



Warren County Planning Department



9 STEPS TO COMPLETING A CONSERVATION EASEMENT

STEP 1: CONSIDERATION OF EASEMENT

You should contact the Warren County Planning Department to request information and to discuss the general easement process. Consult with the all owners of the parcel, your family, and your legal and tax advisors. Afterward, if you are interested in further exploring the possibility of donating or, should funding be made available, through the county purchasing an easement, please call the Planning Department to arrange a meeting with the Planning Director to complete a preliminary review.

STEP 2: PRELIMINARY REVIEW

The Planning Director and owner(s) will begin the application process by completing preliminary information on the property: provide name and address of all owners, acreage, Tax Map and parcel number, and zoning designation of the parcel under consideration of easement. Further, the parcel must meet the eligibility criteria (as outlined in §81-6): (A) The use of the parcel in consideration must be consistent with the Comprehensive Plan; (B) the proposed terms of the conservation easement must be consistent with the minimum conservation easement terms and conditions set forth in §81-8; and (C) the parcel shall obtain at least 15 points under the ranking criteria set forth in §81-7, unless the Board finds that it is in the best interest of the County to waive this requirement.

STEP 3: SITE VISIT

We will arrange to meet with you and visit your property. On site we will observe and inventory the features including the natural and open-space resources of your property. We may discuss with you options for easement terms that will meet your goals, protect the conservation values of the property, and meet our standards. The terms will be based the adopted guidelines by the Board of Supervisors.

STEP 4: APPRASIAL & SURVEY

An appraisal of the property is required in order to evaluate the parcel under consideration and must be completed by the County's Assessor or an independent appraiser. In addition, each applicant to the program must have a survey completed on the property under consideration of easement. This should include: the property boundaries; existing and/or planned future structure(s); adjacent roads; and any other, pertinent information.

STEP 5: DRAFT DEED OF EASEMENT

A meeting will be arranged in coordination with you and your attorney with the Planning Director and County Attorney to develop a draft deed of easement including a legal description of your property for your review. Several revisions of the draft easement are typically necessary before it is in final form and ready for submission to the Board of Supervisors. It will include restrictions as outline in §81-8 and any voluntary restrictions by the applicant. Your attorney (or a title company) will give us a preliminary title opinion on your property. You or your attorney should also give us copies of any recorded survey plats of the property and a letter of intent. The final draft deed, title opinion, and letter of intent must be received by us on or before the final draft deadline prior to a board meeting.



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STEP 6: BASELINE DOCUMENTATION REPORT

A Baseline Documentation Report (BDR) will need to be completed which discusses the characteristics and condition of your property prior to recordation of the easement. This BDR contains maps and photos of the property along with any related documents. This will be submitted to the Planning Director and reviewed by the Department of Conservation and Recreation (DCR).

STEP 7: EVALUATION BY BOARD OF SUPERVISORS

Following the completion of steps 1 through 6, a completed application will be submitted by the Planning Director to the Board of Supervisors. The Board may approve the proposal, approve it conditioned upon modification(s), or disapprove it. The Board's approval does not obligate you to complete the easement process and record the deed.

STEP 8: ACCEPTANCE & FINALIZING DEED OF EASEMENT

Upon approval by the Board, and by any additional co-holder if applicable, you may accept the conservation easement as approved or decided to withdraw from the easement process. If you accept, your attorney will send the deed of easement to us for final review. We will suggest final edits, if any, and return the deed to your attorney for editing and signatures. All legal owners must sign the deed, and any mortgage lender and its trustees must sign the deed to subordinate the deed of trust to the deed of easement. We sign the deed last. Prior to recordation, a proposed change in *any* terms of the easement that would result in a less restrictive easement than the one approved by the Board has to be resubmitted to the Board for its consideration.

STEP 9: RECORDATION & REVIEW

The Planning Director will send the fully executed deed of easement to you, your attorney, and the easement will be recorded in the Warren County land records. You should obtain and keep a copy of the recorded deed of easement for your files. Periodic reviews to be completed by the Planning Department to ensure compliance with the restrictions placed under the deed of easement.