

# the CONSERVATION Chronicle

Newsletter of the Aiken Land Conservancy

JUNE, 2009

## Will Your Land Sprout Trees or Convenience Stores When You Leave It?

by Sarah Eakin and Stephen Hale

Donating land for conservation is one of the finest legacies a person can leave to future generations – and in Aiken County attorney Mary Guynn is here to give you advice on the best way to go about it.

Actually Guynn, a partner in the Aiken law firm of Smith, Massey, Brodie, Thurmond and Guynn, does the pro bono legal work for the Aiken Land Conservancy, but much of what she does has her advising the landowner as well. “Sometimes the land owner will bring their own attorney, but not usually,” said Guynn during a meeting in the firms’ office on Colony Parkway. “It’s not an adversarial situation, so I am often the only attorney involved.”

She drafts the legal documents, which can be a deed of the land, but more often is a conservation easement. A conservation easement sets perpetual restrictions on how a property can be used.

“I would be at the first meeting with the owners,” she explains. “I will tell them what they can do with a conservation easement and what they can’t do. You can’t get the financial benefits from an easement unless there is a conservation benefit to the public. It is often a matter of getting what they want while preserving the conservation value of the land.”

As the first step along that path, “We have to establish the value of the ‘highest and best use’ of the land,” she says. “The agreements have to be perpetual, so it has to be constructed so that you can live with it forever.

Either there cannot be mortgage liens on the property, or we have to negotiate a document with the lender that says they will honor the easement in the event of a foreclosure,” she says.

People have different motivations for conserving their land. Most of the time there is an emotional connection with land they love and a desire that it be kept undeveloped – that it will never sprout parking lots and convenience stores.

But there can be significant financial benefit in giving an easement. Congress has recently extended, through 2009, a federal tax incentive for conservation easement donations. The full market value of land donated to a nonprofit land trust is tax deductible as a charitable gift, Guynn explains, and there are several other ways to profit from giving an easement.

She gave some examples: For a retiree without a high income or a need for a big tax credit, the easement can be structured to come into existence at the moment of their death. “That does a couple of things,” says Guynn. “It prevents the heirs from going against the wishes of the landowner,” in situations where the landowner and the heirs may not be working together, she said. When they are, it drops the value of the property, so it lowers the estate taxes. Often it is that difference in estate taxes that makes it possible for the descendants to keep the land in the family. It might even cause the value of the land to fall below the estate tax threshold so that there are no taxes due.”

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# Executive Director's Report

Dacre Stoker



These are uncertain times for all of us. The state of our personal worth is in flux and the stock market is uncertain. Although usually our most solid asset, the value of our home and property may not seem secure. But one thing is for sure—the Aiken Land Conservancy is here, and is more active than ever.

The ALC board has just completed a strategic plan which will help define our objectives for the next five years. This process was led by our new administrator, Laura Janecek, in her usual incredibly efficient style. Laura has breathed fresh air into the ALC and re-invigorated our board with her design of our new website, e-newsletter, and printed newsletter.

The current economic slowdown is actually the perfect time for the ALC to shift into a higher gear. Although donations for operations may be harder to come by, we won't just sit back and wait for an upturn in the economy. We will use the lull to better position ourselves locally.

I recently spoke at a gathering at Jacqueline Ohrstrom's lovely home, Toad Hall, located in Aiken's historic horse district. The following is an excerpt from my speech.

“The future of land use in this horse district is under question. This very neighborhood we are in tonight is part of Aiken's most unique and charming area. The complexion of the downtown horse industry is evolving. More and more event horses are being stabled in town, picking up the slack from what has been for the past few years a waning thoroughbred industry. However, the recent purchase of the Stonerside thoroughbred operations by Darley has given the local racing industry a shot in the arm. Nonetheless, rumors have been flying around about the future of the Aiken Training Track. What would happen if it ceased to operate as a track? Could it be subdivided, how many houses could be built there, and what would that mean to the future of this part of town? What about Aiken's Triple Crown, and our reputation as a premier horse destination? Scare tactics? No. Valid concerns? Yes.

These very real problems are facing Aiken, as well as other “horse towns.” The open space that accompanies equine uses also attracts non-horse people who want to enjoy the ambiance. Resulting “in-building,” with additional homes and barns to accommodate new people and more horses, may squeeze too much into too little space. Zoning restrictions may help prevent the over crowding which can drive horses out of town, but ordinances may easily be rewritten; deed restrictions help, but they too can be changed. *(continued on page 4)*

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## Aiken Land Conservancy

*Preserving Aiken's natural heritage*

The mission of the  
Aiken Land Conservancy is to  
preserve natural and historic resources  
through land conservation.

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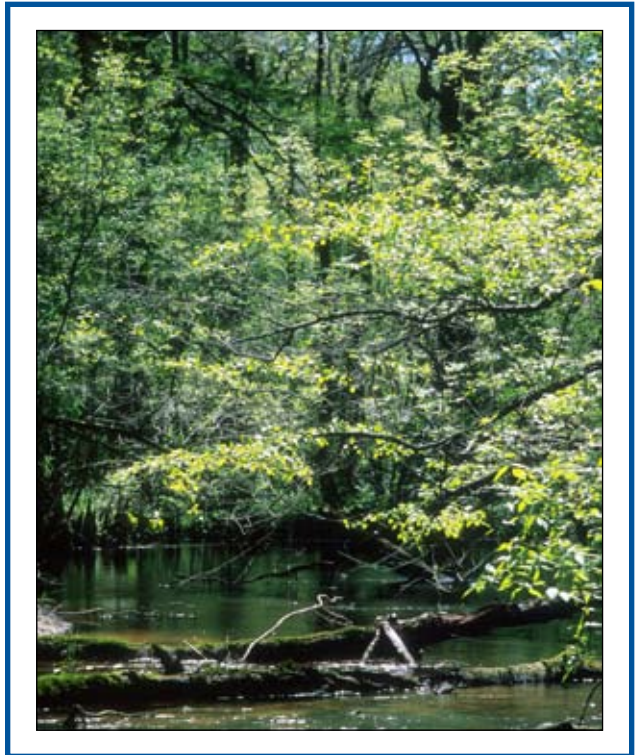
*the Lands of ALC:*  
**RAIFORD THREE RUNS FARM**

If you only used your ears as you walked into the 22-plus acres in Three Runs Plantation donated to the Aiken Land Conservancy by Wayne Raiford, you would know what kind of country you were going through. The Kildeer tells you there are meadows on either side of the entrance road. The Yellow Throated Warbler, sings his "Please, please it's hard to chew" song from the top of a tall old oak at the field edge. And the Common Yellow-throat, deep in the thicket beside Upper Three Runs Creek says you are coming to wetland, and indeed here, open water.

The bird life also tells you that this is a healthy ecosystem, the mowed meadow ecotone gently sloping down to the wetland, the heavy border of brush where meadow and flood plain meet, and then the more open flood plain bordering the creek itself. In fact, this donation is a buffer to one of the most pristine creeks in the entire United States—Upper Three Runs Creek. Upper Three Runs, and its main tributaries, Cedar Creek and Tinker Creek, drain 218 miles of Aiken County. Approximately half of the watershed of the 40-mile-long creek is located on the Department of Energy's Savannah River Site, with the remaining half on private, city, and county lands in Aiken County. Biological inventories

conducted by scientists from Clemson University and The University of Georgia have identified more species of aquatic insects (nearly 1,000) in Upper Three Runs Creek and its tributaries than in any other stream in the world. In addition, rare plants such as Atlantic white cedar and Oconee azalea, more than 60 species of fish, 70 species of reptiles and amphibians, and numerous songbirds are known from the stream corridor. It is a true ecological paradise. Going to the creek with a dip net and a child brings the joy of finding new invertebrates with every dip, as well as the possibility of siting a variety of frogs and salamanders.

As the area begins to develop, this buffer contributes to the critical protection of a special resource. We are grateful to Mr. Wayne Raiford for making this important donation. And go see it for yourself. Find a friend who lives in the Plantation to show you the entrance and the trail, then bushwhack your way to the creek. On second thought, it's so thick this time of year that the butterflies and wildflowers in the meadow may be enough of an incentive. If you wait until late fall, it will be easier to scramble through the holly thickets and down to the open water of the creek. 🌿



Don't let this be your **LAST** Land Trust newsletter!

**Renew your membership TODAY!**

Not sure if your membership is up to date?

Check on the "Members" page of the ALC website ([www.ConserveAiken.org](http://www.ConserveAiken.org)) for a list of 2009 members.

## Executive Director's Report

continued from page 2

Conservation easements, which are whole lot more difficult to alter, are the solution the Aiken Land Conservancy has for properties in this neighborhood. This precisely why the Hitchcock Woods Foundation placed a conservation easement on the 2,100 acres of the Hitchcock Woods a few years ago. This easement prevents future building within the Woods or any subdivision of the tract, and the protection of the Woods has helped drive up adjacent land values.

How serious are we about conserving the rural character of Aiken County? To continue to flourish, the 68 million dollar horse industry identified by the Chamber of Commerce and reported this fall in the Aiken Standard, requires large tracts of land. Hundreds of people have moved here to participate in this clean and desirable industry, which by its very nature preserves our open spaces.

It is hard to find a sure thing to count on these days. The preservation of land through the use of a conservation easement comes pretty close to a sure thing. It is sure to help maintain land values in the area. More land under easement, which is available for equine use will help maintain a healthy equine presence within the City of Aiken.


As far as Aiken's horse district is concerned, we have a few sure things so far: the Winthrop Polo field is preserved with a conservation easement; George and Gretchen Wintersteen placed a conservation easement on the Clarke barn and accompanying acres across from the Track Kitchen; and Scott Riviere has signed a letter of intent to place a conservation easement on his property on Grace Ave. We can rest assured that these properties will remain unchanged- in perpetuity.

In addition, the City of Aiken Equine Committee has recommended to city council that Aiken's local option sales tax funds be set to acquire property in and around the City of Aiken, ensuring that residents will continue to have land for equine recreation.

The Whitney Trust has requested funds from the city to assist with drainage problems on the Whitney Polo Field and the adjacent Sandlot. I suggested and the Equine Committee agreed to recommend to the city, that in order to ensure its continued use as an equine space, the Whitney Trust be asked to place a conservation easement on the property -before the city gives them funds.

What can you count on? That the ALC will be here—to advocate for necessary land conservation to support the equine industry and preserve the way of life we all cherish in Aiken. When appropriate, ALC representatives attend city and county council meetings, as well as planning and zoning meetings. We are active on the City Open Space Committee, City Environmental Committee, Conservation Voters of SC, and SC Department of Natural Resources. You can rest assured we are always looking for opportunities to influence, argue for land conservation, and be responsible stewards of special places in Aiken County.

So how can you assist us?

- We would like to build up a fund to help defray the costs of placing conservation easements on people's property. You can donate to this fund, even if you do not own land, and enjoy the certainty of preserved land.
- Help us spread the word to landowners. Encourage permanent protection on all of or a portion of their land.
- Support city, county, and state initiatives, including full funding for the SC Conservation Bank, to designate and to protect open space and equine recreation space.
- Support the ALC; become a business partner; join us; donate to us when the time is right, so we can do our job--help keep Aiken thriving while protecting open spaces and appropriate land use. 

**“SHOW ME A HEALTHY  
COMMUNITY WITH A  
HEALTHY ECONOMY AND  
I WILL SHOW YOU A  
COMMUNITY THAT HAS ITS  
GREEN INFRASTRUCTURE IN  
ORDER AND UNDERSTANDS  
THE RELATIONSHIP BETWEEN  
THE BUILT AND THE  
UNBUILT ENVIRONMENT.”**

*Will Rogers, Trust for Public Land*

## President's Message

*Paul Rideout*

A recent article about a well-known Aiken housing development was describing the many amenities that make it so popular. The first one named: green space. A letter to the editor from a new resident relocating from the north commented on the beauty of the area provided by our natural heritage. Aiken is especially beautiful at this time of year, and it is easy to take our community for granted. However, it continues to require the planning and work of concerned groups to preserve these qualities.




Aiken Land Conservancy continues its mission of preserving Aiken's natural heritage. I have been encouraged by residents who have commented to me that they notice the work we are doing, and tell us to call them if they can help. They often recommend certain people to talk with about possible land for conservation. Several recent land issues in the county resulted in people contacting our organization to see if there was anything we could do to help in preserving the properties in their current state. It appears our work to increase the visibility of the organization is definitely paying off, but it always takes more than just concern to get work done. It takes people, their time, and their money.

The tough economic times have resulted in many people and organizations having to cut back on donations, set new priorities, and work as lean as possible. ALC has always worked to be a good


steward of its financial resources, operating very lean. We have only two paid part-time employees, an executive director and an administrator. As is typical of this arrangement, they do full-time work for part-time pay. We will get even leaner for a period as our executive director, Dacre Stoker, takes a leave of absence in September through November. Dacre will be promoting a book he has recently completed, *Dracula the Un-Dead*, a sequel to the

classic *Dracula* written in 1897 by his great grand-uncle Bram Stoker. Dacre has promised us some kind of special fundraising and book signing event in the fall once all the dust settles, and we will keep you informed about that. We are counting on his great success as an author, so that just as Dracula drained his victims, we can drain Dacre's wallet in support of ALC.

In the meantime, we continue to give thanks for an energetic volunteer-board and concerned citizens for work that needs to be done, and we give thanks for those who make generous donations to fund our work. The lack of funding in governmental budgets makes it even more critical now for concerned people to keep organizations such as ALC a priority in their funding. Otherwise, the beauty we so often take for granted could one day look very different.

Get out and enjoy Aiken! 

### *ALC Forms an Advisory Council*

**Aiken Land Conservancy is proud to announce the charter members of our new ALC Advisory Council. In one way or another, these people all have a keen interest in land conservation. They bring us a broad range of insights, which our board certainly can use to further our mission. Please join the ALC in welcoming Brian Sanders, assistant to the Aiken County Administrator; Glen Parker, head of City of Aiken Parks Recreation & Tourism; Sandra Korbelik, City of Aiken Planning Department; as well as Lisa Cato, Blaine Burdette, Rob Johnston, and David Walker. These individuals each bring a unique perspective and talent to our efforts to preserve land in Aiken County.** 

## ***ALC Welcomes A New Board Member***

The Conservancy welcomes Holly Houghton to the Board of Trustees. Holly first came to Aiken in 1967 and has seen the loss of open land that has resulted from the growth of Aiken over the past forty years. She feels strongly that if you are fortunate enough to leave a legacy, you should leave it to protect the open spaces that first drew you to a community. Holly has served on the boards of the Wye Institute, the Hitchcock Foundation, Market Street Trust Co., and the Coastal Conservation League. We welcome her to the Aiken Land Conservancy! 🌿



*Holly Houghton after a recent hike  
in Scotland.*

## **Board Approves a New Strategic Plan for the Conservancy**

At its April meeting, the ALC Board of Trustees approved a new strategic plan for the Conservancy. This plan encompasses four Strategic Goals related to land acquisition, land stewardship, membership and fundraising, and administrative operations. The plan will direct ALC operations for the next three to five years, with regular assessments ensuring that progress is being made toward each of the outlined goals. The new ALC Strategic Plan can be viewed and downloaded from the ALC web site:

<http://conserveaiken.org/>

**“MAN SHAPES HIMSELF THROUGH DECISIONS  
THAT SHAPE HIS ENVIRONMENT.”**

*Rene Dubos*

## **Will Your Land Sprout Trees or Convenience Stores When You Leave It?**

*(continued from page 1)*

That same retired person can create a charitable gift annuity and receive income from their gift while they live.

In a ‘Bargain Sale,’ the owner sells their land to a land trust for less than its fair market value. That makes it more affordable for the land trust and offers several benefits to the landowner; it provides cash, avoids some capital gains tax, and entitles them to a charitable income tax deduction.

“There are so many other options that are dictated by what you want to preserve, how you want to preserve it, and whether you want to profit from it,” says Guynn. “Give us a call. We want to help you figure out the best options for you and your land.”

*If you would like more information about preserving your land from development, please call ALC at (803) 649-7139 or e-mail [mail@conserveaiken.org](mailto:mail@conserveaiken.org). Learn more at the ALC web site: [www.conserveaiken.org](http://www.conserveaiken.org)* 🌿

# New and Current Members of the Aiken Land Conservancy

Listed below are members who have joined or renewed their memberships from January 7, 2009 through June 1, 2009.

## FRIEND LEVEL

Mr. and Mrs. Stephen Briggs  
Mr. George Buggs  
Mr. Blaine Burdette  
Ms. Christine Cato  
Ms. Rossie Corwon  
Ms. Harriet Delaney  
Ms. Linda Donovan  
Ms. Jane Friis  
Mr. Wes Funderberg  
Ms. Kimberly Hammond-Beyer  
Mr. and Mrs. John Kosko  
Mr. and Mrs. Robert Lane  
Mr. Carl Langley  
Mr. Sam Lista  
Dr. Robert Lofgren  
Mr. and Mrs. W.F. McCall, Jr.  
Mr. Harber McClean  
Mr. Julian Peabody  
Ms. Judith Portmann  
Ms. Jann Smith  
Ms. Margery Smoak  
Mr. Todd Stilp  
Mr. David H. Walker  
Ms. Kathryn Windham  
Mr. Phil Woolhiser



## FAMILY LEVEL

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Dr. and Mrs. Richard Benjamin  
Mr. and Mrs. Wade Brodie  
Drs. Trip Buchanan and Taylor Garnett  
Mr. and Mrs. Kent Cabbage  
Ms. Elisabeth Cummings  
Mr. and Mrs. William Gallman  
Mr. and Mrs. Leslie George  
Mr. and Mrs. Robert Harrington  
Ms. Yvonne Henkes  
Dr. and Mrs. James Hill, Jr.

## FAMILY LEVEL (CONTINUED)

Mr. and Mrs. Larry Holley  
Drs. Louis and Christine Huzella  
Ms. Laura Janecek  
Mr. and Mrs. Glenn Knowles  
Ms. Lucy Knowles and Mr. Martin Buckley  
Mr. and Mrs. Keith Lawrence  
Mr. and Mrs. Elliott Levy  
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## SUPPORTING LEVEL

Mr. David Andrews and Ms. Delina Hickey  
Ms. Dione Appleton  
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Dr. and Mrs. Hugh Clark  
Mr. Tom Cofer  
Mr. and Mrs. Ross Culligan  
Ms. Victoria Foulkes-Pyle  
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Ms. Mary Guynn  
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Mr. Richard Sears, III  
Dr. and Mrs. Harry Shealy  
Mr. and Mrs. Tim Simmons  
Mr. Julian Singer  
Mr. David Stinson  
Dr. Arch W. Templeton  
Mr. David C. Thieringer  
Mrs. Alexandra S. Thomas  
Dr. and Mrs. Ray Vaughters  
Mr. Frederic Winthrop  
Mr. and Mrs. Michael Wood



## SPONSOR LEVEL

Mr. Bruce Duchossois  
Mr. Shepard Ellenberg  
Ms. Helen Naylor  
Mr. and Mrs. Paul Rideout  
Ms. Lydia L. Rose (Aiken Saddlery & Supply)  
Mr. and Mrs. Doug Walker  
Mr. Jack Wetzel  
Mr. and Mrs. George Wintersteen  
Mrs. Elizabeth Witham



## PATRON LEVEL

Ms. Lisa Cato  
Ms. Iris Freeman  
Mr. Charles Maxwell and Ms. Barbara Nelson  
Mr. David Scott  
Mr. Harry Shaw



## BENEFACTOR LEVEL

Ms. Hollister Houghton  
Mr. and Mrs. Jim Wildasin



*“Thank You” to everyone who has joined or renewed their memberships  
with the Aiken Land Conservancy.  
ALC relies upon membership payments and donations to fund  
our mission of preserving Aiken’s natural heritage.*

Aiken Land Conservancy  
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Clip and mail this form to renew your membership with the Aiken Land Conservancy



**JOIN THE AIKEN LAND CONSERVANCY AND HELP PRESERVE AIKEN'S GREAT SPACES**

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e-mail address: \_\_\_\_\_

- Levels of membership:
- |  |   |  |
|--|---|--|
| <input type="checkbox"/> Friend – \$35         | <input type="checkbox"/> Family – \$50  | <input type="checkbox"/> Supporting – \$100          |
| <input type="checkbox"/> Sponsor – \$250       | <input type="checkbox"/> Patron – \$500 | <input type="checkbox"/> Benefactor – \$1,000        |
| <input type="checkbox"/> Conservator – \$2,500 |   | <input type="checkbox"/> Steward – \$5,000 and above |

Make checks payable to: Aiken Land Conservancy (ALC)

Make payments to: ALC, PO Box 3096, Aiken, SC 29802

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