclosure quickly took place, and by 2011 Baltimore Green Space owned all three lots.

For residents who care for land, a major benefit of having their green space protected by Baltimore Green Space is that they can better influence decisions about the land. Shortly after we

⁷ City of Baltimore, Department of Planning (2010).

protected the first two lots, Baltimore Green Space received an alley paving notice for a dead-end alley behind the garden: the alley was to be repaved, with some of the cost borne by the land trust. No vehicles are allowed in this narrow alley, and the gardeners had long been hoping to “green” the alley. We told the site manager about the notice and the procedure for appealing the alley paving. He collected the requisite signatures from surrounding property owners and managed to cancel the paving. Before we owned the land, the gardeners would have learned about the paving only when construction started.

More recently, the gardeners wanted to make major changes to the wide sidewalk in front of the garden. They wanted to add a tree pit, expand two others, replace most of the concrete with pervious paving, and add a mosaic. The group includes skilled contractors who could do all this work on their own. However, they needed a building permit, and for the permit they needed the permission of the land owner. Because Baltimore Green Space is the owner this was an easy matter of communication; before preservation the same action would have been extremely unlikely.

An advantage to ownership by a land trust, rather than a community organization, is that it is our job to work with city government and other nonprofits. For example, several years after the Upper Fell’s Point community garden was preserved we received an unexpected \$900 water bill. In reality, the garden did not use the meter pit. The water service had never been officially “abandoned,” and that created a bureaucratic tangle for us. The garden actually used a nearby fire hydrant, a practice that was encouraged at the time. The water bill arrived at about the same time that the city discontinued hydrant use and started a program to offer gardens water for a flat fee of \$120 per year.⁸ Through collaboration with city officials, we arranged to have the sewer portion of this bill abated, and applied the remainder to water bills over the next few years. Later, we worked with city government and another nonprofit to include the garden in a pilot of irrigation line installations inside gardens, where access is far more convenient than at the sidewalk meter pit. We were able to have this work done during the time the gardeners were working on the sidewalk project, which reduced the cost of the water installation. Figure 3 shows the new pervious sidewalk installed by community members.

Long-term volunteer efforts such as community gardens have their ups and downs. As a group, the Upper Fells gardeners and other neighborhood supporters have a varied and deep skill set that has helped them thrive for more than 25 years. As the number of sites we protect has increased, we are finding that some sites need more help with tasks like grant applications and long-term planning if they are going to remain in good shape. We also see some site manager transitions in the future, and these can be perilous transitions that can either weaken or strengthen a site. Our current staffing is not sufficient to thoroughly address such stewardship issues. For this reason, this year our board of directors decided to focus on stewardship of established sites. We are starting a Stewardship Committee that will include board members, site managers, and others, and will provide more guidance and contact than current staffing allows.

⁸ For information on this program, see http://www.baltimorehousing.org/vtov_adapt.



Figure 3. The new pervious sidewalk at the Upper Fell's Point Community Garden

CONCLUSION

Baltimore Green Space's work illustrates the importance of a strong partnership between a land trust and its local government. That is what allows us to affordably preserve land, and to reliably and consistently iron out issues involving city government. Developing such a relationship is a substantial and satisfying part of our work. While advocacy was not originally part of our mission, it was certainly our first tool – and we soon realized what a potent tool it is. Timing is also important. We started our work at a time when Baltimore's government was embracing the notion of sustainability. Framing the work we do in terms of social, economic, and ecological benefits makes us an important partner in achieving the city's sustainability goals.

Our work also shows how residents and neighborhood organizations can benefit from partnering with a land trust. For neighborhoods, the primary motivation to preserve a site with Baltimore Green Space is the security of knowing that their green spaces will not be sold for development. Once in partnership with Baltimore Green Space, however, they increase their long-term sustainability from our work to ensure that sites get the resources they need. What neighborhood hoping to see its green space last the ages couldn't use that?

About the author: Miriam Avins is the founder and director of Baltimore Green Space, Baltimore's land trust for community-managed open space. Her work is focused on two areas: providing resources for Baltimore's community greeners by providing land security and advocating for supportive government policies; and the conservation of Baltimore's forest patches.