

WVLT to Purchase Peaks of Otter Tract

The highest privately owned tract on Bedford County's famous Sharp Top Mountain is being preserved through a partnership led by WVLT. The 52 acres of mature hardwood forest with a half-mile length of Little Stony Creek is a stone's throw from Route 43, a Virginia Scenic Byway, and visible from the Blue Ridge Parkway's Sharp Top Overlook and from many points across Bedford County.

The property owners, Preston and Mattie Edwards, purchased it in 2001 to prevent a planned home construction that would have been perched half way up Sharp Top's slopes (A building pad and a septic field had already been installed). Preston Edwards soon contacted WVLT to explore options to permanently preserve the land. The ideal solution was to include the land within the National Park Service's Peaks of Otter Recreation Area. Since the Edwards tract had previously been identified as a desired acquisition by the Park Service, WVLT staff searched for a way to make the deal happen. Through a partnership with the Virginia chapter of The Nature Conservancy, WVLT is buying the land to hold and protect until it can be resold to the Park Service.



Karen Johnson and Carolyn Browder of The Nature Conservancy evaluate the Edwards tract.

The Nature Conservancy (TNC) worked with WVLT to evaluate the section of Little Stony Creek that borders and then flows through the Edwards tract. The stream was so pristine that the property qualified for preservation funds from the Virginia Aquatic Restoration Trust Fund. The trust fund is managed by TNC and the Army Corps of Engineers to restore and preserve streams and wetlands with money paid by developers to compensate for unavoidable wetlands impact.

With project approval from all parties and a willing seller, the deed will be signed in July for WVLT to purchase the property and serve as its steward until the National Park Service secures federal funding. The Park Service purchase price will be determined by a federal appraisal and all proceeds will be returned to the trust fund to go to other conservation projects. WVLT will not profit from the transaction, but will play a proud role in preserving another resource for the Blue Ridge Parkway and a piece of this Virginia natural landmark.



This pristine section of Little Stony Creek will eventually be acquired by the National Park Service.

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Landsavers: Johnny & Sharon Angell
Special Thanks

Look inside for your free copy of
Your Land, Your Legacy... Your Choices:
A Conservation Easement Guide for Virginia Landowners



DOUG MILLER

Permanently Protecting The Carvins Cove Natural Reserve

On May 16, along with WVLT President Jay Turner and Mac Taylor from the Appalachian Trail Conference, I made a brief presentation to Roanoke City Council. We encouraged the City to use a conservation easement to protect its 11,000-acre Carvins Cove Natural Reserve located in Roanoke and Botetourt counties, a request conveyed through a

resolution that the land trust board unanimously passed in March.

In 1999, then City Manager Bob Herbert created a citizens' advisory committee to identify appropriate uses of the Carvins Cove area that includes both the City's main water supply reservoir and its watershed. One result was passage of a City ordinance allowing public recreation. The committee's report also specifically suggested the use of a conservation easement. Dr. Rupert Cutler, past director of WVLT, was vice chair of that committee and is now leading the Cove protection effort from his seat on City Council. The designation "Natural Reserve" was given to the area by current City Manager Darlene Burcham soon after she arrived in Roanoke five years ago.

"Roanoke's Carvins Cove Natural Reserve actually is larger than most of the federal wilderness areas in Virginia's national forests, and in my view, with the exception of permitting mountain bike use on designated trails, it should be administered as a wilderness area to protect its special values as an ecological reserve, an outdoor recreation area, and an undeveloped watershed producing clean drinking water for the Roanoke region," says Cutler. "A perpetual conservation easement co-held by the Western Virginia Land Trust and the Virginia Outdoors Foundation would assure that these values will continue for future generations," he adds.

There have been a number of important events affecting the Cove in the past year. First, title to the lands below the 1,200-foot contour line was deeded to the Western Virginia Water Authority last summer. Since this elevation is approximately 60 feet above the high water level, it includes all of the parking, picnic and boat launching facilities on the Hollins entrance side. The additional land was given to the authority to accommodate the possibility of a higher dam in the future, which would significantly increase the reservoir's holding capacity. Under the leadership of parks director Steve Buschor and park planner Donnie Underwood, the City has completed an assessment and mapping of all the trails on the Cove, and will be providing new maps and improving signage as resources and budget allows. The Roanoke City Parks and Recreation Department, which has the responsibility for the Cove above the 1,200-foot contour line, is presently making a request for proposals for the development of a management plan for the Cove, to be completed within the year.

Following WVLT's presentation to City Council, the Parks and Recreation Department was directed to include the development of conservation easement language in the scope of the Management Plan. This is a very important step, one that will allow WVLT to play a consulting role in the process of the master plan design.

The Cove is an awesome resource, and permanently protecting it with a conservation easement will be a tremendous act of stewardship. During the next year or so we will make an effort to keep our readers informed and, when the time comes, we will ask for your support in this effort. We ask private landowners to protect Appalachian Trail viewsheds, farms, forests and our region's natural resources. Can we ask any less of our elected officials? And a special thanks to my friend Rupert Cutler for leading Council on this important issue.

Regards,
Roger

Resolution of the Board of Trustees Western Virginia Land Trust

MARCH 2, 2005

A Resolution Supporting a Conservation Easement for the Carvins Cove Natural Reserve

Whereas, the Western Virginia Land Trust's mission is to "promote the preservation of western Virginia's natural and cultural heritage."; and

Whereas, the approximately 11,000 acres surrounding the Carvins Cove Reservoir owned by the City of Roanoke is a tremendous natural asset available to the region's citizens; and

Whereas, the undeveloped Carvins Cove Natural Reserve provides breathtaking views from over 12 miles of the Appalachian Trail; and

Whereas, Carvins Cove Natural Reserve provides a unique scenic natural and recreational resource for the Roanoke Valley; and

Whereas, this natural area should be protected and preserved for future generations to enjoy; and

Whereas, the quality of our valley's drinking water depends to a large extent on the undisturbed vegetation of the Carvins Cove Watershed.

Therefore, be it resolved that the Western Virginia Land Trust's Board of Trustees respectfully urges the City of Roanoke to utilize a conservation easement to protect the Carvins Cove Natural Reserve in perpetuity.

Thoughts from the Board

Leaving It Behind - Estate Planning To Save Land

By Broaddus C. Fitzpatrick

Broaddus Fitzpatrick is an attorney who specialized in estate planning issues. A WVLT Trustee since 2004, he is now a full-time volunteer for Habitat for Humanity and several Christian service and disaster relief organizations. He represents the City of Roanoke on the Blue Ridge Soil and Water Conservation District, is president of the Craig's Creek Watershed Association, and serves on the board of Friends of the Blue Ridge Parkway.

The magnificent landscape that surrounds us – our beautiful streams and the rich flora and fauna that enrich our area – can no longer be taken for granted. Development is taking place at increasing speed as our region has been “discovered.” A quick look around you, particularly at night, shows that our countryside is becoming more thickly populated and broken-up into ever-smaller pieces. And eastern Virginia would love to convert certain of our valleys into reservoirs for its unchecked development.

As a lifelong resident of Southwest Virginia, where I have hiked, kayaked and fished, I mourn what is taking place. That is why I am an active member of the Western Virginia Land Trust. But like any effective organization, WVLT cannot do its job without substantial funding. The Land Trust's job is to “...provide voluntary means to promote the preservation of western Virginia's natural and cultural heritage,” and the purpose of this article is to demonstrate several ways for all of us to help it do so.

I practiced law for twenty-five years, most of which involved specializing in estate planning. With our current tax laws and those in place for the foreseeable future, charitable giving through bequests of property, cash, investments, etc., through your Will or Trust can be extremely beneficial, not to mention naming the WVLT as a beneficiary of life insurance policies, IRA's, 401(k) s and other financial investments that are payable upon death. As an estate can receive a dollar for dollar deduction for such charitable gifts, substantial estate tax savings are possible while accomplishing great things for this area we all love. A discussion with a qualified attorney is crucial as I can only generalize in this article and cannot give specific advice.

An example of a simple way to help the Western Virginia Land Trust is to name it as sole beneficiary of your 401(k) and/or IRA upon your death. As this does not affect your benefits during life but does give

Correction

In the spring issue, we mistakenly credited a membership gift by Susan Currie as being in honor of herself. Her gift was actually in honor of Mark Currie. We regret the error and thank her for her good humor.

your estate a charitable deduction equal to the fund's balance at death, this is a win-win situation for you and the Land Trust. This is a particularly attractive estate-planning tool for a single or widowed individual.

Another easy way to help is by creating a specific bequest in your Will. You should rely upon your personal attorney to create the Will and its language, but a general example is to simply say, “I give, devise and bequeath the sum of \$_____ cash (or a certain specific property, investment, etc.) to the Western Virginia Land Trust, a qualified 501(c)(3) organization, currently located for identification purposes at 722 First Street, S. W., Suite L, Roanoke, Virginia, to be used in its sole discretion for the purposes of the organization.”

Again, this not only helps preserve what we love so much about this region, but it can create substantial tax savings in your estate depending upon your personal circumstances. Additionally, if you bequeath real property, you may request that a conservation easement be placed on the property (if it qualifies) by the recipient of the gift.

Southwest Virginia is still a “gem” but its wealth of natural diversity and beauty is threatened. We are stewards of this bounty we have been given – let's work together so that it is not squandered but preserved for those who follow us!



Broaddus Fitzpatrick shows off one of the reasons for his passion to preserve the outdoors.

This article is not legal advice and should not be relied upon as such. Please consult your estate planning professional to discuss the ideas expressed here. A member of our staff will be happy to be part of that discussion if you wish.



Western
Virginia
Land Trust

**Please Renew your Support for Land
Conservation Today with a Special
Tax-deductible Gift to WVLT**

Please feel free to contact us at any time for more information on the Western Virginia Land Trust.

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Catawba Farm and Barns Named State Endangered Site

The Virginia Tech/Catawba Hospital farm in Roanoke County was nominated by the Western Virginia Land Trust and selected as one of the Eleven Most Endangered Sites in Virginia by the Association for the Preservation of Virginia Antiquities in May.

The future of the cluster of barns at the center of the farm is uncertain because Virginia Tech no longer uses them for farming and their maintenance is a fiscal challenge for the university. Virginia Tech planners are studying the future use of the farm of more than 300 acres of pasture and hayfields and almost 150 acres of forested hillside at the foot of Catawba Mountain.

These barns and cottages are architectural reminders of a lifestyle that is disappearing. The view of the barns and pastures from Route 311 provides a stunningly scenic gateway into the Catawba Valley and is enjoyed by many who drive through the pastoral landscape and hike the adjoining Appalachian Trail. The farm is a well-loved site along America's Bike Route 76, which traverses the Catawba Valley along the State Scenic Byway of Catawba Road and Blacksburg Road. The entire valley is a potential National Rural Historic District with the Tech Farm one of its most significant resources. And the farm is one the largest undeveloped tracts in the Carvins Cove Watershed.



The Tech farm in Catawba

After the former Catawba Sanatorium, now Catawba Hospital, opened in 1909, the farm provided dairy products, meat and produce for patients and staff. When the sanitarium shifted from tuberculosis to geriatric and mental care, Virginia Tech used the farm from 1982 into the 1990s.

Because of its highly visible location and historic integrity, the farm has become a symbol of rural areas which may be lost when development occurs. If a long-term use of the farm can be found with modern uses for its structures, it would help preserve a significant historic site and perhaps inspire others to respect and preserve structures that help tell the story of lifestyles of earlier generations. As a state-owned resource, the Tech Farm and its buildings should be preserved as an asset for all Virginians.

Where Will They Farm?

According to the latest American Farm Bureau Federation survey, young farmers see availability of land as the greatest challenge they face to stay in agriculture.

Nick McNeil, a Montgomery County farmer and chairman of Virginia's Young Farmer Committee, stated in *Virginia Farm Bureau News*, "Profitability is still an issue. But if we can't find land to farm on, we'll never know if we can make a profit."

The same survey shows that 91% of young farmers plan to remain in agriculture the rest of their lives and that 89% would encourage their children to pursue farming.

WVLT is working with more full-time farmers than ever who want to use conservation easements to keep their land available for farming in the future. We don't need a survey to tell us that eating never goes out of style.



"A subdivision is the last crop a farm ever grows."



A Conservation Easement Guide

for Virginia Landowners



YOUR LAND, YOUR LEGACY... YOUR CHOICES

Look inside for...

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WHAT IS THE WESTERN VIRGINIA LAND TRUST?

As your local land trust, WVLT works to preserve our region's unique scenic, historic, agricultural, recreational, and natural features. By educating landowners, elected officials, businesses and the general public, we encourage respect for the environment and arrange voluntary conservation agreements that protect land forever.

Our Board of Trustees is a diverse group of men and women — farmers, local government leaders, business people, landowners, hunters and anglers, educators, community activists, and corporate leaders. These committed volunteers, along with WVLT's staff and membership, form a remarkable team for land conservation.

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www.westernvirginalandtrust.org

Do You Know All of Your Land Options?

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.

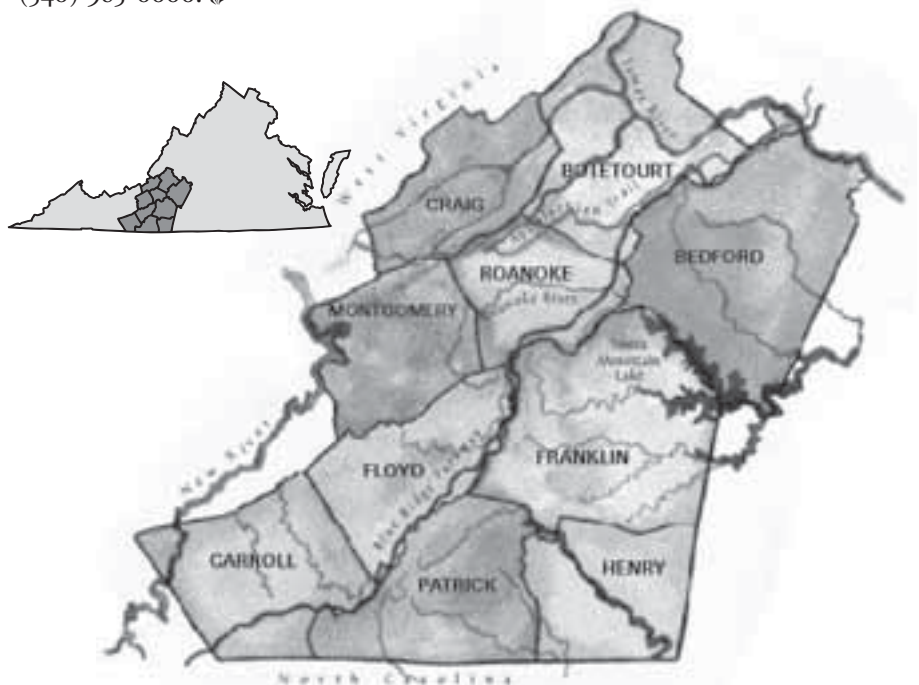
The information in this newsletter is of critical importance if any of the following apply to you:

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

The Western Virginia Land Trust (WVLT) is a private nonprofit organization formed to preserve our natural and cultural landscape. 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. If a conservation easement seems like a natural fit for you, or if you just need more information, please call us at (540) 985-0000. 🌿



WVLT Service Area

CONSERVATION EASEMENTS

A conservation easement is a voluntary deeded agreement that permanently protects land from subdivision and development. 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.

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, as landowners retain total control of who visits their property.

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. If conserving land makes it less valuable, you can find some compensation from the following tax advantages:

- Federal income tax deductions
- State income tax credits
- Estate tax reductions and exclusions
- Reduced real estate taxes

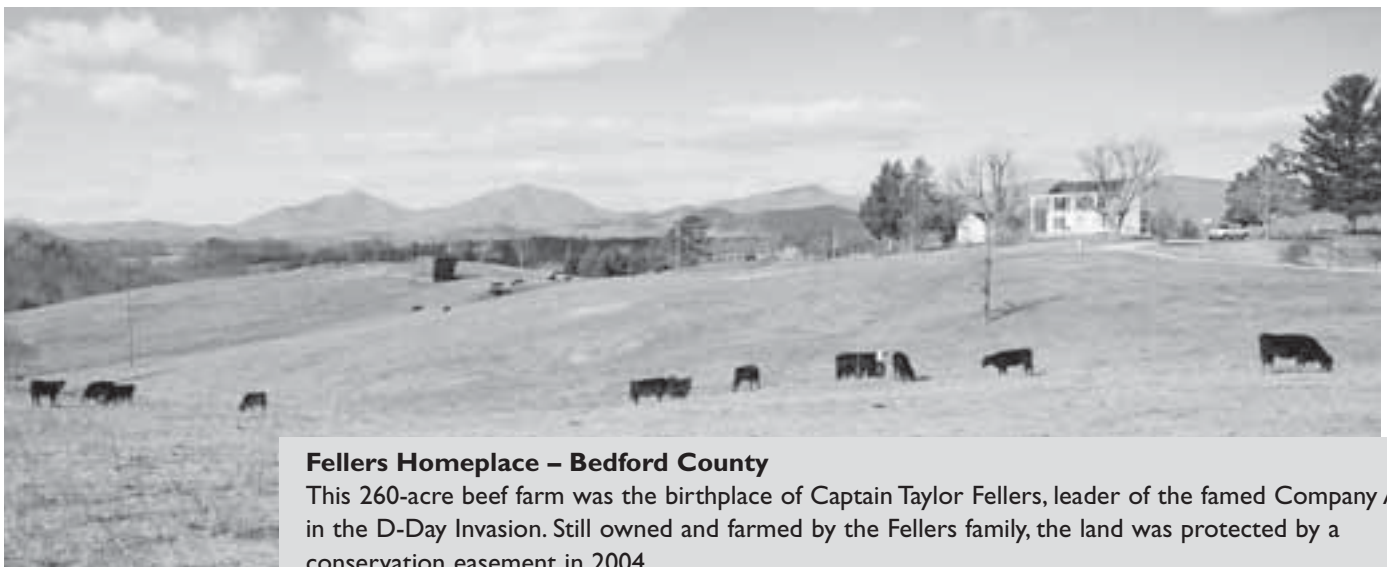
Donating an easement creates a permanent legacy; such a decision should not be made in haste. WVLT's experienced staff will be happy to meet with landowners and their families to discuss all aspects of conservation easements. 🌿

Virginia Outdoors Foundation

Helping land trusts and private landowners

The Virginia Outdoors Foundation, WVLT's primary conservation partner, is a state foundation that holds most conservation easements in Virginia.

Though WVLT can and does hold conservation easements, The Virginia Outdoors Foundation (VOF) has the state's resources and authority behind it and provides an extra level of protection for the land with its legal standing against many eminent domain takings. With VOF handling the long-term stewardship of easements, private land trusts such as WVLT are free to use their resources for more conservation outreach and education.



Fellers Homeplace – Bedford County

This 260-acre beef farm was the birthplace of Captain Taylor Fellers, leader of the famed Company A in the D-Day Invasion. Still owned and farmed by the Fellers family, the land was protected by a conservation easement in 2004.

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 Virginia Outdoors Foundation 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 specified in the easement, you aren't giving it up.

1 Division Usually, properties smaller than 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.

2 Buildings and Structures A maximum of one single-family home is permitted on each parcel, along with associated out-buildings such as garages, sheds, barns and other farm structures. Provisions for "secondary dwellings" such as cabins or guest cottages are frequently allowed. If your easement allows you to divide your land, each parcel can contain a home and associated structures. Easements can also be drafted to preserve land with fewer or no buildings.

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 or 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. Other commercial or industrial activities are prohibited to protect the character of the land.

4 Forest Management Timber harvests must include Best Management Practices to control erosion and protect water quality. 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 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 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.

8 Inspection The easement holder (land trust) 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.

10 Enforcement When you sign a conservation easement, the easement holder (usually the Virginia Outdoors Foundation) 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. 🌿

FREQUENTLY ASKED QUESTIONS

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

No. You still own your land after you protect it with a conservation easement and 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 might help your heirs hang onto the land by reducing or eliminating inheritance taxes.

What if there is a mortgage on my land?

You can still place a conservation easement on the property, but the lender must agree. Many lenders do sign off on the agreements, but it usually depends upon whether or not the “after easement” value still covers the amount of the loan.

What size properties qualify for conservation easements?

It depends. Some very small properties qualify for conservation easements if they really protect an important resource, such as a wetland, Blue Ridge Parkway viewshed, or endangered species habitat. But most properties need to be at least 50 acres to qualify for a conservation easement.

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

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

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

The appraisal that is required to claim any tax benefits is usually the most costly expense for landowners who grant conservation easements. Since a conservation easement appraisal is really two appraisals in one (to determine the values before and after the easement) and requires special expertise, the fees can run into several thousand dollars. Landowners must also provide a title opinion and are strongly encouraged to have their own attorney review the easement. The good news is that the tax benefits from the easement will almost always dwarf the cost of protecting the land. And the Virginia Outdoors Foundation manages a state fund that assists landowners with conservation easement 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 7).

How do I get started or find answer 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. ♻

“I placed a conservation easement on my 272 acres on Potts Mountain as a way of protecting wildlife habitat. I also wanted my son Mark, and his descendants, to have a place where they could always go to enjoy the outdoors. Unfortunately, Virginia's wildlife habitat is rapidly disappearing. That's why those who relish the outdoors and own a piece of it should consider a conservation easement. I know that's why I did.”

—Bruce Ingram

author of several outdoor guides and a regular contributor to *Virginia Wildlife* and other magazines.



Bruce Ingram after a successful hunt on his Craig County property.

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.

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 Federal Income Tax Deduction

The donation of an easement is treated as a charitable gift and the value of the easement may be deducted from the donor's income for purposes of calculating income taxes.

- Deduction is limited to 30% of the landowner's adjusted gross income in the year the donation is given (the unused portion of the gift may be carried forward to be used as a deduction for an additional five years, subject to the 30% limit each year).
- Alternatively, the landowner may elect to reduce the amount of the deduction to the basis of the property. Then the value of the gift (as reduced to basis) will be deductible up to 50% of the landowner's

adjusted gross income (for one plus five years). This election may be advantageous to the landowner if the donation of an easement is made shortly after acquiring the property.

2 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:

- The estate will have been reduced by the value of the easement (smaller estate value means less — or perhaps no — estate tax due).



- The American Farm and Ranch Protection Act of 1997 allows heirs to exclude up to an additional 40% of the remaining value of their land from estate taxes up to \$500,000.

3 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.

4 State Tax Credit Since 1999, Virginia has offered easement donors a tax credit for 50% of their easement value. This credit can be applied against state income tax for up to six years. In effect, most easement donors don't have to pay state income tax for six years. However, even after eliminating state taxes for six 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 50% 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 to 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. ☞

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.



TEN STEPS TO COMPLETING A CONSERVATION EASEMENT

(Modified from Virginia Outdoors Foundation documents. For a copy of the full text, check online at www.virginiaoutdoorsfoundation.org)

These are the typical steps involved in conveying a conservation easement to the Virginia Outdoors Foundation. The landowner can change his or her mind about the easement at any time until the easement deed is signed and delivered to the Foundation. While these steps show the typical procedure, there are some situations where the order of these steps varies. The process may take anywhere from a few months to more than a year to complete.

Step 1 Consideration of Easement

The landowner and land trust (WVLT, Virginia Outdoors Foundation or others) discuss general easement guidelines and possibilities. Landowner consults with family and/or legal and tax advisors. Landowner and staff discuss possible easement provisions and questions particular to the landowner's parcel and situation.

Step 2 Site Visit

Land trust and landowner meet and view the property, where staff analyzes the land's features and resources and works with owner on easement terms that will meet the landowner's goals, protect the resources, and meet the standards of the VOF.

Step 3 Preliminary Agreement

After consulting with advisors, landowner reaches a preliminary agreement with VOF on the proposed terms of the easement and property description. Landowner or their attorney contacts the lender, if any, to arrange for subordination of mortgage, then landowner's attorney and VOF staff develop draft easement for landowner's review and subsequent VOF Board review.

Step 4 Requirement for Title Opinion and Letter of Intent

Landowner provides a preliminary 20-year title opinion ("certification of title" or "title report") in favor of VOF prior to the VOF board meeting

at which the easement is considered. In addition, the landowner submits a letter to VOF stating a desire to donate the easement.

Step 5 Staff Research

Staff completes research on the property, including:

- Determining the Comprehensive Plan designation and zoning classification;
- Reviewing statewide planning documents, such as the Virginia Department of Transportation six-year plans, the Virginia Outdoors Plan, Chesapeake Bay Preservation Area Maps, and Division of Natural Heritage database;



- Collecting maps of the property (USGS topographic maps, aerial maps and tax maps) and survey plats if available for baseline documentation.

Step 6 Board Approval

Each easement proposal must be approved by VOF's Board of Trustees, which meets quarterly with a deadline for proposals one month prior to the meeting. The Board may accept the proposed easement, accept it subject to changes, or reject it. Following the meeting, VOF 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. From the date of approval, the landowner may finalize and record the easement within two years. 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

VOF 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 deed. VOF staff labels all photos and completes photo point map showing all key property features, roads and structures.

Step 8 Baseline Documentation Report

VOF staff details the features of the property at the time of the easement. The report 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. Landowner reviews the information, then signs and returns an acknowledgment attesting to its accuracy.

Step 9 Finalizing Easement Draft

Attorney sends final easement to VOF staff. VOF staff suggests edits if any, and returns to attorney. Attorney produces the final signature-ready deed and sends final 20-year title opinion to VOF office. The landowner then signs the easement, sends it to the lender, if any, for signatures of the lender and its Trustees, and delivers it to VOF for signature.

Step 10 Recordation

VOF Deputy Director verifies that the final 20-year title opinion and the Baseline Documentation Acknowledgement Form are in the files of VOF. Director signs easement. VOF records the easement 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. ☺



Gary Goodale

“This land is very attractive to developers and in a fast changing part of Franklin County, but it’s important to me to make sure these pastures will be around long after I’m gone. I treasure this land and am so happy that a state tax credit sale let me afford to preserve it.”

—Gary Goodale

retired teacher, owner and operator of Camlach Farm, a 76-acre horse farm near Boones Mill. With WVLT’s help, she protected her land with a conservation easement and sold the tax credits to secure a retirement nest egg.

“I was born on this land and I’ve lived here all my life, off and on. I didn’t want it cut up into subdivisions. I’d like all of my neighbors to donate conservation easements because it’s the only way to preserve this part of the country.”

—Barbara Hatcher

preserved her 158 acres near the Peaks of Otter in Bedford County by donating a conservation easement to WVLT and the Peaks of Otter Soil and Water Conservation District

“Land preservation is everybody’s business. I decided to put my deed where my mouth was by preserving my family farm...to preserve the scenic beauty of this valley.”

—Madison Marye

Montgomery County cattle farmer and former Virginia state senator, and his wife **Charlotte**, preserved 562 acres along a scenic and historic stretch of U.S 11/460 known as the Elliston Straightaway



Madison and Charlotte Marye

“A conservation easement allowed us to preserve our land for future generations and to honor our forefathers who labored so hard to preserve it for us... With the tax advantages from our easement donation, I feel like we sold part of our land and got to keep it all. The easement doesn’t restrict any of the plans we had for the land and it protects it from the things that we’d hate to see happen.”

—Arnold Hurt

donated a 169-acre easement in Franklin County to WVLT and the Virginia Outdoors Foundation

Land Trust Hands Off Land to Blue Ridge Parkway

In the first private land donation to The Blue Ridge Parkway in Virginia since 1989, WVLT transferred title to a 60-acre Roanoke County tract to the federal government on May 12.

The land, donated to WVLT by developers Frank and David Radford in 2004 (see the cover story of the spring 2004 edition of *Land Protection News*), was an acquisition priority identified by Last Chance Landscape partners Roanoke County, Friends of the Blue Ridge Parkway, the National Park Service and WVLT in response to Scenic America naming the Roanoke County portion of the parkway a threatened scenic resource.



The Radford tract at mile marker 125.

The inclusion of this tract within the Blue Ridge Parkway borders preserves a pastoral, scenic bowl enjoyed by visitors to the “jewel of the Blue Ridge.” The National Park Service recently purchased an additional 17 acres adjacent to the Radford tract to fully protect this “Last Chance” viewshed.

WVLT Named Blue Ridge Parkway Partner

The Western Virginia Land Trust has been officially named a Blue Ridge Parkway Partner for its work in protecting this national scenic resource. WVLT joins the Blue Ridge Parkway Foundation, Friends of the Blue Ridge Parkway, Explore Park and other organizations as partners of the two-state, scenic mountaintop drive of the National Park Service.

WVLT and the other partners can accomplish more by combining resources, talents and expertise while working toward their mutual goals of preserving and promoting the jewel of the Blue Ridge.



Five Trustees Finish Board Terms

Five longtime trustees will be leaving the Western Virginia Land Trust board on June 30. The organization thanks them for their commitment and service. The most active of those rotating off the board after six years is Janet Scheid, chair of the Technical Review Committee. She has used her administrative skills to help the staff review many technical matters in easement applications.

Other valuable members who have finished serving their terms are David Hill, Louise Garman, Sybil Fishburn and A. W. (Skip) Brown. The Western Virginia Land Trust appreciates their support in time, money and energy.

Look for profiles of new WVLT Trustees in the next issue.

Water Ranks First for Land Trust Members

Out of 271 responses to a membership poll conducted earlier this year, preserving rivers and streams ranked as the most “critically important” of land trust projects.

Listed below are the results of how frequently members listed resources as critically important priorities (respondents could vote for more than one category).

| | |
|-----------------------------|-----|
| Rivers and Streams | 79% |
| Mountainsides and Ridgetops | 71% |
| Blue Ridge Parkway Views | 71% |
| Wildlife Habitat | 70% |
| Family Farms | 58% |
| Appalachian Trail | 58% |
| Greenways | 58% |
| Historic sites | 53% |
| National Forests | 47% |

Landsavers: Johnny & Sharon Angell



Johnny Angell grants an interview while Sharon is in the tobacco fields "doing all the work."

Preserving bluebirds and barn owls in Franklin County

Early in the morning, Johnny Angell hears bluebirds singing in the trees and a pair of barn owls calling back and forth and he's happy--- "Just knowing they are there...It's so quiet you can hear the stillness." And he intends to keep it that way.

Angell, a tobacco farmer who looks more like

a professional wrestler, is a country boy philosopher who grew up in Callaway and moved to a big farm in the Snow Creek section of eastern Franklin County. A keen observer of nature, he marvels at what he sees on his 1,000-acre-plus tobacco and timberland near the Pittsylvania County line.

"I love this old farm," he says, and he places great importance on "preserving this part of the world." One 169-acre tract has been approved by the Virginia Outdoors Foundation for a conservation easement, but he hasn't yet filed the necessary papers at the courthouse. Angell said he probably will take that step when his share of the coming national tobacco buyout changes his tax liability. Hopefully, "we will do it with increased real estate value."

During a mid-May interview at his old farmhouse while he was suffering from gout and wife Sharon was out planting tobacco, Angell repeated a family cliché: "Sharon does all the work and I get the credit." Although he hasn't nailed down the formal papers, he talks freely about his commitment to land conservation. "An easement is a wonderful thing. It's a wonderful program...I would like the next owner to take as good care of it (the land) as I have." For their commitment, Johnny and Sharon Angell are recognized as Landsavers.

Both Angells, descendants of long lines of Franklin County farmers, came from large families but they have no children. He's considered leaving his farm over to an agency. Saving the land "seems like the right thing to do...Money is not my main concern. As long as Sharon and I are here, there will be no development. My goal and hope is to preserve this farm."

As a boy growing up in the mountains near Sweet Annie Hollow on the Blue Ridge Parkway, he was fascinated by "the outside...I fancied myself as a young Daniel Boone..My objective was to kill all the game and catch all the fish in Virginia." Now, he has a catfish pond and two new ponds producing Malaysian fresh-water prawns, a possible replacement for tobacco income, but he hasn't fired a gun

or caught a fish in 20 years. He's shifted to providing habitat for wildlife, "seeing how much game I can preserve." He put out 5,000 lespedeza plants for quail habitat but he recognizes that hawks are an essential part of the environment too. "A hawk keeps quail on their toes."

Angell watches an old white oak, about 300 years old, in his side yard. "It's humbling to think it started as a small acorn." Farming teaches patience, he observed. "There's a time for everything. A month ago, whippoorwills were calling and it was time to plant corn. When you hear the bullfrogs in the pond, it's time to plant tobacco, a sign seasons are changing." Yesterday, his sister-in-law called in excitement to tell him that a big bobcat ran across her yard. And 14 gobblers have been killed on his farm this year.

He has a deep sense of history. Angell will tell you this is the 392nd annual crop of tobacco grown in Virginia. "What was grown here 100 years ago, I'd like to grow again." His wife is the sixth generation of the Potter family to farm these Franklin County acres. Many of her ancestors are buried nearby at Old Chapel Church, one of the oldest structures in the county. Although they are planting 50 acres, he recognizes that tobacco is a fading crop. Angell never smoked--- "my vice is the kitchen table."

Among many other generous conservation-minded acts, Johnny and Sharon have volunteered to open one of their farms to the public as a wildlife viewing stop on Virginia's Birding and Wildlife Trail.

The Angells once talked of traveling but they decided "to just stay here on the farm and enjoy it." He's talked to his neighbors about saving land and he gives credit to the WVLT staff for their commitment. "It's nice to know folks who think the same way I do about commitment to open spaces."



Angell and David Hurt, WVLT project manager, discuss conservation easement terms for a farm along the Pigg River.

Special Thanks!



Local artist DIANNE SMITH volunteered her talents to design a revised WVLT brochure based on the original artwork she created three years ago. Dianne designed WVLT's logo and numerous other graphics that have been used by the land trust over the years. A graphic designer, illustrator and calligrapher, Dianne grew up near the Blue Ridge Parkway and loves the beautiful views and land that WVLT is trying to protect. For more information about Dianne's work, she can be reached at 540 989-4562.



One of the many original drawings Dianne created for WVLT.



Thanks to Joe Zielinski, our website is easier to navigate and has more and updated information. Joe, an economic development specialist with Roanoke County, volunteered to work our staff through some technical challenges as we revamped our online presence.



LEO SIEBERT, a rising senior at Glenvar High School, spent his spring break as a Land Trust intern, working tirelessly to arrange files and databases and learning the ropes of land conservation. He plans to pursue a career in public policy after college.

Visit us online at www.westernvirginialandtrust.org



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SAVE THIS DATE:
Sunday afternoon, October 2 is the date
for WVLT's Conservation Celebration Membership Picnic



Get Your WVLT Decal Today!
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