

Municipal Open Space Funding Option

Case Study: Jefferson County, West Virginia

In 2002 the West Virginia legislature passed the Voluntary Farmland Protection Act, which allows every county in the State which has formed a Farmland Protection Program to fund farmland conservation by means of a county transfer fee of up to 0.22 % on buyers of real estate.¹ As of November 2017, **Farmland Protection Programs in 21 counties in WV are using the fee to fund the acquisition of the development rights (easements) on a total of 26,242 acres of agricultural lands**, with many farms currently in negotiation.²

Jefferson County, the easternmost county in West Virginia, is in the beautiful Shenandoah Valley, famous for civil war battles, John Denver's song "Take Me Home, Country Roads," and Punxsatawny Phil. Half of the 200-square-mile area is considered farmland (mountain ridges are excluded). Its population of 44,000, with a median household income of \$56,000, is concentrated in several small cities and dozens of small villages.³ Development pressure on the County stems in part to its location 66 miles northwest of Washington, DC.

Jefferson County was one of the first in West Virginia to take advantage of the option to place a transfer fee on real estate conveyances. **To date, 4028 acres (40 farms) have been protected from development in perpetuity by the Jefferson County Farmland Protection Board**, using \$14 million in funds from the transfer fees augmented by partnerships with the USDA, historic preservation groups, and donations of land and cash from individuals and foundations.⁴ An excellent website for the Board is found at <http://jefferson.wvfp.org> and provides a link to its ambitious 2017 program.

Note that this program is only for farmland protection, on farms over 20 acres in size. Farms usually include a variety of wildlife habitats, but other organizations are required to protect open space in county areas with habitats that primarily have non-farmland soil types (including steep slopes, rock outcrops and wetlands). Agencies devoted to historic preservation, on the other hand, have provided additional funding support for preserving farms on historic battlegrounds. This is important for protecting the tourist industry, which is an important economic engine in the county.

A realtor at Pearson Smith Realty said the housing market is currently strong in Jefferson County, after a difficult time in the recession, especially when gas prices were high (affecting commuters to the Washington DC area). He feels **there is no significant impact on the market from the transfer fee**. Land values have steadily increased recently, and the beauty of the farms preserved is a major selling asset for realtors attracting buyers to the area.

¹ Voluntary Farmland Protection Act, WV Code §8A-12-1 et seq, 2000

² "Yearly Statistics." West Virginia Farmland Protection, 2016, wvfp.org/about/statistics/#.WnIeGq6nGM8.

³ "QuickFacts Jefferson County, West Virginia." United States Census Bureau, 1 July 2016, quickfacts.census.gov/qfd/states/00000.html.

⁴ "Jefferson County's Protected Farmland Grows to 4,028 Acres with 40th Farm." Jefferson County Farmland Protection Board, 19 Aug. 2014, jefferson.wvfp.org/2014/08/20/jefferson-countys-protected-farmland-increases-4028-acres-40th-farm/#.WnIj3q6nGM8.