

Protecting a precious resource

Conservation Trust is one way to save agricultural land for production

Now that the 1995 Oregon Legislature is in session, many Oregonians are wondering what is going to happen to statewide land use planning goals. Faced with the growth in Oregon's population (twice the national rate), Oregon's open space and farmland are under siege. For the past several years Oregon's population has been increasing 50,000-60,000 persons per year. Few Oregonians realize that in the last 10 years the Willamette Valley has lost over 57,000 acres of productive farmland to housing developments, shopping malls, parking lots, streets and highways, industrial sites and other non-farm uses.

One of the 12 agricultural areas in the United States most threatened by population pressures, Washington's Puget Sound Basin is ranked sixth by The American Farmland Trust, and the Willamette Valley is ranked eighth.

Agriculture is a major contributor to the economic health of Oregon. Marion County leads all other counties in Oregon in gross farm sales (\$354 million in 1993), but still has 18,000-20,000 acres zoned "Acreage Rural," which

can be divided into cookie-cutter 1-1/2-acre lots for non-farm residential use.

One of the oldest tools for preserving farmland is placement under a conservation easement. Oregon is lagging behind other states in promoting the use of this method of preserving forest and agriculture land. The land can be legally set aside for a specific purpose in perpetuity.

Conservation easements have helped thousands of families to protect millions of acres of open space and farmland. With a conservation easement, granted to a qualified nonprofit trust or public agency, a landowner can permanently protect the land without giving up ownership.

The owner can continue to live on the land, mortgage it, sell it, rent it or pass it on to heirs. What's more, conservation easement can be used to reduce future federal estate taxes — taxes that otherwise could rob your children of their legacy through the need to sell the land in order to pay the taxes.

Thus, with the conservation easement, one more area of productive agriculture land can be saved for forestry, crop production or grazing animals.



Guest Comment

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Oregon law (ORS 271.715-271.795) permits the establishment of conservation easements "the purpose of which include retaining or protecting natural, scenic, or open space values of real property, assuring its availability for agricultural, forest, recreational or open space use, protecting natural resources, maintaining or enhancing air or water quality, or preserving the historical aspects of real property."

A conservation easement is a legal document in which the landowner voluntarily places permanent restrictions on the use and future development of the land. It is not necessary to include the entire property in the easement; areas to be protected are determined by the characteristics of the land and the desires of the landowner.

As already stated, a conserva-

tion easement can significantly reduce estate taxes. It may also be used to reduce income tax, provided the easement is perpetual and was established "exclusively for conservation purposes" and is accepted by a qualified trust or public agency.

To assist Oregon landowners in establishing conservation easements on their property, Northwest Land Conservation Trust has been established. The trust is a nonprofit, public benefit corporation organized under Oregon Law (ORS 65). The trust is managed by a board of directors of persons experienced in agricultural and environmental matters.

Northwest Land Conservation Trust works with each individual landowner to assist in tailoring the easement to fit a particular property and the interests of the owner.

When an easement is finally executed, in deed form, to the satisfaction of the owner and the trust, it is recorded in the county clerk's office and thereafter runs with the title to the land.

The role of Northwest Land Conservation Trust, aside from assisting landowners, is to make sure the easement works.

The trust is responsible for monitoring the easement. If a future owner, or someone else, violates the easement, the trust works to have the violation corrected.

The trust does not charge a fee for its services, but does ask for a donation from the easement donor to help offset the cost of future stewardship expenses.

Anyone wanting more information about conservation easements generally, or application to their own land in particular, may write to Northwest Land Conservation Trust, P.O. Box 1830, Salem, Ore. 97305. All inquiries are confidential and without obligation.

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