

Purchase of Development Rights: A Farmland Protection Tool Worth Improving

Food production needs farmers; farmers need affordable land. If the farmer's habitat is "developed" could farmers make the next endangered species list? Look at the Puyallup Valley or closer to home – south of Smith Road. Within the agricultural zone there are about 2,000 potential residential developments. There are another 2,000 in the 22,000 acres of the Rural Study Areas that were identified at the County Council's request for additional protection based on current agricultural uses and soil quality.

Imagine if these 4,000 potential homes were built. Imagine what those new rural residents would encounter - tractors working, the smell of money (sorry - cow manure), hauling silage, etc. In spite of "right to farm laws" the life of farmers will become even more difficult. In one case a Ferndale farmer threw in the towel. He had the right to farm, but he didn't have the stomach to fight neighbors. Sustaining Whatcom agriculture is complicated.

There is another side. The development rights referred to above often belong to farmers. Sometimes they represent in effect their 401Ks, or simply a place where they plan to build for retirement. What ever the intended use, they represent value to the owner. Here is the dilemma. If farmers are to keep farming, more residents in the agricultural zone are not going to help - to say nothing of taking land out of production. Outright abolishing those development rights, however, would be grossly unfair.

In 1996 the county voted by a substantial majority for the Conservation Futures Fund (CFF). It was to be a property tax levy of six and one quarter cents per \$1,000 valuation to be used to buy easements to preserve farm land or parkland. Toward this end the Purchase of Development Rights (PDR) program was established in 2002. The program was slow to get off the ground, in part because of farmers' reluctance to deal with the "county." Over time as word got around about the program as well as the helpful reputation of the County staff (2011 Participant Interview Report) farmer attitudes have changed.

The PDR is a voluntary program and CFFs have been evenly matched 1:1 by USDA. It may not suit every farmer. A farmer that chooses the PDR option is able to keep on farming and receive cash equal to the value of the development right(s) being extinguished which could be used for expanding his/her farm, major repairs, paying down debt, buying equipment, or whatever. In exchange an easement is placed on the land to ensure in perpetuity its availability for farming. This also ensures the land's value at its agricultural value – not at its speculative, developmental value. This could ease the sale of land to another farmer or intra-generational land transfer. Today some 90 development rights have been purchased and 670 acres placed under easement. In comparison Skagit County 's PDR program started just a few years before ours has roughly 8,000 acres protected for farming. Why are we different?

The PDR program should be building. The county, however, has reduced the potential resources available by 35 percent from what was approved by voters. More problematic

is the County's practice of not annually budgeting CFF resources. Consequently, county staff can not with certitude talk to farmers about considering the PDR program. Now, if farmers express an interest and go through the considerable paperwork, there is still no guaranteed of acceptance into the program until approval by the County Council. A process that is long and too uncertain for many. To improve program implementation, the County should set the annual amount available from the CFF and then let staff implement the program.

The PDR program reflects the will of the voters, raises matching funds, and is of increasing interest to farmers. We know it will take a lot more than the PDR program to determine the fate of farming in this county. Still over time it can help build a critical mass of protected farm land. The other big areas of farmer's concern are reliable access to water and labor and of course market prices. The County can do little about those. Land, however, is where the County can with certainty help sustain Whatcom Agriculture. It needs to continue to do so.

Farm Friends
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