



DISTRICT PLAN



Conservation Easement Toolkit

The District Plan was created by Adams County and the City of Brighton to **preserve** agricultural land and heritage, **encourage** local food production, and **promote** agritourism.

The purpose of this toolkit is to provide a resource for farmers and landowners in the District Plan area who are considering the future of their farmland properties. For a map of the District Plan area, visit brightonco.gov/SplendidValley.

Conservation Easements are used to preserve certain values for the future, such as agriculture, on a property. The landowner can sell (or donate) a voluntary, permanent agreement to receive compensation for preserving their farm, or a portion thereof.

Why and How they work

- 1. Preserve** future farming by selling (or donating) the right to further develop your land
 - A third party holds the easement, but you continue to own and manage your land and water
 - Water will be tied to the property to ensure farming can continue on the land
- 2. Enable** future agricultural use through negotiating the terms; you can retain rights to:
 - Continue farming, pass the property on to heirs, or lease or sell the property for agriculture
 - Make certain improvements to the property like building new structures; rebuilding, expanding, or replacing existing structures; building or moving fences; or improving irrigation facilities
 - Operate a farm stand or agritourism operation on site
- 3. Appraise** property to determine conservation easement value, new land value
 - Appraisal will take into account the specific provisions of your conservation easement and determine new land value by comparing value before and after conservation easement restrictions
 - Certain state and federal tax benefits may result from donation, or partial donation, of easement
- 4. Easement holder will monitor** to ensure the terms are upheld. Typically entails:
 - Annual site visit by staff person who walks property with you, takes photos, discusses any changes
 - Approval required by easement holder for certain activities (e.g. new or replacement structures)

QUESTIONS about the process or what your options are?

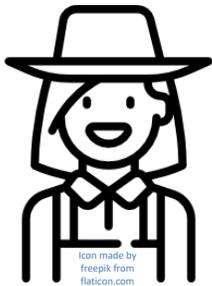
CONTACT any of these organizations for help:

- The Conservation Fund: Christine Quinlan at 303.444.4369, cquinlan@conservationfund.org
 - City of Brighton: Travis Haines at 303.655.2086, thaines@brightonco.gov
 - Adams County: Aaron Clark at 303.637.8005, aclark@adcogov.org

ASK landowners who have been through the process:

Tim and Claudia Ferrell, Berry Patch Farms at 303.659.5050, bpf@qwestoffice.net

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Thinking about the future of your farm?

Here are a few options to consider:



Conservation Sale: Sell your land to the City or County to place under a conservation easement and lease it for agriculture*

- ✓ sell your land and water at fair market value
- ✓ avoid involvement in conservation easement process; conservation easement would be placed on the property after the sale to ensure it remains available for agricultural use and cannot be developed
- ✓ enable City or County to lease the property to another farmer

Example: Jim's family has owned the farm where he lives for decades. Jim wasn't interested in being a farmer, so years ago he decided to lease his land to a neighboring farmer to keep the operation going. Jim has been living on the land but is thinking he soon will want a change of scenery. Jim would like to sell his family's land so he can afford to buy a place somewhere else and retire.

Watch this video to learn about a District Plan area Conservation Sale: bit.ly/2TWxm45

*Refer to the **Farmland Preservation Toolkit** (bit.ly/2wTgO5N) to determine if a property could be appropriate for a Conservation Sale.

Legacy: Sell or donate a conservation easement; pass the land on to your heirs

- ✓ cash for full or "bargain" sale of easement
- ✓ continue to own and manage your land
- ✓ preserve your family's legacy in perpetuity
- ✓ potential state and/or federal tax advantages for full or partial easement donation

Example: Sue's farm has been in her family for generations. Her children have taken over a lot of the management as she gets ready to retire, and they would like to keep farming. She wants to pass the land on to them, and she also knows that they will need some cash soon to replace aging machinery for the farm.

Private Farm Sale: Sell or donate a conservation easement; sell your land to another farmer

- ✓ make your land more affordable for agriculture
- ✓ sell your land and water to an interested farmer
- ✓ keep ownership with a private landowner

Example: Bill owns a farm and is almost ready to sell and move on. Bill would like for his farm to continue in production, but he believes a developer is the only one who can afford to buy his land. Bill has heard about the government buying farmland, but he isn't interested in selling his land to the city or county.