

What is an Easement?



A voluntary legal agreement that pays landowners for the development rights on their property while allowing them to retain ownership of their land and keep farming and/or conserve habitat. It's completely voluntary and flexible to fit your needs.

What does it mean for my property?

- An easement is permanent and carried with the deed if sold.
- You, or owners after you, will not be able to subdivide or develop on the parts of your property with an easement.
- Depending on the type of easement you get, there may be certain land-use restrictions or stewardship requirements.
- An easement can cover the entirety of your property or just a portion of it.

What are the benefits to landowners?

- Easements often come with one-time or annual payments from the organization you get the easement from (easement holder).
- Your property will remain undeveloped and will continue to be farmland.
- Easements can be a valuable tool for retirement and succession planning.

What are my obligations?

- You'll work with the easement holder to develop a management plan that works for you and your land.
- Depending on the type of easement, obligations range from not developing your land to restoring habitat on your property.

What are my options?

- There are many options for easements and the Thurston Conservation District can help find the best fit for you and your land. Some options include:
 - **Retire Development Rights:** Be paid for the development value of your property while continuing to own your land, live on it, and farm it.
 - **Agricultural Easement:** Limits future development and non-agricultural uses.
 - **Conservation Easement:** Prohibits or limits future development and limits the use of the land. Habitat restoration may be required depending on the easement.

What land is eligible?

- Agricultural land.
- Wildlife habitats such as forests and grasslands.
- Properties that have both farm and habitat resources are great candidates for easements.

For more information, please contact:



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Key Terms:

• Easement Types:

- **Agricultural:** A voluntary deed restriction placed on a property to protect agricultural use values of the land by prohibiting or limiting future development and limiting non-agricultural uses. The easement is attached to the property's title.
- **Conservation:** A voluntary deed restriction placed on a property to protect natural resource conservation on the land by prohibiting or limiting future development or use of the land. These easements may require habitat restoration activities as well. The easement is attached to the property's title.
- **Easement Holder:** An entity that is responsible for assuring that the terms of an easement are abided by in perpetuity. Often, the easement holder is a non-profit land trust or a government agency.
- **Easement Agreement:** A contract between the landowner(s) and a qualified organization, such as a land trust or public entity that includes all terms of the easement as well as any financial compensation provided to the landowner. Depending on the agreement, an easement may require a landowner to farm their land or restore habitat, or it may prevent a landowner from subdividing or developing their land.
- **Limitations and Restrictions:** Generally, easements limit sub-division, non-farm development, or other uses that interfere with or negatively impact the agricultural uses and/or habitat values of the property. These restrictions are documented in the easement agreement and can address agriculture and habitat stewardship, or one or the other.
- **Agricultural Lands and Values:** Agricultural lands include farmland, rangeland, forests, and grassland. Agricultural values being protected on these lands often include prime and unique soils, soils of state or local importance, historical or archaeologically important sites, lands currently or historically dominated by grassland or shrubland, or lands that further a state or local policy.
- **Timing:** An easement may take anywhere between 1.5 to 5 years to negotiate and be put into place. Donated easements, meaning no purchase or exchange of funds takes place, typically require less time, whereas purchased easements typically require more time to complete.



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