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Scott Terrell / Skagit Valley Herald

A cultivated field as seen from Best Road near La Conner looking north receives a sprinkling in May.

County plans new transfer of development rights program

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MOUNT VERNON — Skagit County could soon see more natural resource lands conserved if a program to relocate growth from such lands to more urban areas is implemented.

The county is studying a market-based transfer of development rights program, which would allow individuals to purchase development rights on natural resource lands in exchange for development incentives in areas where growth better fits.

A developer would be able to buy a development right from a county-designated “sending area,” which would most likely be made up of forest lands, ag lands, timber lands and scenic lands. A conservation easement would then be placed on the natural resource land, meaning it would be preserved and could never be developed.

The developer who purchased the right could then use it in a designated “receiving area,” where growth is desirable, for a building incentive, often to build to a higher density.

A transfer of development rights program is just another tool in the toolbox to conserve lands and plan growth in specific areas, said county senior planner Kirk Johnson.

He emphasized that the program

would be voluntary — no one would be forced to give up a development right.

It differs from the existing Farmland Legacy Program because a transfer program would take place with private funds — a developer would pay a landowner to buy the landowner’s development right. Farmland Legacy is done with public funds.

Johnson said a limited number of public funds are available because no one wants taxes raised, and federal and state funding for such programs has been reduced.

Farmland Legacy only deals with ag land, but a transfer program could be open to other types of natural resource lands.

Johnson said he has heard some concern from the ag community about whether a transfer program could hurt Farmland Legacy.

But Farmland Legacy Program Director Kendra Smith said it’s important to have options to protect farmland, and the county is studying the transfer to make sure it won’t harm the existing program.

A transfer program would not conflict with Farmland Legacy, said Allen Rozema, executive director of Skagitians to Preserve Farmland, which has partnered with Farmland Legacy Program to purchase conservation easements.

It could help facilitate the removal of development rights from high-risk flood areas into areas better suited for development, he said, as well as protect watersheds.

A transfer program will work best if there is a market for it and if developers want to build and are looking for more resources to do so. The county has been working with a consultant to conduct market research to see when and where it may work.

The county wouldn’t be directly involved in the individual transfers, but would designate sending and receiving areas, implement conservation easements and grant development certifications after developers and landowners agreed on a price.

The county would also designate what incentives would be available to developers based on how many development rights are conserved.

Such a program would work best if the county partnered with surrounding cities, Johnson said, where higher-density growth is generally more desirable. Conservation easements could be put on parts of the cities’ unincorporated urban growth areas, and higher densities moved within city limits.

The challenge would be gaining interest in cities other than Burlington, which has a density credit program to provide development incentives.

Mount Vernon has an existing transfer of development rights program and isn’t interested in the countywide effort said Jana Hanson, director of community and economic development for the city.

The city has hundreds of designated development rights waiting to be conserved, and the city council has limited the ability to use the rights, she said.

Hanson said no activity has taken place recently, but it was popular in 2005 and 2006 when the housing market was hot.

If the county puts a program in place now, even if it’s not used for awhile, it will still exist if development picks up in the future, Smith said. That way, when development pressures come, a system will already be in place to protect land from sprawl, she said.

County officials will meet with forestry, ag and developer focus groups next month to discuss the proposal. Johnson said one of the big hurdles is making the program understandable to the public.

But Rozema thinks it may be worth it to protect natural resource lands.

“Is it complicated? Yes,” he said. “But is it scary and should we run from it? No.”

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