

Farmland Preservation in Skagit County: An Innovative Approach

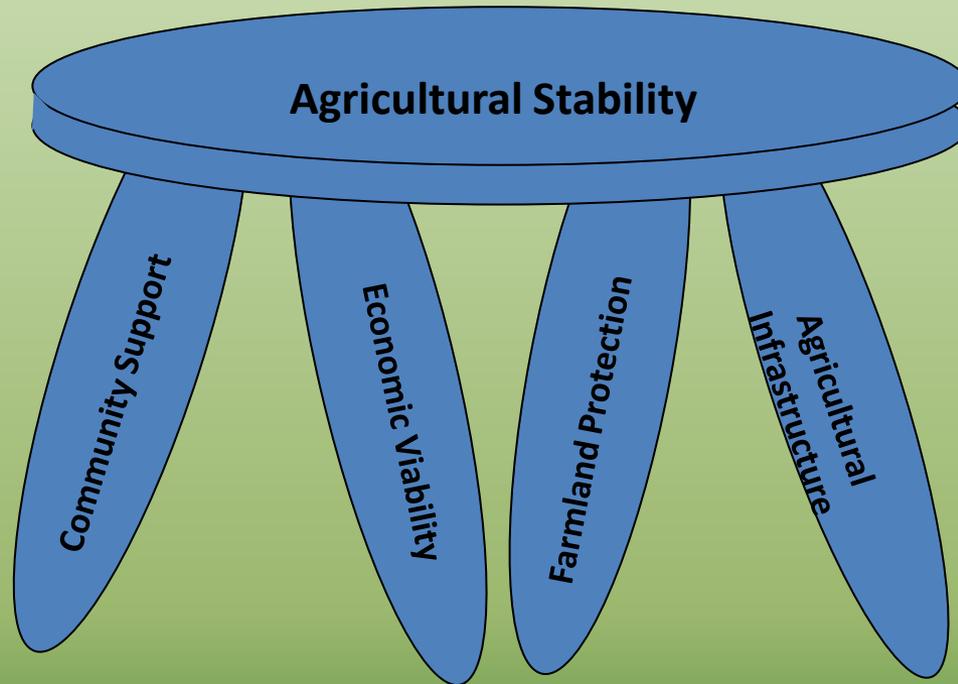


Allen Rozema

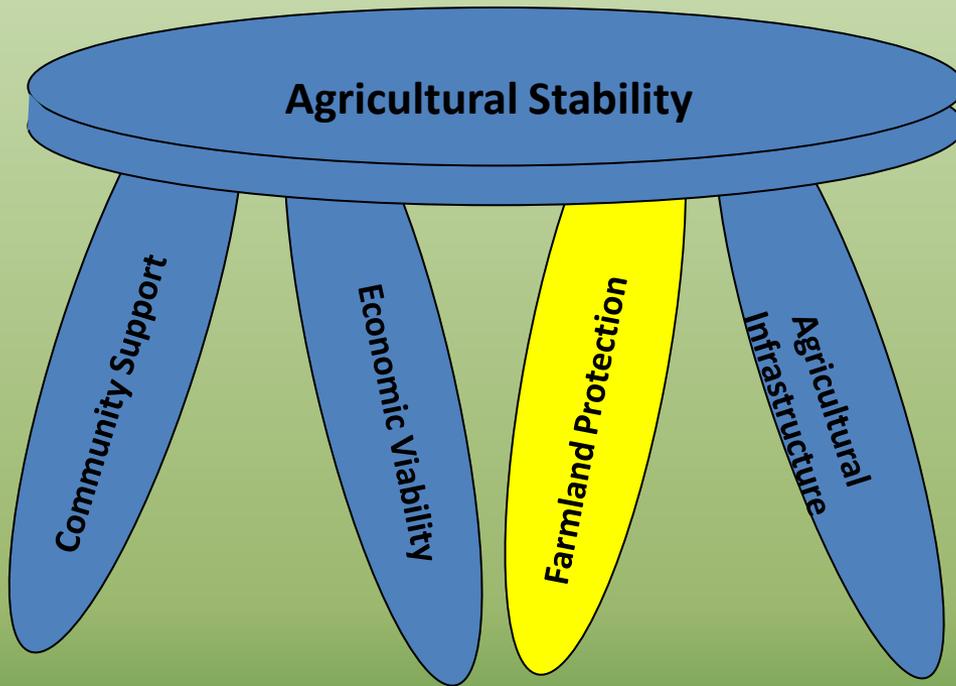
Skagitonians to Preserve Farmland

SPF Approach in Skagit County

The Four Legs of Agricultural Stability



SPF Approach in Skagit County



Land use monitoring

Comprehensive Plan participation

Support and advocate at the local and regional levels

PDRs & TDRs



Growth Management Act (GMA)

RCW 36.70A , in part, requires the designation of *Agricultural Lands of Long Term Commercial Significance* and adoption of development regulations to protect agricultural land from conversion and to

“ . . . assure that the use of lands adjacent to agricultural . . . lands shall not interfere with the continued use, in the accustomed manner and in accordance with best management practices, of these designated lands for the production of food, agricultural products.”



Growth Management Act (GMA)

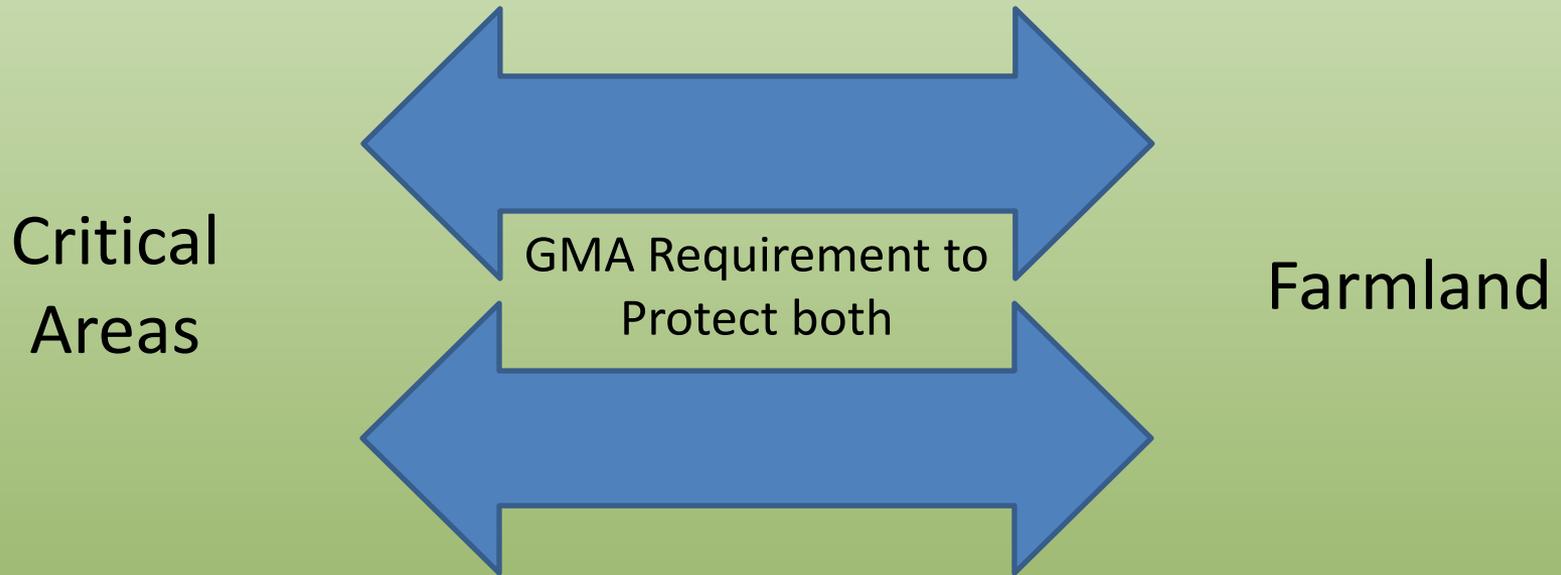
However

- From 2001 to 2006, *while the Growth Management Act has been in effect*, approximately 4,300 acres farmland has been converted to impervious surfaces in Puget Sound.^[1]



^[1] 2011 Implementation Status Assessment Final Report. A Qualitative Assessment of Implementation of the Puget Sound Chinook Salmon Recovery Plan. A Report to the National Marine Fisheries Service. Page 15.

3FI Farmland Preservation



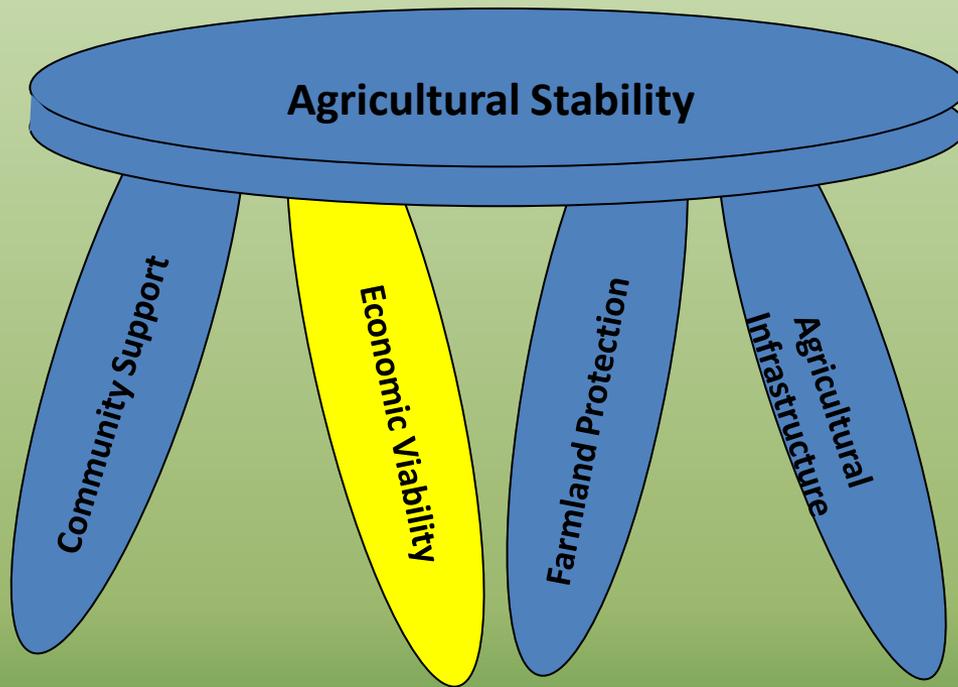
SEPA - RCW 46.21c.011

- Avoid
- Minimize
- Mitigate

RCW 46.21c.011 .02 – “ . . .The legislature declares that it is the policy of the state to identify and take into account the adverse effects of these actions on the preservation and conservation of agricultural lands; to consider alternative actions, as appropriate, that could lessen such adverse effects; and to assure that such actions appropriately mitigate for unavoidable impacts to agricultural resources.”



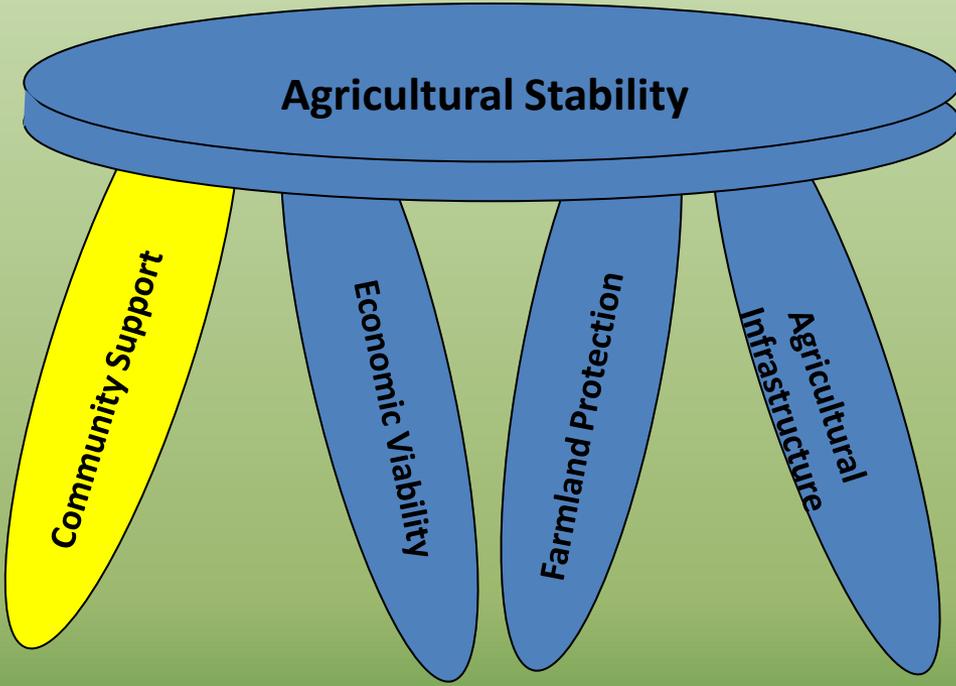
SPF Approach in Skagit County



- Support and advocate for local regulations and policies
- Support and advocate for regional regulations and policies
- Research and Studies



SPF Approach in Skagit County



Protected Farmland signs



Talking Fields



InFARmation Radio



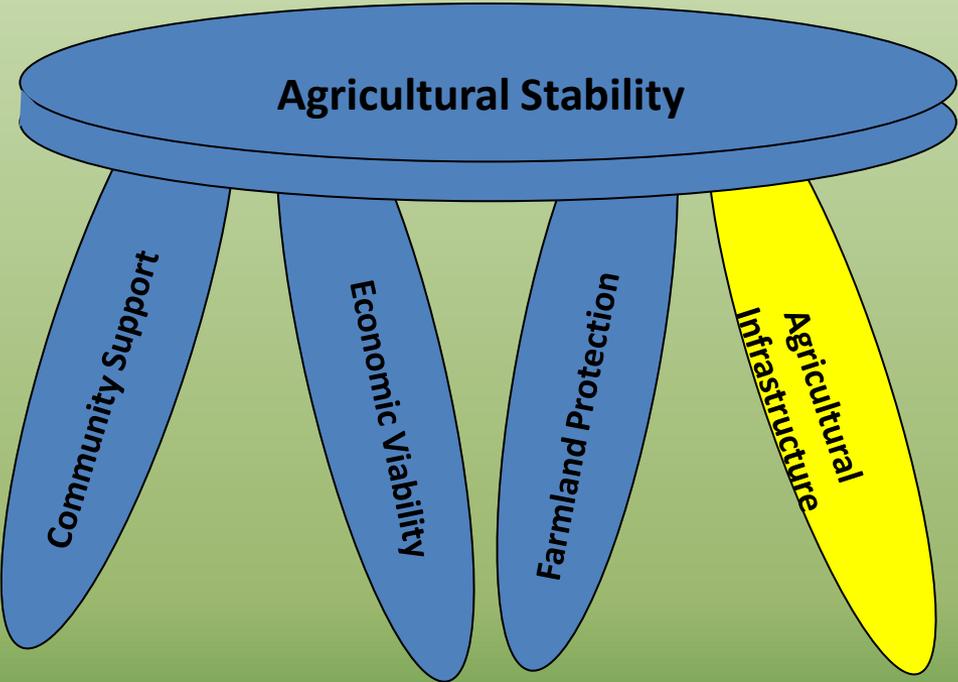
Crop Identification



Farm Tours



SPF Approach in Skagit County



Farms, Fish and Flood Initiative (3FI)



3FI Mission:

To create and advance mutually beneficial strategies that support the long-term viability of agriculture and salmon while reducing the risks of destructive floods.



Farms, Fish and Flood Initiative (3FI)

- National Oceanic Atmospheric Administration (NOAA)
- Skagit Conservation District
- Skagit County
- Skagit County Dike and Drainage Partnership
- Skagitonians to Preserve Farmland
- The Nature Conservancy
- Washington Department of Fish and Wildlife
- Western Washington Agricultural Association



Farms, Fish and Flood Initiative (3FI)

Restore estuary habitat and functions in the tidal Skagit Delta needed to meet the Skagit Chinook Recovery Plan goal (approximately 2,700 acres and/or 1.35 million smolts) consistent with the 3FI mission.



Reduce the risk of destructive flooding in the Skagit Delta by implementing flood risk reduction alternatives consistent with the 3FI mission.

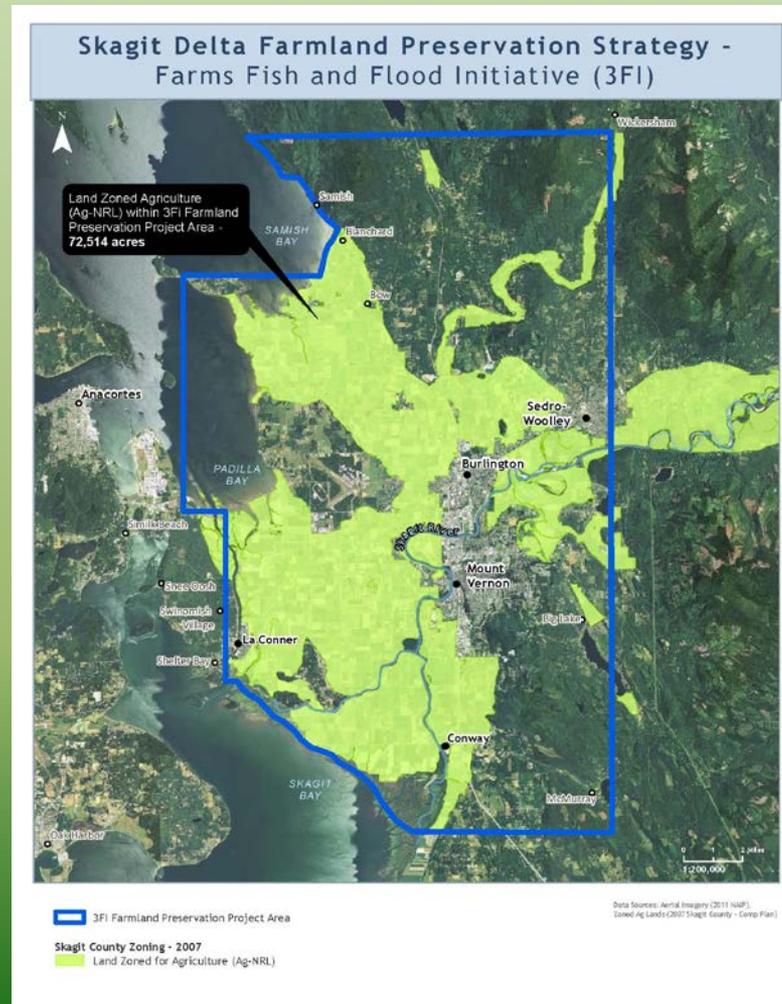


Protect and improve the agricultural land base and infrastructure consistent with the 3FI mission (secure 20,000 acres of agricultural easements and implement the Tidegate Fish and Drainage Fish Initiatives)



Farms, Fish and Flood Initiative (3FI)

Farmland Preservation Strategy



Farms, Fish and Flood Initiative (3FI)

- **Strategy #1: Maintain, Strengthen, and Expand Non-Regulatory Programs to Permanently Protect Farmland.**
- **Strategy #2: Develop and Implement an Agricultural Easement with a TFI Option for Chinook Habitat Restoration.**
- **Strategy #3: Develop and Implement Approaches to Address Farmland Loss.**
- **Strategy #4: Maintain, Strengthen and Enforce County Regulations to Protect Agriculture.**
- **Strategy #5: Manage Water Quality Effectively to Protect Fish, Shellfish and Agriculture.**
- **Strategy #6: Seek state, federal or international designation for Skagit Valley as a Cultural and Natural Heritage Site.**





Allen Rozema
Skagitonians to Preserve Farmland
Phone. 360-336-3974

Whatcom County Farmland Preservation

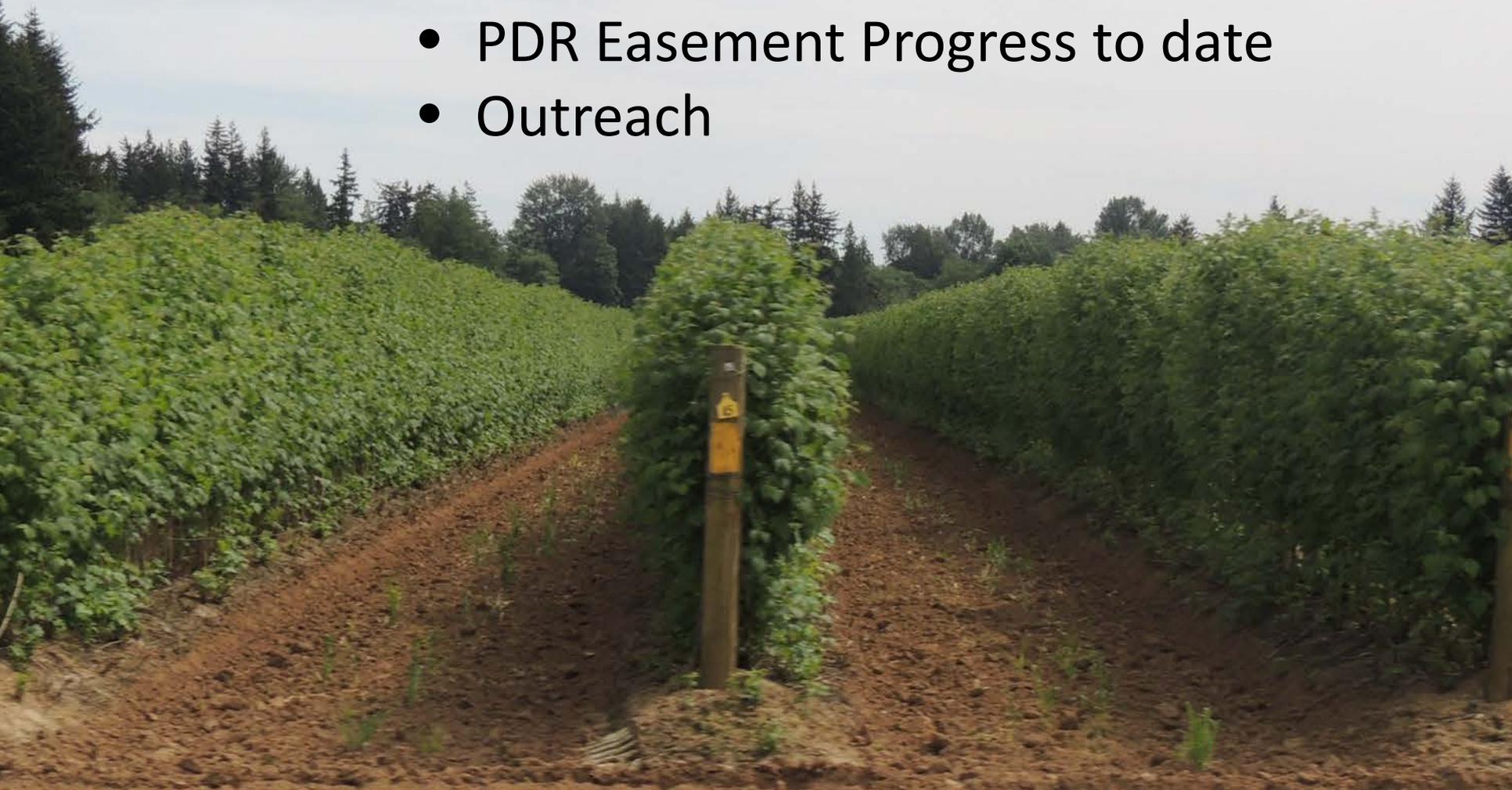
Chris Elder

Whatcom County Planning and
Development Services

**Purchase of Development Rights
Outreach Coordinator**

Outline

- Current State of Protection in Whatcom
- Local Legislation supporting Farmland Preservation
- Whatcom County Farmland Preservation Programs & Tools
- PDR Easement Progress to date
- Outreach



Local Framework

- Agriculture Protection Overlay
 - Whatcom County Code Chapter 20.38
 - Adopted 1997
- Agricultural Purchase of Development Rights Program
 - Whatcom County Code Chapter 3.25A
 - Established in 2002
- Resolution 2009-040
 - Whatcom County confirms that 100,000 acres of land remain available for agricultural use as the minimum goal for ensuring a land base necessary to support a viable agriculture industry in the county

WHATCOM COUNTY AGRICULTURAL STRATEGIC PLAN

Planning & Development Services

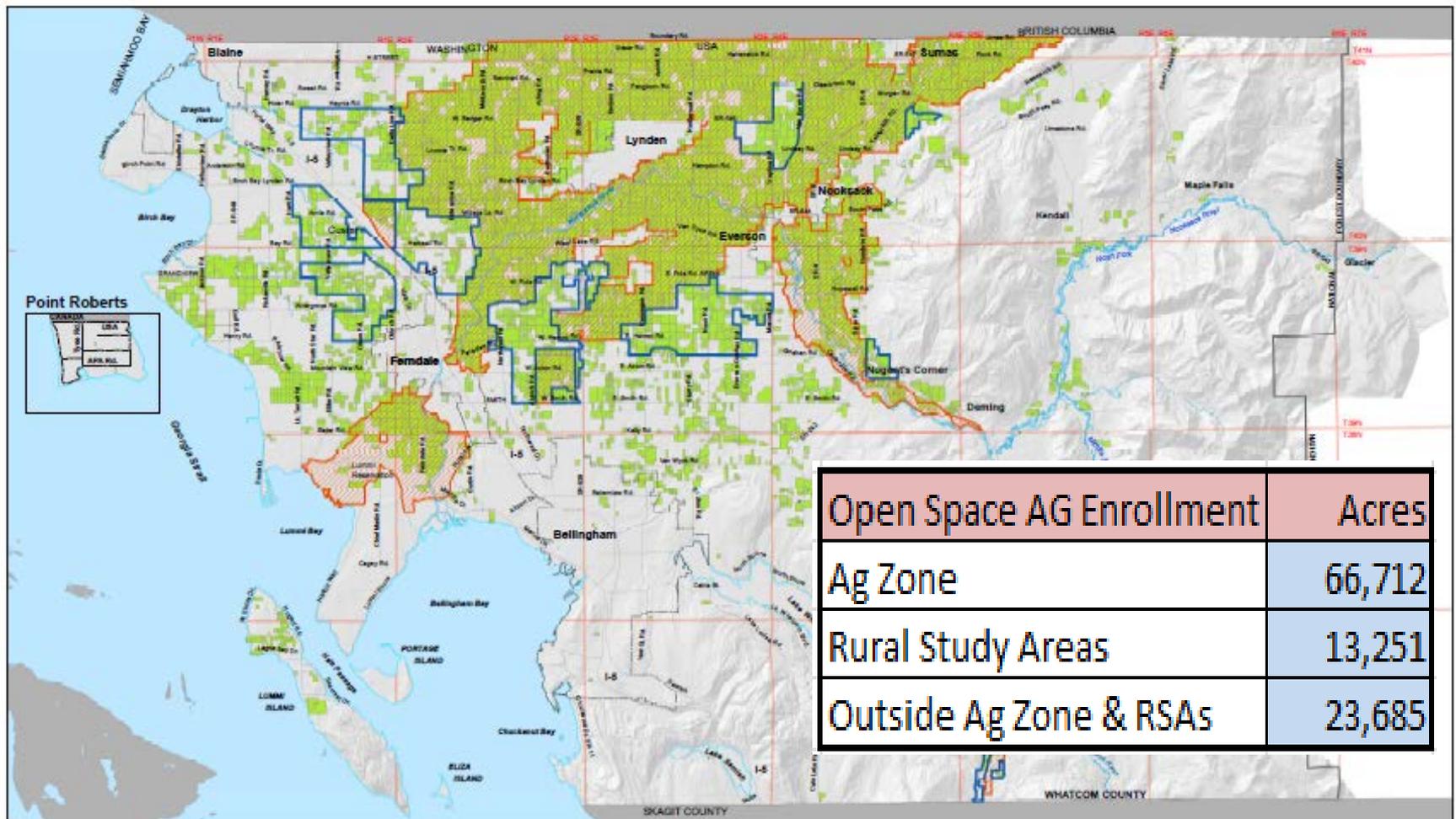
Published May 17, 2011; Re-Published July 27, 2011



- The Agricultural Strategic Plan
 - Resolution 2011-023 has identified the tools available to achieve the 100,000 acre minimum
 - PDR
 - TDR
 - Parcel Reconfiguration
 - Natural Resource Marketplace
 - Farmland Mitigation
 - Right to Farm

Farmland Preservation Approaches

Open Space Taxation Classification



Open Space AG Enrollment	Acres
Ag Zone	66,712
Rural Study Areas	13,251
Outside Ag Zone & RSAs	23,685

Whatcom County
 - Open Space Agriculture
 (Current Use - RCW 84.34)

- Legend**
- Rural Study Areas
 - Agriculture Comp. Plan Designation
 - Current Use Agriculture

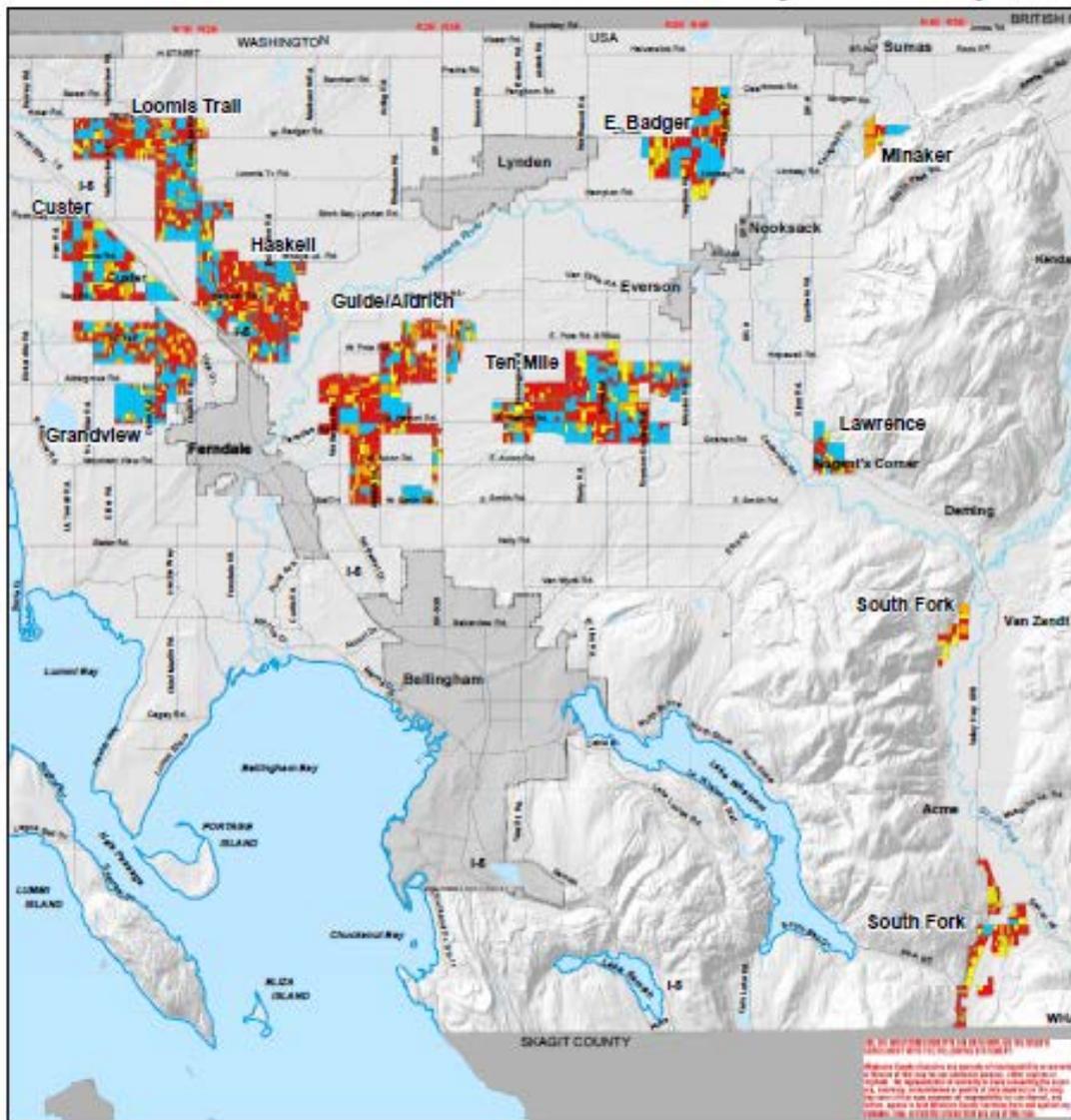
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Whatcom County - Rural Study Areas



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Farmland Preservation Approaches

Purchase of Development Rights

- Voluntary applications
- Sale of remaining development rights on properties with high agricultural value
- 10 acres or greater
- Funded by 50% Conservation Futures dollars and match funded by NRCS ACEP-ALE & RCO WWRP dollars
- Enacts permanent agricultural conservation easements
- Offers the most permanent protection against conversion to non-agricultural uses.

PDR Program Progress To-Date

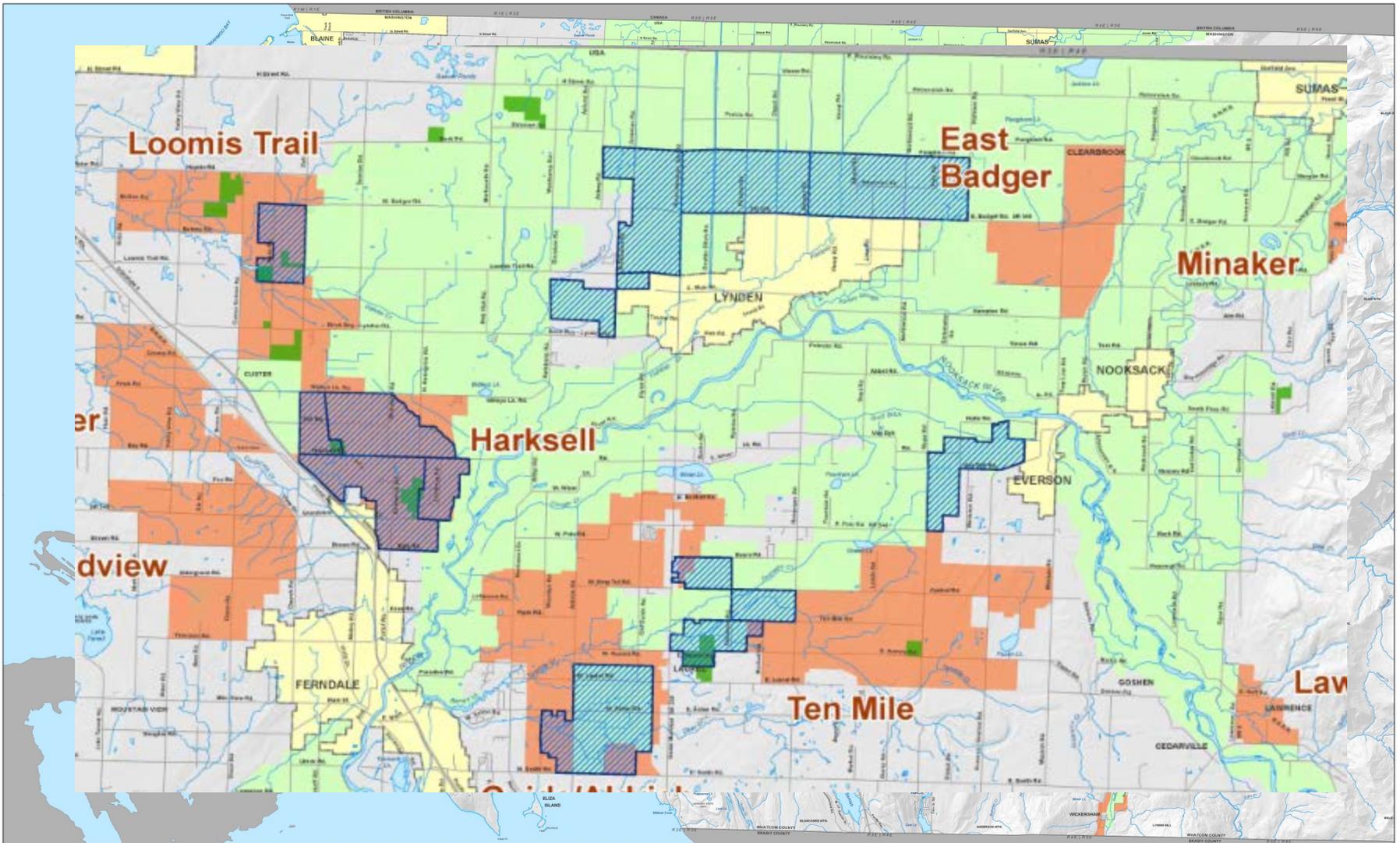
Closing	Zoning	Water Rights?	Property Name	Protected Acres	# of Dev Rights (theoretical)	Cost of Purchase	Match Committed \$	Match Source	Consv Futures Committed \$	WLT Expenses	Closing Expenses	Appraisals	Avg Cost/Ac	Avg Cost/DR
Aug-04	R5A	N	Holz	39.62	7	\$480,000.00	\$240,000.00	USDA	\$240,000.00	\$22,617.93	\$5,521.98	3585	\$6,057.55	\$34,285.71
Feb-05	R5A	N	Gorsegner	39.4	7	\$230,200.00	\$115,100.00	USDA	\$115,100.00	\$12,510.82	\$2,878.49	3000	\$2,921.32	\$16,442.86
Dec-05	R5A	N	Paul Dairy	157	31	\$710,000.00	\$355,000.00	USDA	\$355,000.00	\$31,846.06	\$490.00	3000	\$2,261.15	\$11,451.61
Jun-06	R5A	Partial	Alamwala	91	18	\$1,065,000.00	\$532,500.00	USDA	\$532,500.00	\$45,837.49	\$651.20	4000	\$5,851.65	\$29,583.33
Jun-07	R10A	N	Dickson	39.88	3	\$170,000.00	\$85,000.00	USDA	\$85,000.00	\$10,551.72	\$836.02	4000	\$2,131.39	\$28,333.33
Sep-07	AG	N	Holz II	39.18	2	\$315,000.00	\$157,500.00	USDA	\$157,500.00	\$16,471.72	\$1,100.88	4500	\$4,019.91	\$78,750.00
Sep-07	AG	N	Groen	124.74	2	\$325,000.00	\$162,500.00	USDA	\$162,500.00	\$17,558.84	\$1,117.69	4500	\$1,302.71	\$81,250.00
Jan-08	R5A	Y	Ebe	40.38	8	\$255,000.00	\$127,500.00	USDA	\$127,500.00	\$14,200.00	\$565.21	4500	\$3,157.50	\$15,937.50
Oct-08	R5A	N	Bouchard	19.7	3	\$185,000.00	\$92,500.00	USDA	\$92,500.00	\$11,283.50	\$944.21	4500	\$4,695.43	\$30,833.33
Oct-08	AG	N	Tjoelker	39.1	2	\$260,000.00	\$130,000.00	USDA	\$130,000.00	\$9,892.50	\$491.40	4500	\$3,324.81	\$65,000.00
Oct-08	R5A	N	Bauthues	10.7	1	\$115,000.00	\$57,500.00	USDA	\$57,500.00	\$7,576.11	\$445.43	4500	\$5,373.83	\$57,500.00
Nov-09	R5A	Y	Eldridge	30.5	5	\$310,000.00	\$155,000.00	State RCO	\$155,000.00	\$16,366.53	\$1,152.79	4250	\$5,081.97	\$31,000.00
2011	R5A	Y	Jensen	107	21	\$680,000.00	\$340,000.00	USDA	\$340,000.00	\$30,778.60	\$1,100.00	4250	\$3,177.57	\$16,190.48
2013	R5A	Y	Holz III	36.93	6	\$150,000.00	\$75,000.00	USDA	\$75,000.00				\$2,030.87	\$12,500.00
2013	R5A	Y	Eldridge II	11.25	2	\$70,000.00	\$35,000.00	USDA	\$35,000.00				\$3,111.11	\$17,500.00
2014	R5A	Y	Funk	39.17	7	\$135,000.00	\$67,500.00	USDA	\$67,500.00	\$4,050.00			\$1,723.26	\$9,642.86
TOTALS:				826.38	118	\$ 5,320,200	\$ 2,660,100		\$ 2,660,100	\$247,491.82	\$17,295.30	\$53,085.00	\$3,218.98	\$24,182.73

3 PDR applications are currently being appraised

2 additional applications are awaiting review and approval of our PDR Oversight Committee

All purchases thus far have been funded by 50% Whatcom County Conservation Futures dollars

2014 was the first year where 0 out of 3 of our applications were funded through NRCS farmland protection programs (FFRP & ACEP-ALE)



Whatcom County's Purchase of Development Rights Program 2014

- Purchased Properties
- Agriculture Zone
- PDR Target Areas
- City Limits
- Rural Study Areas

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Farmland Preservation Approaches

PDR ~ **Reverse Auction**

- Perform a mass appraisal to focus more on the small non-conforming lots within the ag zone
- Voluntary program that gives the appraised value as a maximum amount that the County is willing to pay
- Landowners may bid the price they are willing to accept
- Lots targeted for this first experimental round of the reverse auction are parcels approximately 3-15 acres in the Agricultural zone that are legal buildable lots.
- The process should be fully developed by June 2015.

PDR Outreach

General Outreach

- Community Group Presentations
- AgNewsletter
- Agriculture Conference Booth

Targeted Outreach

- Targeted Mailings
- Farmer-hosted Meet & Greet

Community Group Presentations

Presenting the options for Preserving Farmland

- Presentations offer the opportunity to educate the on the threats to farmland and the options for preserving the agricultural land base
- Presentations have been given to
 - Whatcom Farm Bureau
 - Whatcom Cattleman's Association
 - Whatcom Food Network
 - Whatcom Pomona Grange Meeting
 - Agricultural Advisory Committee
 - Other groups scheduled

Ag News

Whatcom County
Planning and
Development Services

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Whatcom County Ag Organizations:

- Washington Red Raspberry Commission
www.wredrasberry.org
 - Washington Seed Potato Commission
www.wseedpotato.com
 - Whatcom County Cattlemen's Association
Contact: Wes Keith
wkeith@comcast.net
 - Whatcom County Dairy Federation
www.wcdairyfederation.org
 - Whatcom County Farm Bureau
www.whatcomfarmbureau.com
 - Whatcom Farm Friends
www.wcfarmfriends.com
 - Sustainable Connections
www.sconnet.org
- Whatcom County Entities Related to Ag:**
- Whatcom Conservation District
www.whatcomcd.org
 - WJL Television
whatcom.wjla.edu
 - USDA Service Center
6875 Roseglen Rd, Lynden

Whatcom County Agriculture: Planning and Development



In 2011 the Agricultural Advisory Committee finalized the Agricultural Strategic Plan that identified priority objectives and tasks that were seen as essential to keeping a thriving agricultural community in Whatcom County. The purpose of the Whatcom County Agricultural Strategic Plan is to describe the role Whatcom County Planning and Development

Issue 2 Fall 2014

Services will play in implementing an agricultural program consistent with County Council Resolution 2009-040 and Comprehensive Plan goals.

The overall objectives of the agricultural program are: 1. To ensure a minimum of 100,000 acres of land are available for agricultural use; 2. To create and maintain strong, clear, concise, and effective land and water programs and regulations that benefit the agricultural industry and are in compliance with state and federal law; 3. To maintain public input and see that the agricultural community has a voice through the AAC and the PDROC; and 4. To effectively measure progress toward and communicate about those objectives.

Visit the Whatcom County webpage for more information on tools for farmland preservation.

www.whatcomcounty.us/pdr/plan/tr/projects/

Right to Farm: Preserving Farmers, Preserving Farmland

Whatcom County is a hotbed of agriculture, boasting over 100,000 acres of active agricultural production (according to 2012 Ag Census), but farmers are still facing various obstacles. Land is becoming difficult to find and even more difficult to afford. Now pathogens and pests threaten harvests and push farmers to continue to evolve their production techniques and crop rotation planning. Prof are slim and the work is never done.

Whatcom County Farmers are resilient and dedicated to their livelihood. In turn, Whatcom County residents can support farmers' continued task of feeding the people, and managing the land, while making a living.

Whatcom County has enacted a Right to Farm ordinance to support the efforts of County farmers. A reminder to all residents in Whatcom County's rural and ag zones: "...You may be subject to inconveniences or discomforts arising from such operations...Whatcom County has determined that the use of real property for agricultural operations is a high priority and favored use and will not consist or be a nuisance those inconveniences or discomforts arising from farm operations, if such operations are consistent with commonly accepted good management practices and otherwise comply with local, state, and federal laws." -Whatcom County Code 14.02.040. Here are some normal farming inconveniences to be aware of in the coming months: Noise from harvesting equipment running all hours. Smells from manure produced by farm animals, and from pesticides, herbicide, and fertilizers or spraying. Also, use caution and watch for large farm equipment, mud, and debris on the roads while driving. Please be a courteous neighbor and help keep Whatcom farming.

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Fall 2014

Ag News

Purchase of Development Rights Program: Protecting Working Farmland from Future Development

What is a PDR?

The Purchase of Development Rights (PDR) involves the sale of a right to develop a piece of agricultural land for residential, commercial, or industrial purposes. PDR is a voluntary program, and landowners who participate in it keep all other rights on their property. Whatcom County will make a cash offer to the landowner for the residential density that the landowner volunteers to sell. The owner may then accept or decline the offer as with other real estate transactions. Once an agreement is reached, a permanent deed restriction is placed on the property which restricts activities that can take place on the land in perpetuity (an agricultural land conservation agreement) and the landowner is paid the agreed upon price. This ensures that the parcel remains in agricultural production or as a natural area available for agriculture now and in the future.

Program Authority

The Purchase of Development Rights program is governed by Chapter 3.25A of the Whatcom County Code. This specifies that private farmland owners may voluntarily apply to sell their development rights through a conservation easement, provided the land is located outside of an established urban growth area and within Rural 5A, Rural 10A, or Agriculture zoned land, and provided it meets any additional eligibility criteria as defined in the PDR Program Guidelines.

How it works

The program guidelines include a set of site criteria that rank applicants higher for prime agricultural soils, size of parcel, active agricultural use, proximity to compatible uses, as well as risk to the land of conversion away from ag use. After applying, there is a process of review, appraisal, and approval that is coordinated between the farmer, the County, the Whatcom Land Trust, and the funding partner (in most cases the USDA-NRCS). There is flexibility in the process but it does take at least one year to complete. Once the agreement is signed and recorded, the farmer retains private ownership of the land, and communicates annually with the Whatcom Land Trust to ensure the terms of the agreement are working well for all parties. The money for the conservation agreement is paid at closing. Any mortgages or liens need to subordinate to the terms of the agreement. Some banks require a portion of the money earned to go towards paying off the mortgage, but each bank is different.

Apply!

If you own property with significant agricultural value and hold remaining development, please consider applying to the PDR program. If you have additional questions about the program or are unsure about the number of development rights you hold, please contact PDR Outreach Coordinator Chris Elder at celder@whatcomcounty.us or at (360)676-6907



Agricultural Advisory Committee and Purchase of Development Rights Oversight Committee Meetings

The Whatcom County Agricultural Advisory Committee (AAC) was created in 2000 and plays an important role in providing review and recommendations to the Whatcom County Council on issues that affect agriculture, as well as providing a forum for farmers and others interested in enhancing and promoting the long-term viability of Whatcom County agriculture.



All AAC meetings are open to the public and the agenda always includes an opportunity for public comment. AAC meetings are held the 2nd Wednesday of each month from 3:30 to 5:30pm at Whatcom County Planning Department's NW Annex. Next AAC Meeting on October 8

The Purchase of Development Rights Oversight Committee (PDROC) was created in 2002 to review all applications to the PDR program and make recommendations to the County Council. The PDR Committee shall also review the Program Guidelines and make recommendations for changes.

All PDR Oversight Committee Meetings are open to the public and always include an opportunity for public comment

PDROC Meetings are held the 4th Friday of each month from 8:30 to 10:00am at Whatcom County Planning Department. Next PDROC Meeting is on October 24



"This ensures that the parcel remains in agricultural production or as a natural area available for agriculture now and in the future."

WASHINGTON SMALL FRUIT CONFERENCE *and* LYNDEN AG SHOW

DECEMBER 4 & 5, 2014
NW WASHINGTON FAIRGROUNDS, LYNDEN, WA



Whatcom County Planning and Development Services Farmland Preservation & Purchase of Development Rights Program



Whatcom County wants to ensure that farmland is available for generations to come and working to meet its farmers to encourage them to keep their land in agriculture.

Apply to sell your remaining development rights at approved fair market value. The cost of development rights has varied between \$11,000 and \$41,000 with an average value of \$26,000. This covers cost to approximately \$1,000 per acre.



WHATCOM COUNTY
Planning & Development Services
5280 Northwest Drive
Bellingham, WA 98226-9097
360-676-6907
360-738-2525 Fax



Chris Elder
PDR Outreach Coordinator
celder@whatcomcounty.us

Dear Potential PDR Applicant,

I am writing to provide you with some information on Whatcom County's Purchase of Development Rights Program. The PDR program exists for the purpose of permanently preserving farmland in Whatcom County and keeping farmers on the land.

In our efforts to permanently preserve farmland we are encouraging property owners such as you to consider selling remaining development rights and enacting agricultural conservation easements on your property. The agricultural conservation easement simply ensures that the property remains farmland and is not developed for residential housing. Through this process property owners are paid market value of their development rights while still retaining full ownership of their property. Property owners still may

I have enclosed the following documents for you to read and consider:

- **Whatcom County Agricultural Strategic Plan**
- **Losing Ground: Farmland Protection in the Puget Sound Region**
- **Whatcom County Purchase of Development Rights Program Manual**
- **PDR Application**

I would like to encourage you to consider applying to the program. Your application will allow us to collect information on your parcel such as soil type, proximity to other conservation easements, parcel size, number of remaining development rights, etc. With this information we can review your property with the PDR Oversight Committee and then rank your property according to our program criteria and other applicant properties. The application simply confirms your interest in the program and can be withdrawn at a later date should you decide that the program does not fulfill your needs or expectations.

I am available during the week to answer any questions and would be happy to meet with you in person either here at Planning and Development Services or at your farm. Don't hesitate to contact me with any questions or concerns.

Thank you and I'll look forward to talking with you in the future,



Thank you

Chris Elder
PDR Outreach Coordinator