

## Guidance for Successfully Filling out Form LPC-1 Application for a Land Preservation Credit

This guidance is intended to supplement the [Instructions for Virginia Form LPC-1, Application for a Land Preservation Credit](#) provided by the Virginia Department of Taxation. The tips below are based on some common issues we have seen in reviewing LPC-1s. If you have additional questions, feel free to contact Gina DiCicco ([gina.dicicco@dcr.virginia.gov](mailto:gina.dicicco@dcr.virginia.gov), 804-837-1819) or Suzan Bulbulkaya ([suzan.bulbulkaya@dcr.virginia.gov](mailto:suzan.bulbulkaya@dcr.virginia.gov), 804-371-5218).

### Section I – Application Information, E) Contact Name, if Different from Above

Section I – Applicant Information			
A) Applicant Type - Check One			
<input type="checkbox"/> Individual Taxpayer	<input type="checkbox"/> Married Donors	<input type="checkbox"/> Multiple Donors	<input type="checkbox"/> Trust/Estate
<input type="checkbox"/> Corporation	<input type="checkbox"/> Non-Profit	<input type="checkbox"/> Other Entity - Specify _____	<input type="checkbox"/> Pass-Through Entities
B) Applicant Name (As Shown on Deed)		C) Applicant Identification Number (Check appropriate box and enter number.)	
		<input type="checkbox"/> SSN _____	
		<input type="checkbox"/> FEIN _____	
D) Street Address or P.O. Box Number		City	State ZIP Code
E) Contact Name, if Different from Above		F) Phone Number	G) Fax Number
			H) Email Address

This contact person is different from the applicant name listed in box B. Most often, the applicant's lawyer or accountant is the right person to list here.

### Section II – Donation Questions, II-A – Questions for a Donation Made on or After January 1, 2007, D) and II-B – Questions for a Donation Made on or After July 1, 2010, A)

Section II – Donation Questions	
<b>II-A – Questions for a Donation Made on or After January 1, 2007</b>	
A) Are you a nonprofit holder of easements as defined in Va. Code § 10.1-1009?	<input type="checkbox"/> Yes <input type="checkbox"/> No
<b>IF YES, GO TO B; IF NO, GO TO C.</b>	
B) Do you hold one or more conservation easements excluding this donation that were acquired pursuant to the authority conferred on a "holder" by Va. Code § 10.1-1010?	<input type="checkbox"/> Yes <input type="checkbox"/> No
<b>IF YES, STOP. YOU DO NOT QUALIFY.</b>	
C) Have you applied for a Historic Rehabilitation Credit in the last 5 years on this property/building?	<input type="checkbox"/> Yes <input type="checkbox"/> No
<b>IF YES, STOP. YOU DO NOT QUALIFY.</b>	
D) In the past 11 years, have you, a family member or an affiliate been issued a credit for a donation on any portion of this parcel(s)? <b>IF YES, LP# _____ . DONATION MAY REQUIRE DCR VERIFICATION. (See instructions).</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<b>II-B – Questions for a Donation Made on or After July 1, 2010</b>	
A) If your application is for a credit of \$250,000 or more, has a credit been applied for and/or issued within the past 3 years for real property that was formerly part of the same parcel of land as the property being donated?	<input type="checkbox"/> Yes <input type="checkbox"/> No
<b>IF YES, LP# _____ . DONATION MAY REQUIRE DCR VERIFICATION. (See instructions).</b>	

If a portion of a parcel of the property has been donated before and received tax credits, then please tell us when. State code requires that in certain circumstances the current and past donations be aggregated. If the total tax credits claimed for a parcel during an 11-year window exceed \$1M, this may require that DCR review the application to verify the conservation purposes.

Additionally, if tax credits have been issued within the past three years for property that has been partitioned or that is part of the same parcel, DCR review may be required if the applicant is currently claiming \$250,000 or more in tax credits.

These requirements are laid out in [Virginia State Code section § 58.1-512.D.3](#). When in doubt, reach out to DCR to find out if their review is needed.

**Section III – Property and Credit Information, A) Type of Donation**

Section III – Property and Credit Information			
<b>A) Type of Donation - Check One</b> <input type="checkbox"/> Fee Simple <input type="checkbox"/> Less-Than-Fee Simple <input type="checkbox"/> Facade	<b>B) Bargain Sale - Check One</b> <input type="checkbox"/> No <input type="checkbox"/> Yes (If Yes, Enter Amount Received) \$ .00	<b>C) Number of Acres</b>  	<b>D) Date Acquired</b>  
<b>E) Property Street Address (No P.O. Box)</b>  		<b>City</b>  	<b>State</b> <b>ZIP Code</b>  

Some donors donate the full rights to their land, while others only donate select rights and maintain ownership of the land. If you have donated all of the rights to your land and conveyed title to a qualified organization, that is considered a fee simple donation. Donors who have provided partial rights to their land to a qualified organization via a conservation easement or open space easement have made a less-than-fee simple donation. A façade easement preserves an historical structure by restricting modifications to the structure. Façade easements are very rare, as most easements to protect historic resources include additional restrictions and would count as less-than-fee simple donations.

**Section IV – Conservation Information for Reporting Purposes, A) Conservation Purposes**

Section IV – Conservation Information for Reporting Purposes		
<b>A) Conservation Purpose:</b> Identify the conservation purpose(s) protected by the donation by checking the applicable box(es). Also, specify the acreage of each use indicated. See Instructions for definitions of these conservation purpose categories.		
Conservation Purpose	Check Applicable Boxes	Acres
1. Agricultural Use	<input type="checkbox"/>	
2. Forestal Use	<input type="checkbox"/>	
3. Natural Habitat and Biological Diversity	<input type="checkbox"/>	
4. Historic Preservation	<input type="checkbox"/>	
5. Natural Resource Based Outdoor Recreation and Education	<input type="checkbox"/>	
6. Watershed Preservation	<input type="checkbox"/>	
7. Preservation of Scenic Open Space	<input type="checkbox"/>	
8. Conservation and Open Space Lands Designated by Local Governments	<input type="checkbox"/>	

Donations must meet at least one Conservation Purpose, as outlined in the [Virginia Land Conservation Foundation Conservation Value Review Criteria](#), but may meet more than one. For an accurate application, closely read the Review Criteria and choose only those Conservation Purposes for which your donation meets the safe harbors. Filling out the [Schedule B Form LPC-1](#) can also be helpful for determining which Conservation Purposes your application meets. Check only those boxes that apply to your project.

**Section IV – Conservation Information for Reporting Purposes, C) Riparian Buffers**

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<b>A) Conservation Purpose:</b> Identify the conservation purpose(s) protected by the donation by checking the applicable box(es). Also, specify the acreage of each use indicated. See Instructions for definitions of these conservation purpose categories.			
Conservation Purpose	Check Applicable Boxes	Acres	
1. Agricultural Use	<input type="checkbox"/>		
2. Forestal Use	<input type="checkbox"/>		
3. Natural Habitat and Biological Diversity	<input type="checkbox"/>		
4. Historic Preservation	<input type="checkbox"/>		
5. Natural Resource Based Outdoor Recreation and Education	<input type="checkbox"/>		
6. Watershed Preservation	<input type="checkbox"/>		
7. Preservation of Scenic Open Space	<input type="checkbox"/>		
8. Conservation and Open Space Lands Designated by Local Governments	<input type="checkbox"/>		
<b>B) Public Benefit:</b> Indicate how the donation will protect the conservation purpose(s) identified above and benefit the public. Indicate which of the following restrictions are included in the deed of donation:			
1. Limitations on the number of property divisions.	<input type="checkbox"/> Yes <input type="checkbox"/> No	4. Restrictions on the location of permitted new roads or access ways.	<input type="checkbox"/> Yes <input type="checkbox"/> No
2. Limitations on the amount of new buildings and structures.	<input type="checkbox"/> Yes <input type="checkbox"/> No	5. Limitations on alterations, demolition, and ground disturbing activity that may impact historic, cultural, or natural heritage resources.	<input type="checkbox"/> Yes <input type="checkbox"/> No
3. Restrictions on the location of permitted new buildings and structures.	<input type="checkbox"/> Yes <input type="checkbox"/> No	6. Limitations on utility placement.	<input type="checkbox"/> Yes <input type="checkbox"/> No
7. Please list any other restrictions specifically donated to protect the conservation purposes and to benefit the public.			
<b>C) Riparian Buffers:</b> If riparian buffers are required in the deed of easement, then indicate the total length (in linear feet) of those that provide at least a 35-foot wide buffer (See instructions for definitions).		Forested/Vegetated: _____ feet	
		No-plow: _____ feet	

Please provide the length of buffers (in linear feet) along watercourses (not the width of the buffers). Note that where there are buffers along both sides of a stream, the buffer length along each side should be counted (for example, if a 250-foot stream bisects the property and there are buffers on both sides, 250 feet x 2 totals 500 feet of buffer).

For the purposes of this section, forested/vegetated buffers are strips of land with vegetative cover made up of trees or other woody vegetation along a watercourse. No-plow buffers, on the other hand, have non-woody vegetation (such as grasslands or pastures), but still do not allow for plowing. A buffer will fall into one of these categories, but not both. Properties may have some buffers that are forested/vegetated and some that are no-plow. Buffers must be at least 35-feet in width to qualify in this section.