



YOUR LAND, YOUR LEGACY

A landowner's guide to private land conservation.

The Blue Mountain Land Trust



Photo by Tod Crouter

Who We Are

The Blue Mountain Land Trust was founded in 1999 by local citizens who were concerned with the changing land use in their communities.

We are a non-governmental organization operated by members of the communities we serve. Our volunteer board members work tirelessly to preserve this region for future generations.

LAND TRUST STAFF

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If you own land, you know what makes your property special - perhaps it is its scenic beauty, its productivity as farmland, or its value as fish and wildlife habitat. Maybe all of these things.

If your lifetime goals include protecting your land's unique values so it can be enjoyed forever, the Blue Mountain Land Trust can help you make that happen.



Photo by Mark Van Donge



Why Protect Land?

Ensuring your land will be properly cared for beyond your lifetime takes sound planning. Do you want to preserve forever the scenic beauty or unspoiled habitat on your land and ensure that future owners will never destroy those assets? Are you concerned the productivity of your land could be lost to development, diminishing the agricultural base of this region? Do you want your land's special characteristics – values you've worked hard to enhance – protected forever when your property changes hands?

Will your heirs be forced to sell your land, either to pay estate taxes or to divide the estate among heirs? This is a major concern for agricultural properties, where the high value of large parcels can lead to very substantial estate taxes.

The Blue Mountain Land Trust works with landowners concerned about their land's future. Our goal is to protect the things that make this area special – unspoiled fish and wildlife habitat, economically productive farmland, rangeland and forests, and beautiful scenery. We work with landowners to meet their goals: to keep productive land in production, to preserve unique natural features, and to facilitate the transfer of land to the next generation. We believe landowners know best how to plan for their land's future. Your vision for your land is what drives our work.



Blue Mountain Land Trust's mission is to protect the scenic, natural, and working lands of the Blue Mountains region through collaboration with communities and landowners.

Photo by Bill Rodgers

Conservation Tools



Gift or Sale

An outright gift or sale of all or part of your land to a qualified land trust is the simplest way to ensure that your land's special values are protected forever.

An accredited conservation landholder like the Blue Mountain Land Trust can own and manage your land to protect its unique values in perpetuity, whether those values are scenic views, rich wildlife habitat, or productive working land. A gift of land may have substantial tax benefits to the landowner. In some cases, BMLT can purchase land with exceptional conservation value.



Conservation Easement

A conservation easement is an agreement between a landowner and a land trust that creates voluntary limits on the landowner's use of the land. An easement permanently limits the land's use by the current and all future landowners. However, the landowner retains title to the land, as well as all rights that were not specifically stated in the easement.

Every conservation easement is tailored to the landowners' plans for their land, making it a flexible and practical option for people who want to protect the land they love.



Planned Gifts

Planned gifts are another option for landowners engaged in estate planning. A conservation easement or outright title to land can be left in a will. Alternately, a gift can be made during the owner's life, but the donor can retain the right to use the land. Planned gifts can be effective tools for securing the future of your land without diminishing your use and enjoyment of it during your lifetime.



Titus Creek

Walla Walla, WA

When Carl and Sonia Schmitt retired to Walla Walla, their rural home was surrounded by everything that Sonia, a Walla Walla native, always loved about the area. But within a few years, Carl and Sonia saw the lush forests and productive farmland surrounding their home threatened by new development. When neighboring landowners announced plans for new houses and a private airstrip in a wheat field next to their home, Carl and Sonia knew they had to act fast to protect their way of life.

Carl and Sonia successfully bought their neighbors' land and stopped its development. But they knew this was a temporary solution – the land would be protected only as long as they owned the property. They wanted to protect their land permanently. To do that, they united with other local individuals concerned about the future of land use in the area and formed the Blue Mountain Land Trust. Its founding mission became partnering with landowners to protect natural areas, scenic views and working farmland from development.



Carl & Sonia Schmitt

When the Blue Mountain Land Trust was formed, Carl and Sonia donated a conservation easement on their property to the land trust, ensuring their 69 acres would remain as forests and farmland forever. This easement permanently protects the sensitive riparian area along Mill Creek and Titus Creek, preserving important fish and wildlife habitat. It also protects the property's agricultural use, ensuring it will be farmed for many years. Achieving multiple goals – protecting sensitive areas while encouraging continued use of productive land – is now typical of Blue Mountain Land Trust easements.

How Conservation Easements work

Blue Mountain Land Trust uses conservation easements to protect a variety of resources. Working land easements protect farms, ranches, and timberland from development while allowing the land's productive use to continue. Habitat conservation easements can preserve or enhance important fish, bird, and wildlife habitat. In many cases, easements can preserve both habitat and working land, providing protection for the most sensitive parts of a property while encouraging continued use of its productive areas. Conservation easements can also be used to preserve scenic areas, water resources, or other important land values.

A conservation easement is a voluntary partnership between a landowner and a land trust. The landowner and land trust work together and agree on rules to guide future land use while preserving the land's unique values. The landowner is compensated for the easement through fair market payment or by substantial tax benefits.

What Rights are Affected?

A typical easement will limit subdivision and development of the property, while allowing existing uses to continue and providing for planned future development. If the landowner wants to protect exceptional fish or wildlife habitat, the easement will typically restrict activity within those areas.

Most conservation easements allow for agricultural use of the property, especially when the land has been

used productively for many years. For productive farmland facing development pressure, easements can prevent development and ensure that farming on the land continues. In forested areas, "working forest" easements can also allow continued commercial timber harvesting.

Some very important property rights are not generally affected by a conservation easement. You remain the sole owner of your property. Your property can still be sold, leased, or inherited, which is why many landowners use conservation easements as part of their estate planning. Easements do not require public access to your land.

Conservation easements are customized to exactly fit your property and your plans for the future. We work with you to create an easement that protects all of your property's special values while you keep the freedom to use the land as you wish.

How are Easements Valued?

The fair market value of a conservation easement is determined by an independent appraisal. The appraiser first determines the total value of your property as it stands today. Then, the value of the property is estimated as if it were limited by an easement. The difference between these two appraisals is the value of the conservation easement.



An Example

Harry and Rachael Anderson own a 500-acre farm that could be divided into ten 50-acre parcels for development. The appraised value of their property with these subdivision rights is \$3,000,000.

The Andersons want to stop all subsequent property owners from dividing their property and ensure it remains a working farm. The appraiser estimates that removing subdivision rights through a conservation easement would reduce the property's market value to \$2,400,000.

The conservation value of the easement is the difference between these two appraised values - \$600,000. In this case the easement could be purchased by the land trust for up to \$600,000 or the Andersons could gift the easement and claim a \$600,000 charitable deduction.

Many factors affect the value of an easement: the size of the property, the number of development rights affected, and any determinations made about future land use.

Creating a Conservation Easement

The creation of a conservation easement begins with a thoughtful discussion between the landowner and land trust about the agricultural, conservation, and scenic values of the land and the landowner’s plans for its future. If a conservation easement is an appropriate way to protect the land and meet the landowner’s goals, a conservation easement can either be donated or purchased. Each type of conservation easement has its own path.

STEPS TO AN EASEMENT

1 Initial meeting and property visit. Blue Mountain Land Trust will complete a conservation assessment outlining the unique values of the land, options for protecting those values, and potential financial and other benefits to the landowner.

2 Use the assessment to determine the goals of the easement. BMLT and the landowner meet, possibly numerous times, to develop in principle the major components of the easement.

3 Landowner decides whether to donate the easement or ask the land trust to purchase it. A purchase may be concluded for fair market value or for a “bargain sale” of a lower amount, in which case the landowner will also be eligible for tax benefits.

4 Identify and secure funds to purchase the easement. Each funding source is dependent on the specific property and available funding. In most cases, this will be one or more federal or state grant programs. BMLT will apply for funding from the grant programs that best fit the property and the landowner’s goals. It often takes a year or more to secure funding for an easement purchase. BMLT will provide a detailed timeline when a funder is identified. *(Not applicable if the easement is donated.)*

5 Execute a Conservation Agreement. At the time BMLT applies for funding, we ask that the landowner sign an agreement affirming their intent to sell or donate a conservation easement on their property. The agreement is contingent on the project receiving funding, but demonstrates the intent of both BMLT and the landowner to see the project through to completion. The Conservation Agreement also indicates the project costs BMLT or the funders will pay, and which costs the landowner will be responsible for during the course of the project and at closing.

6 Draft the conservation easement. The conservation easement is the legal document reflecting the agreed-upon restrictions and reserved rights. It is a complex document involving land use rights, so BMLT advises landowners to retain the services of an attorney to review the proposed easement. Changes and clarifications are made in the draft until the landowner, the funder(s), and BMLT agree on the final language.

7 Appraisal to establish the easement value. An independent appraiser will estimate the property's value without the easement, and then again with the limitations in the conservation easement. The difference is the market value of the easement and determines the purchase price. Some funders will pay for the appraisal, but the landowner may be asked to pay part or all of this cost.

8 The property is surveyed. This is often necessary to locate property boundaries and any designated-use areas defined by the easement. Some funders will pay for the survey, but otherwise it is the landowner's responsibility.

9 BMLT creates the baseline inventory. This inventory documents the condition of the property and serves as a guide for future stewardship of the property.

10 Easement is signed by the landowner and BMLT. The easement is recorded with the county and becomes permanently attached to the property, ensuring the land's unique values are protected forever.

11 Landowner receives a payment from BMLT. Upon completion of the easement, the owner receives the agreed-upon price (usually the appraised easement value), paid for by grants from the project funders. Not applicable if the easement is donated.

12 Landowner pays BMLT for project costs. At closing, any outstanding expenses that the landowner has agreed to pay in the Conservation Agreement are due. These costs may include professional services such as an appraisal and survey, BMLT staff time and expenses in completing the easement, and a payment to cover long-term monitoring and stewardship of the property.

Landowner Benefits



Land Protection

The most important benefits of conservation easements are the protections they provide to your property's unique values. Easements can be structured to protect valuable wildlife habitat, open space, or productive land. They can also create substantial financial and tax benefits for landowners.

Succession Planning

For many landowners, a conservation easement means knowing that the generations of stewardship that have gone into their family lands will not be lost in the future. A conservation easement can be key to assuring continued family ownership and management of those family lands.



Financial Benefits

There are a number of financial benefits for landowners who choose to put a conservation easement on their land. When an appraised easement is donated, the landowner may be eligible for an income tax deduction based on the value of the easement. Blue Mountain Land Trust may purchase a conservation easement for its fair market value. In this case, the landowner receives a lump sum payment rather than an income tax deduction. Landowners can also choose to sell an easement for less than market value, receiving both tax benefits and a payment.

Community Benefits

Protecting private land such as a centuries-old family farm, a working ranch with prime sage-grouse habitat, or a piece of undeveloped prairie that provides migratory paths for wildlife can provide enormous public benefit. We believe that preserving these important resources benefits not just the landowner, but the entire community.



Farms & Ranches

Family farms and ranches are the backbone of eastern Oregon and Washington's landscape and local economies. Conservation easements ensure this tradition continues into the future.



Clean Water

Conservation easements protect hydrologic systems that naturally keep water clean and abundant by preventing certain types of development in critical areas.



Wildlife Habitat

Conservation easements preserve migratory corridors and habitat for native plants and animals. Easements can be drafted so the land's productive use coexists with wildlife habitat.



Mud Creek

Dixie, WA

Don Schwerin's family has been farming their land in the hills above Dixie for almost 100 years. Sprawling over nearly 500 acres, the Schwerin farm exemplifies the scenic beauty of the Blue Mountains' foothills. Wheat fields covering most of the property are broken by forested hillsides that provide a home for many species of birds and wildlife. Plum, cherry, and apple trees grow along its three creeks. Don's love of his land is obvious. As he gives a tour, he stops periodically to point out interesting plants and wildlife, tend to the seedlings he has planted and share a handful of ripe cherries with his visitors.

In recent years, Don and his wife Anne-Marie have been troubled by new development on farmland surrounding their home. "I guess it's an old-fashioned idea," Don says, "but I want the land to stay the way it's been."

To ensure the things they love about their land wouldn't be lost, the Schwerins conveyed two conservation easements to the Blue Mountain Land Trust. The first easement protects the property's existing homesite and prohibits any development outside a designated building envelope. The second easement encourages continued farming of the wheat fields and protects wildlife habitat along the creeks and hillsides.

Don and Anne-Marie donated the first easement. They chose to sell the second easement but for less than full value. Funding for the easement was secured through the Washington Wildlife and Recreation Program's Farmland Preservation program. In this case, the Schwerins received both a tax benefit and a substantial payment.



Don and Anne-Marie Schwerin

A Partnership for the Future

A conservation easement on your land is a partnership between you and the Blue Mountain Land Trust that ensures our mutual stewardship goals, defined by the easement, are achieved.

The land trust assumes responsibility for long-term easement stewardship when an easement is acquired. In most cases, we visit the land annually and complete a comprehensive monitoring report. The landowner and land trust communicate regularly about any changes to the land, work together to enhance existing resources on the property, and address threats such as invasive weeds. If we find activity inconsistent with the easement, we contact the landowner to discuss the situation and work toward a solution that will maintain the easement's integrity.

In accepting an easement, the land trust assumes the long-term costs of monitoring and legally defending the easement. To help fund these expenses and the

costs of creating the easement, we ask landowners to make a donation at the time of the easement signing. The easement needs will be reviewed with the landowner early in the conservation process.

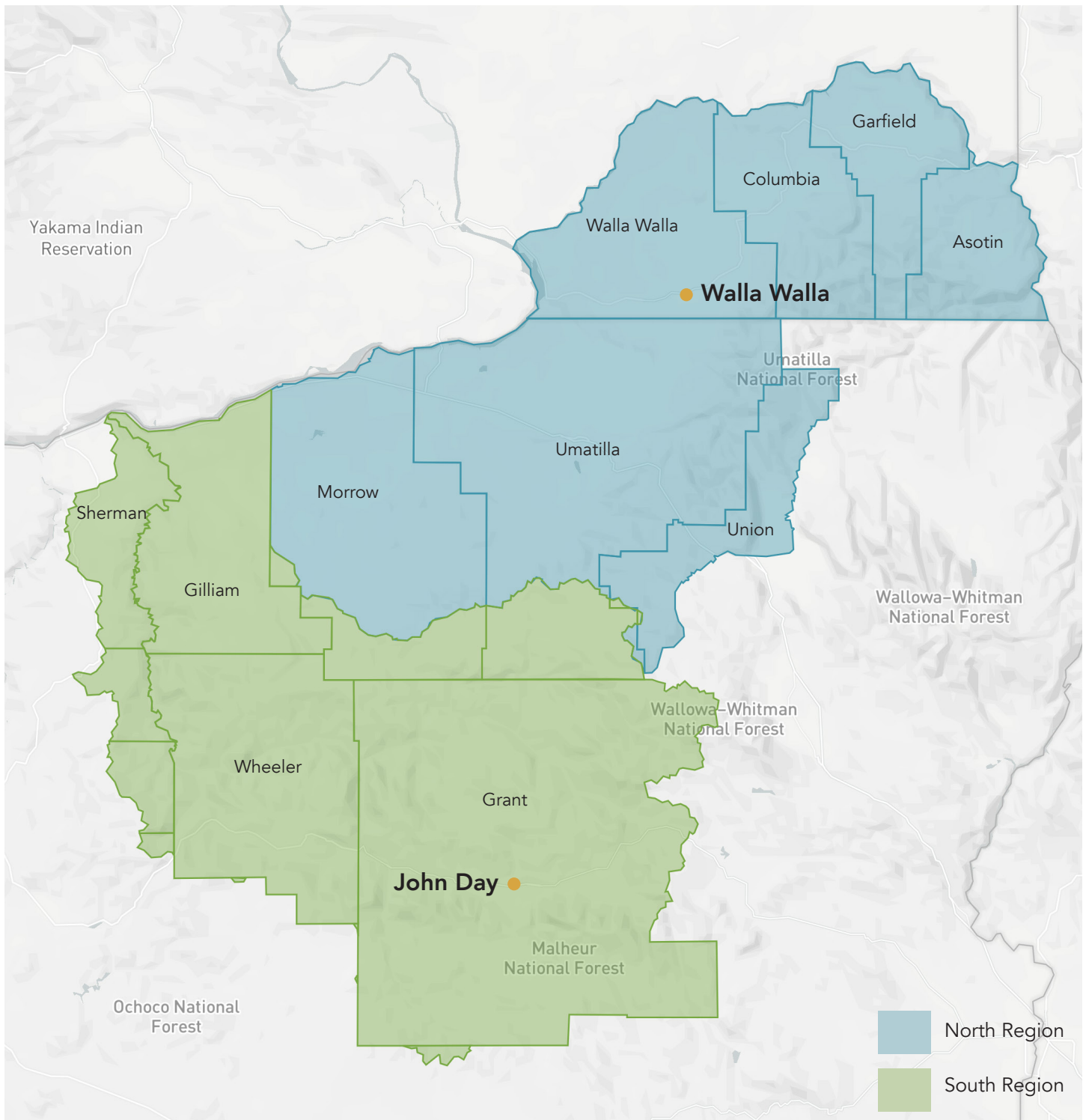
Our Conservation Mission

The Blue Mountain Land Trust protects many different types of land, but a desire to preserve the landscape that makes the Blue Mountains special drives all of our work. We strive to protect land that is exemplary for its scenic beauty, natural resources, fish and wildlife habitat, and contribution to the area's agricultural economy. Most importantly, we work in partnership with the people who know the land best – the owners.

Come talk with us about your land's unique assets and how to protect them....forever.



Blue Mountain Land Trust Service Area



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