

Installment 3 of 12: What life looks like after the conservation easement takes effect?

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In my article back in November, I talked about why people choose to place their farms under a conservation easement with the Berkeley County Farmland Protection Board. This month I'll talk about what life is like after the easement goes into effect. The short answer is nothing much changes. The property owner still owns their land but the development rights have been sold or donated to the Farmland Protection Board. Activities that focus on the so-called use and quiet enjoyment of the property, as well as all farming operations, continue as they had before the easement went into place. Future activities such as subdivision of the land are prohibited, unless the property owner established exempt areas before the easement went into effect. The easement typically also prohibits commercial activities although many home-based businesses are permitted. Many of our easement properties have residential and/or farm complexes which are defined within the conservation easement document as well as on a survey of the property. Within these areas one may continue to build structures or add paved surfaces, provided that the structures are compatible with either residential or agricultural activities. Typically, there is a limit to the total amount of impervious surface area that is created on the easement property. Most of our deeds limit this to 2% of the total acreage. Since an acre is 43,560 square feet, that amounts to 871 square feet of structure or paving for each acre under easement. Despite these new restrictions, most property owners simply continue farming and/or living on their property much as they did before.

One big change after an easement goes into effect is that annually, one or more members of the Berkeley County Farmland Protection Board visit the easement property. These are called monitoring visits and their purpose is to ensure that the terms and conditions of the conservation easement are being honored. Our board members do not visit an easement property without advance notice to the property owner and we strive to be able to meet with the property owner during these visits. They are a great time to catch up with the property owners and to answer any questions that may have come up, and to walk the property together. We photograph property lines, especially where an easement property adjoins a highly developed, neighboring property. A report is written and this is presented to the full board for approval at one of their regularly scheduled board meetings. A copy of the approved report is mailed to the landowner for their records. Besides our annual site visits, another time the board becomes involved is when an easement property changes ownership. This is either when someone inherits a property under easement or when someone purchases one of the properties. When ownership changes hands we like to meet with the new owners. We check to make sure they have a copy of the deed of conservation easement as well as a copy of the original baseline report. The baseline is a document that establishes what the property looked like at the time the easement went into effect. Both our board and the property owners use this document as a reference when changes to the property are being considered, or whenever a violation of any of the terms of the conservation easement have occurred.

So this is what life is like for a property owner once their land is under a conservation easement with the Berkeley County Farmland Protection Board. In next month's article I'll discuss the benefits of conservation easements on a larger scale. Many of these benefits go beyond the individual property owners and include everyone in Berkeley County.

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