



# Agricultural Conservation Easements



Washington State  
**Conservation  
Commission**

Kate Delavan, Farmland Preservation Coordinator  
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# What is an agricultural conservation easement?

- Voluntary legal agreement between landowner and conservation entity to restrict a property to certain uses
- Purpose is to ensure land remains open and available for farming
- Landowner is paid the appraised value for the rights they agree to give up; landowner can also donate an easement or a portion of the easement value
- Real estate transaction, proceeds paid via escrow
- Generally in perpetuity
- Each easement is unique; tailored to property

# What are the typical restrictions?

- Limit or prohibit future residential development and subdivision
- Limit or prohibit commercial and industrial uses that would negatively impact agricultural values
- Water rights tied to the land
- Limit amount of impervious surfaces
- Residential infrastructure is clustered within identified building envelopes
- Annual monitoring

# Typical Due Diligence

- Draft and gain agreement on deed language
- Appraisal and review appraisal
- Purchase and Sale Agreement
- Environmental Assessment
- Survey – building envelopes(s), exterior property boundaries
- Title Review
  - Ownership
  - Water Rights
  - Encumbrances – leases, reserved rights, easements, mortgage or liens (need to subordinate)
- Baseline Documentation
- Stewardship Plan and/or Farm Plan

# SCC's Role

- Responsible for implementation of Office of Farmland Preservation (RCW 89.10)
- Recognizes ag easements as an important tool to assist in farmland protection and advancing conservation with willing landowners
- Authorized to hold conservation easements (RCW 64.04.130)
- Eligible to apply to RCO's Washington Wildlife and Recreation Program (WWRP) (RCW 79A.15)
  - Districts are not eligible entities under WWRP program guidelines
- SCC [Policy #19-02](#) "Agricultural Conservation Easement Sponsorship and Liability"
  - For WWRP funds, SCC "...will be the primary holder...and assume legal obligation to monitor and enforce the terms of the easement."

# What does it mean to hold an easement?

- Perpetual responsibility and obligation to ensure the purpose, intent, and terms of the conservation easement are honored over time.
- Real property interest with power to enforce consistency with the easement's conservation objectives
- Management responsibilities typically include:
  - Annual monitoring and landowner relationship building
  - Maintaining permanent records including documentation of any changes relative to the baseline
  - Responding to landowner requests regarding consistency of proposed activities with easement (i.e. if something is allowed)
  - Determining if completed or ongoing activities align with easement purposes and negotiating a remedy, if necessary
  - Determining how/if proposed amendments impact conservation values

# Purpose of Monitoring

- Build and grow landowner relationships (best easement defense is to have a positive relationship with the landowner)
- Discuss and manage any reserved rights and approvals
- Track outcomes on any stewardship practices
- Ensure compliance
- Detect potential problems early

# Easement Portfolio\* and Pipeline

RCO Grant Number	Project Name	SCC Primary (Y/N)	SCC 3 <sup>rd</sup> party (Y/N)	Location	Acres	Complete (Y/N)
20-1546	Thornton Ranch	Yes	N – RCO	Yakima County	108	N
20-1547	Hoch Farm	Yes	N – RCO	Benton County	26	N
19-1527	Stevenson Ranch	Yes	N – RCO	Yakima County	92	N
16-1923	Lazy Cross Ranch	Yes	N – RCO	Klickitat County	TBD	N
16-1924	Schuster Ranch	Yes	N – RCO	Klickitat County	1,909	N
16-1922	Blain Ranches	Yes	N – RCO	Klickitat County	1,800	N
N/A	Lust Farm	No: NYCD	Y	Yakima County	382	Y

\* SCC does not currently hold any agricultural conservation easements. SCC holds a 3<sup>rd</sup> party right of enforcement on the Lust Farm. NYCD is the easement holder.

# Schuster Ag Conservation Easement

- Developed by the Central Klickitat Conservation District
- Funding secured in 2016 WWRP grant round
- SCC will hold the easement, RCO will be a 3<sup>rd</sup> party beneficiary, CKCD is subcontracted to support due diligence and landowner correspondence

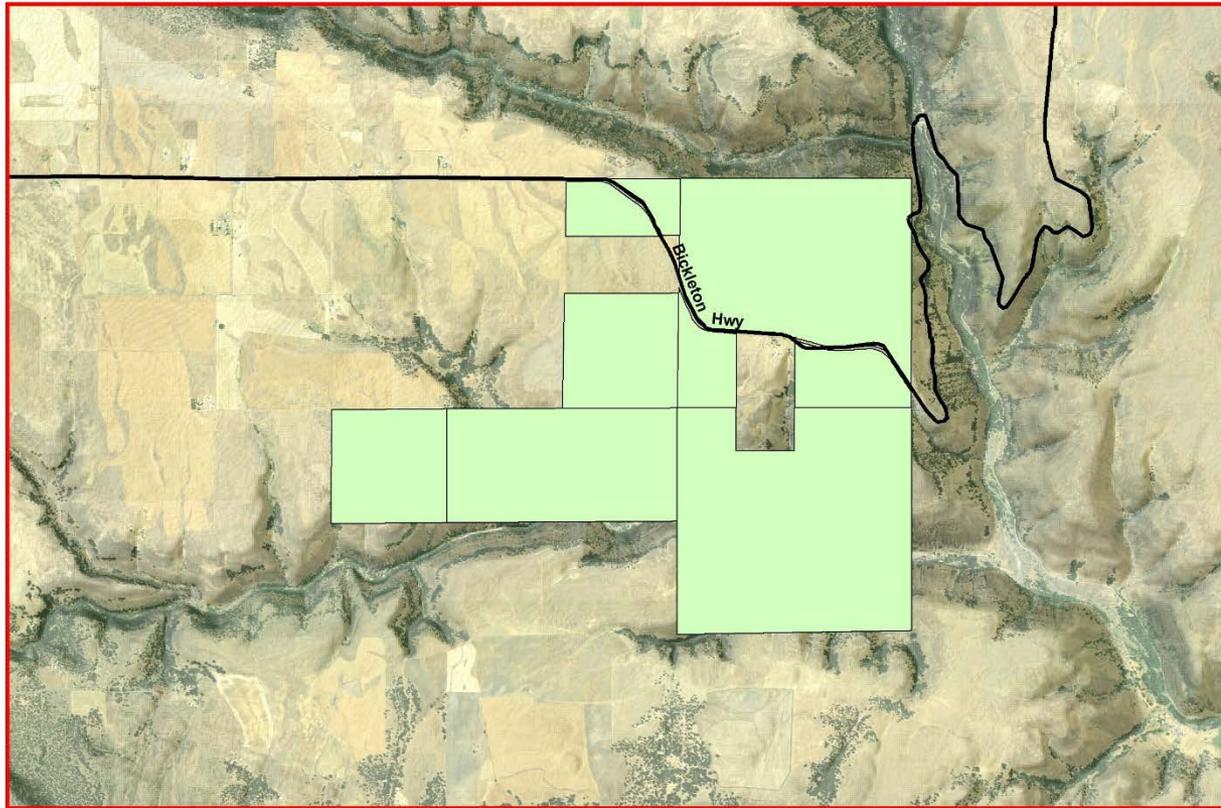


# Project Overview

- 1,909 acre property
- Beef cattle and dryland wheat
- Farm business established in 1900



# Project Site: Schuster Hereford Ranch



- Legend**
- Schuster Hereford Ranch
  - Rock Creek Watershed
  - Local Market Access Roads



0 0.25 0.5 Miles



# Due Diligence Status

<u>Completed</u>	<u>In Process</u>	<u>Outstanding</u>
Site Visit	Easement Drafting	Purchase and Sale Agreement
Funding Agreement	Title Review	Environmental Assessment (if necessary)
Appraisal	Baseline Documentation	Survey (if necessary)
Review Appraisal		

# Action Requested

## **Action Requested:**

Signature authority for the Conservation Commission Executive Director to enter into a purchase and sale agreement and to proceed to closing on a permanent agricultural conservation easement on the Schuster Ranch property in Klickitat County

## **Draft Motion Language:**

The Commission has determined acquisition of a conservation easement on the property is consistent with the mission, duties, and purposes of the Conservation Commission.

The Commission hereby authorizes the Conservation Commission's Executive Director to sign documents for acquisition of an agricultural conservation easement on the approximately 1,909 acre Schuster Ranch in Klickitat County.



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