

Commonly Permitted and Restricted Uses in Conservation Easements

A conservation easement (CE) is a voluntary legal agreement between a landowner and a land trust to restrict the use of a property to protect its conservation values. With a CE, landowners continue to own, occupy, and manage their land while preventing future development and subdivision. CEs are legally binding for all current and future owners of a property, meaning that they protect the land forever. The land trust that holds the CE monitors the property annually to ensure compliance with the CE's restrictions. Each CE is unique and tailored to the property and owner, but many CEs restrict or permit similar uses.

Commonly permitted uses of a property subject to a CE:

- The right to lease, sell, or mortgage the property
- Building, repairing, or expanding residential structures within designated zones
- Building and repairing fences
- Installing and maintaining utilities and septic systems
- Timber harvesting within limits that ultimately enable late-stage forests to develop
- Maintaining existing roads and trails, developing new unpaved roads as necessary
- Use of ground, surface, and spring water
- Hunting, fishing, and other recreational uses and related structures

Commonly restricted uses of a property subject to a CE:

- Uses or activities that would diminish or impair the natural habitats on the property
- Subdivision or sale of any part of the property
- Building permanent structures outside of designated zones
- Building or expanding residential structures beyond a designated footprint size limit
- Any use or activity that would cause significant soil degradation or erosion
- Commercial timber harvesting (or harvesting above/beyond a defined sustainable level designed to encourage late-stage forest development)
- Dumping of trash, sewage, or hazardous materials
- Paving new roads
- Alteration or manipulation of waterways
- Mining