



Conservation Easement Guidelines

Below are guidelines for reserved rights included in conservation easements held by the Blue Ridge Land Conservancy, Central Virginia Land Conservancy and the Southern Virginia Land Conservancy. Just as every property is unique, so is each easement. At the land trust's discretion, easement guidelines can be modified to meet landowner needs and provide optimal protection for the conservation values of the property.

1. Size

There is no minimum size for a property to be considered for a conservation easement held by BRLC/CVaLC/SVaLC. Generally, the smaller the property, the greater the conservation values present must be. For example, five acres along a prominent river or stream, along a ridgeline, or which contain a rare species or habitat, may qualify, while 100 acres of pasture with no scenic values, streams or other conservation values may not. Each property will be decided on a case-by-case basis.

2. Location

Even if a property seems ideal for a conservation easement, its location, or its future land use designation in a county's comprehensive plan, may cause BRLC/CVaLC/SVaLC to decline to participate in a project. For example, it may be best to develop open land in a rapidly growing area designated for future residential development by the county, rather than protect it and instead push an equivalent amount of homes out into the countryside, thus leading to more sprawl and increasing the cost of providing county services.

3. Divisions

To keep large tracts of rural land intact, the number of times a property may be divided is normally limited by the easement. Generally, properties can be divided once if they are larger than 100 acres, and again for every 100 acres above the first 100. (For example, a 100 - 199 acre property may be permitted to be divided once, a 200 - 299 acre property twice times, and so on.) Division rights are based on the total number of acres being placed under easement, and not on the number of tax parcels making up the property. Landowners can request that the property not be allowed to be divided at all, or to be divided more than the guideline, depending on the property and the landowner's needs.

4. Dwellings

Dwellings and associated outbuildings and structures (garages, sheds, driveways, etc.) are generally permitted. A rule of thumb is two dwellings permitted per 100 acres of land. Typical dwelling sizes include a “primary” dwelling of 4,500 sq. feet or less, and a “secondary” dwelling of 1,500 sq. feet or less. Fewer or more dwellings may be permitted, depending on the property and the landowner’s needs.

5. Location of dwellings and other structures

BRLC/CVaLC/SVaLC will require dwellings to be placed within building envelopes identified in the conservation easement. A landowner may choose to require building envelopes for farm buildings but this is not required. Building envelopes are located to protect the conservation values of the property. Therefore, they may be located away from hilltops and public roads and waterways (to protect the public’s scenic view) and other conservation resources. Building envelopes can be large enough to afford the landowner some flexibility in siting a home, digging a well, or locating a drain field for a septic system. More building envelopes than required for the number of permitted dwellings and large buildings can also be identified.

6. No-build zones

No-build zones (areas where no buildings or structures may be placed) may also be used to buffer streams, the view from public roads, or other conservation resources. Depending on the easement, certain structures or improvements may be allowed in no-build zones, such as trails or elevated walkways.

7. Permitted activities on the property

Traditional rural land uses and compatible commercial operations such as agriculture, horticulture, viticulture and agritourism (such as pick-your-owns, wineries, sale of products grown on the farm, corn mazes, bed and breakfasts or wedding venues) are almost always permitted, provided that the commercial activity does not harm the conservation values present on the property. Activities such as stream restoration or wetland mitigation are also generally permitted, as are temporary outdoor activities that last for a few days (e.g., large, overnight gatherings of people for camping or a retreat). Residential-scale alternative energy is also normally permitted, as well as educational, recreational, scientific or religious activities. Industrial, retail and others kinds of commercial operations are prohibited.

Outdoor activities, such as hunting or ATV use, will always be allowed on properties considered for a conservation easement. These activities cannot be restricted because this is not a restriction which BRLC/CVaLC/SVaLC can enforce with a typical once-a-year site visit.

8. Forestry

Forestry, including clear cutting, is generally permitted. A Forest Stewardship Plan, as well as a pre-harvest plan, will be required and must be approved by BRLC/CVaLC/SVaLC before any commercial timbering activities can take place. Virginia Department of Forestry Best Management Practices to protect water quality must be used. Depending on the use of the property, the conservation values present and the landowner’s wishes, optional language for no timbering, no clear cutting, or timbering using streamside management zones (SMZs) on commercial timber properties may be used in the easement.

9. Riparian buffers

To protect water quality, forested riparian buffers are required along rivers and streams. If livestock are present, they must be excluded from the buffers by fencing. The specific width of buffers (minimum of 50-ft), as well as permitted hardened crossings and other variables can be determined on a case-by-case basis. BRLC/CVaLC/SVaLC can assist landowners with enrolling in federal and state programs to pay for all or some of the cost of fencing, as well as wells and remote waterers for livestock. Landowners can generally build or maintain trails and roads across the buffers within limits, and can conduct limited tree removal under certain circumstances.

If fencing has been installed through a SWCD or NRCS program the easement may be written to match the existing fencing.

10. Excavating, earth moving and filling.

Generally, excavating and earth moving is permitted only for the construction and maintenance of permitted dwellings, buildings, roads and other structures, as well as ponds. Filling of natural features such as caves or sinkholes will be prohibited to protect water quality and fragile karst ecosystems.

11. Mining

Mining and resource extraction (gas, oil, coal, rock, etc.) will almost always be prohibited on properties considered for a conservation easement.

If there is an active shale or gravel pit on the property it will need to be excluded from the easement area.

12. Trash accumulation

Landowners are not permitted to accumulate trash or junk on their properties under easement.

Agricultural waste and brush piles, compost piles, and piles of materials that can be reused (such as fence posts or metal roofing) are generally permitted.

BRLC/CVaLC/SVaLC may require a landowner to clean up junk or trash on their property before an easement will be considered. BRLC/CVaLC/SVaLC will work with landowners to allow them to remove trash left or dumped illegally by others, or deposited by flood waters or other natural acts, within a reasonable time frame.

13. Signs

Generally, small signs advertising permitted activities on the property are allowed (such as directional signs for a vineyard). Landowners can post their properties as well. Billboards and other large signs are not permitted in order to protect the scenic view of the property by the general public.