

What is a Land Conservation Agreement?

A Land Conservation Agreement, also known as a Conservation Easement, is a way to permanently preserve the conservation values of your land. Many landowners want to prevent subdivision or development in years to come while they continue to enjoy their land as they always have. Other landowners want to continue to farm their land and make sure the land is used for agricultural purposes in the future. Conservation Agreements allows for these.

Why should you consider a Conservation Agreement for your property?

- You are the owner and steward of your land and you want to preserve your land for future generations
- You have built your legacy in a place you cherish and you do not want it to be subdivided or developed
- You love the Napa Valley and you want to help preserve its rural and agricultural character

A Conservation Agreement can provide you with:

- Significant income tax reduction
- Significant estate tax reduction
- The peace of mind that your property will be preserved and used the way you wish forever

The Land Trust will:

- Help you through the process and suggest attorneys and accountants who understand Conservation Agreements
- Monitor the property to ensure that your wishes for the land are forever fulfilled

Why is it important for you to act now?

- Growth and development pressures in Napa County are increasing exponentially
- The political environment may not always favor agricultural conservation
- The Agricultural Preserve is not permanent
- There are currently tax benefits for Conservation Agreements
- If you are looking to pass property to another generation, you gain assurance that the inheritance meant for your heirs remains intact

Frequently Asked Questions About Conservation Agreements

What is a Land Conservation Agreement?

A Conservation Agreement (also known as a Conservation Easement) is a voluntary legal agreement used by landowners to protect the natural, agricultural, scenic and productive resources of their land. The landowner retains ownership of the land and may continue to use the land for agriculture, forestry, recreation and other open space uses. Agreements limit certain uses such as industrial, commercial and residential, but may allow for limited development and commercial agricultural uses. Generally, agreements are flexible and tailored to meet each landowner's needs while protecting the unique natural characteristics of the property. Usually, Conservation Agreements are donated to a nonprofit conservation organization, such as the Land Trust of Napa County, which carries the responsibility to inspect the land periodically and enforce the restrictions in perpetuity.

Why do most people establish Conservation Agreements on their properties?

There are many reasons why people choose to protect their land through Conservation Agreements. Some have worked hard on their land and want to leave farmland, open space or natural areas for their children and their community. Some want to make sure that future owners will not undo what they have worked hard to establish. Some are attracted by the potential for income, estate and/or property tax benefits. Whatever the reason, it is essential to plan now to protect your land forever.

I don't want to give up control of my land, so how do Conservation Agreements work?

We work with you to establish the terms of the Conservation Agreement. You continue to own the land, enjoy its use, and have complete control of the land within the limits of the Conservation Agreement terms. Most management decisions that usually fall to landowners continue to do so, such as the decision whether to allow hunting, viticulture, or grazing.

For example, can I keep the right to have one or more additional home site(s) on my property?

Yes. Although most Conservation Agreements eliminate home sites, it is not a requirement to do so. Some limited development may be allowed.

Is a Conservation Agreement a permanent decision or can I or my heirs overturn my agreement restrictions?

It is a relatively permanent decision; neither you nor your heirs can change it, unless the Conservation Agreement holder (e.g. Land Trust of Napa County) agrees. It is unlikely that modifications would be made unless they would enhance conservation values.

For a complete list of lands in Napa County preserved forever under Conservation Agreements, please visit our Web site at www.napalandtrust.org.