

## What Do Conservation Easements Cover?

Conservation Easements involve the retiring of certain rights from a property. Such rights may include but are not limited to: farming, mining, construction of a house, fishing, the right to lawful passage, and the right to clear trees. While certain rights are retired, all other rights of the land are kept by the land owner.

### Examples Of Which Land Rights Can Be Retired:



Subdividing Land



New Structures



Clearing Land



Mining



Commercial Use



Much More

## Why Should I Get A Conservation Easement?



Many individuals get a Conservation Easement because...

Easements are an alternative revenue source to selling your land. When you sell land, you can never use it again, yet when you retire land rights, you can still own and enjoy the land. In many cases, Easements provide you the ability to continue receiving revenue from your property with both the Easement and from farming the land, opening a store, or renting to a farmer, family, or a tourist.

- Peace of mind with what will happen to the land.
- Prevents land speculation on the property.
- Protects natural resources and view of the area.
- Guarantees an area can always be used for hunting or farming.
- Prevents land being taken for a new road or road expansion.

### Easements also help to protect:



Agriculture



Forestry



Wildlife Habitat



Rural Character



Open Spaces



Water Quality



Historic Sites



Rivers & Streams



Much More

## Who's The Conservation Easement Authority (CEA)?

The Conservation Easement Authority's (CEA) purpose is to further the goals of the County's Comprehensive Plan and provide a means to assist County landowners in protecting and preserving farm and forest land, open space, scenic vistas, historic sites, water resources, and environmentally sensitive lands as well as the County's rural character. The easement program provides for a means for the county to acquire voluntary conservation easements either through donation or through purchase if funding is available.



### Brook Farm Near Mount Olive

For Dale and Dianne, "preserving the farm gave us a way to live here and be secure." "I'm close to retirement," Dianne said. "The easement made it possible to get the roof fixed, the barn fixed and pay off the mortgage... It has been a tremendous relief to walk around and know the farm will always be the same." - Dale & Diane Guinn.

### Donate to Land Conservation in Today!

100% of your tax-deductible contributions are used directly to support conservation projects. More than that, your donations are leveraged to double or triple outside funding. Just write your check to, "Treasure's Office, County of Shenandoah" with CEA in the memo, and mail it to the address below.

For more information, contact:  
Shenandoah County  
Conservation Easement Authority  
600 North Main Street, Suite 107  
Woodstock, Va 22664

Phone: 540-459-6204

Email: [THinkle@shenandoahcountyva.us](mailto:THinkle@shenandoahcountyva.us)



SCAN ME!

or visit [ShenandoahCountyva.us/conservation/](http://ShenandoahCountyva.us/conservation/)



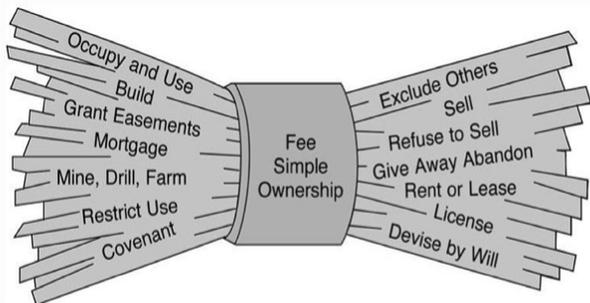
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**KEEP YOUR LAND**



**POCKET GUIDE TO**  
**CONSERVATION**  
**EASEMENTS**

# What Is A Conservation Easement?

## Bundle Of Property Rights



There are unique values in your property that you can protect forever. Every property has a specific set of usage rights that are specific to the property. This set of rights can be explained by the picture above, which represents a bundle of property rights. A Conservation Easement is the sale or donation of sticks or parts from the bundle, while the owner retains the remaining sticks or rights of use on a property. The agency that buys or receives the sticks / rights is known as the Holder as they hold the sticks / rights. The landowner decides which sticks / rights to sell.

An example of someone with an easement can be seen below with Farmer Smith's 20 acre farm:



Farmer Smith  
20 Acres

### Allowed:

Farm all 20 acres  
Build one house  
Log any trees  
Keep public out  
Hunt + much more

### Not Allowed:

Subdivide property  
Build many homes

## Where Does The Money Come From?



Existing Value

-



Developed Value

=



Easement Value

The donation of a conservation easement may provide an opportunity for a landowner to earn significant tax advantages. To be eligible for various income and estate tax benefits, the easement must meet a minimum standard of protection to be a "qualified conservation contribution," according to Federal Internal revenue Code Sections § 1.170A-14(a) and 2031(c) and Virginia State Code § 58.1-512.

# Donating An Easement

Donating an Easement means all revenue will come from either claiming or selling tax credits.

### Submit Worksheet

Outline what you want to protect and what you want to keep being able to do.

Time Required

1-2 Weeks

### 1st Review By CEA

CEA determines if the Easement meets their standards and if they are interested.

1-2 Months

### Decide On Co-Holder

You must decide if you wish to work with another organization or just the CEA.

1-2 Months

### Submit Application

Once confident, a final application and deed of easement is submitted for review and revision.

3-4 Months

### Final Review By CEA

1-2 Months

### Final Decision By Board Of Supervisors

### File Deed With Circuit Court

### Celebrate!

As can be seen with the two processes shown above, the process for donating an easement or selling an easement are the exact same other than that funding must be secured for the sale and the easement must qualify with the purchaser's easement program.

## Frequently Asked Questions

### Who Can Apply?

Any Shenandoah County landowner whose property obtains at least 15 points under the ranking criteria set forth in § 82-7 of the Shenandoah County Code (see Easement Eligibility & Ranking Criteria Worksheet), unless the CEA has found that it is in the best interest of the County to waive this requirement. In addition, the placement of a conservation easement on the property must be consistent with the Shenandoah County Comprehensive Plan. However, just as a landowner is not obligated to donate an easement, the County is not obligated to accept every easement donation offer.

### Who Holds The Easement?

The Shenandoah County Board of Supervisors (BOS) and the County Conservation Easement Authority (CEA) hold the easements. If a landowner so chooses, other public or non-profit entities such as the US Dept. of Agriculture (USDA) or the Virginia Outdoors Foundation (VOF) may be able to co-hold as well.

# Selling An Easement

Selling an Easement means that there is revenue up front from the purchaser. If only part of the Easement is sold, then the remaining Easement value's profit comes from tax credits.

### Submit Worksheet

Outline what you want to protect and what you want to keep being able to do.

Time Required

1-2 Weeks

### 1st Review By CEA

CEA determines if the Easement meets their standards and if they are interested.

1-2 Months

### Appraise Easement Value

This allows the CEA to determine if they have enough funding and what they can provide or leverage with grants.

1-2 Weeks

### Decide On Co-Holder

You must decide if you wish to work with another organization or just the CEA.

1-2 Months

### Submit Application

Once confident, a final application and deed of easement is submitted for review and revision.

3-4 Months

### Final Review By CEA

1-2 Months

### Final Decision By Board Of Supervisors

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### Would I Still Own My Property?

Yes, you would still own the land no matter if you donated or sold the Conservation Easement. You would be donating or selling the uses that you agree to remove from the property such as mining, building in certain locations, clear cutting forests, and many other uses of the land, or sticks from your bundle of property rights.

### How long is the commitment?

Forever. Conservation Easements are permanent and run with the land from owner to owner. This means that you may want to add clauses for build sites for new farm or living structures, as well as provisions for new types of agriculture and agritourism.

### How Do I Evaluate My Property Value?

To evaluate a property's "qualified conservation contribution", contact a certified public accountant, or seek advice from legal counsel. Shenandoah County is not authorized to review and advise landowners of the personal financial impacts.