WV Farmland Protection

A Grassroots Effort

- Begun in 1999 by a citizens group in the Eastern Panhandle
- Legislation passed unanimously in the WV legislature in 2000; funding for county farmland protection boards passed in 2002
- Funding at the state level passed in 2008
Why in West Virginia?

Goals of the WV Farmland Protection Programs

• Control urban expansion

• Protect agricultural land and woodland

• Protect worthwhile community values, institutions and landscapes which are inseparably associated with traditional farming

• The conservation easement is PERPETUAL

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How the Farmland Protection Programs Work

• Landowners VOLUNTARILY participate in the program

• The county board or WV Agricultural Authority acquires the development rights from the landowner through a Deed of Conservation Easement

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WV Has a Two-tier System

• County level— each county may opt in and create a farmland protection board (FPB); the earliest FPBs were created in 2000

• State level– the West Virginia Agricultural Land Protection Authority covers the entire state

• The county and the state efforts are parallel and supportive efforts

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How Does a County Get Started?

- The County Commission creates a Farmland Protection Board through a simple majority vote

- 7-Member Board
  - 1 – Resident Farmer that is a member of the County Farm Bureau
  - 1 – Resident Farmer that is a member of the Soil Conservation District
  - 1 – Resident Farmer
  - 2 – County Residents that are not described by the other groups
  - 1 - The Executive Director of the County Development Authority
  - 1 – County Commissioner (Nonvoting)

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WV Agricultural Authority

- 12-member board – appointed by Governor, confirmed by Senate

- Can operate in any of WV’s 55 counties – currently landowners in non-FPB counties may apply to the state

- Authority has used over 96 percent of its money to assist FPBs:
  - Landowner applicants are to county FPBs
  - Authority co-holds easement

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WV Code Parameters

- Relative weight of ranking criteria is left to the county on 7 factors defined in the WV Code

- Farmland is defined broadly

- The County Commission must approve all recommended purchases (county level)

- Require appraisal (Yellow Book)

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Definition of Farmland

Farmland is a tract, or contiguous tracts of land, of any size, used OR USABLE for agriculture, horticulture or grazing and includes all real property designated as wetlands . . .

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Forestland Counts!

Woodland shall be considered land of a farm only if it is part of or appurtenant to a tract of land which is a farm, or held by common ownership of a person or entity owning a farm...
Yes . . . We have this

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. . . But we also have this
How are the Programs Funded?

• Sustained funding is from a real estate transfer tax of up to $2.20 per $1,000 of real estate transfers where the counties may ‘opt in’

• This tax is imposed by a majority vote of the County Commission—does not go to voter referendum

• WV Agricultural Authority funding is from a court house recordation fee

How is Our Funding Secure?

• Economic times are causing budget cuts

• Farmland protection is often one of the first programs to feel the effects

• WV Farmland protection funding may not be used for other purposes
Federal Matching Funds

- 70 percent of our local/state dollars are matched with a Federal dollar

- Funding comes from:
  - USDA-NRCS FRPP Program
  - Park Service – Battlefield Protection Program
Single Point Agreement

- Authority acts as the “Single Point” in obtaining and moving FRPP monies between projects and county programs when needed

- Authority signs on easements as a “co-holder” whenever it has contributed state monies
Estimated Annual Dollars—Land Protection

• $3.0 – 5.0 million  County transfer tax

• $800,000 WV Agricultural Land Protection Authority

• $1.8 – 5.0 million  Federal match

• Total acres funded/donated: 21,330 acres

What Does this Add up to?

• $49 million back into the lands of landowners

• Protection of 21,000 acres of farmland and forestland

• No local/state debt for farmland protection
  • no bonding
  • no IPAs
Orchards in the Eastern Panhandle Protected

Land Available for Future Generations
Tourism Enhanced Through Land Protection

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Landowners Protect Their Land for Their Children and Heirs

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A Good Balance:

- Local programs can tailor-design a program to fit their circumstances.
- Local desire for state and Federal matching funds ensures most significant farmland is protected.

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