

10 Things Municipalities Should Know about Conservation Easements

- **Municipalities are “qualified organizations”** under the Alberta Land Stewardship Act, so are eligible to receive conservation easements.
- If a conservation easement is granted to secure a development approval, it is not given “free and without consideration” so it is not eligible for a **charitable tax receipt**.
- **How onerous the monitoring** might be is directly related to the number and complexity of restrictions in the conservation easement.
- Conservation easements are registered on title and run with the land regardless of ownership, so they **persist beyond zoning changes** or changes in municipal councils.
- Conservation easements **don’t simply ‘trump’ zoning and permitting**; for example, if a conservation easement says a house is allowed, the ability to build the house is still subject to municipal zoning and permitting. However, if the conservation easement says no buildings are allowed, they cannot be built despite the zoning allowing it.
- Conservation easements **cannot restrict sub-surface rights** like oil and gas, unless the landowner owns them (rare) and grants them within the conservation easement.
- Unlike Environmental Reserves, conservation easements are voluntary and **cannot be “required” by a municipality**. However, several municipalities do require conservation of certain natural features, then list conservation easements as one possible way of satisfying that requirement.
- Conservation easements **cannot lapse simply because they were not enforced**, or because the land use on or around the parcel was inconsistent with the original conservation easement purpose.
- Land subject to a conservation easement **does become municipal land**; this means a municipality cannot use it as they would a Public Utility Lot, Municipal Reserve, or municipal park, and cannot use it for municipally-mandate purposes (public services, public trail systems, transfer stations, municipal facilities, etc.)
- Because of their flexibility, conservation easements **can work for large or small municipalities**, urban or rural municipalities.