

## Land Conservation 101

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*This article is the first in a series that explains how the Willistown Conservation Trust (WCT) works with willing landowners who voluntarily agree to conserve land for the preservation of natural resources and the rural heritage of our countryside.*

As a community we are proud that visitors arriving in the Willistown Conservation Trust's program area for the first time are smitten by the beauty of our countryside. Driving west from Philadelphia through its suburbs, one notices dense suburban neighborhoods dramatically giving way to open meadows, split rail fencing, grazing horses, and Chester County vernacular stone barns and buildings. A similar visual transformation happens traveling east from West Chester. Strip malls and gas stations start to thin out while expanses of grasslands and wooded hillsides begin to appear.

This oasis of rural landscape amidst a burgeoning metropolitan area has not happened by chance. It is the result of many landowners who love the land and have decided to permanently protect it.

The Willistown community and surrounding areas enjoys a land conservation ethic that has developed over the past 40 years. With help from the founders of Willistown Conservation Trust, a few visionary landowners protected their land from development back in the early 1980s. These brave landowners paved the way for numerous others who have since added their land to this reservoir of open space, creating an extraordinary haven for people and wildlife.

The critical mass of protected land in the Willistown area preserves a particularly beautiful and special part of Chester County. The area is rich with gently rolling hills, streams, woodlands, and an agricultural history marked by farmhouses, barns, mills, and pastureland. The undeveloped land in our program area provides refuge for such a diversity of birds that the Audubon Society has designated it as an "Important Bird Area", part of a global

network of places recognized for their outstanding value to bird conservation.

The Trust's program area is comprised of the headwater (upstream) areas of the Chester, Ridley, and Crum Creeks, and encompasses portions of 6 municipalities in Chester and Delaware Counties (including a significant portion of Malvern Borough, where the Trust holds the conservation easement on the Randolph Woods Preserve). Despite the nearly 7,200 acres already protected in our program area, encroaching suburban development still threatens our countryside. The Trust has identified over 4,000 acres of critical lands which remain vulnerable to development. If these lands are not protected, much of what remains of our rural landscape eventually could be transformed by forms of development that threaten to destroy the scenic beauty of the pastoral landscape and the rich ecological resources that make this place so special. The primary tool used to protect land from development in the Trust's program area has been the conservation easement.

A conservation easement is a flexible tool that protects land while leaving it in private ownership. It is a legal and binding agreement between a landowner and a qualified conservation organization (such as the Willistown Conservation Trust). The easement exists in perpetuity, is recorded with the deed to the property, and applies to all future owners. As holder of the easement, Willistown Conservation Trust agrees to see that the restrictions detailed in the easement are upheld in perpetuity.

### What Are the Typical Restrictions?

Under the terms of the conservation easement agreement, the landowner agrees to restrict certain future uses of their property. Each easement is uniquely tailored to the specific property and needs of the landowner. Typical restrictions are designed to:

- Protect the special natural, historic, and scenic features of the property such as woodlands, wetlands, streams, open spaces, hillsides, historic buildings, and scenic views.
- Limit the future development of the

### What is a Conservation Easement?



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property. Future building sites may be designated depending on the size of the property and its special features, and the needs of the landowner.

- Prevent harmful activities that could damage sensitive environmental features, such as intense land development, quarrying and excavation, and the dumping of solid or liquid waste.

### How do Conservation Easements Benefit the Community?

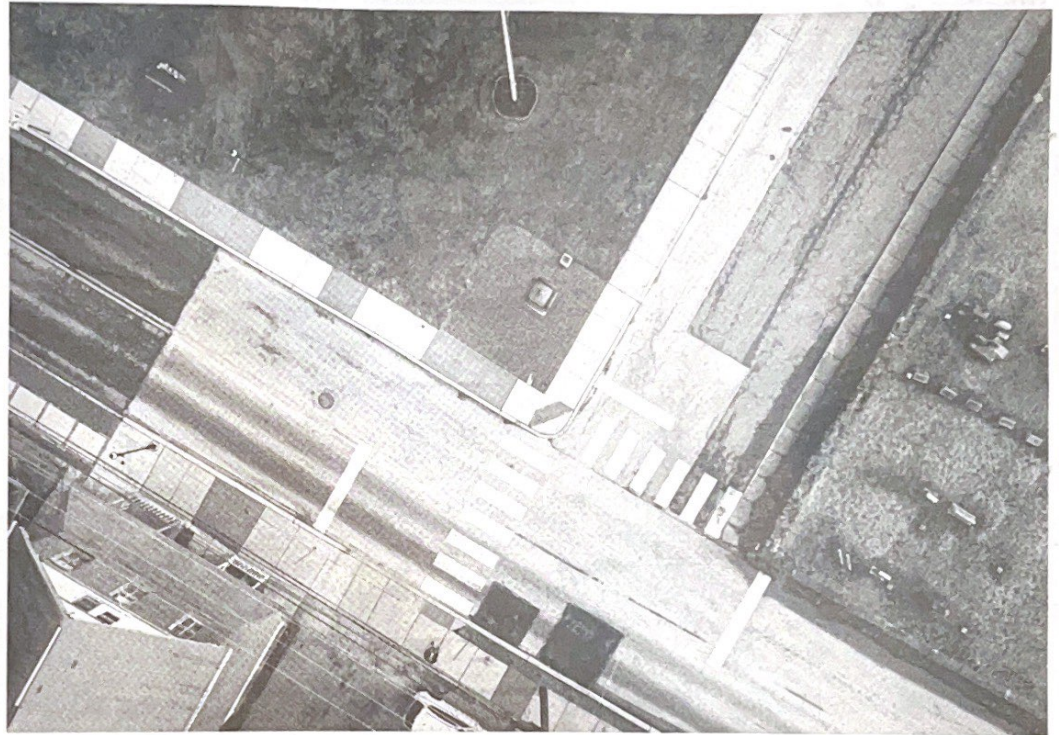
Conservation easements serve to protect our area's important natural and scenic assets - its water resources, wildlife habitats, agricultural lands, open space, historic structures, trails, and scenic views - without the need for appropriating public funds. Lands under conservation easement remain in private ownership and do not require public funds for support and maintenance. Because conservation easements are granted in perpetuity, the community can depend upon eased lands as permanently protected open spaces - a lasting result not possible through zoning or other land use regulations.

### How do Conservation Easements Benefit the Landowner?

Landowners who donate conservation easements derive immense satisfaction from knowing that the scenic and natural resources of the land that they have lived on and cared for will be protected for the use and enjoyment of future generations.

Conservation easements often provide families with the opportunity to plan together for the future use of the land, thereby avoiding possible conflict and misunderstanding later.

Neighboring landowners who donate conservation easements on adjacent properties can provide mutual protection against unplanned development and share the benefits of protecting larger



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resource areas such as watersheds, woodlands, and scenic landscapes.

Landowners who donate conservation easements generally are eligible for certain financial benefits through the reduction of federal income, gift, and estate taxes.

*In the next issue of The Malvernian, we will explain the easement planning process, and describe how the Trust works with landowners to define and execute conservation vision for their land.*

*"Editor's Note: Most of the approximately 100 acres of forest at the Malvern Retreat are currently zoned for single family homes arranged in a street grid pattern. The woodlands are not protected from development. DSF"*



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