



A Resource for Landowners Who Purchased Land with a Prior Conservation Easement

Overview

Congratulations! As a recent buyer of land that is protected by a conservation easement, you may find the following information and resources helpful in becoming familiar with conservation easements, land trusts, and your rights and responsibilities as a landowner with a conservation easement. As a private landowner, you play an essential role in helping to create a Colorado where people, lands, waters, and wildlife thrive, and the conservation easement protecting your property is a valuable tool in conservation efforts.

An easement is a win-win-win: The land you purchased will be protected in perpetuity for the benefit of you and future generations who live and work on it. It also benefits the wildlife that has habitat on or moves across this land. And, it benefits Coloradans who value knowing that the landscapes they love will be protected from development. You are part of a unique community of people committed to ensuring Colorado stays beautiful, healthy and productive.

Conservation easements are voluntary legal agreements to protect land in perpetuity, usually done in partnership with a land trust or a public agency. In general, they allow landowners to retain ownership of the land, while protecting the land from future development on the property.

Each conservation easement is unique and has been tailored for the needs of your specific property. Some conservation easements keep land in production through ranching or farming, while others aim to restore land for the benefits of plants and wildlife, and in some cases, easements provide public access to the land for recreation. This document covers some of the basic background about conservation easements, as well as your role as a successor landowner with a conservation easement. We highly encourage you to review your specific agreement with your land trust or public agency to better understand the unique parameters conserving your land.

In addition to conservation easements, there are a variety of tools available to private landowners to help steward, or take care of, the land once the easement is in place. **Land trusts are a key resource for landowners.** You are encouraged to get to know your land trust, raise questions with its staff, and consider new projects that maximize the conservation value of your land.

Your Role as a Landowner with a Conservation Easement

Owning land with a conservation easement includes a handful of rights and responsibilities. Consult your conservation easement agreement, which lays out the specific activities that can and cannot take place on your land. Restrictions will generally relate to where or whether you can build new structures on the property, use the land for commercial or industrial purposes, subdivide the property, and create limited, individual-scale renewable energy products. Additionally, you should be aware that your conservation easement may tie water rights to the land and may protect other identified resources like wildlife habitat, open space or scenic views.



"We bought the original property because of the conservation easement on the adjacent land. This became our chance to further the McCoy's vision of preservation while still being able to enjoy the activities we love."

- Deb Culig, landowner

As part of the conservation easement, you as the landowner are likely required to be involved in any discussions or actions related to monitoring and enforcing the terms of the easement, as well as any decisions that might affect the surface of the land (e.g., oil and gas leases or right-of-ways). A land trust, and in some cases a public agency, is the "holder" of the conservation easement. In this role, they are partners to the landowner — helping to monitor and steward the land, and enforce the terms of the conservation easement agreement.

Land Trusts: A Support System for Landowners

Land trusts are nonprofit organizations that work with landowners who volunteer to protect their land, usually through permanent conservation easements. In addition to ensuring that the protections in the conservation easement are enforced, land trusts partner with landowners to support conservation work. Land trusts can also purchase or receive land outright to permanently protect it. Their staff members have expertise in completing the conservation easement process, implementing conservation projects and stewarding the land.

Colorado's land trusts vary greatly in geographic location, scope and scale, as well as in the conservation programs and initiatives they lead. Many are also active in engaging their communities through volunteer projects such as property monitoring and restoration; talking with communities about the public benefits of private lands conservation; and hosting educational workshops for landowners about topics from soil health improvement to weed mitigation.

Stewarding the Land

The conservation easement is only the beginning of a long-term relationship between the land trust or public agency and the landowners. The land trust or public agency assumes perpetual stewardship responsibilities to ensure that the integrity and terms of the conservation easement are upheld. These stewardship responsibilities include annual property monitoring and enforcement of the terms of the easement. Activities may also include watching for and managing weed infestation, ensuring that boundaries are not encroached upon, and ensuring that no new buildings are constructed. Landowners are encouraged to join the land trust or public agency staff as they "walk the land" to monitor at least once a year.

Keep in mind that as the landowner, you are the best and most important steward of your land. Stewardship activities incur costs of their own, and many land trusts offer support to landowners over time to address concerns and support the conservation vision for the land.

"Now, we have a healthy population of beavers. Half of the wetland is moist, the ponds are thriving. Because beavers build natural fire breaks and create patches of wetland that restore groundwater, they can make landscapes more resistant to fire and drought."

- Marjorie Westermann, landowner



What's Protected under a Conservation Easement

Each conservation easement is unique, and its original authors — for example, the previous landowner and the easement holder (land trust or public agency) — have tailored it for your specific property. Review your agreement to better understand the requirements for your land, which might allow or restrict a variety of activities.

For some private landowners, a conservation easement offers a way to permanently protect the land from prospective development and enable traditional uses on the land, like farming, ranching and habitat protection. For landowners who have culturally significant structures or particularly unique landscapes, a conservation easement offers a way to safeguard these features permanently. Landowners also use conservation easements as ways to restore land for native wildlife and plants, or to re-establish natural habitats. Conservation easements also empower landowners to protect significant scenic or biodiversity values. In some cases, easements empower landowners to offer public recreation access and educational opportunities.

New Uses on Conservation Easements

As a new landowner on land that is protected under conservation easement, you may be tempted to look into ways you can use the land. Because conservation easements are legal agreements tied to the land, regardless of who owns the property, your options for using the land in new ways are restricted by the terms of the easement. That said, you may have some options depending on what is in the agreement.

Examples of uses new landowners have explored on their newly acquired property in recent years include creating wedding venues; hosting HipCamp or other campsites; creating AirBnBs/VRBOs; building tiny houses; producing marijuana; opening up trails for e-bike or other recreational access; and hosting educational classes. **Many such activities are prohibited**, and others are allowed with certain restrictions. Regardless of the restrictions in the conservation easement, the land is also subject to the local land use code, which may further restrict allowable uses. Landowners are encouraged to work with their local land trust or open space agency to review allowable and prohibited uses under the easement and the local land use code.

Financial Benefits for Owners of Conserved Land

Although the tax benefits available to the original landowner who granted the easement are not available to successor landowners, you as a successor landowner can still benefit from reduced property taxes because the market value of the property is lower when subject to a conservation easement. Also, if the land was classified as agricultural for property tax purposes for at least two years before the grant of the conservation easement, and the size of the parcel is greater than 80 acres, the property can continue to be taxed as agricultural land even if you, the successor landowner, decide not to continue to use the land for agricultural purposes. You should consult your accountant or attorney to get more information about this valuable property tax benefit.

Resources Available to You

Review the background information associated with your conservation easement to better understand conservation and stewardship on your property. Materials and resources of interest include:

- Conservation easement and baseline documentation report
- Previous monitoring reports
- Common noxious weeds and other plants guides

Additional resources:

Land management offices and resources

- [Natural Resources Conservation Service](#) and [list of NRCS Colorado contacts](#)
- [US Forest Service](#) and [list of USFS Colorado contacts](#)
- [Bureau of Land Management — Colorado](#)
- [Colorado State Forest Service](#)
- [Colorado Parks and Wildlife](#)
- [Colorado State University Extension](#)
- [Colorado Division of Water Resources and Division Offices by River Basin](#)
- Local businesses, nonprofits, and community groups

Your local land trust

- [Meet Your Local Land Trust](#)

Statewide coalition of conservation organizations

- [Keep It Colorado](#)



The Benefits of Conservation for Colorado

Conservation contributes to a high quality of life in Colorado for both people and wildlife throughout the state. It keeps working farm and ranch lands in production, putting food on Coloradans' tables every day and supporting a way of life for many of our rural families. It protects critical wetlands and habitat that wildlife, birds, fish and other species depend on for survival and that keep ecosystems healthy. It keeps open spaces open so we can enjoy the land and be close to nature – whether we're hiking, biking, hunting, fishing or going for a walk. And it preserves the signature landscapes, views and natural beauty Colorado is known for. We see it whether we're driving down the highway or walking through the local park.



An Economic Benefit for Communities

Your conserved land provides economic benefits for the broader community. Research from [Colorado State University](#) shows that for every \$1 invested in conservation through the tax credit, the people of Colorado receive up to \$12 in economic benefit through the conservation of prime farmland or habitat for Colorado's wildlife, as well as land along streams, lakes and rivers.

For land that provides scenic views or recreational opportunities, conservation can also benefit people who like to hike, camp, see wildlife, fish and hunt, and for companies that manufacture and sell equipment for those activities – pumping dollars into our state's economy.

Fifteen percent of leisure visitors to Colorado come specifically for the parks, trails, rivers, open spaces, recreation amenities and wildlife. People who come primarily to visit the outdoors are estimated to spend \$1.21 billion annually in Colorado, generating tens of millions of dollars in state and local tax revenues.

In the agriculture sector alone, new investments in conservation programs have the potential to pump hundreds of millions of dollars into Colorado's economy, and give a much-needed boost to our rural communities, too.

Snapshot:

LAND CONSERVATION AND OUTDOOR RECREATION ARE LOCAL ECONOMIC DRIVERS.

A research study found that parks, trails and open spaces in Colorado Springs:

- Raise the value of nearby residential properties by \$502 million and increase property tax revenues by \$2.58 million a year.
- Provide health benefits and reduce pollution control costs by \$201,000 per year and equate to an annual medical cost savings of \$56.5 million.
- Provide residents a benefit of \$58.7 million annually for the use of these facilities.
- Are frequented by visitors who are estimated to spend \$135 million annually in Colorado Springs and generate \$6.36 million in local tax revenues.
- Support \$32.4 million in resident spending on sports, recreation, and exercise equipment annually at 88 sporting goods stores that generate \$178 million in sales and provide 986 jobs.

Source: Trust for Public Land



Ecological Benefits for All Coloradans

Your conserved land also helps protect and preserve healthy ecosystems. Protected natural areas reduce runoff and toxins in the lakes, rivers and streams that bring us clean water for drinking and for food production. By protecting native plants and trees, we help control erosion. This encourages more growth of those plants, and provides habitat that animals, birds and fish need to survive. By protecting and restoring habitat from the prairies to the mountains, we enable the survivability of the wildlife that calls Colorado home.



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