

<b>E</b>	<b>WHAT IS A CONSERVATION EASEMENT?</b>
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A conservation easement is a voluntary agreement negotiated between a landowner and a public agency or charitable conservation organization in which the landowner agrees to place specific restrictions on the use and development of his or her property in exchange for payment and various income and estate tax benefits. It represents an opportunity for landowners to voluntarily donate or sell a conservation easement to a public authority to be held in trust in perpetuity. In turn, the landowner receives monetary compensation either through direct payment from the Authority or by selling the tax credits generated by the easement donation.

By promoting a land ethic and responsible stewardship of the property, an easement provides a lasting benefit to the public through the protection of open space, scenic beauty, wildlife habitats, and air and water quality.

As of January 2024, 25% of the total land area of Clarke County, or approximately 28,695 acres, are in permanent conservation easement. Conservation easements are held by the Clarke County Easement Authority (CCEA), Virginia Outdoors Foundation (VOF), and other governmental entities and private organizations. A map of County properties in conservation easement may be viewed in the Department of Planning or on the CCEA website – [www.clarkelandconservation.org](http://www.clarkelandconservation.org).

If a property is under conservation easement, the terms of the easement are recorded in the land records for that property. Land records may be obtained from:

**Clarke County Circuit Court**  
**102 North Church Street**  
**Berryville, VA 22611**  
**(540) 955-5116.**

Terms of a conservation easement often include regulations designed to protect the conservation, scenic, or historic value of the property. Examples include:

- Building restrictions such as additional setback requirements or maximum allowable floor area for buildings
- Land development restrictions such as limits on subdividing new lots and building envelope restrictions
- Limits on allowable uses and activities
- Reduced number of dwelling unit rights (DURs)

While such regulations can be similar to and can often exceed County zoning and subdivision regulations, the holders of the conservation easement are responsible for enforcement of the easement regulations.

GUIDANCE MANUAL TO THE CLARKE COUNTY ZONING & SUBDIVISION ORDINANCES  
2024 VERSION

If you have questions about a property that is in a conservation easement or are considering placing your property in easement, please contact:

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**Department of Planning**  
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