

# Saving Land

IN WESTERN VIRGINIA

spring 2010

**LANDOWNER SPECIAL EDITION**  
Look inside for information on how to protect your land and keep it in the family!



*Miller family preserves their Franklin County farm.*



Western  
Virginia  
Land Trust

[westernvirginalandtrust.org](http://westernvirginalandtrust.org)

## Hancocks save Tinker Mountain woodland

by George Kegley

James Hancock and his sister, Angela Hancock, are saving their inherited family forest at the foot and north side of Tinker Mountain in Botetourt County with a conservation easement held by the Virginia Outdoors Foundation. They are protecting 322 acres of woodland for mainly recreational use.

James Hancock recently left a 13-year hitch as an outdoors guide in western Montana to come home because of “a lot of sentimental attachment” here. He worked as a guide for fly fishermen and hunters and drove snowmobiles in wintertime, often in Yellowstone National Park. “As much as I loved Montana and I miss it, I came back,” he said.

He values the land and has no intention of developing it like the many commercial businesses along Rt. 220 nearby. “We feel a great need to keep large pieces of contiguous property” free of development, he said. His home is less than a mile west of Botetourt Commons Shopping Center. Conservation Partners, LLC, helped the Hancocks craft their easement and sell their tax credits.

Hancock said he plans to sell a few acres of timber and to plant native grass and eradicate invasive vegetation. He hopes to save it for hiking, hunting

COURTESY OF JAMES HANCOCK



*James Hancock on his Botetourt Farm. The Appalachian Trail runs along the ridge in the background.*

and fishing in a four-acre pond. And he plans to invite students out from Community School, which he once attended, “to collect plants and catch frogs.”

This land, stretching to the top of Tinker Mountain, was part of the estate of the Hancocks’ late grandparents, Jim and Dorothy Hancock. Angela Hancock and their mother, Rachel Hancock, who sells real estate, joined in supporting the easement. 🌲

JOSH GIBSON

*A pond is tucked away on the Hancocks’ place in Botetourt County near Daleville.*

# From the Director

## What's this magazine all about?

If you've received this copy of Saving Land, you are probably either:

- A friend or member of the Western Virginia Land Trust
- or one of 5,000 private landowners in western Virginia who own 100 acres of land or more.



Roger Holnback

If you want to pass on your land to your children and grandchildren, then there are ways to do it described in this magazine. These tools will put real money in your pocket now, while at the same time helping you pass on the legacy of your land.

The Western Virginia Land Trust helps landowners conserve and pass on their land with conservation easements—legal agreements that protect and preserve what you think is special about your land. In our 14 years at the Land Trust, we have helped hundreds of families learn about conservation options and conservation easements that have protected tens of thousands of acres

of our region's farms, forests, waterways and landmarks.

All of our programs and efforts involve voluntary participation—we provide no-cost education about federal and state programs that can bring you real financial gain through tax incentives. We make nothing from our work consulting with our area's landowners, except the gratitude of the families we have helped. Our 600 individual, family, and business members, as well as fundraising events and private foundation grants, provide us with the financial resources to carry out this task.

Please take the time to read this special issue of Saving Land that we've mailed to you, and learn more about your options for your land. A conservation easement isn't for everyone, but it may be just the thing for you and your family. And if you have any questions or want to learn more, please call the Western Virginia Land Trust at (540) 985-0000 or attend one of our April landowner workshops that are described inside. 🗣️

# From the President

## Thank you for caring--an awful lot!

As I sit at home this weekend admiring the freshly fallen snow – another 10 inches – I once again am humbled by the beauty of our region. The snow plows haven't come through yet and left their necessary but ugly scar on the white powder and as I hike outside I am struck by the quiet of the day.



Janet Scheid

What I do hear are the sounds of nature – the squirrels scrambling from overhead branch to overhead branch to cross the yard without being swallowed in the snow - the juncos, chickadees, bluebirds, cardinals, titmice, blue jays and woodpeckers feasting at the feeders and drinking at the heated birdbath.

It's early yet so I don't hear the shrieks of children flying down hills or the scrape of snow shovels or the groaning of backs. I spend a moment admiring the winter garden – the tufts of native grasses poking through the snow, the crimson bark of the red twig dogwood, the snow laden branches of rhododendron and in this quietness I am reminded

of how the landscape renews us, feeds our souls and nourishes our spirits.

This edition of our Saving Land newsletter is dedicated to you – the landowners. You're the ones who make our work possible and you are the reason we trudge through the mundane tasks that any non-profit organization has to deal with – the budget, the bylaws, the fundraising, the accreditation process, the insurance – it's all so we can spend a few hours with you, talking about your land and your life dreams and working as hard as we possibly can to save your precious land and fulfill your wishes.

As more people leave the land and move to town or to the suburbs and as more and more land changes hands we at the land trust sometimes feel like we're running a race with one leg tied to the other. I am reminded of a favorite story by Dr. Seuss, *The Lorax*, in which he says "Unless someone like you cares a whole awful lot, nothing is going to get better. It's not." To all of you – thank you for caring a whole awful lot. Keep up the good work and we will continue to be right there beside you. 🗣️

## Western Virginia Land Trust

*Promoting the conservation of western Virginia's natural resources — farms, forests, waterways, and rural landscapes.*

722 First St., SW, Suite L  
Roanoke, VA 24016-4120  
Phone/fax (540) 985-0000  
[www.westernvirginialandtrust.org](http://www.westernvirginialandtrust.org)

Janet Scheid, President  
James M. Turner, Jr., Vice President  
Fulton Galer, Treasurer  
Whitney H. Feldmann, Secretary

### Trustees

Elizabeth H. Belcher  
Stanley G. Breakell  
Richard P. Chaffin  
Stephen M. Claytor  
Lynn M. Davis  
Walter M. Dixon, III  
Lucy R. Ellett  
Janet D. Frantz  
William M. Hackworth  
Robert H. Hunt  
Anne M. Jennings  
George A. Kegley  
James L. Kermes  
Kenneth L. Lanford  
Sandy Light

### Advisory Council

Liza T. Field  
Talfourd H. Kemper  
Robert B. Lambeth, Jr.  
Barbara B. Lemon  
Stephen W. Lemon  
Jeanne M. Martin  
John B. Williamson, III  
Clifton A. Woodrum, III

Roger B. Holnback  
*Executive Director*

David C. Perry  
*Project Manager*

*Cover photo: The Miller family poses on their farm in Callaway.  
Credit: George Kegley.*

## Race for Open Space

*3K Run/Walk to benefit WVLT*

The second annual Race for Open Space 3K Run/Walk will take place on Saturday, June 5 at 9 am at Green Hill Park in Salem. This 3K/two-mile run/walk along the Roanoke River Greenway and through the Green Hill trails is perfect for kids and



parents. Every participant will receive a 100% organic cotton t-shirt printed with water-based inks—the most eco-friendly race shirt you'll ever get, guaranteed! Elementary and middle schools are encouraged to compete as teams with a minimum of five students who attend that school. The top five scores will count toward the team's total, and there is no maximum number of runners. Just indicate which school team you'll be racing with when you register.

For more information or to register, go to

[www.westernvirginialandtrust.org](http://www.westernvirginialandtrust.org).

All proceeds benefit the Western Virginia Land Trust.

---

## Summer Issue will be green online edition

The Summer 2010 issue of Saving Land will be a special "green," online-only edition. Look for more info here in May:

[westernvirginialandtrust.org/green](http://westernvirginialandtrust.org/green)

---

*Miller protects a Franklin County farm, continued from page 2*

if the farm were developed there would be no place for wild animals. She has seen bears, many wild turkeys and three bucks with big racks in the forest. Her father can foresee a wildlife park here.

Miller looks around at new houses cropping up on onetime family farms in his neighborhood and speculates about other prospective easements. "I'm pushing it," he said. He says if he could find additional acreage, he would buy that too. He hopes "they keep this conservation easement program going." 🗣️

**CORRECTION:** Imogen Claytor Withers was misidentified on page 3 of our last issue. We regret the error.

# Dillon family saves Henry County fields and forests <sup>5</sup>

by George Kegley

“My daddy and mama are smiling from heaven,” said Roxanne Dillon of Bassett. She was talking about her family’s new conservation easement which protects 425 acres of Henry County fields and forests.

The easement, held by the Virginia Outdoors Foundation (VOF), saves the land for agriculture, hunting and fishing, according to Hiram Dillon, her son. The family—Roxann Dillon and her three children—bought the farm in 1989. A daughter, Ruby Davis, and her husband, Matt Davis, live on the tract, located between Oak Level and Bassett. Hiram and his brother, Len Dillon, work in the family life and health insurance agency in Bassett.

The Dillons bought the land from Carroll Davis, who worked a dairy farm. A mica mine operated there in the late 1800s and several moonshine stills were once in business.

The family has a cabin and a four-acre lake. They make hay on about 30 percent of the land and the rest is in forest. Ruby Davis raises horses there. They plan to cut some pines for pulpwood. They have no livestock so fencing is not required by the easement. The easement provides for two divisions so two

JOSH GIBSON



*The Dillon family has a small pond and cabin on their Henry County land.*

houses can be built there. Western Virginia Land Trust staff met with Hiram Dillon in early 2009 and put him in touch with VOF to draw up and hold their easement.

Roxann Dillon said she is “so tired of seeing beautiful pieces of property massacred.” This tract is surrounded by roads on three sides. She has four grandchildren who “just love” the family’s farm. Hiram Dillon said the farm will be used for fishing in the lake, hunting deer and turkey and some farming.



## Helen Beamer wants to keep her farm for her family

by George Kegley

Helen Beamer has worked a 176-acre beef cattle farm near Hillsville for 50 years and she sees no reason to change. Beamer signed a conservation easement with the Virginia Outdoors Foundation after meeting with staff from the Western Virginia Land Trust to ensure that her Carroll County farm will remain unspoiled.

This land has been in the Beamer family for 200 years, she said, and “we’ve always talked about preserving it. I’ve put in a lot of work here.” Beamer is a widow who has raised two sons and a daughter. Her older son, Avery Beamer, is studying agriculture at Virginia Tech and he plans to return to the farm after school. Andy Beamer, another son, has an eye on a career in nursing or maybe veterinary services. A daughter, Charlotte Shockley, is a Roanoke nurse

who lives on Bent Mountain. And her daughter, Emily, loves to visit her grandmother’s farm.

Beamer is preparing for calving season this month. She has a cow/calf herd of 62 mainly Angus cattle, with a few Charolais and Herefords. Her farm has hay land and some pasture and forest. The farm has road frontage, including Interstate 77, on three sides and it’s located near the farmers market west of Hillsville.

People often ask if there is a relation Virginia Tech Football Coach Frank Beamer. He and her late husband, James Beamer, were second cousins. Helen Burcham Beamer is a native of Woodlawn, a nearby community.



# Your Land, Your Choices

Decisions you make about your land will shape our landscape for generations to come. The Western Virginia Land Trust hopes that you will be interested in options to conserve our scenic and rural places while meeting your personal goals and potentially enhancing your financial security. The information in this magazine is of critical importance if any of the following apply to you:

- You want to preserve something special about your land
- You want to keep your land in the family
- You can use additional income from your land without selling it
- You can use a substantial income tax deduction
- You are concerned about estate taxes

The Western Virginia Land Trust (WVLT) is a private, nonprofit organization formed to promote the conservation of western Virginia's natural

resources—farms, forests, waterways and rural landscapes. We work with property owners to help them find voluntary ways of preserving their land so that all of our descendants will have places available to farm, cut timber, hunt, fish, hike and enjoy the beauty of our special part of Virginia.

**Conservation easements** can be used to accomplish these goals by limiting intensive development while keeping land in private hands and providing landowners with substantial tax benefits and even cash compensation. A conservation easement is a flexible and voluntary tool that lets you determine the legacy of your land. After reading this magazine, if a conservation easement seems like a natural fit for you, or if you just need more information to see if one might work for you, please call us at (540) 985-0000 or check out our website at [westernvirginalandtrust.org](http://westernvirginalandtrust.org). You can also attend one of the free evening landowner workshops in your area—see the schedule of events on page 7 or the back cover. ☎



*Landowners featured in this issue.*

*The Western Virginia Land Trust does not provide legal or tax advice. You are strongly encouraged to consult with your advisors on estate planning and tax matters related to the donation of a conservation easement and have an attorney assist you in drafting and the review of your easement throughout the process.*

## TESTIMONIAL



"I did a conservation easement because it's the right thing to do."

- Tom Kirilin

*Tom signed a conservation easement with the Western Virginia Land Trust and the Mountain Castles Soil and Water Conservation District on his property along Sinking Creek in Botetourt County.*

## Want to know more?

*Attend a spring landowner workshop on your area.*

The Western Virginia Land Trust will hold a number of landowner workshops all across the WVLT service area this spring to help educate landowners on conservation easements. Each will be about an hour and a half in length and will be held at public meeting spaces such as schools or libraries. The Floyd and Bent Mountain meetings will feature a bluegrass band and catered dinner thanks to grants from the Foundation

for Roanoke Valley. Interested landowners are encouraged to come out and learn more about the latest news on conservation easements. There is no cost or obligation to attend. Each participant will receive a special landowner edition of *Saving Land in Western Virginia*, as well as the Land Trust's new DVD on conservation easements, *Your Land, Your Choices*.

DATE	COUNTY	TIME	LOCATION
3/30/10	Botetourt	7 pm	Fincastle Library
4/1/10	Carroll	7 pm	Hillsville Library
4/6/10	Patrick	6 pm	Stuart Library
4/8/10	Bedford	7 pm	Bedford Welcome Center
4/13/10	Franklin	7 pm	Franklin Center
4/15/10	Roanoke	7 pm	Catawba Center
4/20/10	Craig	7 pm	Botetourt-Craig Cooperative
4/22/10	Floyd	6 pm	Floyd Country Store*
4/27/10	Montgomery	7 pm	Christiansburg Library
4/29/10	Roanoke	7 pm	Bent Mtn. Fire and Rescue
5/4/10	Henry	7 pm	Henry Co. Admin. Bldg.

\* special "Greenbeans and Bluegrass" program with dinner and a band! Please call to let us know you're coming. Attendance is limited to the first 50 people who call.

### TESTIMONIAL



"When we're gone, we want our land to be used in a similar fashion. We hate to see land cut up, with houses all over in a nice rural community."  
- Debbie Bright

*Debbie and husband Larry donated a conservation easement on their Floyd County farm.*

## Conservation Easements

A **conservation easement** is a voluntary, deeded agreement that permanently protects land from subdivision and commercial development. If you've ever heard a friend, neighbor, or family member say they've "put their land into the land trust," they mean they've donated a conservation easement to an organization like the Western Virginia Land Trust. Why is it called a "donation?" It's because the IRS considers a conservation easement to be a charitable gift that you give to a land trust, just like a check you'd write for a child's FFA fundraiser or the volunteer fire department. The land trust that accepts the easement agrees to enforce the terms of the easement so that your wishes for your land are carried out—forever!

An easement protects your peace of mind by preserving the scenic, agricultural, natural or historic qualities of your land while improving your financial security through tax benefits and tax credit sales. **Easements are:**

**Voluntary:** Conservation easements are completely voluntary and initiated by landowners who wish to forever protect and preserve the land they love.

**Private:** Conservation easements do not require public access, and landowners retain total control of who visits their property. You still own your land and can sell it, leave it to your heirs, or give it to someone else.

**Permanent:** Conservation easements permanently protect land. You decide what special elements of your land get preserved forever.

**Flexible:** Traditional rural land uses such as hunting, fishing, farming and forestry are very compatible with conservation easements. The agreements are as individual as the lands they protect and the people who own them.

**Financially Beneficial:** Donating a conservation easement can provide significant financial benefit to landowners and their heirs:

- Virginia state income tax credits, which can be sold
- Federal income tax deductions
- Estate tax reductions and exclusions
- Reduced property taxes

Donating an easement creates a permanent legacy, and such a decision should not be made in haste. WVLT's experienced staff will be happy to meet with landowners and their families, at no cost or obligation, to discuss all aspects of conservation easements. You can also attend one of the free landowner meetings being held in April in your area. See the schedule on page 7. 🗓️

### TESTIMONIAL



"My husband and I count ourselves as fortunate to have made a small contribution to the future and to have maintained one more permanent view from the Blue Ridge Parkway."

~ Jeanne Martin

*Jeanne and husband Robert signed conservation easements with the Western Virginia Land Trust, the Virginia Outdoors Foundation, and the Blue Ridge Soil and Water Conservation District to protect their property along the Parkway in Franklin County.*

# Ten Steps to Completing a Conservation Easement

These are the typical steps involved in donating a conservation easement. While these steps show the typical procedure, there are some situations where the steps vary depending on the easement holder. The process may take anywhere from a few months to more than a year to complete. The landowner can change his or her mind about the easement at any time until the easement deed is signed and recorded at the courthouse.

## **Step 1: Consideration of Easement**

Often the first step in completing an easement is a phone call to the Western Virginia Land Trust. The landowner and land trust staff discuss the landowner's goals, their wishes for their land, and potential easement holders. Afterwards, the landowner may consult with family and possibly an attorney or financial advisor.

## **Step 2: Site Visit**

Staff from the potential easement holder and the landowner meet and view the property. During this visit, staff analyzes the land's features and resources and works with the landowner and their attorney on easement terms that will meet the landowner's goals, protect the resources, and meet the standards of the easement holder.

## **Step 3: Preliminary Agreement**

At this point, the landowner and their attorney reach a preliminary agreement with the easement holder on the proposed terms of the easement, called a *draft easement*. If there is a mortgage, the landowner or their attorney contacts the lender to arrange for their agreement.

## **Step 4: Requirement for Title Opinion and Letter of Intent**

The landowner's attorney provides a preliminary 60-year title opinion ("certification of title" or "title report") to the easement holder. This is a search done at the courthouse to show that the landowner has clear title to the land. In addition, the landowner submits a letter to the easement holder stating a desire to donate the easement.

## **Step 5: Staff Research**

Staff completes research on the property, including obtaining information on zoning, potential inclusion of the property in various state plans, presence of endangered species, and other information. Staff also creates a variety of maps and obtains deeds and recorded plats of the property.

## **Step 6: Board Approval**

Each draft easement proposal must be approved by the easement holder's board of directors. The board may accept the draft easement, accept it subject to changes, or reject it. Following the meeting, staff will inform the landowner of the board's action. If the board conditions approval on modifications to the proposed terms of the easement, the landowner must consider and agree to the changes in order to proceed. Board approval does not obligate the landowner to complete the easement. The landowner may have a limited amount of time from the date of approval, such as two years for a Virginia Outdoors Foundation easement. However, if the landowner proposes a change in any terms of the easement that would result in a less restrictive easement than that approved previously, the easement will need to be reapproved by the board.

## **Step 7: Follow-up site visit**

Staff makes a return visit for documentation of the property, photographing key features and natural and open-space resources, as well as all structures and any areas of particular mention in the draft easement. Staff labels all photos and completes a photo point map showing all key property features, roads and structures.

## **Step 8: Baseline Documentation Report**

Staff details the features of the property at the time of the easement in a document called a Baseline Documentation Report (BDR). The BDR may include: a summary sheet, topographic map showing the boundary of the property, aerial map, county tax maps, available survey plats and photographs keyed to a map. The landowner reviews the information, then signs and returns an acknowledgment attesting to its accuracy.

*Continued on page 10*

## Virginia Outdoors Foundation

The Virginia Outdoors Foundation (VOF), WVL T's primary conservation partner, is a state foundation that holds most conservation easements in Virginia. Landowners who donate a conservation easement to VOF have the benefit of the state's resources and authority behind their easement. A VOF easement also provides an extra level of protection for the land from eminent domain takings. However, if an easement with VOF is not the best fit for you or your property, there are many other potential easement holders, including the Western Virginia Land Trust (see "What organizations can hold my conservation easement?" in Frequently Asked Questions on this page). WVL T staff can help you find the best fit for your situation.

For more information on the Virginia Outdoors Foundation, visit:  
virginiaoutdoorsfoundation.org or call their Blacksburg office at (540) 951-2822.



### **Step 9: Finalizing Easement Draft**

The attorney for the landowner produces the final signature-ready easement. The landowner then signs the easement. If there is a mortgage on the property, the lender will sign the easement as well. Then it is sent to the easement holder for recordation at the courthouse.

### **Step: 10 Recordation**

The easement holder signs the easement and records it in the Clerk's Office of the County Circuit Court. A copy of the recorded easement is sent to the landowner and/or their attorney.



## Frequently Asked Questions

### ***Will I still own my land after I do a conservation easement?***

Yes! The land is still yours, and you are free to sell it, give it away, or do most anything you want with it. What you've given up is the right to develop your land in ways that are forbidden by the easement.

### ***Does a conservation easement give the public access to my land?***

No. You still decide who visits the property. You can welcome anyone you wish or post the property, just as you can today.

### ***Can I still leave the land to my children?***

Yes. In fact, a conservation easement may reduce or eliminate inheritance taxes, and keep your heirs from having to sell the land to pay the taxes on it.

### ***What if there is a mortgage on my land?***

You can still place a conservation easement on the property, but the lender must agree.

***What size properties qualify for conservation easements?*** It depends. Some very small properties qualify for conservation easements if they protect an important resource, such as a wetland, a view from the Blue Ridge Parkway, or endangered species habitat.

### ***Can I change my mind after calling about a conservation easement?***

Yes. Although conservation easements are permanent once you sign and record the agreement at the courthouse, you are free to change your mind at any point before then.

### ***What organizations can hold my conservation easement?***

The Virginia Outdoors Foundation (VOF) holds most of the conservation easements in Virginia. The Western Virginia Land Trust also holds conservation easements. In addition, several other public and private agencies may also hold easements, including:

- Any city or county government
- VA Dept of Forestry
- VA Dept of Conservation & Recreation
- VA Dept of Game and Inland Fisheries
- Ward Burton Wildlife Foundation

- Wild Turkey Federation
- Trout Unlimited
- Ducks Unlimited
- The Nature Conservancy

...and others. The staff at the Western Virginia Land Trust can help identify the best conservation easement holder for your property, based on your goals for your land, its size, current land use, natural resources that are present, and other factors. Because a conservation easement is permanent, finding the right easement holder is an important part of the process.

***Why is it called “donating” a conservation easement?***

The IRS considers signing a conservation easement to be a charitable gift, just like you might make to your church or a little league baseball team. What you’re “giving away” are the rights to develop your land in certain ways, such as putting more than a certain number of houses on it, or subdividing it more than a certain number of times.

***Is a conservation easement the same as “putting my land in the land trust?”***

Many people use these terms interchangeably, and they mean the same thing—signing a conservation easement with a local land trust.

***What kind of expenses will I have when protecting my land with a conservation easement?***

There are costs associated with conservation easements. These will vary depending upon the property involved and the complexity of your easement. Generally, you can expect to pay for a

special appraisal of your property, as well as your attorney’s and financial advisor’s fees for reviewing your easement. For most people, these expenses will run in the range of \$5,000 to \$10,000. WVLT does not charge for its assistance, but if WVLT will be the holder of your easement, we require a one-time contribution to our endowment fund to help offset the costs of enforcing your easement forever (a mighty long time!). But remember, the financial benefits of an easement – often hundreds of thousands of dollars in sellable tax credits—far outweigh the upfront expenses. Additionally, the Virginia Outdoors Foundation manages a state fund that can assist landowners with direct conservation expenses with priority given to family farms and based on financial need.

***How long does it take to complete a conservation easement?***

Usually a few months and sometimes a year or more. Don’t panic—this doesn’t mean months of hard work. Many landowners want to proceed slowly and deliberately with such a major decision, and there can be a wait between some of the steps in the process (see “Ten Steps to a Conservation Easement” on page 9).

***How do I get started or find answers to more questions?***

Call WVLT at (540) 985-0000. We’ll provide confidential assistance with no pressure — just the facts to help you make the best choice for your family and your land. Remember we make no money from assisting you—just the satisfaction of helping local landowners make educated decisions. You can also see the schedule of spring landowner meetings on page 7 and attend one in your area. 📞

TESTIMONIAL



“We are honored to work with the Land Trust to preserve the environment for the future and for those citizens downstream. What a fine organization. They don’t just talk about the environment. They do something about it.”

~ Sky Preece

*Sky signed a conservation easement with WVLT and the Mountain Castles Soil and Water Conservation District to protect creek frontage and wetlands on his Botetourt County land.*

# <sup>12</sup> What's the Fine Print in a Conservation Easement?

Each agreement is unique, but all share some general starting points. Following is a summary of what's included in a sample easement. Remember, some points are negotiable as long as they serve a worthwhile conservation goal, and many landowners request more specific terms to craft a document that will meet their needs and protect some unique resource on their land. Keep in mind that conservation easements only restrict the specific activities mentioned in the document. If you don't see a right or an activity specifically restricted in the easement, you aren't giving it up.

**1. Division** - Usually, properties up to 100 acres will be preserved as undivided tracts, those between 100 and 200 may be divided once, and then one division is permitted for every additional hundred acres. Large tracts may also be preserved with no divisions, or fewer than the maximum allowed.

**2. Buildings and Structures** - Typically a maximum of one single-family home is permitted on each parcel, along with associated outbuildings such as garages, sheds, barns and other farm structures. Provisions for "secondary dwellings" such as cabins or guest cottages are frequently allowed, often with a limitation in size to 2000 sq. ft. If your easement allows you to divide your land, each parcel can contain a home and associated structures. Easements may also be drafted to preserve land with fewer or no buildings. And if your easement protects important views, such as Blue Ridge Parkway or Appalachian Trail overlooks, there may be further restrictions on where building can take place.

**3. Industrial or Commercial Activities** Agriculture, forestry and equine activities are permitted, along with temporary outdoor activities that do not permanently change the appearance of your land, as well as indoor businesses within permitted buildings (house, barn, etc.). A wide range of agribusiness options are available, such as a winery that uses grapes grown on the property or a produce stand to sell what's grown on the farm. Depending on the terms of your easement and your goals, certain commercial or industrial activities may be prohibited to protect the character of the land.

**4. Forest Management** - Timber harvests must include best management practices (BMP's) to control erosion and protect water quality, and a forest management plan is required before commercial timbering begins. Logging provisions can specify management plans to protect scenic forests, animal habitat, or other specific resources, and personal uses such as firewood cutting are not restricted.

**5. Trash** - There are no restrictions against brush piles, composting, farm machinery storage or other agriculture or wildlife management practices, but large amounts of trash, refuse or junk will not be permitted on your land. You will not be responsible for cleaning trash brought in by floodwaters or other situations beyond your control.

**6. Signs** - You can still post your land and have signs to show your address, advertise the sale or lease of your land or goods or services produced there or direct visitors, but billboards and other large signs are not permitted. No sign can be larger than nine square feet.

**7. Grading, Blasting, Mining** - You can still construct private roads and utilities to serve permitted structures. Farm roads and ponds are also allowed, but mining and other earth removal is prohibited. This does not in any way restrict cultivation (except possibly alongside streams or creeks).

**8. Inspection** - The easement holder may visit your property annually after giving reasonable notice. Inspections only deal with the terms specified in the easement — things that are simple and obvious to monitor.

**9. Notification** - You or your estate will need to notify the easement holder within 60 days of any transfer or sale of the land, so the easement holder can contact the new owners.

**10. Enforcement** - When you sign a conservation easement, the easement holder has the obligation to enforce its terms to protect your property. If there are violations of the easement at any time in the future, they must be stopped and corrected and, if need be, enforced in a court of law.

Essentially, easement terms assure that your land will always stay pretty much the way it is now. The only rights you give up are those specifically listed in your easement. If your general goal is to preserve your land but you don't like a specific provision listed above, don't assume that an easement can't work.

When a landowner and a land trust have mutual goals to protect the land, easement terms can often be arranged to preserve what is special about the property as well as meet the owner's unique needs and circumstances. 🌳

## Cash for Conservation

*Virginia tax credit sales offer landowners new options*

The primary reason landowners donate conservation easements is to preserve some natural, scenic, agricultural or historic resource of their land forever. Many want to establish a legacy for their children and grandchildren. Most value the peace of mind from knowing that their land will always be protected from development. However, landowners can't ignore the value of their property. For many rural landowners, real estate is their primary asset and permanent reduction in its value can't be taken lightly. Fortunately, there are many financial benefits to donating conservation easements. Remember, the IRS considers a conservation easement to be a charitable gift because you're giving the ability to do certain things with your land—and that has a value! A certified appraiser must determine an easement's value (the basis of all tax advantages) by showing the difference between what land is worth before being conserved and what it's worth after being placed under easement. For example, if a \$500,000 farm were worth \$300,000 if the owner gives up the right to turn it into a subdivision, the easement value would be \$200,000.

### 1. State Tax Credit

Virginia offers easement donors a tax credit worth 40% of their easement value. This credit can be applied against state income tax for up to ten years. (Using our example above, 40% of \$200,000 equals \$80,000 in tax credits.) As a result, many easement donors won't have to pay state income tax for ten years. However, even after eliminating state taxes for ten years, many easement donors would have to leave significant tax credit value unused. Since 2003, the unused tax credit can be sold. Any owner of Virginia land who donates land or an easement for conservation purposes is entitled to a tax credit worth 40% of their gift. Any portion of the tax credit may be sold or given to other Virginia taxpayers.

This credit may even be sold by out-of-state residents who donate conservation easements on Virginia property. WVLT is not directly involved in the sale of conservation tax credits, but can provide a list of brokers upon request. Prospective easement donors should also consult their own financial and legal advisors.

### 2. Federal Income Tax Deduction

The donation of an easement is treated as a special charitable gift and the value of the easement may be deducted from the donor's income for purposes of calculating income taxes. Landowners may claim a deduction of 50% of their adjusted gross income (AGI) in the year the donation is given, and the unused portion of the gift may be carried forward to be used as a deduction for up to an additional fifteen years, subject to the 50% limit each year. The deduction may not be transferred. In addition to the 50% deductibility, all easement donors who make over 50% of their income from agricultural production in the year of the gift may be able to deduct 100% of their income from income taxes. (NOTE: this federal tax deduction was reduced to 30%

*Continued on page 14*

### TESTIMONIAL



"I hope my example will encourage others to take similar action to add their support to preserve the beauty of the valley which surrounds us."

-Ned Yost

*Ned donated a conservation easement to WVLT and the Virginia Outdoors Foundation to protect his historic McDonald's Mill property in Montgomery County.*

## Saving Land Through Wills

Requiring a conservation easement to be placed on a property can be stipulated as a term of the landowner's will. Though this seems like an easy provision to make, it's critical that a knowledgeable attorney and the receiving land trust help craft such language.

Conservation easements granted through wills can help reduce or eliminate inheritance taxes, but do not provide any benefits to heirs through other federal or state tax incentives. Before considering this option, please contact WVLT for more resources.

**NEW!**

### Attorney and CPA Workshop—Live and Online

The Western Virginia Land Trust will hold a continuing education workshop for attorneys, CPAs, and other interested professionals on May 19, 2010. The workshop will cover the basics of conservation easements including legal and financial aspects and the appraisal process. The live session will be held from 9am – 12 pm at the Roanoke Higher Education Center, and it will be simulcast over the internet and archived for future viewing. CLE credit will be awarded and each participant will receive course materials and a certificate of completion. The cost is

\$179 per person, and everyone must preregister by May 15. Presenters include attorneys Robert Lambeth and Stephen Lemon, CPA Fulton Galer, appraiser Sam Long, and conservation easement donor David Hurt of Conservation Partners, LLC.

You can register online at [www.westernvirginialandtrust.org](http://www.westernvirginialandtrust.org). To request a mail-in registration brochure, call the Land Trust at (540) 985-0000 or e-mail [dperry@westernvirginialandtrust.org](mailto:dperry@westernvirginialandtrust.org).

*Cash for Conservation, continued from page 13*

of AGI usable over five years on Dec. 31, 2009, but it is anticipated that Congress will extend the more generous deduction at least through 2010.)

#### **3. Estate Tax Reduction**

Estate taxes often surprise heirs as land values increase. In some cases, a landowner's heirs must sell the property just to pay estate taxes. By donating an easement, landowners can reduce these taxes in two ways: First, the estate will have been reduced by the value of the easement (smaller estate value means less — or perhaps no — estate tax due). Second, the executor of the estate may elect to exclude up to an additional 40% of the remaining value of their land from estate taxes, up to \$500,000.

#### **4. Reduced Real Estate Taxes**

The Code of Virginia requires local jurisdictions to assess land protected by a conservation easement only for the value of its permitted uses. In other words, if your land values are going up due to residential subdivisions, your land assessments should not go up if an easement prevents such use. In addition, if your county offers land-use taxation, a conservation easement guarantees that your property qualifies. If you now qualify for land-use taxation, a conservation easement probably won't make any more difference in your real estate tax bill today. But as times and land values change, it could mean big savings in the future.



by George Kegley

Milton Miller, a retired Roanoke Valley doctor, has a missionary spirit about saving land—especially his and his wife Elizabeth's 93 acres in Franklin County recently placed under conservation easement with the Western Virginia Land Trust. "I like the land," the doctor said, looking over his property along the Blackwater River, about six miles west of Boones Mill in Franklin County.

"I want to keep it the way it is," half in a hillside forest and half pasture, he said. Miller agreed wholeheartedly with his accountant's advice about an easement: "This is pretty land, you ought to protect it. You ought not develop the land. Leave it alone."

DAVID PERRY



*The farmhouse, greenhouse and pasture on the Millers' farm in Franklin County.*

Miller is working with the Blue Ridge Soil and Water District to fence his river banks. Under the easement, no additional housing can be constructed in order to keep the rural character of the property, and the river and a spring-fed stream are protected with buffer zones.

Miller and his wife, Elizabeth, live in a comfortable farm home on a hilltop, south of Cahas Mountain, with a postcard view of the Blue Ridge and other encircling mountains. Their daughter, Ann, and her son, Scott, live on the farm at the foot of the hill in an 1830 house on the Dugspur Road, near Dillon's Mill Road.

The Millers have a strong attachment to farming. Milton Miller considered farming when he was a Hampden-Sydney student but a professor told him he wasn't smart enough to farm. So he went to Medical College of Virginia, practiced briefly at Virginia Beach and spent 42 years in internal medicine at Lewis-Gale Hospital in downtown Roanoke and later in Salem. His father was in the coal business and they raised chickens at their Beckley, W. Va. home. Elizabeth Miller was the daughter of a farm family at Scotland Neck on the Roanoke River in North Carolina.

The family had horses at their former home at Clearbrook, south of Roanoke, before they bought the Franklin County farm in 1997. They have three other daughters, living in Roanoke, Crozet and Greenville, N.C., and six grandchildren who may be interested in the land someday. Scott Miller, 11, who lives nearby, enjoys rural life.

Miller was "always looking for land" and he finally found it when a patient, the late Bertha Angell, told him her family had an available farm. The land was owned over two centuries by the Price, Beckett and Whitlock families. Miller's fellow physician, Warren Moorman, came over and found a graveyard for his family generations ago.

Ann Miller takes care of a herd of Black Angus beef cattle, pigs, llamas, chickens, a big garden and a greenhouse where she grows tomato plants and geraniums. She inherited four barns here, one of which was constructed of bricks made of sand from the nearby creek. The Millers make hay or buy it for their beef cattle. Water is plentiful here—in Big Lick Creek, springs and the north branch of Blackwater.

Stating her case for saving land, Ann Miller said

*Continued on page 4*

# WVLT seeks National Accreditation

*Public comment period is now open*

The land trust accreditation program recognizes land conservation organizations that meet national quality standards for protecting important natural places and working lands forever. Western Virginia Land Trust is pleased to announce it is applying for accreditation. A public comment period is now open.

The Land Trust Accreditation Commission, an independent program of the Land Trust Alliance, conducts an extensive review of each applicant's policies and programs. WVLT has been working toward accreditation for over three years. It has proven to be very helpful in ensuring WVLT meets the high standards developed by our national association the Land Trust Alliance.

The Commission invites public input and accepts signed, written comments on pending applications.

Comments must relate to how the Western Virginia Land Trust complies with national quality standards. These standards address the ethical and technical operation of a land trust. For the full list of standards see:

[www.landtrustaccreditation.org/getting-accredited/indicator-practices](http://www.landtrustaccreditation.org/getting-accredited/indicator-practices).

To learn more about the accreditation program and to submit a comment, visit [www.landtrustaccreditation.org](http://www.landtrustaccreditation.org). Comments may also be faxed or mailed to the Land Trust Accreditation Commission, Attn: Public Comments, 112 Spring Street, Suite 204, Saratoga Springs, NY 12866, fax (518) 587-3183. Comments on Western Virginia Land Trust's application will be most useful by June 14, 2010. ☎

## **ROBERT B. LAMBETH, JR.**

**ATTORNEY AT LAW**

PHONE: 540-586-8621  
FAX: 540-586-2630  
E-MAIL: [lambeth@cicv.org](mailto:lambeth@cicv.org)

P.O. BOX 236  
HARRISON BUILDING  
BEDFORD, VIRGINIA 24523

## **MARTIN, HOPKINS & LEMON, P.C.**

*Attorneys at Law*

**Stephen W. Lemon**

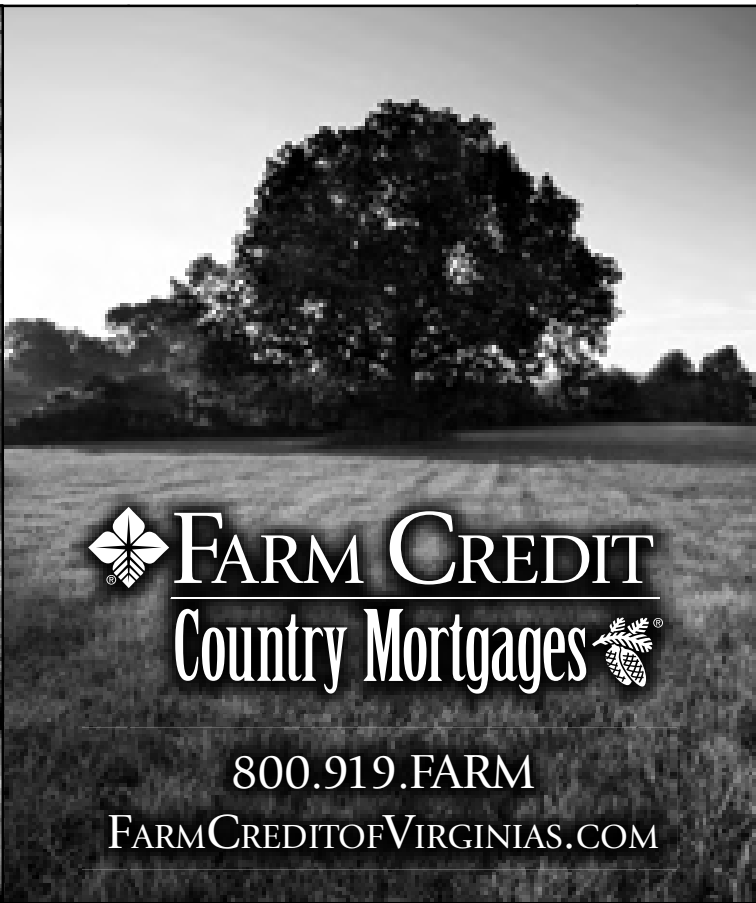
1000 Wachovia Tower  
10 South Jefferson Street  
P.O. Box 13366  
Roanoke, VA 24033

Telephone 540/982-1000

Facsimile 540/982-2015

e-mail:

[swlemon@martinhopkinsandlemon.com](mailto:swlemon@martinhopkinsandlemon.com)



 **FARM CREDIT**  
**Country Mortgages** 

800.919.FARM  
 FARMCREDITOFVIRGINIAS.COM

WE'VE BEEN FINANCING RURAL AMERICA FOR MORE THAN 90 YEARS.



**Landowners Helping Landowners**

Since its founding by conservation easement donors in 2002, **Conservation Partners, LLC** has provided consulting and tax credit marketing services to nearly 300 fellow Virginia landowners who have protected over 70,000 acres. From introducing conservation easements to managing a complex process to marketing high-quality land preservation tax credits, **Conservation Partners, LLC** is there to help landowners every step of the way.

**Contact us today for more information, including a free DVD, *Your Land Legacy*.**



[www.conservationpartnersllc.com](http://www.conservationpartnersllc.com)  
 (540) 464-1899

**McLeod & Company**

CERTIFIED PUBLIC ACCOUNTANTS  
 MANAGEMENT CONSULTANTS

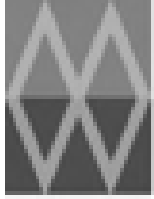
410 First St.  
 Roanoke, VA 24011

Phone: (540) 342-6911

Fax: (540) 344-6367

e-mail:

[mcleod@mcleodco.com](mailto:mcleod@mcleodco.com)



**MYERS & WOODS**  
APPRAISAL GROUP, INC.

Myers & Woods Appraisal  
Group, Inc.  
Post Office Box 363  
Lynchburg, VA 24505  
Phone: (434) 316-9625  
Fax: (434) 316-9627  
E-mail:  
wesley@myersandwoods.com

**Miller, Long & Associates, Inc**

Real Estate Appraisal Company

**Specializing in Farm,  
Estate and Conservation  
Easement Appraisals.**

[www.millerlongandassociates.com](http://www.millerlongandassociates.com)

**Office: 540.345.3233**

**Individualized personal attention for your animals**



**Vinton Veterinary Hospital**

1309 East Washington Ave. • Vinton, VA • [www.vintonvethosp.com](http://www.vintonvethosp.com)  
Hours: Mon. 8 am - 7:30 pm • Tues.-Fri. 8 am - 6 pm • Sat. 8 am - 1 pm

MEMBER



**342-7821**



**Real Estate Appraisals**

1010 Second St. SW    Conservation Easements  
Roanoke, VA 24016                      Farms  
540-342-9639                                Estates  
540-320-7200 (after hours)

Serving Virginia and West Virginia

**Smith and Associates**

J. Wysor Smith, Jr.    Joe Smith, MAI    Sam Bell

# Barnharts work hard on their Craig County farm <sup>19</sup>

by George Kegley

WVLT members George and Karen Barnhart of Salem have combined their rich agricultural heritage with a lot of hard work on their 335-acre farm on Craigs Creek about six miles east of New Castle. They have protected their Craig County land with a conservation easement held by the Virginia Outdoors Foundation (VOF). Western Virginia Land Trust staff met with the Barnharts in 2009 to discuss conservation options for their property and referred them to VOF as the best easement holder for their property.

Dr. Karen Barnhart, a family practitioner at Carilion's Salem office and medical director of Richfield Retirement Community, grew up driving a tractor on her father's farm on Meadow Creek, west of New Castle. George Barnhart came from a dairy farm near Boones Mill and retired after 36 years as a bridge inspector for Virginia Department of Highways. Both inherited some land from their family farms, but they bought this choice tract of bottom land from the Eakin family in 1994.

There was a Victorian house on the farm built in 1898 that was in need of attention, so they immediately set about the major task of sanding floors, drilling a well, installing a septic tank and extending electricity throughout the house. They also removed four old barns and sheds.

Both Barnharts have deep feelings about their land. "We would like to keep it in a farm," she said. George Barnhart, who comes from a strong Church of the Brethren background, said, "Stewardship of the land is my theology." He follows his church's tradition of a simple life from the five generations of his family who settled in Franklin County when they came from Germany. "I hope people will look at the land as more than a place to live," he added.

George Barnhart has planted 70 acres of corn and 35 acres in hay, for sale mainly to horse farms. They have no livestock. The crop land, flat as a table-top, is model farmland. The rest is in forest across the creek on the slope of Broad Run Mountain.

Karen Barnhart joins her husband when she can get away from her medical duties, after work and



GEORGE KEGLEY

*Karen and George Barnhart on their Craig County farm.*

on weekends. One summer evening, they baled hay until 10:30 at night. She drove the tractor, pulling the baler, and he followed with a bale wagon.

A feature of the farm is a nesting pair of bald eagles along the creek. The Barnharts watch them with binoculars. Their farm also is inhabited by beavers, ruffed grouse, woodcocks and all sorts of wild life.

This farm has history. In 1792, the land was owned by Capt. Henry Walker, who served in a local militia company. The property was acquired by the Hawkins family in 1834. Harvey Hawkins had 13 slaves and they raised grain and tobacco which was loaded on rafts on Craigs Creek and floated downstream to a Lynchburg market. When the farm was sold in 1885 to the Eakin family, Charles Hawkins moved into town and established the New Castle Record, a weekly newspaper still in business. The Eakin family held the farm for over a century until they sold to the Barnharts. In addition, Union soldiers are said to have camped along the creek and Indian arrow points have been found here. The Craig County poor farm once was located nearby. 🗺️

*The Barnharts' bottom land along Sinking Creek.*



722 First Street, SW, Suite L  
 Roanoke, Virginia 24016-4120  
 Phone/Fax 540/985-0000

NONPROFIT ORG.  
 U.S. POSTAGE  
 PAID  
 WVLT  
 PERMIT NO. 172



## Spring Landowner Workshops

*Attend one near you*

The Western Virginia Land Trust will hold a number of landowner workshops all across the WVLT service area this spring to help educate landowners on conservation easements.

For more information, call (540) 985-0000.

*\*special "Greenbeans and Bluegrass" program with dinner and a band! Please call to let us know you're coming.*

*Attendance is limited to the first 50 people who call.*

DATE	COUNTY	TIME	LOCATION
3/30/10	Botetourt	7 pm	Fincastle Library
4/1/10	Carroll	7 pm	Hillsville Library
4/6/10	Patrick	6 pm	Stuart Library
4/8/10	Bedford	7 pm	Bedford Welcome Center
4/13/10	Franklin	7 pm	Franklin Center
4/15/10	Roanoke	7 pm	Catawba Center
4/20/10	Craig	7 pm	Botetourt-Craig Cooperative
4/22/10	Floyd	6 pm	Floyd Country Store*
4/27/10	Montgomery	7 pm	Christiansburg Library
4/29/10	Roanoke	7 pm	Bent Mtn. Fire and Rescue
5/4/10	Henry	7 pm	Henry Co. Admin. Bldg.