



Annapolis Valley Farmland Trust

AGRICULTURAL CONSERVATION EASEMENTS

How can I protect my land for farming?

An agricultural conservation easement (“ACE”) is one of the most effective ways to protect land for farming and other agricultural use. An ACE allows you retain ownership of the land, so you can continue to use the land for agriculture, and lease the land, mortgage the land, sell the land or pass the land on to your children or other heirs

What is an agricultural conservation easement?

An ACE is a real estate title restriction that landowners voluntarily place on their property to keep productive land available for agriculture. Landowners grant ACEs to a public agency or qualified conservation organization. Annapolis Valley Farmland Trust (“AVFT”) is an organization qualified to accept donations of ACEs. ACEs can be tailored to each property and to the needs and conservation goals of each landowner. ACEs typically permit agricultural activities and structures (e.g., barns and fences) but limit uses that are inconsistent with commercial agriculture (e.g., non-farm dwellings).

Why Grant a Conservation Easement?

Even if your land is zoned for agriculture, zoning classification and the uses restricted by zoning change over time. An ACE remains in place regardless of changes in zoning. By granting an ACE , you can be assured that the use of your property will be limited to agriculture entirely or primarily. The ACE remains in effect indefinitely, no matter who the future owners are. Donating an ACE may provide income and property tax benefits for you and your family. You can also use an easement in combination with selling or donating land. This gives you control over use of the land, even after you no longer own it. If for example, you have a family farm and you want to make sure that your heirs do not turn your farm into a suburban residential subdivision, an ACE will accommodate your wishes.

How Restrictive is an Agricultural Conservation Easement?

Generally, restrictions placed on the property by an ACE are intended to ensure that at least the primary use of the property remains agricultural. Although easements must protect the land's agricultural values, there is flexibility in the contents of the ACEs. An ACE can be tailored to meet each landowner’s financial and personal needs. Easements permanently prohibit or limit some uses

of the land, but they can allow appropriate development and commercial uses of the land. For example, an easement may allow building a new home and other buildings, as long as the activities do not significantly affect the use of the land for agriculture. You may continue to use and enjoy the land the same way as you always have. An easement can apply to an entire property, or a portion of it, for example, apply to all crop land but exclude all forest land or a residential building area. In addition, the extent of the restrictions can vary considerably from one area of the land to another. For example, the only restriction on the residential area might be that all or part of the residential area cannot be subdivided from the agricultural land.

What is Involved in Donating an Easement?

If you think you may be interested in donating an ACE, the first step is to contact an organization or agency that is qualified and may be willing to accept the ACE. AVFT is an organization that is qualified to accept ACEs. If you contact AVFT, a representative will be in touch with you to try to answer your questions, provide additional background information and discuss the next steps if you are interested in proceeding further.

Are there Tax Consequences or Benefits from Donating an Easement?

If you do want to proceed with an ACE, it is recommended that you obtain your own legal and tax advice well before signing an ACE agreement.

Who Can Grant an Easement? To Whom?

Any owner of property with agricultural value may grant an ACE. If the property belongs to more than one person, all owners must sign the ACE agreement. If the property is mortgaged, the owner must obtain an agreement with the lender to ensure that the easement is not affected by the mortgage.

What is a land trust?

AVFT is a land trust. Land trusts are private conservation organizations that protect natural resources by acquiring or helping other organizations to acquire land or conservation easements. Some land trusts protect farm and ranch land for agriculture. Most land trusts accept donations of land or easements but some use private and public funds to compensate landowners.

For more information visit <https://avflt.ca> or contact Mark Tipperman (902) 542-0555 or MarkTipperman@avflt.ca