



Center for Land Use Education

THE LAND USE TRACKER

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The Wisconsin Department of Transportation recently released a new publication called "A Guide for Community Planning in Interchange Areas" (2007), available at: www.dot.wisconsin.gov/localgov/land/interchange.htm

GROWING WISCONSIN: A WORKSHOP ON HOW TO SUSTAIN OUR WORKING LANDS

By Rebecca Roberts, Land Use Specialist

The University of Wisconsin-Extension and the Wisconsin Department of Agriculture, Trade and Consumer Protection recently partnered to host a series of one-day educational workshops focused on sustaining Wisconsin's working lands. The workshops were held February 26-28, 2007 in three locations across the state, including Menomonie, Kimberly and Oconomowoc. In total, over 600 people attended the workshops representing 57 of 72 counties. Participants included farmers, land owners, planners, attorneys, developers, real estate professionals, local and state officials, and interested citizens.

The objectives of the workshops were to:

- Increase understanding of how to protect working lands through the use of voluntary programs such as purchase or transfer of development rights;
- Increase knowledge of the necessary steps to take at the local and state level to implement these programs;
- Create a network of individuals and organizations interested in a continued discussion of innovative agriculture development implementation tools; and
- Showcase Wisconsin examples of local leadership in addressing land use and agriculture issues.

The workshops provided attendees with an opportunity to learn from local and national leaders in protecting working lands. Featured speakers included Rod Nilsestuen, Wisconsin Secretary of Agriculture, Trade, and Consumer Protection; Gene Garber, Farmer and Chairman of the Lancaster County,

Pennsylvania Agricultural Preserve Board; Ralph Robertson, Farmer and Program Manager, Carroll County, Maryland Agriculture Preservation Program; and Scott Everett, American Farmland Trust Great Lakes Regional Director. In addition, university researchers and local leaders from each of the three workshop regions were invited to showcase innovative approaches to land use planning and agricultural protection taking place around the State.

This edition of the Land Use Tracker takes a closer look at some of the programs and ideas highlighted during the 3-day workshops. The article on page 3 describes the Wisconsin Working Lands Initiative spearheaded by the Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP). Page 5 features a question and answer session with Ralph Robertson and Gene Garber discussing successful purchase of development rights programs from Maryland and Pennsylvania. Page 7 focuses on local and state steps to implement a purchase or transfer of development rights program as recommended by Scott Everett. Pages 9-11 focus on local efforts to protect working lands that were highlighted during the three regional workshops.

Presentations from the Growing Wisconsin workshops, will be available on the Center for Land Use Education website at: www.uwsp.edu/cnr/landcenter/growingwisconsin/index.html



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CALENDAR OF EVENTS**WISCONSIN CHAPTER OF THE AMERICAN PLANNING ASSOCIATION
2007 CONFERENCE**

March 15-16, 2007 – Midwest Airlines Center, Milwaukee, WI
www.wisconsinplanners.org/events/events.htm

INTERNATIONAL ASSOCIATION OF PUBLIC PARTICIPATION (IAP2) TRAINING

March 26-29, 2007 – Minneapolis-St. Paul, MN
www.iap2.org/calendar.cfm

**LOCAL LAND USE PLANNING AND ZONING WisLINE TELECONFERENCE
“RECENT CASE LAW”**

March 28, 2007 – WisLine Teleconference #1744-5, 10:30 – 11:50 a.m.
www.uwex.edu/lgc/program/pdf/LandUse0607.pdf or call 608-262-0810

WISCONSIN COUNTY CODE ADMINISTRATORS SPRING CONFERENCE

March 29-30, 2007 – Stoney Creek Inn, Wausau, WI
www.wccadm.com

AMERICAN PLANNING ASSOCIATION 2007 NATIONAL CONFERENCE

April 14-18, 2007 – Philadelphia, PA
www.planning.org/2007conference/

**NAT’L ASSOC. OF COMMUNITY DEV. EXTENSION PROFESSIONALS CONF.
“DECLARATION OF INTERDEPENDENCE: THE FABRIC OF COMMUNITY”**

April 16-19, 2007 – Philadelphia, PA
<http://nacdep.net>

**GREEN TIER: SUPPORTING BUSINESS FOR LOCAL ECONOMIC AND
ENVIRONMENTAL DEVELOPMENT**

April 18, 2007 – WisLine Teleconference #1744-6, 10:30 – 11:50 a.m.
www.uwex.edu/lgc/program/pdf/LandUse0607.pdf or call 608-262-0810

29TH ANNUAL WISCONSIN LAKES CONVENTION

April 26-28, 2007 – KI Convention Center, Green Bay, WI
www.uwsp.edu/cnr/uwexplakes/conventions/default.asp

MIDWEST LAND CONSERVATION CONFERENCE

April 26-28, 2007 – Crowne Plaza Hotel, Indianapolis, IN
www.lta.org/training/lct_mw.htm

FUTURE OF FARMING AND RURAL LIFE STATEWIDE CONFERENCE

May 14-15, 2007 – Monona Terrace, Madison, WI
www.wisconsinacademy.org/idea

WISCONSIN WORKING LANDS INITIATIVE

Compiled by Rebecca Roberts

The Working Lands Initiative is an effort of the Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP) to examine new strategies for protecting Wisconsin's working lands as a vital component of the state's economy. The Initiative seeks to foster innovative partnerships among public and private entities and develop a policy toolkit for state and local governments to protect working lands for agriculture, forestry, tourism and recreational use. Recommendations from an August 2006 Wisconsin Working Lands Initiative Report were discussed during the conference and are reprinted below.

The Challenge

Wisconsin is at a turning point. The extensive farmland that established our character as the dairy state is rapidly disappearing to development in many parts of the state. The forested lands that built our paper and recreation industries are being sold as small, private lots. These changes are essentially irreversible, and are accelerating.

However, they are not inevitable results of economic growth and population increases. On the contrary, it is the way we choose to use our lands that leads to these losses. We can markedly improve our economic growth, public services, and quality of life by using our lands more wisely and by helping the agricultural industry increase farm profitability. It is easier to protect farmland when the farm operations on the land are profitable.

Surveys of Wisconsin citizens show that high percentages of citizens favor protection of farm and forestlands and preservation of the rural character of their towns and counties. We are in danger of missing an important opportunity to shape the future of Wisconsin. Working lands remain central to the economic growth of the state, to our quality of life, and to the environment. However, we have allowed our policy tools to become outdated and underpowered.

In the 1970s, Wisconsin was a national leader in farmland preservation when it enacted the Farmland Preservation Program. Since then, Wisconsin has changed markedly. Our working lands toolkit has not. As a result, landowners, local governments, and state policy makers are not able to take the actions necessary to capitalize on the opportunities offered by working lands and to avert the threats to working lands.

Managing Growth

The issue is not should we grow; the issue is how should we grow. The Wisconsin economy benefits from smart growth in housing and commercial building. Our goal is to find new approaches to planning and zoning, and policies that promote residential and commercial development while also preventing the further loss and fragmentation of Wisconsin working lands.

The Threats

Wisconsin working lands face many threats, which will continue for the foreseeable future.

- Wisconsin's population continues to grow.
- Economic trends in international trade, forestry, and agriculture are reducing the profitability of working lands.
- Housing density is decreasing.
- Zoning classifications and minimum lot sizes are fostering conversion of working lands.
- Total agricultural land is declining and remaining land is fragmenting.
- Forested land is being fragmented and parcelized for recreational and other uses.
- The workforces in agriculture and forestry are aging.
- Land prices are rising rapidly.
- The economic infrastructure necessary for agriculture and forestry is declining.

Recommendations for Action

The Working Lands Initiative Steering Committee recommends the following package of new and updated tools to protect and enhance working lands:

- Update the existing Farmland

Wisconsin's working lands are used for agriculture, forestry, tourism and recreation.



Photo: Land Information and Computer Graphics Facility



Photo: USEPA Great Lakes National Program Office



Photo: Wisconsin Department of Tourism





Pictured from left to right are featured speakers Rod Nilsestuen, Gene Garber, Ralph Robertson, and Scott Everett.



Roundtable discussions at the workshops enabled participants to network and brainstorm ideas for local implementation

Photos: Eric Olson, CLUE

Preservation Program to improve agricultural planning and zoning, increase tax credits, and improve the flexibility of local governments to administer the program;

- Create a new Working Lands Enterprise Areas program to foster clustering of active farms and slow farmland conversion, while providing incentives to promote environmental sustainability;
- Create a new state Purchase of Development Rights grant program to permanently preserve selected properties, working in partnership with local governments and organizations;
- Create a beginning farmer and logger program to improve farm viability and recruit and train the next generation of farmers and loggers;
- Support the Wisconsin Professional Loggers Association's programs that promote the current and encourage the next generation of loggers;
- Promote opportunities to increase non-agricultural development density and quality of life, using land more efficiently and reducing demand for conversion of working lands;
- Improve state leadership in working lands preservation to set statewide

priorities and provide technical resources and assistance to local governments;

- Create a new education and outreach program to help local governments implement working lands programs and increase public understanding and support of programs;
- Create a new public/private organization to promote agricultural entrepreneurship and regional initiatives, and strengthen the state's existing programs that offer grants and technical assistance to farmers; and
- Endorse various Department of Natural Resources programs and pilot programs that are addressing forestry and public lands issues. These include the Forest Legacy Program and Managed Forest Law, the Healthy Forests Initiative, and the Land Legacy Program.

For More Information

This article was excerpted from an August 2006, Wisconsin Working Lands Initiative Steering Committee Report. To obtain a copy of the report and other materials, please visit the Working Lands Initiative website at: www.datcp.state.wi.us/workinglands/index.jsp



WHY SHOULD WE PROTECT WISCONSIN'S WORKING LANDS?

- Wisconsin is losing 30,000 acres of farmland per year, roughly equivalent to one and a half townships per year.
- We are seeing an increase in rural fragmentation with more parcels created in the size of 5-10 acres. These parcels are "too small to farm, but too large to mow."
- 51% of farmland is owned by farmers age 55+.
- Nearly ½ of all farmland is rented from a non-farmer.
- The value of farmland sold for development (\$4,728 per acre) is higher and rising faster than the value of farmland sold for continued agricultural use (\$3,283 per acre).
- The agriculture and food industry is a \$51 billion sector, and historically the most stable industry in the state.
- The forest products industry is the second largest manufacturing employer in the state, translating into 15 percent of the state's total manufacturing wage and salary income.
- Wisconsin has one-half the forestry base of Minnesota but generates two and a half times the economic impact from forestry.
- Agriculture and forest land provide benefits to the environment through stormwater retention, flood control, groundwater recharge, and wildlife habitat.

Compiled from remarks by Rod Nilsestuen and Scott Everett.



GARBER AND ROBERTSON: FREQUENTLY ASKED QUESTIONS

By Michael Koles, Waupaca County UWEX Community Development Educator

During the workshop plenary sessions with Gene Garber, farmer and chair of the Lancaster County (Pennsylvania) Agricultural Preserve Board, and Ralph Robertson, Program Manager of the Carroll County (Maryland) Agricultural Land Preservation Program, many provocative questions were asked. As anticipated, the number, depth, and breadth of questions for these two individuals was so great, that two breakout sessions consisting of straight Q & A with Garber and Robertson were well attended and rich with insightful inquiry. Throughout the three days, a pattern of questions was noticeable. Following is a synopsis of several of the most frequently asked questions.

What are the fundamental pieces necessary to develop a purchase of development rights (PDR) program?

During the program Ralph Robertson plainly said, “without a plan you can go nowhere.” Communities must have a goal that they aim to achieve. In Carroll County, Maryland, a primary goal is permanent preservation of 100,000 acres of agriculture land. This goal is supported by a land use plan that targets urban development toward areas where urban infrastructure exists or will soon be in place (e.g., water, sewer, roads, parks, schools), and focuses agricultural development where rural infrastructure exists (e.g., most productive farmland, suppliers, processors, markets). These mostly objective characteristics form the foundation for developing both urban and agriculture development zones. These zones are supported through zoning. In the agriculture zone, housing is limited to a density of one lot per 20 acres of land. PDR cannot exist without the foundational mechanisms of planning and low density zoning in the agriculture area and high density zoning in the urban area.

Gene Garber added that leadership and education are critical. In Lancaster County, Pennsylvania, Amos Funk, a gentleman now in his 90s, led the charge in the 1970s, 80s, and early 90s despite harsh criticism. Today, they are writing

books about him. According to Garber, “without strong leadership at the state and local level willing to stand up to the plate, and sometimes take one for the team, you can go nowhere.”

What makes these programs so popular among the agriculture industry?

“It’s a win-win solution. It’s not quite that simple, but that’s a primary reason,” stated Robertson. Wisconsin has historically relied on zoning as the driving land use regulatory mechanism. Though an effective tool, it typically creates a win-lose scenario. Take for example, the expanding farmer vs. retiring farmer clash. If zoning allows non-farm development, the expanding farmer feels he or she has lost. If non-farm development is prevented, the retiring farmer feels he or she has lost. PDR creates a win-win solution. The expanding farmer is not impeded by incompatible uses, while the retiring farmer obtains cash equity for retirement via the sale of development rights and still retains ownership and control of his or her property.

Garber added that a sufficient and consistent investment of dollars is necessary to gain farmer buy-in. According to Gene, “Nobody wants to be one of only a handful of preserved farms. Part of the attraction to the program is created because you know you are part of a large, contiguous block of preserved land that will not be developed. And, you know there are enough acres preserved in an area so that the implement dealer, the coop, etc. will always be nearby.” Robertson supported these comments and explained that their goal of preserving 100,000 acres is the amount they feel is necessary to preserve the agriculture infrastructure in the county.

How successful are the PDR programs in Carroll County, MD and Lancaster County, PA?

Carroll County adopted its Master Plan (Wisconsin calls this a comprehensive plan) in 1973. The type of zoning

Purchase of Development Rights (PDR) – A voluntary program with the intent of permanently protecting productive, sensitive, or aesthetic landscapes. In this program, a landowner sells the development rights of a parcel of land to a public agency, land trust or unit of government. A conservation easement is recorded on the title of the property that limits the right to subdivide or use the land for specific purposes. Landowners retain all other rights and responsibilities associated with the land and can use or sell it for purposes allowed in the easement.



PDR programs have been used to preserve 50,000 acres of farmland in Carroll County, MD (pictured below), and 70,000 acres in Lancaster County, PA.



Photos: Tim McCabe, USDA

required for PDR to be successful was adopted in 1978, placing 188,000 acres in the Agriculture District. Since being formed in 1979, the Agricultural Land Preservation Program has spent \$95 million (\$55m county, \$39m state, \$1m federal) to preserve 50,000 acres. Lancaster County, which is the most successful county in the United States, has preserved over 70,000 acres at a cost of \$149 million (\$75m county, \$72m state, \$2m federal).

Where do you get the money to do this?

Gene and Ralph suggested Wisconsin shouldn't even begin to address this question because the foundational components (i.e., planning, zoning, education, and leadership) need to be much more mature than they are in most cases right now; however, they did list the funding mechanisms used in their states and communities. These include: real estate transfer tax, agriculture land transfer tax (a tax on the conversion of land out of agriculture), property tax, cigarette tax, landfill tipping fees, and bonding. They both agreed that you either pay for preservation of the agricultural economy now or you pay for a lost agricultural economy later. In Wisconsin, agriculture is a \$51 billion industry.

What is the value of a development right?

The value of a development right is the difference between the fair market value of the land and the easement restricted value of the land. The actual dollar

value, of course, varies depending upon the real estate market and any special considerations made during the easement negotiation process. For example, inclusion of a son or daughter lot on the property would decrease the value of the development rights on the property. In Carroll County, which contains a much different real estate market than much of Wisconsin, a development right averaged \$6,300 per acre in 2006.

Although the dollar amount that is garnered can't be compared across locations, Garber and Robertson both felt second sales of land (i.e., sales of easement restricted land) have been consistent with properties that still have their development rights attached. In other words, even though development rights are removed, land values remain steady. This anecdotal evidence is somewhat consistent with the sparse amount of research on this topic, including a recent study (yet to be published) in Southern Wisconsin by Anderson and Weinhold. As more research occurs, it could be proven that in some locations preserving your property could be more lucrative than developing – a real twist on some people's version of the highest and best use argument. We will have to wait and see.

Anderson, K. and D. Weinhold, *Do conservation easements reduce land prices?: The case of south central Wisconsin*, Draft Document, May 14, 2005.



CLUE WORKSHOPS

ZONING COMMITTEE WORKSHOP

Thursday, April 26, 2007 – Ramada Inn, Hayward, Wisconsin
www.uwsp.edu/cnr/landcenter/workshops.html

PLAN COMMISSION WORKSHOPS

Workshops are being scheduled for **Lincoln, Rock and Waushara** Counties. More information will be posted on the web as dates and arrangements are finalized.
www.uwsp.edu/cnr/landcenter/workshops.html



STATE AND LOCAL STEPS FOR SUCCESSFUL FARMLAND PRESERVATION

By Rebecca Roberts and Michael Koles

During one of the workshop breakout sessions, Scott Everett, Great Lakes Regional Director of the American Farmland Trust, outlined steps that the State of Wisconsin and local units of government should consider taking to develop a purchase of development rights (PDR) or transfer of development rights (TDR) program (see definitions on pages 5 and 7). Scott's recommendations are based on his experience working with Michigan, Pennsylvania, Maryland, and other states that have successfully implemented such programs.

What is needed at the state level?

At the state level, Scott identified three primary steps:

- 1. Adopt enabling legislation.** As a first step, the state needs to adopt enabling legislation that specifically authorizes local units of government to transfer or purchase development rights and hold easements on farmland and other conservation lands. Several local programs already exist in Wisconsin despite the fact that there is no enabling legislation. Development of enabling legislation would clarify the legality of existing programs and encourage founding of additional ones.
- 2. Develop a framework for local programs.** Minimum statewide guidelines are needed to guide local program development and participation. Scott provided several recommendations regarding priority parameters, such as adopting an ordinance and establishing an agriculture preserve board, which are described under "What is needed at the local level?" Scott believes statewide guidelines will provide some level of consistency across the state, yet will allow local communities to develop a program that best meets their specific needs.
- 3. Develop a state cost-share program.** According to Scott, a state-sponsored

cost-share program is also necessary. The state would need to develop application procedures and scoring criteria to rank and prioritize local projects for state matching funds. Scott offered several suggestions for scoring criteria, applicable at the state or local level, such as productive capacity of the land (as determined by soil type), potential for connectivity with other parcels of protected land, amount of matching funds, and consistency with the local comprehensive plan. A program oversight board and a funding source would also need to be identified. According to Scott, program funding is the last step in the process. If a quality program is developed, funding will follow.

What is needed at the local level?

At the local level, Scott outlined three fundamental steps that local governments can take to establish a local PDR or TDR program. These steps loosely parallel those at the state level.

- 1. Adopt local ordinance and develop program materials.** As a first step, local governments should adopt an ordinance establishing a PDR or TDR program. The ordinance should provide for the establishment of a board to oversee the program and outline eligibility criteria for participation in the program. Application materials, scoring criteria, parameters for accepting and holding easements, an appraisal process, and stewardship practices to monitor and enforce easements also need to be developed. Scott stressed the importance of citizen involvement, education and leadership in developing local programs.
- 2. Establish board.** Once the program is established, a board needs to be assembled to oversee the program. Board members should be selected to represent a diversity of local interests, such as production agriculture, agribusiness, conservation, real estate

Transfer of Development Rights (TDR) – *A voluntary program that allows landowners to sell development rights from their land (known as the "sending area") to a developer or other interested party. The purchaser is able to use these rights to develop land at a designated location (known as the "receiving area") at a higher density than would otherwise be allowed by local zoning. The seller of development rights retains ownership of the land; however, the right to develop the land is restricted with an easement.*



Conservation Easement

– A legally recorded, voluntary agreement that limits the development or use of a property. Land protected by a conservation easement remains on the tax rolls and is privately owned and managed. Landowners who donate permanent conservation easements are generally entitled to tax benefits.

and development, or local government. Selection of strong leaders is critical to the success of the program.

3. Seek program funding. As previously stated, program funding should be the last consideration. The Lancaster County, Pennsylvania PDR program was in place for five years before the county allocated any funding to it. Initial funds of just over \$300,000 in the mid-1980s grew significantly as the reputation of the program grew. Today, the program disperses between \$10 million and \$20 million annually using a mix of county, state and federal funds.

For Additional Information

The American Farmland Trust, Farmland Information Center has produced a series of fact sheets on PDR and TDR programs, funding sources, agricultural conservation easements, and other “tools” in the local farmland protection toolbox. These resources are available on their website by clicking on “Literature,” followed by “Fact Sheets.” www.farmlandinfo.org/

In addition, the Center for Land Use Education has produced a series of plan implementation tool fact sheets which address topics such as PDR, TDR and conservation easements. These fact sheets are available on the Center’s website by clicking on “Publications,” followed by “Fact Sheets.” www.uwsp.edu/cnr/landcenter/



THE PENSION PROTECTION ACT OF 2006

By Sam Williams, Land Use Planning Analyst

The Pension Protection Act of 2006 provides significant tax incentives to individuals and farmers who place a conservation easement on their land. The Act allows landowners to deduct up to 50% of their adjusted gross income over a 16 year period until the value of the easement is used up. Farmers that receive more than 50% of their total gross income from “the trade or business of farming,” may deduct up to 100% of their adjusted gross income over the same time period. Under previous law, the tax deduction for qualified conservation easements was limited to 30% of adjusted gross income over a 6 year period. Unless Congress acts to extend these benefits, the law remains effective through tax year 2007 and will revert back to previous provisions thereafter.

How Does the Deduction Work?

- Landowner Adjusted Gross Income = \$100,000
- Conservation Easement Donation (appraised value) = \$800,000
- Previous Law: Owner could deduct \$30,000/year for 6 years = \$180,000 total allowed deduction (amount of donation unused = \$620,000)
- New Law: Owner deducts \$50,000/year

for 16 years = \$800,000 total allowed deduction (100% of donation used in 16 years)

- New Law for Qualifying Farmer/Rancher: Owner deducts \$100,000/year for 8 years = \$800,000 total deductions (100% of donation used in 8 years)
Example provided by the West Wisconsin Land Trust

For More Information

There are over 50 active land trusts in Wisconsin that protect more than 135,000 acres of land through conservation easements or direct purchase. For more information and to locate a land trust in your region, visit the Gathering Waters Conservancy website: www.gatheringwaters.org/

Additional information on the Pension Protection Act of 2006 is available from the federal government at: www.whitehouse.gov/ Search for: “Pension Protection Act.” A fact sheet entitled *2006 Farm Conservation Tax Update* is also available on the American Farmland Trust website: www.farmlandinfo.org. Click on “Publications,” followed by “Fact Sheets.”



TDR PROGRAM ONE OF MANY PROTECTION PRACTICES USED IN WESTERN WISCONSIN

By Rhonda Ambuehl, Outreach Specialist, Global Environmental Management Education Center

Local leaders in the Menomonie area shared a variety of land protection practices with workshop participants. Participants included Rick Remington of the West Wisconsin Land Trust; Ruth Oppedahl of the Bayfield Regional Conservancy; Verna Kragnes representing the Standing Cedars Land Conservancy and the Philadelphia Community Farm; and Dan Pearson and Gloria Wahrenbrock from the Town of Troy. This article takes a closer look at a transfer of development rights (TDR) program developed in the Town of Troy (see definition, page 7).

Town of Troy TDR Program

The Town of Troy is located in St. Croix County between the cities of River Falls and Hudson. Rolling hills bordering the St. Croix River and close proximity to the Twin Cities are fueling significant development pressure in and around the town. Several years ago, local citizens decided they wanted to protect the town's agricultural lands. They formed a Farmland Preservation Committee to study alternatives. The committee leadership determined that a purchase of development rights (PDR) program would preserve farmland while simultaneously compensating farmers for protecting their lands. The town passed a subdivision ordinance that planned for limited clustered development. Lot size was increased from three to five acres.

When it came time to fund the PDR program, citizens balked at paying additional taxes to purchase development rights. Fortunately, the ordinance included language that allowed landowners to transfer rights between themselves. This fallback measure was attractive because it didn't require public funding. The fallback measure eventually evolved into the TDR program practiced by the town today.

Lessons Learned

Dan Pearson, town supervisor, warned that it is necessary to think through the

program from the start. Initially, the town was interested in a countywide TDR program. They realized, however, that eastern St. Croix County would become the "sending area," and their township would become the "receiving area." This was not the vision they had in mind. Instead, they created a TDR program at the town level to preserve a mix of agriculture and development.

The Town of Troy believes their program is relatively simple to administer. Some TDR programs set up a third party bank to hold rights that have been purchased but not used; Troy takes a different approach. They allow a developer to purchase a bundle of development rights and hold them for future development. This allows the farmer to put an easement on more acreage. Good record keeping is the key to making this work.

The most important consideration for implementation is the process. According to Dan, the town's subdivision ordinance makes the program possible. You have to have the right people involved. You also have to have enough committed people to create the consensus needed to get the program in place. Education is critical, and the education has to be continuous. You have to have *the will* to get the program done.

It also takes hard work to determine how to order the steps. Contracts have to be in order, contingencies signed and clauses included in the contract language. "Once a farmer puts the easements on the land, it's permanent," Dan warns. Having the right steps in place protects a farmer if a developer wants to back out.

The first transfer of development rights occurred in the Town of Troy 3 ½ years ago. Beginning as a process of trial and error, the program continues to evolve. A commitment to preserve agricultural lands and a will to succeed, continue to guide the process.

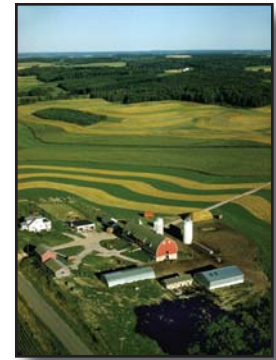


Photo: Ron Nichols, USDA

The narrow, fairly steep valleys of unglaciated portions of western Wisconsin present unique challenges for agriculture.



Photo: Cole, USDA

The Coon Creek watershed in southwestern Wisconsin was the first demonstration site for soil conservation practices such as strip-cropping.



Communities throughout Wisconsin are using purchase of development rights, planned unit developments, and other tools to protect farmland from development.



Photos: Ron Nichols, USDA

FARMLAND PROTECTION STRATEGIES IN SOUTHERN WISCONSIN

By Paul Benjamin, Department of Agriculture, Trade and Consumer Protection

Four sets of local leaders made presentations at the Local Leadership Session in Oconomowoc. Presenters included Renee Lauber, Land Use Manager for the Town of Dunn; Lance Gurney, Director of the Sauk County Planning and Zoning Department; Mike Saunders, Chair of the Town of La Prairie and John Lader, President of the Rock County Towns Association; and Charlie Handy, Planner for the LaCrosse County Planning Department.

Town of Dunn Purchase of Development Rights Program

The Town of Dunn’s purchase of development (PDR) rights program is the oldest and most successful farmland preservation easement program in Wisconsin. It is based on years of community planning and is funded in part through a mill-rate increase approved by town referendum in 1996. The town has raised more than \$1,000,000 in funding through this mechanism and has leveraged additional dollars from outside sources, largely from the Natural Resources Conservation Service’s Farm and Ranch Lands Protection Program (FRPP). To date, the Town of Dunn PDR program has protected 2,662 acres on 21 farms, which is roughly equal to 15% of the town’s land base. It has applications pending for 1,660 acres on 27 farms. The Town of Dunn’s success is attributable to lengthy preparation and planning, community leadership, and innovative and courageous thinking.

Sauk County Planned Unit Development Approach

Sauk County utilizes a unique planned unit development (PUD) approach to preserve agricultural lands. Farmland owners that wish to develop their land are required to prepare a whole farm plan that identifies significant natural and agricultural resources. In exchange for the right to develop up to three housing sites on their property, a permanent conservation easement is placed on the remaining land. The program relies on the county subdivision and zoning ordinances to allow planned unit developments

through a conditional use permitting process. Developments must also comply with the county’s comprehensive and agricultural preservation plans. The PUD approach was designed to address several problems the county was experiencing under the state’s Farmland Preservation Program; namely that 35 acre chunks of farmland were being taken out of productive use to satisfy the program’s 35 acre minimum lot size.

Town of La Prairie Farmland Preservation Efforts

The Town of La Prairie, in Rock County, is located adjacent to an aggressive incorporated municipality. Their common border is occupied by a large vegetable canning plant that relies on the town’s agricultural lands for produce. The plant also produces a significant amount of “wash water” that is used for processing vegetables. Currently, the water is piped to nearby agricultural fields for irrigation. If the plant were required to send the wash water down city sewers, the resulting sewerage charge would drive up their costs enormously. Should this opportunity disappear, the canning plant could shut down eliminating a significant source of taxes and wages. It is in the city’s interests, therefore, to help keep the land adjacent to the city in farmland. The town plays a part by aggressively enforcing exclusive agricultural zoning. This kind of strategic thinking may be as effective as PDR or TDR programs considered by other communities, but significantly cheaper.

La Crosse County PDR Proposal

The last presentation in the Oconomowoc Local Leadership Session was made by Charlie Handy, planner for La Crosse County. His presentation was a “practice run” of a proposal that he was scheduled to give to the La Crosse County Board the following week. The audience acted the part of the county board while Charlie explained the principles behind “purchase of development rights” (PDR). He also identified some selection criteria for prioritizing lands. As one example,

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NORTHEAST WISCONSIN CONSIDERS ITSELF THE “HEART OF THE WISCONSIN DAIRY INDUSTRY”

By Linda Stoll, Outreach Specialist

Most counties in northeast Wisconsin are on the “top ten counties list” for cows per acre. The area has approximately one-third of all permitted livestock facilities in the state as well as the greatest concentration of digesters and manure burning facilities. Agricultural expansion continues to take place, especially in clusters around permitted farms. While the region is losing small farms, it is gaining cows and increasing milk production. This production supports many cheese factories including the largest plant in the state. The number of specialty farms that focus on rotational grazing, organic production, and direct sales to consumers is also increasing. For the region, the economic impact of agriculture is measured in the billions of dollars.

Need for Protection

While this information paints a positive picture for agriculture in the region, nearly 9,000 acres of farmland were converted to other uses in Winnebago, Outagamie, Calumet, and Waupaca counties between 1990 and 2002. This equates to roughly 13 square miles, or the areas of the cities of Neenah and Menasha combined. Low-density subdivisions and strip malls are spreading into agricultural areas driving up the cost of land. This provides farmers with an incentive to sell and a disincentive to expand or continue in agriculture. Areas with high development pressure are struggling with working land fragmentation. Even with protective measures, they may not be able to preserve large blocks of farm and forest land that can support productive use. Conflicts between new residents and farms are also increasing and expected to continue unless further protections are put in place.

Environmental Issues

Environmental concerns also add to the complexity of farm management. In general, Northeast Wisconsin has very tight clay soils making erosion and storm water runoff a serious issue. Water bodies suffer from excess nutrients and

agriculture is a primary contributor. The presence of fractured bedrock and contaminated groundwater has resulted in winter manure spreading restrictions and is financially impacting farms.

Community Response

Through local comprehensive planning processes, many counties and towns in the region have identified agriculture as an important issue and are targeting areas to support working lands. They are considering agricultural zoning, right-to-farm ordinances, purchase of development rights (PDR) programs, and cluster subdivision design as possible tools to guide development and protect working lands. Some of these tools already exist; however, enforcement has varied across the region. Other communities are placing less emphasis on land restrictions and instead, are allowing local markets to drive land use.

Regional Efforts

There is increasing realization that no single agency or governmental unit can solve agricultural issues in Northeast Wisconsin on their own. Communities are exploring opportunities to create PDR programs at the regional level. In fragmented land areas, specialty farming is being promoted because it can function on smaller parcels. The creation of an agriculture enterprise zone that covers parts of two counties is also being considered. New North, an economic development organization in Northeast Wisconsin has recently added an agriculture subcommittee to its program in recognition of the importance agribusiness plays in the region’s economy. These efforts reflect a positive outlook for farming in Northeast Wisconsin.



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Charlie overlaid two maps showing where areas zoned for exclusive agriculture correspond with the county’s best agricultural soils. At the conclusion of the presentation there was a motion from the audience to approve his proposal and a unanimous vote affirming it!



The number of dairy farms in Wisconsin is decreasing, while the size of herds and productivity is increasing.



Photo: Ken Hammond, USDA



Photo: Keith Weller, USDA



Photo: Ken Hammond, USDA



Submit Articles!

Please submit an article to our newsletter.

It should be:

- 1,000 words or less,
- Informative,
- Of statewide concern,
- And address a land use issue.

The managing editor will review your submission and get back to you if any changes are necessary.

Managing Editor
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NEW STRATEGIES FOR URBAN NATURAL RESOURCES: INTEGRATING WILDLIFE, FISHERIES, FORESTRY, AND PLANNING

May 14-16 2007 – Chicago, IL
www.informalearning.com/Wildlife

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May 20-23, 2007 – Radisson Hotel, La Crosse, WI
watershedcoalition.org/events.html

RENEWABLE ENERGY AND SUSTAINABLE LIVING FAIR

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www.the-mrea.org/energy_fair.php or call 715-592-6595

INTERNATIONAL COMMUNITY DEVELOPMENT SOCIETY AND NATIONAL RURAL DEVELOPMENT PARTNERSHIP ANNUAL CONFERENCE "THE MAGIC OF COMMUNITY: HISTORY, CHANGE, AND REGIONAL DEVELOPMENT"

June 17-20, 2007 – Radisson Paper Valley Hotel, Appleton, WI
<http://comm-dev.org/>

For additional dates and information, visit the online calendar of events
www.uwsp.edu/cnr/landcenter/events.html

