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## Understanding Conservation Easements

### Frequently Asked Questions

#### What is a conservation easement?

A conservation easement is a voluntary agreement between a landowner and a qualified conservation organization that restricts particular development and uses of the landowner's property in order to protect certain resources.

#### What are the benefits of a conservation easement?

- **Protection of agricultural land** – Conservation easements permanently restrict subdivision, ensuring that the land will always be available for agricultural activities. Conservation easements reduce land values, which makes it easier to transfer property to the next generation of farmers and ranchers and will enable future generations to retain land.
- **Financial and tax incentives** – Landowners may be eligible for certain financial and tax benefits through direct payments, federal income tax deductions, and estate tax exemptions.
- **Preservation of rural communities and local heritage** – Protecting agricultural land through conservation easements can help maintain the viability of the main economic engine of the Okanogan – agriculture and the businesses that support agriculture. Easements also offer a way for communities to work together and preserve natural resources, open spaces, and wildlife habitat that drive recreation and tourism dollars.

#### Who owns the land after a conservation easement is conveyed?

The landowner retains ownership of the property. The conservation easement only conveys certain rights (such as the right to develop or subdivide) to the designated land trust.

#### What rights are typically retained by the landowner after a conservation easement is conveyed?

The landowner retains ownership in the property, the right to sell, lease, convey, or otherwise transfer the property, the right to continue existing agricultural operations and customary rural enterprises (i.e. farm, ranch, graze, hunt, fish, etc.), and the right to restrict public access.

#### Is Okanogan Land Trust going to tell me what to do with my property?

No, OLT will not tell you what to do with your property. We monitor conservation easements to ensure that the landowner is complying with the mutually agreed-upon terms of the easement. We expect that landowners will be good stewards of their land as part of their own property management.

#### Do conservation easements require public access?

No. The term easement can be misleading. Conservation easements do not require public access. While a landowner may choose to allow public access, there is no obligation to do so. The landowner decides who is allowed on the land and when.

### **Can land trust staff come on my land whenever they want?**

No. Okanogan Land Trust staff set up an appointment with each landowner once a year to monitor the conservation easement. The time of the monitoring visit is mutually agreed upon by OLT and the landowner.

### **What rights does the land trust have to the land?**

The organization holding the easement is required to monitor and enforce the terms of the easement. To accomplish this, a representative will visit the property at least once every year to ensure that the terms of the agreement are being upheld. The visits are always scheduled with the cooperation of the landowner. This does not mean, however, that OLT or any other group has the right to use the land, nor does it allow public access for any reason.

### **Can I sell my property if I put a conservation easement on it?**

Yes, the landowner retains full ownership of their land. The property is sold with the conservation easement attached and the new landowner will be subject to the same restrictions as the landowner who initiated the easement.

### **Are there tax benefits to granting a conservation easement?**

Easements that are permanent, donated by the landowner or granted by qualified bargain sale, and provide one or more conservation values for public benefit typically qualify for tax benefits offered by the federal government. The two main tax benefits associated with a donated conservation easement are potential reductions in income tax and estate tax liability. The amount and type of actual benefit depends on a variety of factors, including the value of the donation, your income level and the total amount of your estate. You should consult with a financial advisor and/or an attorney to fully understand the tax implications.

### **How is the value of a conservation easement determined?**

Only a qualified real estate appraiser can determine the value of an easement donation for tax purposes. The appraiser will consider the property's "before-easement" value on the open market – under current zoning – and its "after-easement" value with easement restrictions on it. The difference between these two figures is the value of the easement.

### **Are there costs associated with donating a conservation easement?**

Yes. We ask easement donors to share in costs associated with granting an easement to the extent that they are able. In cases where these costs create a barrier to conserving important lands, we work with landowners to secure alternate funding.

### **Does a conservation easement prohibit all future development?**

No. Most conservation easements prohibit large-scale subdivision or development, mining and non-agricultural commercial and industrial uses that will negatively impact a property's conservation values. However, a conservation easement does not prohibit all future development. They are intended to be flexible enough to allow for limited residential development. The details of the agreement are negotiated between the landowner and Okanogan Land Trust and will depend on the character of the land and the conservation values the easement is designed to protect.