

SOME CONSIDERATIONS WHEN BUYING AGRICULTURAL LAND

Lifestyle

Rural living is a lifestyle decision to which the benefits will far outlast any drawbacks. Having said that I would also add...rural living is nothing like living in the suburbs or the city. The transition for some can be a difficult one. Fantasies about living a peaceful, independent, existence in the country, far from the maddening crowds, can soon turn to feelings of isolation and hardship. Many people buy rural property on a weekend binge or because it's the trendy thing to do. Deliberation and exploration should be made before packing up the wagon and heading out to the prairie.

County governments do not provide the same level of service such as those in the city. Those who move to get away from urban problems soon discover they no longer have the same conveniences that living in the city provides. The transition can be educational to say the least.

One can become very disillusioned with the hard work that comes with rural property ownership. Sometimes getting to work in the morning will mean rising before the sun to clear out a 500 foot drive way after a major snow storm. And in some cases not being able to get to work at all because the small county you live in only has two snowplows, which are not scheduled to dig you out for three days.

Legal Considerations

Prospective buyers of land are strongly advised to carefully inspect the property and make appropriate inquiries to determine whether there are any current or potential problems which could affect the use of the land for their intended purposes. Drawing up of a contract to protect a buyer from an unscrupulous seller should be considered.

Included in the contract should be the purchaser's intended use of the land. The contract should contain provisions, which enable it to be terminated if you find out, or tests reveal unacceptable residue or disease problems. Written answers to key questions should be sought from the seller.

Chemical Residues

The presence of chemical residues in animal and plant products can have a major impact on their marketability. Community sensitivity and market resistance to residues are increasing. The residues of major concern to land purchasers are those which persist in soil for prolonged periods (years or even decades). Polychlorinated biphenyls (PCBs) which were used in transformers and hydraulics, can leak and leave hot spots of contamination. Residues arising from the recent use of other chemicals can occur in animals and plants and persist for variable periods.

Buyers should inspect the property for evidence of potential sites of residual contamination, such as pesticide storage sheds, used drums or disposal sites; buildings, garbage dumps; or abandoned transformers and hydraulic equipment. They should also inquire about current and past agricultural practices on the property and in the area, such as intensive vegetable, fruit, or tree farming, which could increase the risk of soil residues. Soil can be tested for specified residues.

Livestock Issues

Some livestock diseases can persist on contaminated land even when the property is de-stocked when sold. Again find out the history of a site before investing. Land that has been overgrazed can take years to return to its natural state. Land striped bare of vegetation can be highly eroded. Horses, sheep, and cattle allowed to graze too long on a particular piece of land can do irreparable damage to the ground. Proper management in the past and future can effect the worth of the property. There are many new land management techniques that maintain a proper balance no matter how small the acreage. Agricultural extension offices offer free information and advise as how to best utilize land in regards to livestock.

Plant Diseases and Pests

Land purchasers who intend operating a horticultural or cropping enterprise should make themselves aware of relevant disease and pest problems, protection zones, and regulations which apply in that county. The disease/pest history and current status of the property should be sought from the seller.

Noxious Weeds

Find out if the parcel of land you're interested in has noxious weeds on it. A guide to common noxious weeds is available through the Walla Walla Weed Board or your County Extension office. If you buy a weed infested site you assume responsibility for those weeds, control of which can be quite expensive and legally binding.

Walla Walla Weed Board Policy

The policy of the Walla Walla Noxious Weed Control Board is to assist all county residents in promoting good land stewardship while meeting state and county laws. State law requires the Weed Board to inventory noxious weeds in the county, administer county weed board programs, and respond to weed complaints.

It is the goal of the Weed Board to assist all county lands, private and public, in effective noxious weed control. The Board believes education and cooperative assistance to be the most effective tools to achieve this goal. Early detection of new invasive species is an integral part of this program. The Board will supply weed identification for anyone having that need. Control work may be accomplished by good cultivation practices, use of herbicides, or other means desired by the landowner. The Board also encourages and supports the use of biological agents

to reduce the populations of certain noxious weeds. Maintaining the bioagents in sufficient numbers to be effective on the host plant is a high priority with the Weed Board. Control means to prevent all seed production for all noxious weeds and the dispersal of the following propagules of aquatic noxious weeds – turions, fragments, tubers, and nutlets.

For more information, contact Dave Maiden at 524-2688 or weedsww@co.walla-walla.wa.us

Noxious Animals and Insects

The prospective purchaser should also inspect the property for signs of noxious animal and insect activity, and ask the current owner about any pest problems they experience.

Other Conditions of Land Use

There are a number of other factors, which could affect people buying agricultural land. Many farming industries are subject to licensing and other legal requirements. People must familiarize themselves with these requirements before engaging in an agricultural enterprise.

Land Use Planning

There are many features of agricultural land which may not be governed by legislation but which can significantly affect the land's suitability, productivity, amenity, and value. These include natural features such as topography, climate, soils, water availability, and natural vegetation. Infrastructure and other improvements such as road access, sheds, yards, fences, water and power supply, established horticulture, and overall farm layout are also important.

The viability of any proposed agricultural enterprise or pursuit should be closely examined before land is bought with that purpose in mind. Marketing, enterprise requirements, farm planning, farming techniques, and business management should all be looked into.

If You Are Looking For a Rural Lot on which to Build, Take the Following Precautions:

1. Check with the county planning board to determine what type of development is planned in the area.
2. Determine if there are oil or gas leases on the property.
3. Determine what utilities (gas, electric, cable, water and sewer) will service the property.
4. Ask the owner if a percolation test has been done for a sewage disposal system. If not, have a percolation test contingency clause inserted in the contract of sale. The cost of fill may be prohibitive.
5. Check with the county building or zoning department to find out what building and other permits are required and the zoning requirements that will have to be satisfied--minimum square footage, minimum lot size, and minimum frontage.
6. Check to see if the property is in a flood zone.
7. Determine whether state, county, or local subdivision regulations have been met.
8. Make sure that the contract of sale indicates the lot's dimensions and size. The contract should also require the seller to have the lot staked by a surveyor.

9. Check for signs of hazardous waste dumping by having an environmental study done.
10. If public water is not available, obtain an estimate from a well digger.
11. Insert a contract provision stating that the contract is subject to your attorney's approval as to form and content.

Conclusion

The buyer must be aware of and fully assess the suitability of a rural property for its intended purpose. This can include features which might not be readily evident; which the seller is not legally obliged to disclose; and which routine inquiries might not uncover. Other government agencies exercising control over land use should also be contacted before purchase to clarify any relevant matters.

Ultimately, it is up to the purchaser and his/her agent to carefully inspect the property, examine the contract, and ask the right questions.

RESOURCES

For questions concerning water quality and wells:

Walla Walla County Health Department

310 West Poplar

Walla Walla, WA 99362

Phone: (509) 524-2662

For questions concerning well logs or to find out what the wells in a particular area produce:

The Department of Ecology

4601 N Monroe

Spokane WA 99205

Phone: (509)329-3446

MASTER GARDENER PLANT CLINIC

WSU Extension office

328 West Poplar

Walla Walla, WA 99362

(509) 524-2685

HOURS: Tuesdays and Thursdays, 9:00 a.m. to 11:00 a.m. and 1:00 p.m. to 3:00 p.m. April through October

Land Use Regulations (County)

County Planning Dept., 310 West Poplar, Walla Walla, WA 99362

(509) 524-2610

County Watershed Planning Dept., WWCC Water & Environmental Center Bldg.
500 Tausick Way, Walla Walla, WA 99362 (509) 524-5206
www.wallawallawatershed.org

County Code Enforcement Complaints (509) 524-2610

County Burn Permits (509) 524-2629

Adapted from Don Dysart. For more information, contact WSU Extension, (509) 524-2685 or email John Fouts fouts@wsu.edu

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