

HARFORD COUNTY, MD

Conservation Easements

WHAT IS A CONSERVATION EASEMENT?

RECORDED LEGAL AGREEMENT - between landowner and the Local Land Trust (Harford Land Trust or Manor Conservancy) or government agency such as the Harford County Government, Maryland Environmental Trust (MET) or the Maryland Agricultural Land Preservation Foundation (MALPF).

ALWAYS VOLUNTARY - landowners choose to participate.

PERMANENT - binds all future owners - there are no "term" easements.

TWO GENERAL TYPES OF EASEMENTS - donated or purchased - can also be a combination of the two.

GIVING UP OF SOME LANDOWNER RIGHTS - restricts certain activities to protect important agricultural and/or natural features of land.

OWNER STILL OWNS THE LAND - can use and sell the land. *No public access required.*

WHAT RESTRICTIONS WILL BE PLACED ON THE PROPERTY?

SUBDIVISION - generally prohibited - some non-density subdivision of the property may be allowed under the easement in special circumstances.

ADDITIONAL HOMES - generally prohibited - some additional primary residences or tenant homes may be allowed on larger parcels.

PUBLIC ACCESS - not required.

AGRICULTURAL USES ALLOWED - no limitation to agricultural activities. Primary processing of products produced on the farm is allowed (such as a creamery on a dairy farm). On site sale of products produced on the farm is allowed.

COMMERCIAL USES NOT RELATED TO AGRICULTURE - generally prohibited unless activity is conducted within the home - some limited additional commercial uses may be allowed by easement.

TIMBERING - allowed with Forest Management Plan - conversion of a currently wooded area to a non-wooded area (clear-cutting) is generally not allowed.

ECOSYSTEM MARKETING - generally allowed - this includes forest banking, carbon sequestration, and related programs.

STREAM BUFFERS – requirements vary by program – generally a minimum of 50 foot grassed buffers are required – stream crossings allowed – larger buffers and wooded buffers encouraged wherever possible.

INSPECTION – no more than once every year – property owner notified before visit, and visit may be rescheduled if suggested time does not suit the property owner. No access to interior of structures is allowed.

WHAT ARE THE PROCESSING STEPS?

The list below is intended as a general overview; processing steps may vary depending on the easement program and type of easement.

1. **LEARN, CONSULT, APPLY** – Contact the local land trust staff or Harford County Government (“easement administrator”) to discuss the available easement programs and general process and guidelines. Consult with your family or co-owners and your legal and tax advisors. After that, if you are interested in further exploring the possibility of placing an easement on your property please contact the appropriate easement administrator regarding submission of an Easement Application.
2. **PROPERTY VISIT** – The easement administrator meets with the landowner, and views and explores the property to record the natural and open space resources, structures, and land use.
3. **RESEARCH** – Easement administrator researches the property for additional natural and other values that the easement will protect such as important wildlife habitat, scenic resources, soils, supporting public policies, and historic resources.
4. **TERMS** - Landowner and easement administrator discuss the terms of the easement. Easement administrator tailors the model conservation easement based on landowner goals, property features, and easement program policies. Easement administrator’s legal council will review the easement draft for legal form and sufficiency.
5. **VALUATION/OFFER, ACCEPTANCE** – For purchased easements, the easement administrator provides a financial offer to the landowner (note that valuation methods vary by program and may or may not include an appraisal). The landowner reviews and approved the offer. For donated or partially donated easements, if the landowner wishes to take advantage of the federal tax benefits of conservation easements, the landowner must obtain an appraisal by a qualified appraiser. (Note: Landowners are strongly encouraged to seek professional advice from a tax attorney or accountant if planning to claim the value of the conservation easement as a charitable donation for federal taxes.)
6. **SUBORDINATION** - Landowner works with lenders to subordinate any existing liens (mortgages or deeds of trust) to the conservation easement.
7. **APPROVAL** – Easement administrator presents the conservation easement to appropriate approval body for approval, modification, or rejection.
8. **SETTLEMENT** - If approved all parties sign the conservation easement.
9. **RECORDATION** – Easement administrator records the conservation easement in Harford County Land Records Office.