CENTRAL VIRGINIA LAND CONSERVANCY

BLUE RIDGE LAND CONSERVANCY

SOUTHERN VIRGINIA LAND CONSERVANCY

Conservation Easement Guidelines

Below are guidelines for reserved rights included in conservation easements held by Land Savers United (Blue Ridge Land Conservancy, Central Virginia Land Conservancy and 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.

Size

There is no minimum size for a property to be considered for a conservation easement held by LSU. 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.

Location

Even if a property seems ideal for a conservation easement, its location, or its future land use designation in the County's Comprehensive Plan, may cause LSU 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 if and instead of push an equivalent amount of homes out into the countryside, thus leading to more sprawl and increasing the cost of providing County services.

Divisions

To keep large tracts of rural land intact, the number of times a property may be divided is limited by an easement. Generally, properties can be divided once if they are larger than 100 acres, and again for every 100 acres above the first 100 acres. (For example, a 100-199 acre property may be permitted to be divided once, a 200-299 acre property twice, 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.

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 are limited to a footprint of 3500 square feet and 35 feet in height. Fewer or more dwellings may be permitted, depending on the size of the property

Location of dwellings and other structures

LSU will require dwellings to be placed within building envelopes identified on the conservation easement and baseline documentation report. A landowner may also choose to require that farm buildings over 500 sq.ft. of footprint be located in building envelopes as well. (If this option is used all structures existing at the time the easement is donated should be located in a building envelope.)

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 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 can also be identified.

No-build zones
No-build zones (areas where no structures or buildings may be placed) may also be used to buffer areas of high conservation value, the view from public roads, or areas of high elevation.

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. Residential-scale alternative energy is also normally permitted as well as educational, recreational, scientific or religious activities. Industrial, retail and other kinds of commercial operations are prohibited.

Outdoor activities, such as hunting or ATV use, will always be allowed on properties under a conservation easement. These activities cannot be restricted by an easement because LSU cannot enforce their prohibition with an annual monitoring visit.

Forestry
Forestry, including clear cutting, is generally permitted. A Forest Stewardship Management Plan as well as a pre-harvest plan, will be required and must be approved by LSU before any commercial or large scale timbering activities take place. Small scale forestry activities are permitted without an FSMP depending on the size of the property. Up to 1 acre is permitted for properties 100 acres and smaller. This can be increased up to 1% of the property, but not larger than 10acres.

Depending on the use of the property, the conservation values present and the landowners' wishes, optional language for no timbering, no clear cutting, or timbering using streamside management zones on commercial timber properties may be used in the easement.

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 waterway and buffer by fencing. The specific width of the buffers (50-ft minimum), as well as permitted hardened crossings and other variables can be determined on a case-by-case basis. If fencing or buffers have already been established on the property with a SWCD or NRCS program the easement may be written to match the existing fencing.

Excavating, earth moving and filling
Generally, excavating and earth moving is permitted only for the construction and maintenance of permitted dwellings, buildings, roads and ponds. Filling of natural features such as caves or sinkholes will be prohibited.

Mining
Mining and resource extraction (gas, oil, coal, rock, etc.) is prohibited on conserved properties. If there is an active shale or gravel pit on the property it will need to be excluded from the easement.

Trash accumulation
Accumulation of trash on properties under easement is prohibited. 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.
LSU may require a landowner to clean up junk or trash on their property before an easement will be accepted. LSU 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.

Signs
Generally, small signs advertising permitted activities on the property are allowed. 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.