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Conservation easements - leaving a legacy

Concerned with the growing impacts of development and strain on Virginia’s natural and cultural resources, communities in Goochland and across the Commonwealth have come together to raise awareness about the vital role conservation easements play in safeguarding working farms, forests, sensitive natural resources, open spaces, and historic places. Today, roughly 30 land trusts in Virginia—working alongside counties and state agencies—help preserve the rural landscapes and character that define the state.

The first recorded conservation easement in Virginia was donated in June 1968 by James M. Ball Jr. to the Virginia Outdoors Foundation, covering a 104-acre parcel in our very own Goochland County! This pioneering action has been followed with over 800 acres in Goochland County under conservation throughout our Commonwealth.

Landowners who choose to donate a conservation easement help preserve the landscapes that matter most to their communities. By permanently protecting land they value, landowners help ensure these resources are enjoyed for generations to come. In addition, donating a conservation easement may make a landowner eligible for certain income and property tax benefits. A conservation easement can be crafted to meet specific needs and visions of the landowner so that the property can continue to be viable and productive.

Find the above compelling and interested in placing all or part of your Goochland County property under a conservation easement? The County has put together the information below to help you understand the process in more detail. We also invite you to contact the following land trusts that are active in Goochland for additional information:

[Capital Region Land Conservancy](#)

[Historic Virginia Land Conservancy](#)

[Land Trust of Virginia](#)

[VA Outdoors Foundation](#)

To find out more about Goochland's conserved lands, visit the Virginia Department of Conservation and Recreation's Map Explorer at [DCR Map Explorer](#) (Select checkbox for 'Managed Conservation Lands' and 'Boundaries/Counties' under 'Layers')

What is a conservation easement

A conservation easement is a voluntary, legally binding agreement between a landowner and a public entity or land trust that permanently protects land and its identified conservation values. Easements are flexible and tailored to each property; the specific terms and protections are developed collaboratively between the landowner and the conservation organization. Only the rights the landowner chooses to limit are addressed in the easement deed. Although ownership of the property remains with the landowner, the easement is recorded in the local land records and continues in perpetuity, even if the property is sold or transferred.

Did you know? An easement does not require landowners to provide public access to their land. The landowner continues to own, use and control, and pass on the property to the heirs.

Tax Benefits

Donating a conservation easement may make a landowner eligible for local, state, and federal tax incentives. As with any charitable contribution, the landowner is responsible for selecting a qualified appraiser and substantiating the value of the donation with the Internal Revenue Service and the Virginia Department of Taxation.

- **Reduced Property Taxes:** In Goochland County, land protected by a conservation easement may be eligible for taxation at use-value rates. Residential dwellings, farm buildings, and other structures on the property, however, continue to be assessed at their fair market value;

Conservation Easements – Informational

- **Virginia State Income Tax Credit:** Landowners who donate a conservation easement may qualify for the Virginia Land Preservation Tax Credit (LPTC), which can be applied directly to their Virginia income tax liability;
- **Federal Income Tax Deduction:** A perpetual conservation easement that meets federal tax code requirements and provides a demonstrable public benefit by permanently protecting significant natural, scenic, or historic resources may qualify as a charitable income tax deduction;
- **Estate Tax Benefits:** By limiting future development potential, a conservation easement typically reduces the market value of the property, which may lower estate tax liability.

Tax benefits in more detail

The LPTC typically equals 40 percent of the appraised value of the easement donation, and any unused portion of the credit may be carried forward for up to 10 additional years. While Individual taxpayers may apply no more than \$20,000 in LPTCs per year, credits may be transferred or sold to other Virginia taxpayers, an option that may benefit landowners who cannot fully use the credits themselves.

Generally, the federal income tax deduction amount equals the value of the easement donation, reduced by the value of any state income tax credits received such as the LPTC. Landowners may claim the deduction at a rate of up to 50 percent of their federal Adjusted Gross Income (AGI) per year, and any unused deduction may be carried forward for up to 15 additional years. Furthermore, qualified farmers who earn more than 50 percent of their income from agricultural activities in the year of the donation may be eligible to deduct up to 100 percent of their AGI each year the deduction is available.

In addition, under the federal Taxpayer Relief Act of 1997, up to 40 percent of the value of qualified eased property may be excluded from the estate for tax purposes, subject to specific requirements.

You should know: Landowners considering a conservation easement should consult with their own legal, tax, and financial advisors to understand eligibility requirements and determine which federal, state, and local tax benefits may apply.

Terms of the Easement

Conservation organizations evaluate potential easements using established guidelines to ensure that each protected property possesses meaningful conservation value. These values often include a mix of forests, wetlands, streams and waterways, habitats for threatened or endangered species, historic resources such as battlefields, productive farmland, and scenic landscapes.

Conservation easements commonly include provisions that:

- Restrict the extent of subdivision and future development on the property;
- Safeguard important resources, including waterways, prime agricultural soils, forests, and wildlife habitat;
- Prohibit or limit activities such as mining, grading, or blasting;
- Support the continuation of traditional rural uses such as farming, forestry, hunting, and fishing.

The deed of easement will contain provisions regarding the right of the easement holder to monitor easement compliance by inspecting the property and enforcing the terms of the easement as provided by law.

Did you know? Conservation organizations work closely with landowners to accommodate individual needs. Easements may apply to only a portion of a property, allow for additional residences or agricultural structures, or even permit future division of the land when the property's size and conservation values allow.

Duration of the Easement

Conservation easements are intended to be perpetual and may only be modified or terminated under very strict circumstances. This ensures that the original intent of the grantor is respected and protects the interests of localities and taxing authorities that may have granted the property, or portions thereof, more favorable tax treatment because it is under easement.

Easements are in perpetuity, but can be strengthened

While each easement holder has its own policies, the following represents examples of circumstances under which conservation easements may be amended or terminated:

Conservation Easements – Informational

- Easements may typically be amended only to add acreage to the property under easement, further restrict rights reserved to the landowner, or reconfigure parcel boundaries from the original property placed under easement.
- Easements generally may not be amended to increase development rights, reduce protected acreage, weaken resource protection, or otherwise undermine the original conservation purpose.
- Termination is permitted only in very rare circumstances, such as condemnation for public purposes as allowed by law, or in cases of force majeure events such as earthquakes, fire, destruction of habitat, or species extinction.

You should know: *Easement holders engage in regular stewardship, which includes periodic monitoring of the property (often annually or biennially) to verify compliance with easement terms, such as land-use restrictions and preservation obligations.*

Who to contact, what to expect

Protecting land through a conservation easement is a landowner-driven and entirely voluntary process. In Virginia, easements may be donated to a variety of public agencies or qualified private conservation organizations. Property owners interested in pursuing an easement are encouraged to contact the easement-holding organization of their choice directly. The steps below outline the typical process from initial inquiry through recordation:

1. **Property Visit:** The easement-holding organization meets with the landowner and conducts an initial evaluation of the property to determine whether it meets basic conservation criteria;
2. **Proposal Review:** The organization reviews the proposed easement to ensure it satisfies legal requirements, aligns with the County Comprehensive Plan and is not subject to planned public improvements, demonstrates a clear public benefit, and meets due-diligence standards;
3. **Proposal Acceptance:** If approved, legal counsel for the easement holder works with the landowner to prepare the deed of easement. The landowner should be prepared to provide documentation related to land records, liens, existing obligations, and current uses of the property, including buildings or other structures;
4. **Recordation and Tax Assessment:** The easement process is finalized once the deed of easement is recorded in the Goochland County land records and all associated recording fees are paid.

Still interested?

The following agencies and organizations maintain directories of member or affiliated conservation partners:

- <https://www.dcr.virginia.gov/land-conservation/landcon-organizations>
- <https://vaunitedlandtrusts.org/who-we-are/vault-members/>
- <https://landtrustalliance.org/land-trusts>

You should know: Conveying a conservation easement involves certain costs. Easement-holding organizations may charge processing or legal fees, and landowners may also incur expenses for independent legal counsel or professional advice regarding the financial and tax implications of the easement.