

Jefferson County

farmland preservation report

Prepared for:

Jefferson County
Farmland Preservation
Commission



Prepared By:

December 14, 2007

Graduate Planning Workshop, Department of Urban and Regional Planning, University of Wisconsin-Madison

Acknowledgements

Acknowledgements

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Executive Summary

Jefferson County's wealth of natural resources and living farmland history position it as a necessary candidate for farmland preservation. Through the proactive leadership of the Farmland Preservation Commission, the County has identified this need and has been practicing regulatory preservation efforts since 1999. It is important these efforts, which include zoning regulations and urban service areas, continue into the future and be further supplemented by local regulatory measures aimed at minimizing rural land conversion. Although Jefferson County's current regulatory initiatives have been successful at limiting the number of rural land splits, the County is presented with an opportunity to further bolster its preservation efforts by strengthening the newly initiated Purchase of Agriculture Conservation Easements (PACE) program with a variety of supplemental tools and necessary funding.

To ensure a consistent and efficient implementation of a PACE program it is necessary to create a site priority assessment methodology. The most appropriate methodology for farmland preservation efforts is a Land Evaluation, Site Assessment (LESA). Using a LESA will allow Jefferson County to prioritize their preservation efforts by ranking potential parcel's preservation value, and thus maximize available funds.

Driving a PACE program, and all supplemental tools, is the need for a stable source of funding. Available to Jefferson County are a few state and federal level matching grants which provide local governments with funds to purchase agriculture and conservation easements. However, these funds are only distributed when matching local funds are available. Therefore, Jefferson County must consider a fundraising method to generate local dollars. It is recommended that Jefferson County pursue the use of the property tax system to generate these funds. It is felt that the benefit of substantial farmland preservation outweighs the small tax burden that would be placed on County residents.

Overarching all of these tools and recommendation is the need to create and implement an ongoing public education campaign. The goal of this campaign would be to engage the varying stakeholder groups in a discussion about the costs and benefits of farmland preservation in Jefferson County. Over time, a consistent message and continued communication will help in building community buy-in and widespread support for the programs and options outlined in this report.



Jefferson County has been a leader in farmland protection efforts since the 1999 Agriculture Preservation and Land Use Plan. The land use regulations set forth in that document have been implemented and are successfully working to reduce the loss of farmland. Despite these initial successes, Jefferson County recognizes the need to strengthen farmland preservation efforts in order to limit scattered, non-contiguous rural development, and ensure a future which includes working farmland.

In 2007, the Jefferson County Board of Supervisors created the Farmland Preservation Commission to oversee the County's Purchase of Development Rights (PDR) program. In August 2007, the Commission entered in a contract with graduate students in the Department of Urban and Regional Planning at the University of Wisconsin-Madison. Every year, graduate students in the department conduct an applied professional "Planning Workshop" with actual clients in order to develop their professional training. The Commission charged the Class with producing a report on potential farmland preservation policies with special attention paid to the implementation and strengthening of Jefferson County's fledgling Purchase of Agriculture Conservation Easements program. This report is the culmination and synthesis of the research conducted by the Workshop Class.

The report begins with an assessment of current conditions in Jefferson County. This chapter is intended to provide a basis of understanding on the recommendations in this report. Following the current conditions chapter, the report takes the reader through a progression of information necessary for implementing a successful farmland preservation and PACE program; it begins with public education and capacity building and moves through site prioritization, potential preservation tools, and ends with the recommended policy, funding alternatives, as well as a program implementation matrix. Concluding the document is a chapter dedicated to applicable case studies of the tools discussed.



Jefferson County Assessment of Current Conditions

Jefferson County has a rich history of agriculture and abounds in significant natural features. Understanding the strength of these resources and the vibrancy of this tradition provides the necessary context to understand present and possible farmland preservation strategies. In this assessment chapter, we present an overview of the context and history in which farmland preservation efforts in Jefferson County occur. This chapter includes both the historical context of farming and farmland preservation in Jefferson County, as well as the current natural features and political and social conditions. This chapter contains information on the following topics:

- Jefferson County's Rich Agricultural Heritage
- Natural Features Inventory
- Financial Status of Jefferson County
- Status of Agriculture in Jefferson County
- Current Trends in Agricultural Preservation in Jefferson County
- Regional Growth Trends Affecting Jefferson County
- Existing Plans in Jefferson County
- Public Participation in a Historical Context
- Public Participation in the Current Context



Jefferson County's Rich Agricultural Heritage

Agricultural and rural landscapes define the State of Wisconsin. Wisconsin's highly productive land has shaped its communities and attracted settlers for nearly 200 years. Today, communities are interested in protecting this rural heritage while balancing growth and development needs. Understanding the rich history of Jefferson County agriculture is essential to assessing the present and envisioning the future.

Prior to European settlement, Jefferson County was covered with a mix of broadleaf forest and oak savanna. Native peoples encouraged the oak savanna conditions by periodically burning the prairie to facilitate hunting and agriculture, improve visibility and travel, and control pests. Native peoples also domesticated various plants and built ridged fields for agriculture. To this day, evidence of native settlement, burning, and agriculture are found in the composition of many Wisconsin soil types.¹ Located in Jefferson County near Lake Mills, the ruins of the native settlement of Aztalan (occupied from 1000 to 1300 AD) are preserved in Aztalan State Park. The site features large pyramidal earthen mounds which form one of the most premier archaeological site in Wisconsin.



The Land Ordinance of 1785 and the creation of the Northwest Territory in 1787 set the stage for the settlement of Wisconsin. The Public Land Survey System (PLSS), created by the 1785 Land Ordinance, divided the land into 6-mile by 6-mile townships, which could further be divided into 36 sections of 640 acres each. Further division for settlement and cultivation produced 160 acre and 40 acre farmsteads. In Jefferson County today, the effects of the PLSS is seen in farm sizes and Town boundaries.

Intensive settlement activity in Wisconsin did not occur, however, until after the Black Hawk War of 1832. The writer Clarence Olmstead divides the European settlement of southern Wisconsin into four periods: the Pioneer Period (1830-70), the Consolidation Period (1870-1920), the Mechanization Period (1920-70), and the Hybridization Period (after 1970). Settlers in the Pioneer Period faced the task of converting prairie or forest into agricultural land. In addition to clearing trees and stumps, rocks left behind during glaciation were a major initial impediment. Farmers collected extracted rocks and built them into walls along property lines. Early settlers typically built log cabins and planted wheat because it was relatively easy to grow and harvest. Farmers planted small irregular fields with rail fences. Roads of the period tended to follow survey township lines and were almost never surfaced. Ideal farm sites included a spring or stream, woodland for buildings and fuel, pasture area for livestock, and shelter from wind. As settlements became more stable, log cabins were replaced with frame houses and additional wood frame outbuildings for livestock were constructed. Between farms one might find a small one room schoolhouse, a small log or frame church with a steeple (but no bell), and a small town hall in each six mile square township.

¹ Wisconsin Land and Life. Ostergren, Robert C. and Thomas R. Vale editors. University of Wisconsin Press. Madison, Wisconsin. 1997 – Chapter 17, Four Worlds Without an Eden: Pre-Columbian Peoples and the Wisconsin Landscape, by William Gustav Gartner. Chapter 18, Changing Technology, Values, and Rural Landscapes by Clarence Olmstead

Chapter 1: Current Conditions

By the end of the Pioneer Period half of the land in southern Wisconsin was actively farmed. By the end of the Consolidation Period in 1920 virtually all available land in southern Wisconsin was in agricultural use, and railroads spread farther into the countryside. Dairy farms supplanted wheat as the dominant farm type after 1860. Creameries appeared in towns to produce butter and soon small cheese factories appeared every two to three miles at rural hillside crossroads. To house cows during cold Wisconsin winters, farmers built wooden barns. Barns were ubiquitous across the landscape by the early 1900's. Just as important, agricultural scientists invented silos during the 1870's and by 1924 thousands of them punctuated the rural landscape of Wisconsin. By the end of this period many farmers could afford to expand and elaborate their farmsteads. They now typically featured a large wood frame house along with a barn, silo, and windmill. The original rectangular road pattern had been modified to adapt to the local topography. Parishes rebuilt country churches in stone and by this point the steeples usually contained bells. The remnants of this era are still very much visible in Jefferson County and in most of rural Wisconsin.



Source: Natural Resources Conservation Service

Changes in the rural landscape due to electricity and the internal combustion engine appeared after 1920, intensifying during the 1940s. This Mechanization Period saw the paving of roads and the widespread use of tractors, trucks, mechanical milking equipment, and other technological innovations. Many farms expanded to pay for the new technology. More progressive farms took over the land of smaller, less advanced farms and fences and walls were removed to expand fields. Mechanized feed distribution greatly reduced the need for pasture land. Technologically advanced metal silos towered over the previous generations of wood or concrete models. Farm buildings on the small irregular farm lots were abandoned. Small country stores and churches lost patrons as the automobile brought city amenities within the reach of most farm families. This era also saw a significant rise in non-farm residences in the countryside.

The Hybridization Period since 1970 has been marked by an increasing intermingling of rural and urban life. More and more non-farm residences have cropped up throughout the countryside. Urban and suburban areas continue to expand outward into farmland. Farms that remain have tended to get larger and more complex. While a typical dairy farm had only a dozen cows in 1900, now farms with hundreds of cows are not uncommon.

While the landscape of Jefferson County has changed throughout history, current trends of farmland loss have inspired farmers and city residents alike to strive to preserve the rural and agricultural heritage of Jefferson County. In many Wisconsin communities, the opportunity to preserve this heritage has already passed. Agriculture remains vital in Jefferson County, but ensuring its continued relevance and vitality is important for generations to come. The rest of this report will outline strategies and visions for preserving this Jefferson County rural character and quality of life.

Natural Features Inventory

Located in southern Wisconsin, Jefferson County's unique communities consist of 16 towns, 4 villages, and 6 cities. In spite of growth pressures from the nearby Madison and Milwaukee metropolitan areas, the County retains its bucolic rural character and showcases its scenic natural areas. See Map 1.1 for a summary of the natural features present in Jefferson County.

A century ago, Jefferson County, like much of southern Wisconsin, was covered in rich forests, prairies, and wetlands. Throughout time much of the vegetation and wetlands in the county have been cleared for farming. Along with expansive tracts of farmland, Jefferson County is currently home to many forests, fens, bogs, meadows, and prairies. Jefferson County abounds in high quality soils, a rich diversity of vegetation, abundant water features and unique landforms representing its glacial heritage.



■ Aerial view of a classic drumlin field in East-Central Wisconsin, one of three in the United States.

Topography

Jefferson County is located in the glaciated portion of Wisconsin, and the topography and drainage patterns reflect the land's history. Over twelve thousand years ago, glaciers formed a thick sheet of ice over much of Canada and into Wisconsin. As the glacier moved, it deposited rock debris, sand, and gravel, creating a unique landscape filled with diverse landforms including drumlins, end moraines, kettle moraines, lakes, and eskers. See Map 1.2 for a map of topography in Jefferson County.

The highest point in Jefferson County, 1,062 feet above sea level, is found in the Kettle Moraine State Forest. The lowest point, 776 feet above sea level, is the surface level of the water in Lake Koshkonong.

Extractive Resources

Sand, gravel, and limestone are the three principal mineral resources found in Jefferson County; a result of the glacial deposition that formed the County's topography. There are approximately 72 quarries and gravel pits located in Jefferson County.

Water Resources

Water resources are abundant throughout the county. There are 34 lakes that cover 33 acres. There are also 38 streams covering 2,886 acres. Lake Koshkonong is the largest lake in the County, followed by Rock Lake. Rock Lake is also the deepest lake in the County. Lake Ripley is the second deepest lake in the County. The majority of the other lakes are shallow. The Rock River is the largest stream, draining all of Jefferson

County. Its major tributaries include the Crawfish, Bark, Scuppernong, and Oconomowoc Rivers. The water drainage patterns of the County are influenced by the abundance of kettle moraines and terminal moraines, forcing all flow to the west. The northern and central portions of the County are drained by seven different watersheds contained in the Upper Rock River Basin. The southern and western portions of the County are drained by five different watersheds contained in the Lower Rock River Basin.

Wetlands are found near lakeshores, stream banks, and on large areas that are poorly drained. The Wisconsin Department of Natural Resources Inventory states that 16.6% of the land in Jefferson County is considered wetlands. Many thousands of acres of wetlands have been converted to cropland, highways, and urban development. Wetlands are now recognized as serving important functions in water quality, groundwater recharge, and flood storage. Wetlands are also an important source of plant and wildlife habitat.



Source: Wisconsin Department of Natural Resources

Soils

Jefferson County has soils that are well drained, fertile and productive for agriculture. Soil suitability for agriculture is measured by the USDA's Natural Resource Conservation Service (NRCS); Class I and II soils are considered *prime agricultural land*; additionally, Jefferson County classifies some Class III soils as *prime agricultural land*. Prime agricultural soils make up about 83% of the land area of Jefferson County. See Map 1.3 for a map of the *prime agricultural land* in Jefferson County.

Vegetation and Groundcover

Jefferson County is home to a wide variety of vegetative communities, despite the extensive drainage and clearing of land for agriculture. According to the 1996 Land Use Inventory, there were 24,009 acres of woodland in Jefferson County, including oak opening, southern dry, southern mesic, and southern dry-mesic forests. Jefferson County is also home to eight designated state natural areas that contain prairie communities, as well as other vegetative communities.

Protected Areas and Parks

The State of Wisconsin owns approximately 14,035 of lands in Jefferson County; an additional 583 acres are managed under easement. There are 9,440 acres of public hunting land. These protected areas include the following areas: Prince's Point Wildlife area, Waterloo Wildlife Area, Rome Pond Wildlife Area, Lake Mills Wildlife Area and Jefferson Wildlife Area.

The State of Wisconsin owns and manages 3,995 acres of state park land, including the Kettle Moraine State Forest, Aztalan State Park, Lake Mills State Fish Hatchery, Sandhill Station State Campground, and other state park lands. The Glacial Drumlin State Trail also runs through a portion of Jefferson County. The proposed Glacial Heritage Trail runs through Jefferson County.

The State of Wisconsin, the University of Wisconsin, and the Nature Conservancy own approximately 1,131 acres of protected State Natural Areas, including the Waterloo Fen and Springs, Bean Lake, Red Cedar Lake, Clifford F. Messinger Dry Prairie and Savanna Preserve, Blue Spring Oak Opening Snapper Prairie, and Faville Prairie.

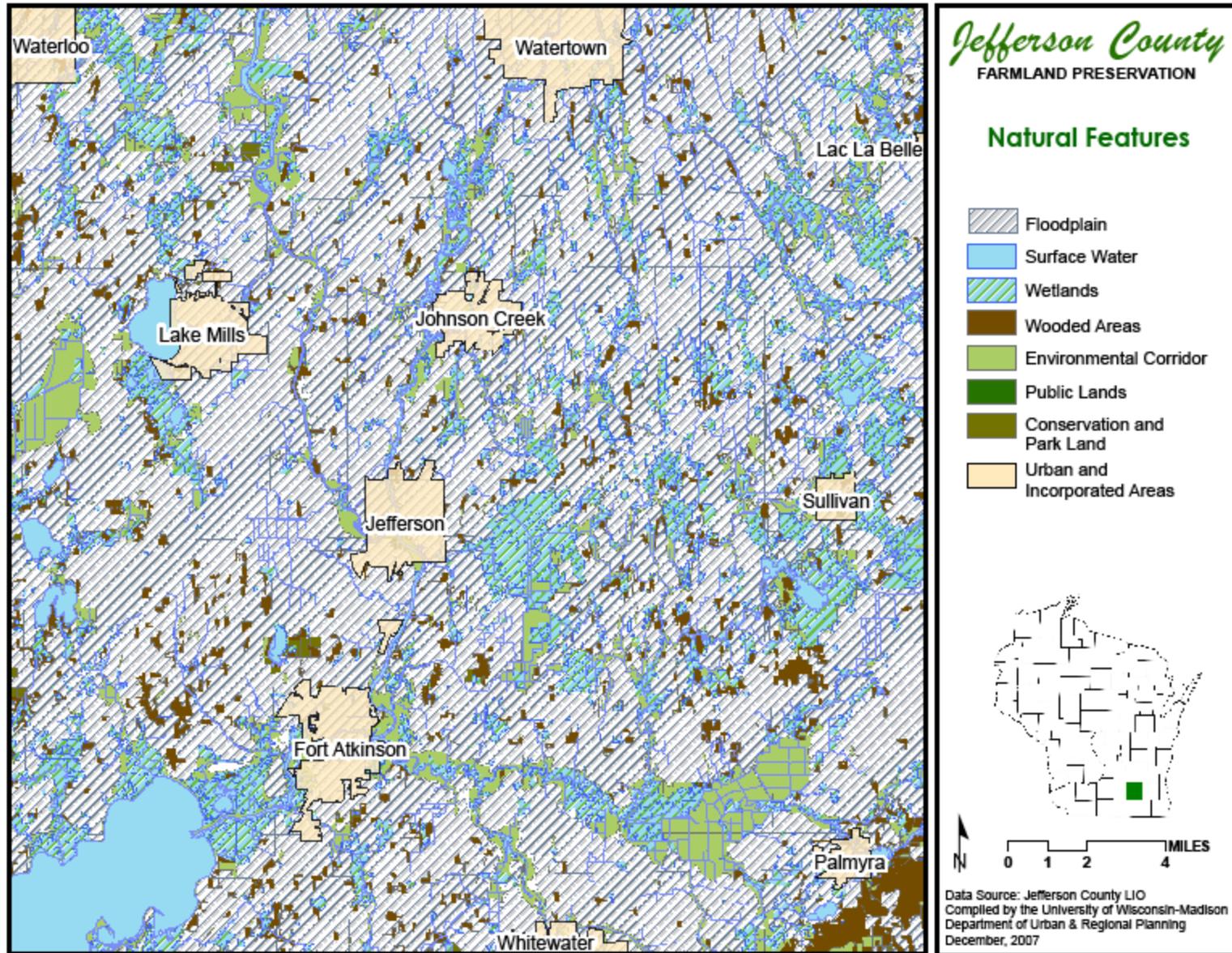
Jefferson County owns 1,020 acres of land which includes sixteen County Parks, as well as the County fair grounds and a recreational trail.

Conclusion

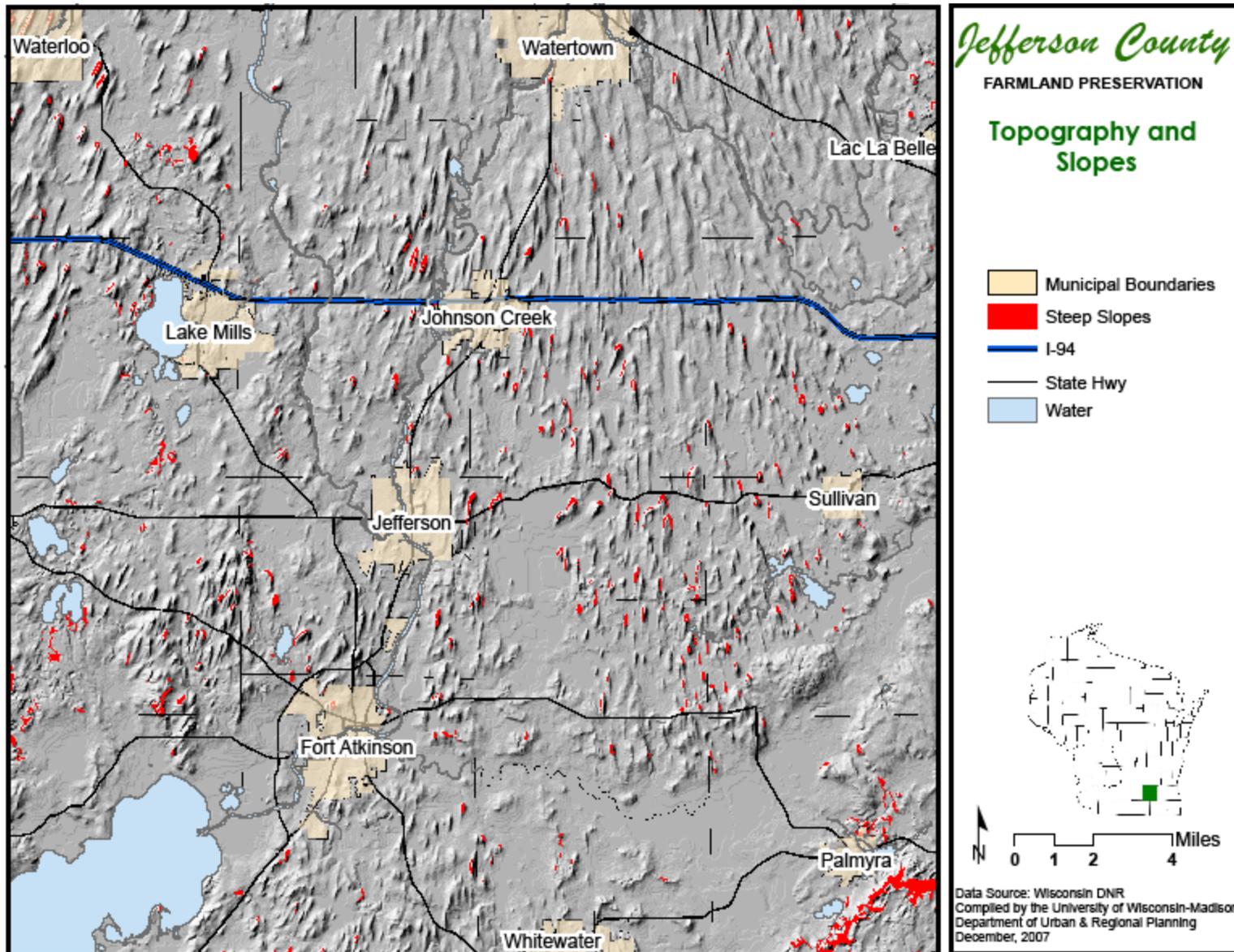
Under Jefferson County's current county plan and zoning ordinance, "environmental corridors" are areas designated to protect water features, wetlands, floodplains and large woodlands. Environmental corridors are subject to additional restrictions on development, limiting density and providing setbacks from water features or wetlands. When environmental corridors are combined with land currently under public ownership of conservation easements, it is clear that Jefferson County has a strong existing land preservation emphasis. The protected natural features and scenic beauty in Jefferson County, seen in county parks, state parks, hunting and wildlife areas, lakes, rivers, environmental corridors and developed trails provide abundant opportunities for recreation and scenic enjoyment. Preserving working farms and rural landscapes can enhance the experience of these already protected lands.



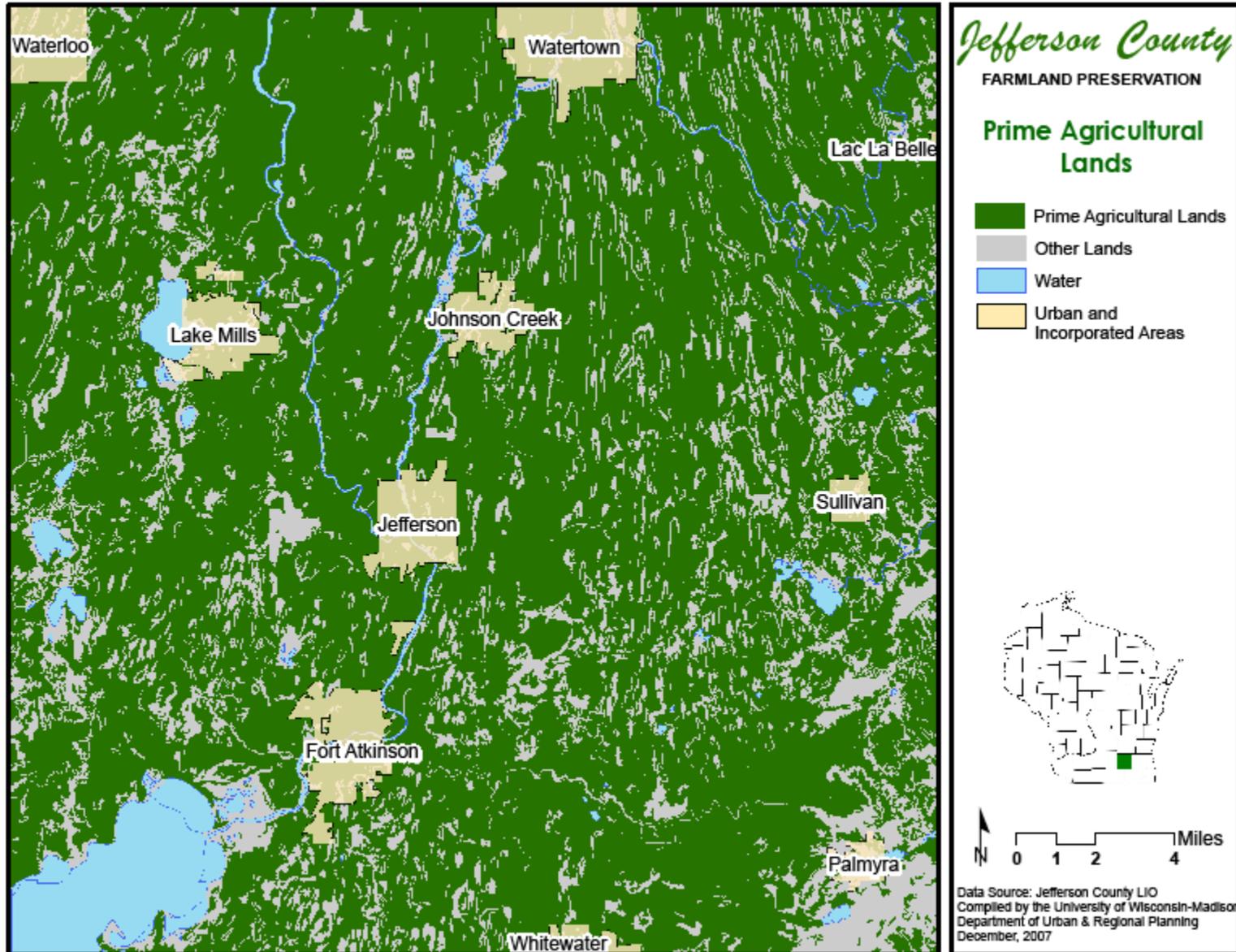
Map 1.1: Natural Features



Map 1.2: Topography and Slopes



Map 1.3: Prime Agricultural Lands (Soils)



Status of Agriculture in Jefferson County

Agriculture is a vital contributor to the economic, social, and cultural fabric of Jefferson County. Many people work on farms and rely on income generated from farming or affiliated processing and manufacturing. In 2004, agriculture contributed 10,850 jobs in Jefferson County. Agriculture accounted for \$1.5 billion in economic activity and paid \$40.2 million in taxes, not including taxes to local schools.²

Over 99% of farms in Jefferson County are owned by individuals or families. The breakdown of farm ownership is to the right. Unlike other areas of the country, Jefferson County farming is based on family ownership.

Jefferson County produces a number of agricultural products as well as provides value added manufacturing and processing for the agricultural sector. Map 1.4 shows agricultural business in the six county region. It shows the types of businesses and corresponding volume of production by sales dollars for the following: animal production, fruit/tree, greenhouse/nursery, and other crop production. The top agricultural commodity is milk, the top five commodities for the county are listed to the right.

Between 1999 to 2002 acreage in corn saw a 16% increase, while the increase in corn acreage across the state of Wisconsin averaged only 5% between 1999 to 2002. During this time, there was also a small decrease in small grains, soy and forage acreage. See Map 1.5 for a map of crop cover in Jefferson County.

Trends in Farmland by Acreage

The number of farms and the average size of farms has experienced some change in Jefferson County over the years. As shown in Figure 1.1, the majority of all farms are smaller than 180 acres. While only a small percentage of farms are larger than 500 acres, the percentage and numbers of larger farms has followed national trends and increased from 1992 to 2002. As well, between 1992 and 2002 there was a 94 percent increase in the number of small (10 –49 acre) farms. Thus, like much of the country, farm size trends in Jefferson County represent the creation of many smaller farm parcels, and the consolidation of many farms into large-scale farming operations.

Dairy makes up the largest component of agriculture in Jefferson County. Jefferson County milk producers and the dairy industry contribute \$43.1 million to the county's economy.

²Source: (UWEX, 2004)

Farm Ownership

- Individuals or families—89.7%
- Family partnerships—6.6%
- Family-owned corporations—3.0%
- Non-family corporations—0.7%

Jefferson County's Top Agricultural Commodities (sales by dollar value, 2002)

1. Milk \$34.1 million
2. Grain \$29.3 million
3. Eggs \$25.1 million
4. Nursery stock and sod \$24.7 million

Source: UW Extension

Evaluation of the Current Agricultural Preservation Efforts

Jefferson County has been widely recognized throughout the state as being a leader in farmland preservation and has taken a strong role in preserving land through its Agricultural Preservation and Land Use Plan (1999) and corresponding zoning and land-division ordinances. In this section, we present data to evaluate how these agricultural preservation policies are currently working.

Land Divisions or “Splits”

When Jefferson County adopted its 1999 Agricultural Preservation and Land Use Plan, the prime mechanism for preserving agricultural land was to limit residential and commercial development in the A-1 (exclusive agriculture zoning) district. The plan and zoning ordinance limits rural residential and agricultural businesses to lands that are not as well suited for agricultural production or would have limited impact on agricultural production. Residential lots are limited in number, size and location to minimize the impacts associated with rural residential development. (Jefferson County Zoning Ordinance). New residential lots are usually limited to a maximum size of 2 acres. When a landowner requests a land division (commonly called “splits”) for residential purposes, these residential lots require re-zoning to the A-3 (rural residential) designation. In accordance with the Jefferson County Zoning Ordinance, Figure 1.2 shows the number of splits allowed by parcel size as well as the presence of prime agricultural soils. In addition, some of the towns in Jefferson County impose stricter requirements on the number and placement of residential lots than the county plan.

Once a landowner has utilized all of his land divisions under the ordinance, the “parent” parcel is recorded as “frozen” by the county zoning office and the landowner must record an affidavit on the property indicating that no

¹When town land division ordinances impose greater restrictions on splits than the county ordinance, a landowner may have utilized their full number of splits from the town’s perspective, and yet they may not be recorded as a “frozen” parcel in the county database.

Figure 1.1: Change in Farm Size

Type	1992		2002		1992—2002	
	Number	%	Number	%	Number	% Change
1 to 9 acres	79	6%	91	6%	+12	+15%
10 to 49 acres	225	18%	436	31%	+211	+94%
50 to 179 acres	549	43%	545	38%	-4	-1%
180 to 499 acres	352	28%	258	18%	-94	-26%
500 to 999 acres	55	4%	52	4%	-3	-5%
1,000 acres or more	20	1%	39	3%	+19	+95%
Total	1,280		1,421		141	+11%

Source: USDA, National Agricultural Statistics Service

additional splits are allowed¹. As of 2007, the total number of “frozen” parcels is 1,890, comprising 28,326 acres. Of the frozen parcels, 1,214 parcels are “parent” A-1 parcels, consisting of 26,857 acres. Without the current regulations, these 1,214 frozen parent parcels may have seen additional development. As well, with the 2 acre maximum lot size limit, land that in many counties would be incorporated into larger rural residential lots has been preserved as agricultural land. Many counties have rural lot minimums rather than a maximum, a 35 acre lot minimum is very common in rural areas in Wisconsin. There are currently 5 parcels at a total of 78 acres that have been split to form A-2 zoned lots, agricultural business zoning designation. The total number of A-3 parcels, rural residential, is 671, with a total acreage of 1,391. According to the Jefferson County Land Information Office, a rough estimate of the remaining parcels that could be split is between 30,000 and 40,000 parcels. See Map 1.6 for frozen parcels in Jefferson County.

CONVERSION RATES

Calculation of land conversion rates are based on changes in designated land use, as categorized by the Wisconsin Department of Revenue. Land conversion does not require a sale, rather, it is determined by a change in its use. For this analysis, we present data from the Department of Revenue, as analyzed by the Program on Agricultural Technology Studies, indicating loss of agricultural lands by town. These data would necessarily include lands converted to urban development or lands lost to residential land divisions. Figure 1.3 contains the conversion rates for each town within Jefferson County from 2000 to 2006. Note that negative numbers indicate a gain in agricultural land.

As shown in Figure 1.3, the overall agricultural conversion rate between 2000 and 2006 for Jefferson County was 5.3%, or 10,810 acres. The highest rates of agricultural land loss were in Hebron, Ixonia and Watertown townships, while the towns of Sumner, Oakland, and Concord saw slight increases in agricultural land between 2000 and 2006. To provide a comparison, the conversion rates for surrounding counties and statewide totals are also listed.

Jefferson County has conversion rates that are slightly higher than the rest of the state. Comparatively, Dane, Walworth, and Waukesha Counties had higher rates of conversion. Waukesha lost 19.4% of its agricultural land to other uses between 2000 – 2006. Dodge and Rock Counties have lower rates of conversion than Jefferson County.

Figure 1.2: Jefferson County Lot Split Standards

A-3 Agricultural/Rural Residential District Lot Chart			
Parcel Size	Prior A-3 Splits From Parent Parcel	Non-prime Lots Available	Prime Lots Available
Less than 40	3	1	1
"	2	1	1
"	1	2	1
"	0	3	1
50 of Greater	3	1	1
"	2	1	1
"	1	2	1
"	0	3	2

Source: 2-8-00, Ord. No. 99-23

LAND SALES DATA

The National Agricultural Statistics Service compiles yearly reports on agricultural land sales by county. In 2006, the statewide average cost for land sold for agricultural purposes was \$3,366 per acre, while land being diverted to other uses sold for \$10,681 per acre. Jefferson County saw an average price of \$6,623 per acre for agricultural land kept in agricultural use. Agricultural lands being diverted to other uses had an average price of \$12,764 per acre.

Jefferson County saw 392 of the 1583 agricultural acres sold in 2006 converted to non-agricultural use. This equates to about 25% of all agricultural land sold. Comparatively, the state saw conversion of 23% of agricultural land sold in 2006. The south-central district saw an average of 26%. On the high end of the spectrum, Waukesha County saw 77% of the agricultural land being sold to other uses while Rock County saw 16% of its agricultural land sold to non-agricultural uses.

Figure 1.4: Land Sales Data

County	Agricultural Land Continuing in Agricultural Use			Agricultural Land Diverted to Other Uses		
	Transactions	Acres Sold	Price Per Acre	Transactions	Acres Sold	Price Per Acre
Columbia	19	1,164	\$4,832	7	207	\$9,252
Dane	16	1,226	\$9,029	30	2,560	\$18,974
Dodge	31	2,420	\$4,674	1	46	\$9,000
Green	39	4,075	\$3,566	11	690	\$5,294
Jefferson	23	1,191	\$6,623	5	392	\$12,764
Rock	26	2,017	\$4,567	7	389	\$8,248
SC District	153	12,093	\$4,931	61	4,284	\$14,652
Waukesha	3	217	\$12,393	13	711	\$17,743
Statewide	1,460	106,421	\$3,366	438	23,969	\$10,681

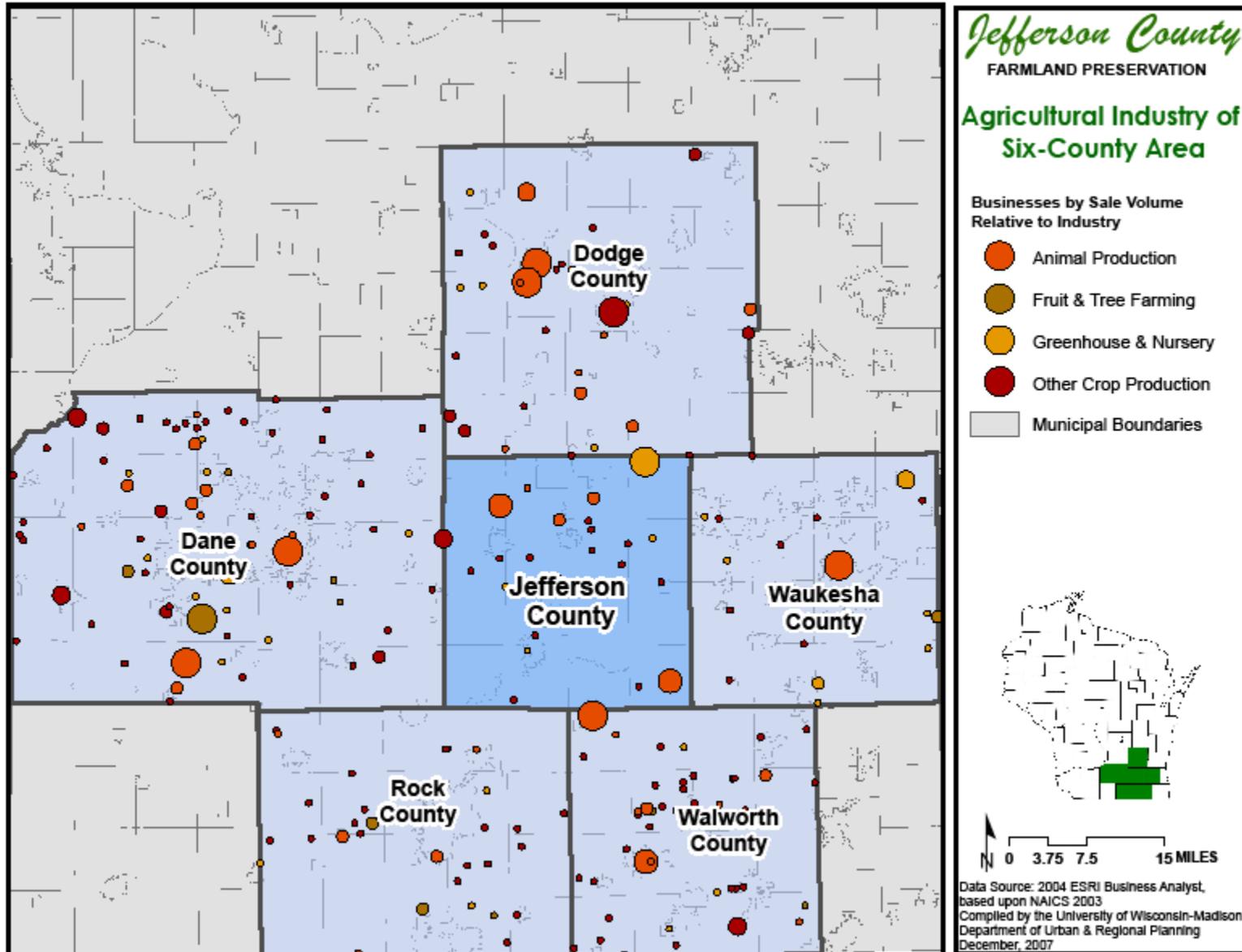
Source: National Agricultural Statistics Service

Figure 1.3: Conversion Rates

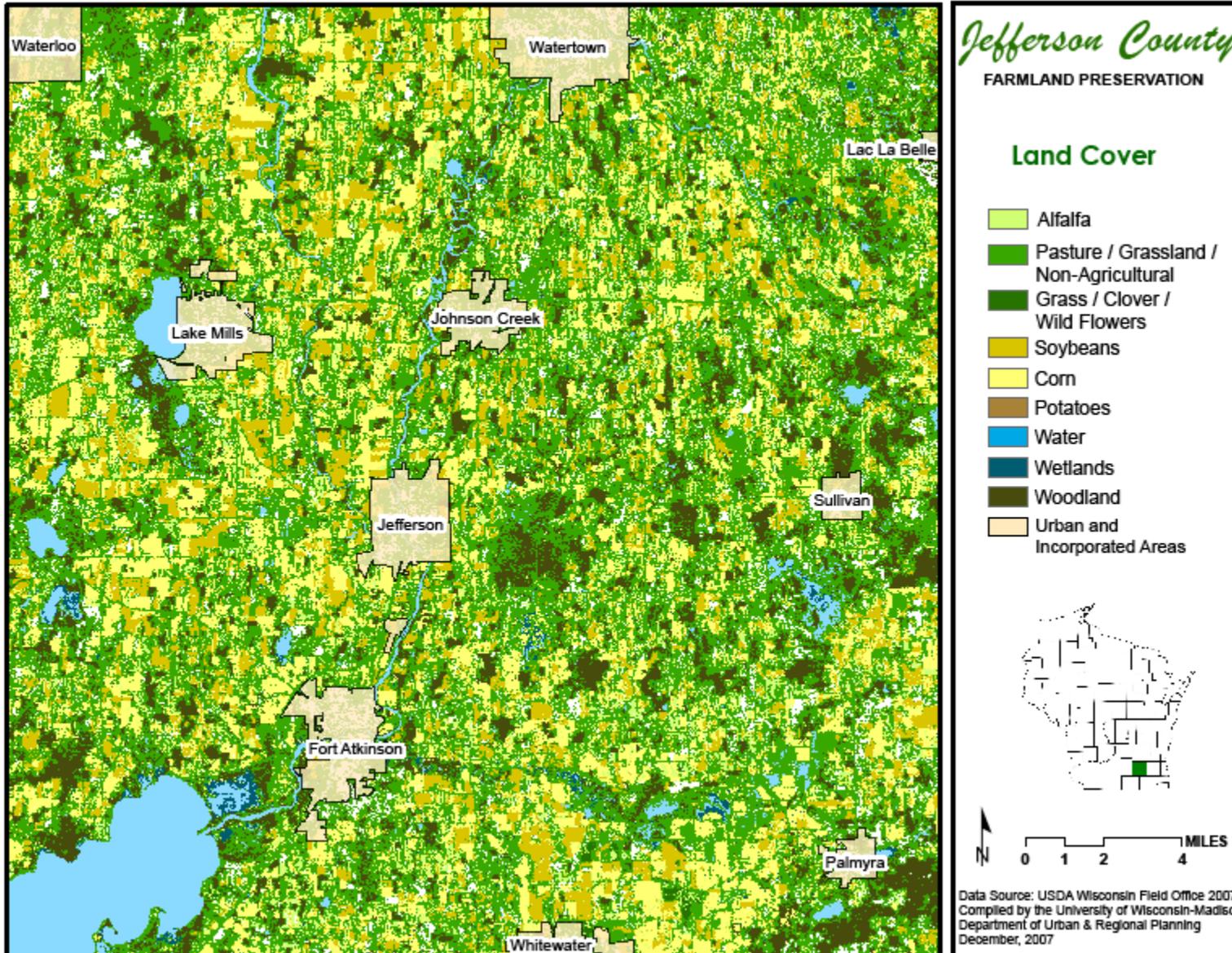
Town	Agricultural Land Loss	% of Agricultural Land Lost
Dane	22,199	6.7%
Waukesha	10,951	19.3%
Jefferson	10,810	5.3%
Aztalan	1,044	8.7%
Cold Spring	240	2.3%
Concord	-133	-0.9%
Farmington	603	3.4%
Hebron	2,630	21.5%
Ixonia	2,451	16.3%
Jefferson	187	1%
Koshkonong	6	0.05%
Lake Mills	448	3.6%
Milford	48	0.2%
Oakland	-152	-0.9%
Palmyra	838	5.6%
Sullivan	1,234	10.3%
Sumner	-43	-0.8%
Waterloo	323	2.4%
Watertown	2,130	11.6%

Source: UW Program on Agricultural Technology Studies

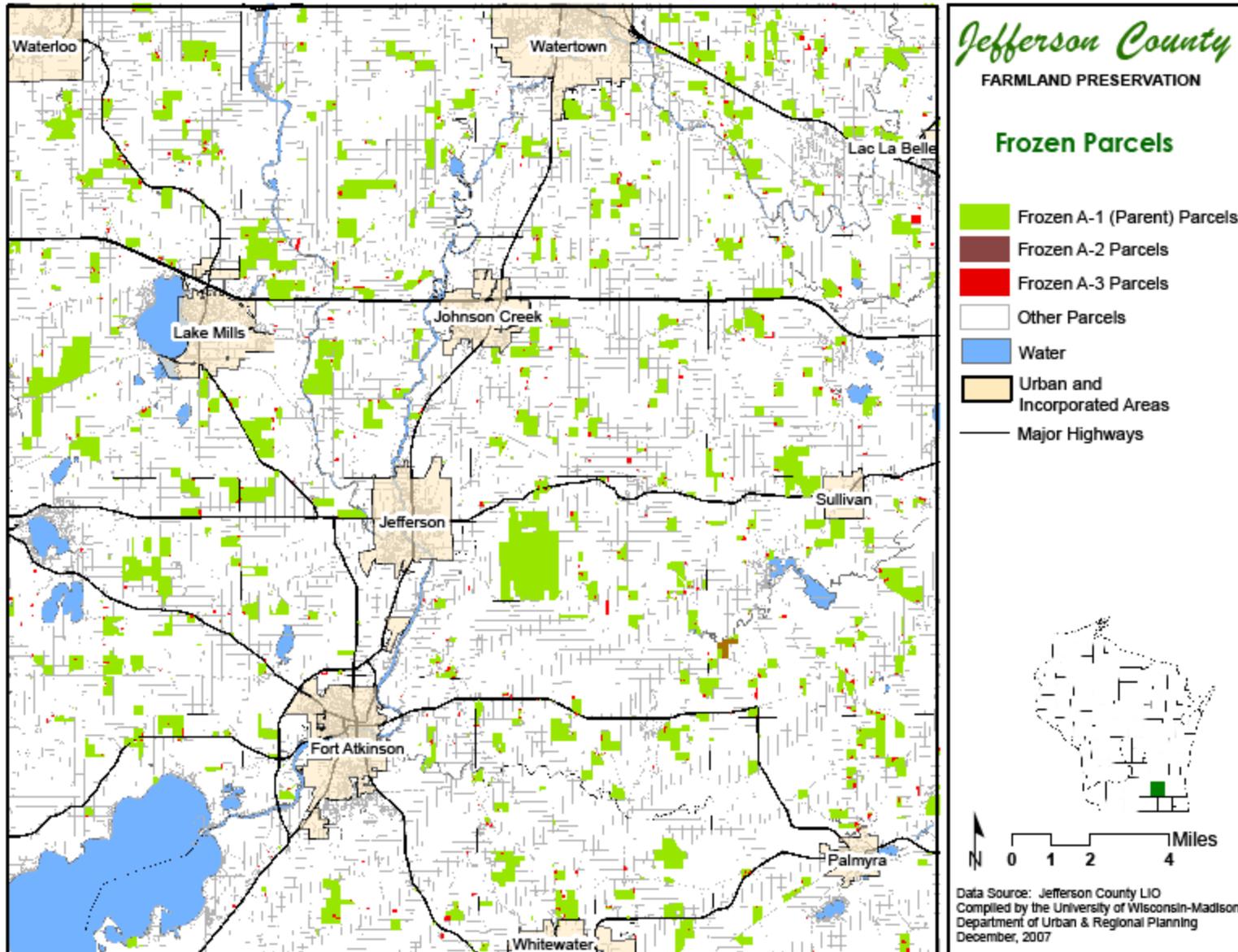
Map 1.4: Agricultural Industry of Six-County Area



Map 1.5: Land Cover in Jefferson County



Map 1.6: Parcel Splits



Financial Status of Jefferson County

Because one of the recommendations of this report is that Jefferson County consider additional funding for a purchase of agricultural easements program, this section will examine the current public financial status of Jefferson County and its constituent cities, towns and villages. Figure 1.5 shows the total property value, property tax levy and property tax rate for 2000 and 2006 for Jefferson County and the State of Wisconsin as a whole. County government's two main sources of revenue from its own sources are the property tax and the county-optional 0.5% sales tax, with property taxes comprising about 80 percent of own-source revenues. For the municipalities within Jefferson County, the primary source of revenues from own sources is the property tax. Thus, any additional funding for farmland preservation based on local funding sources (county and/or local municipalities) will most likely have to be met with increases in the property tax levy.

Conclusions

As indicated in Figure 1.5, the property tax Rates in towns, villages and cities in Jefferson County declined between 2000 and 2006 because property values were increasing. The largest decline in tax rates was in the villages, because village property values increased 115% during this period. Cities in Jefferson County have a slightly lower property tax rate than cities across the state during this period. Although the town property tax rate in Jefferson County was slightly higher than state averages in 2000, by 2006 the property tax rates in Jefferson County towns was slightly lower than in the rest of the state.

Definitions

Total property value: total value of taxable real property (land and improvements) within the jurisdiction. Property values are determined by municipal tax assessors.

Property tax levy: the amount of property taxes collected by a local government or school district. The property tax levy is equal to the total value of taxable property multiplied by the property tax rate.

Property tax rate: The tax rate applied to the assessed valuation of property. The effective property tax rate here is calculated as the total property tax levy divided by total property value within each jurisdiction. Many people are more familiar with the concept of the "millage rate" which would be the property tax rate multiplied by 1000. For example, a property tax rate of 0.01529 is equivalent to 15.29 mils.

Figure 1.5: Jefferson County Financial Assessment

		JEFFERSON COUNTY			
		Towns	Villages	Cities	County
2006	Property Value	\$2,886,334,700	\$452,085,100	\$2,938,541,500	\$6,276,961,300
	Property Tax Levy	\$44,145,169	\$8,651,137	\$58,543,615	\$23,847,626
	Property Tax Rate	0.01529	0.01914	0.01992	0.00380
2000	Property Value	\$1,827,376,100	\$209,984,300	\$1,949,415,500	\$3,986,775,900
	Property Tax Levy	\$35,814,391	\$5,329,572	\$48,074,369	\$17,963,300
	Property Tax Rate	0.01960	0.02538	0.02466	0.00451
2000-2006	Change in Property Value	\$1,058,958,600	\$242,100,800	\$989,126,000	\$2,290,185,400
	% Change in Property Value	58%	115%	51%	57%
	Change in Property Tax Rate	-0.0043	-0.0062	-0.0047	-0.0007
	% Change in Property Tax Rate	-22%	-25%	-19%	-16%
		WISCONSIN			
		Towns	Villages	Cities	County
2006	Property Value	\$176,852,626,350	\$75,042,966,850	\$217,087,606,600	\$455,759,476,510
	Property Tax Levy	\$2,730,762,453	\$1,417,195,100	\$4,558,411,035	\$1,723,856,912
	Property Tax Rate	0.01544	0.01889	0.02100	0.00378
2000	Property Value	\$108,890,242,800	\$40,382,159,200	\$137,049,089,800	\$286,321,491,800
	Property Tax Levy	\$2,094,468,827	\$957,009,415	\$3,553,053,133	\$1,225,160,900
	Property Tax Rate	0.01923	0.02370	0.02593	0.00428
2000-2006	Change in Property Value	\$67,962,383,550	\$34,660,807,6500	\$80,038,516,800	\$169,437,984,710
	% Change in Property Value	62%	86%	58%	59%
	Change in Property Tax Rate	-0.0038	-0.0048	-0.0049	-0.0005
	% Change in Property Tax Rate	-20%	-20%	-19%	-12%

Regional Growth Trends Affecting Jefferson County

Because Jefferson County is nestled in between Dane and Waukesha Counties, growth and development pressure in Jefferson County comes not only from within the county and its cities, but also from the Madison and Milwaukee metropolitan areas. The growth pressure is compounded by Jefferson County's location along Interstate 94 and Highway 26. This section will discuss growth trends occurring outside Jefferson County to determine possible future development pressures on Jefferson County farmland and to examine potential policy impacts upon farmland preservation in the county. See Map 1.7 for a map of development pressures in Jefferson County.

Dane County lies to the west of Jefferson County. The population of Dane County is expected to grow 36% between 2000 and 2030, compared to a predicted state average of 14.7% over that span. The fastest growth in Dane County is expected to occur in the city of Madison and particularly in the Madison suburbs of Middleton, Sun Prairie, Waunakee, and DeForest and Verona and Fitchburg. None of this future development is likely to impinge on Jefferson County in the next few decades.⁴

Waukesha County lies to the east of Jefferson County. The population of Waukesha County is expected to grow 22% from 2000-2030, compared to the expected State of Wisconsin average of 14.7% over that span. From 1990-2000, Waukesha County was the second fastest growing county in the SEWRPC region. Over that span, Waukesha County grew 18.4% compared with 6.7% growth region-wide. Also, migration from Milwaukee County to Waukesha County exceeded migration in the opposite direction by a net of over 50,000 persons in the 1990's, suggesting a trend of westward growth in the region.⁵

The SEWRPC plan predicts some of the areas of Waukesha County with the greatest expected growth are those located closest to the Jefferson County border. Oconomowoc is predicted to grow by 55.5% between 2000-2035, the Lake Country area around Oconomowoc is expected to grow over 300%, while Dousman is expected to grow 153%. Much of the predicted growth in the Oconomowoc area is likely due to the construction of Pabst Farms. Pabst Farms is a 1,500 acre, \$1 billion mixed use development located between Oconomowoc and I-94 in the Town of Summit. The I-94 interchange at the Pabst Farms site will be rebuilt starting in the spring of 2008.

In summary, Waukesha County is predicted to grow much faster than the state average over the next 30 years. Some of the fastest growth is predicted to occur near Oconomowoc right on the border with Jefferson County. It therefore seems inevitable that development pressure from this area will cross into Jefferson County along I-94.

⁴Dane County Growth Trends: 2000 to 2030 ; Dane County Parks and Open Space Plan: 2006 – 2011; Planned Future Land Use Growth Map: 2000 Base Year

⁵Planning Report No. 48 – A Regional Land Use Plan for Southeastern Wisconsin: 2035 ; Regional Report Volume 2, Number 2: The Landscape of a Growing Southeastern Wisconsin



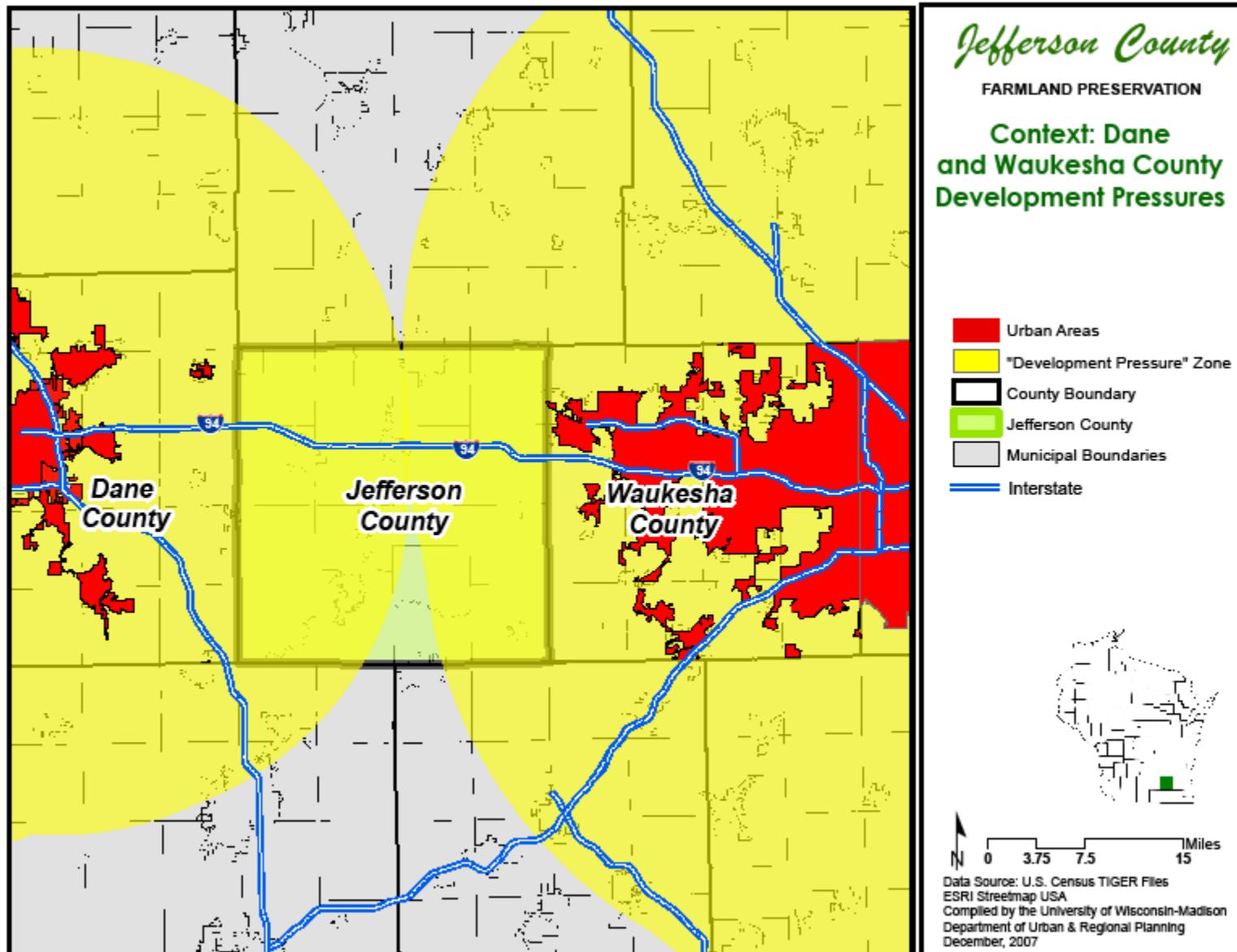
Urban Expansion vs. Rural Conversion

There are two different development pressures causing farmland loss: urban expansion and rural residential development. Urban expansion is the gradual outward expansion of a cities into previously undeveloped areas, usually through the expansion of public infrastructure services and/or annexation. While this growth pattern does lead to farmland loss, when managed and planned effectively, it can minimize aggregate farmland loss and reduce incompatible land uses. Rural residential development is the scattered development of patches of countryside outside of designated urban growth boundaries or urban service areas. The focus groups conducted as part of this report agree that rural residential development posed a greater risk to farmland preservation and that reducing the conflicting land uses between farming and rural residences was a key priority of any farmland preservation strategy.

When rural residential development occurs in a scattered fashion, there can frequently be conflicts between houses and farmers regarding the various smells and noises which are part of normal farming operations. Residents may complain about slow-moving farm vehicles on the roads, while farmers may complain about the increased traffic on rural roads which impede their ability to move farm equipment from parcel to parcel. As well, intrusion of rural residential lots into farming areas may make it difficult for farmers to acquire larger farmsteads or to have uninterrupted access to their fields. This fragmentation of agricultural land can exacerbate conflicts and intrude on farming operations.



Map 1.7: Development Pressures



Existing Plans in Jefferson County

There are several plans that have been adopted by Jefferson County, and contribute to the current issues of farmland preservation. As described previously, the County is currently operating under the 1999 Jefferson County Agricultural Preservation and Land Use Plan. The County has also adopted a Park and Open Space Plan in 1997, and there are a number of state and local transportation plans that affect Jefferson County. This section will offer a brief summary of three plans: the 1999 Agricultural Preservation and Land Use Plan, the 1997 Park and Open Space Plan, and the State Highway 26 Corridor Study.

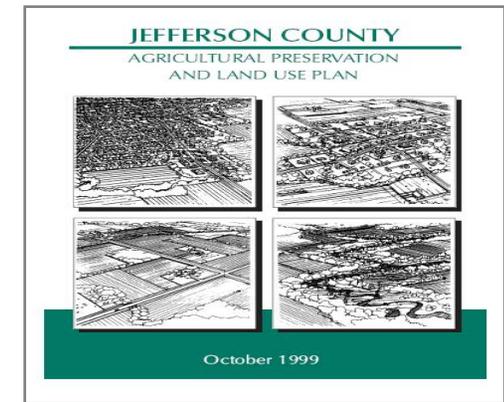
Jefferson County is currently updating its 1999 County Plan. As well, many of the municipalities in Jefferson County are also currently preparing or updating their plans. In Wisconsin, there is a deadline of 2010 for counties and municipalities which exercise land use powers (zoning and subdivision control) to prepare plans and to make their land use ordinances consistent with the plan. For purposes of this report, many of the plans are currently in the drafting process and unavailable for the public at this time. Some of the towns represented in the focus group noted that their plans incorporate the priority of farmland preservation within their communities.

These plans represent the foundation upon which to build further farmland preservation efforts in the county. Recommendations made within this report are intended to complement and supplement existing plans and policy goals. Careful evaluation of these plans will inform the way in which Jefferson County chooses to move forward in preserving its rural character and agricultural heritage.

The 1999 Jefferson County Agricultural Preservation and Land Use Plan

The Plan was created in order to guide and manage growth with the following goals:

- Preserve rural character
- Preserve agricultural base
- Preserve natural resources
- Contribute to high quality of life and prosperity



Goal Statements and Consensus Points

The primary goals of the Jefferson County Agricultural Preservation and Land Use Plan are to create clear and fair land use policies that preserve the rural character of Jefferson County and protect its natural resources well into the future. Policies should strike a balance between preserving natural areas and providing for growth. These policies should be coordinated at the county, city, and town levels with the goal of maintaining adequate infrastructure and services at the local level with a stable tax base. More specifically, policies should favor development in higher densities in areas that are equipped for that type of development, as well as encouraging infill and redevelopment in existing urban areas. The impact of development on taxes should be considered in creating policies. Also, purchase of conservation easements along with other tools should be evaluated for natural resource and open space protection.



UW Extension

Development of prime farmland should be minimized, especially for non-agricultural uses, and any non-agricultural rural development should be clustered. Policies should consider the long-term economic viability of agriculture in the county and allow for continued agricultural productivity that will not conflict with non-agricultural land uses. Jefferson County's prime agricultural resources should be protected such that the next generation can choose to pursue agricultural production.

In terms of environmental protection priorities, waterfowl and wildlife should be protected to the extent possible when considered in terms of land use plans, and unique topographical and geological features including drumlin and esker glacial formations and their accompanying vegetation should be protected. In addition, Jefferson County is home to several unique rivers and riparian areas, which should be preserved as environmental, habitat, and recreation corridors. Some low-density development may be permitted along the shorelines, but in general, the focus should be on maintaining the aesthetic, scenic, natural resource, and recreational aspects of these areas. Further, it is recognized that wetlands and floodplains should remain undeveloped due to their storm water management and flood control properties. Finally, other priorities for environmental protection include groundwater, surface water, air quality, and the aesthetic quality and rural character throughout the county.

To implement the goals of the plan, the Land Use Plan designates four land use categories in the county: agricultural preservation areas, rural hamlets, urban service areas, and environmental corridors. Development should be focalized within the urban service areas.

Park, Open Space, and Environmental Protection Plan

The Jefferson County Board of Supervisors approved this plan in 1997. The long-term goals and policies prioritized in the plan include acquiring naturally and historically significant pieces of land of 100 acres or more, as well as preserving areas adjacent to lakes and providing opportunities for passive recreation in these areas. Further, the plan recommends acquiring additional park sites to make up for the county's park deficiency, and continuing to move forward on the Jefferson County Bike/Pedestrian way Plan. The plan advocates investigating private funding sources as well as federal grants, and a cooperative relationship with the Department of Natural Resources. At the time of acceptance of the Jefferson County Agricultural Preservation and Land Use Plan, 13 sites were undergoing evaluation as part of a feasibility study to identify sites for large, natural resource-oriented county parks. In addition, the plan recommends regulatory action to preserve environmental corridors. The plan encourages evaluation of both state and federal programs, specifically the DNR's Conservation Habitat Enhancement and Agricultural Protection (C.H.E.A.P.) to achieve the protection goals of the plan.



Transportation Plans

A number of state and local transportation plans which will impact Jefferson County were reviewed: the State Highway 26 Corridor Study (ongoing), Jefferson County Bikeway/Pedestrianway Plan (1996), Wisconsin State Highway Plan (2000), Wisconsin Southwest Region Highway Improvement Program (2006), Translinks 21: A Multimodal Transportation Plan for Wisconsin's 21st Century (1994), WisDOT Connections 2030, Midwest Regional Rail Initiative, and Wisconsin State Airport System Plan 2020

Of the eight transportation plans that were reviewed, the plan that would most significantly effect Jefferson County is the State Highway 26 Corridor Study. The Wisconsin Department of Transportation has completed four studies on the Highway 26 corridor, which serves as a connector route and truck route in southeastern Wisconsin. These studies included a bike route planning study, corridor plan, Environmental Impact Statement, and an expansion project. Stemming from these studies are plans for construction along Highway 26 from Janesville to Highway 60. These plans include new bypasses around Jefferson and Watertown and the potential for a four-lane controlled access highway in the long term. The bypasses are planned to run outside current municipal boundaries but within the extraterritorial jurisdictions of Jefferson and Watertown.

The bypass plans have significant implications for farm resources in the surrounding area. The Final Environmental Impact Statement (IES) for the bypass plan, completed in 2005, reported several specific and direct impacts on farmers. According to the IES, the Watertown, Jefferson,

and Milton bypasses will be constructed in areas of prime farmland, sever 28 farm properties, and require acquisition of several farm buildings. Additional impacts and farmer concerns include the potential for drainage, windbreak, and fencing problems, limited farm access to Highway 26, and accelerated urban fringe development. The future Highway 26/18 interchange is listed as a likely focal point for accelerated development.

Public Participation in a Historical Context

Throughout history, agriculture has been at the heart of the economic and social fabric of Jefferson County. For many farmers, farming is their sole source of income, and their livelihood depends entirely upon the current economic climate of agriculture. The viability of farming in Jefferson County is highly dependent upon both the market price of agricultural commodities, as well as the economic gain resulting from the subdivision and sale of agricultural land. Declining agricultural commodity prices coupled with increasing development pressures and the perception of rising property taxes, are threatening the viability of farming in Jefferson County.

In response to these increasing threats, the public in Jefferson County began to toy with the notion of preserving farmland through a countywide effort. This process has been characterized by uncertainty and conflicting desires: a public survey in 1996 found that the public was in support of both Transfer of Development (TDR) programs, as well as Purchase of Development (PDR) programs; however, subsequent town meetings revealed that there was immense amounts of confusion as to the definition and use of these programs. The 1999 Public Involvement Process Report (PIPR) found that there was broad public support for *both* farmland preservation and the farmer's right to subdivide land.

In 2007, Jefferson County established The Jefferson County Farmland Preservation Commission. Since its creation, the Farmland Preservation Commission has been undergoing a process of formal and informal efforts to engage the public. This report will aid the Commission, and the County, in their goal of preserving farmland by increasing clarity on the definition and use of programs such as Purchase of Agricultural Conservation Easements (PACE).

Public Participation in the Current Context

In a joint effort between the Farmland Preservation Commission and the 2007 Workshop Public Participation Group, a number of focus group meetings were conducted during the fall of 2007. While these focus groups are only the initial step in the public participation process, they are an important step in increasing public awareness and input around the concern of farmland preservation. While this initial public participation process provides an opportunity for rich dialogue about each stakeholder group's perspectives on farmland preservation, caution is urged when



using the focus group and key informant interviews as representing a consensus in opinion of each stakeholder group. Individuals within each group, and undoubtedly those who did not attend, have divergent views on some issues. Ongoing dialogue and outreach will need to occur in order to gain insight into the varying perspectives within each group. Figure 1.6 shows the current matrix of stakeholder engagement. Because of limited time for this report, we were not able to conduct focus groups with all relevant stakeholders.

Stakeholder groups often have different motivations for farmland preservation, as well as concerns about its implementation. In addition, stakeholder groups are defined by broad similarities; however, within each group they may have many internal differences and other affiliations. The following two pages provide a summary of the initial focus groups. See Appendix A for the complete results of the initial stakeholder input process.



Figure 1.6: Stakeholder Groups



Common Themes:

Policy and planning

- Funding poses the largest challenge to a preservation program
- Focus on making cities more attractive places to live
- Zoning as a land use tool is beneficial but it is potentially vulnerable to future changes
- Intergovernmental cooperation is important to coordinate effective planning

Impacts of rural development, benefits of farmland preservation

- Rural housing development is detrimental to farming viability
- Rural development makes it difficult for urban areas to efficiently provide services
- Farmland preservation can benefit all residents of Jefferson County
- The concept of farmland preservation should include land that provides ecological services that help sustain farmland and mitigate the impacts of urban and rural residential development

Education and communication

- Education must be a focus at all levels of the process
- Need to find ways to balance individual rights with community needs
- The Commission should identify and articulate benefits of farmland preservation
- Financial incentives for individual farmland preservation action is needed

Potential conflicts and tensions:

- Location of priority areas for farmland preservation and their proximity to urban areas
- Who bears the burden of responsibility for farmland preservation.
- Sources of funding



Figure 1.7: Synthesis of Stakeholder Input

Input Group	Internal Education / Capacity Building	External Education / Capacity Building	Rural / Urban Connection	Tools / Strategies	Funding Issues
Farmland Preservation Commission	Need to build more support among entire County Board.	Need to build farmer support and urban support. Need urban and town officials to act in line with County Plan.	Link to urban benefits: water regeneration, compact/efficient urban development, stronger downtowns.	Prefer PACE in combination with other strategies. Want to prioritize lands and tracts for large-scale farming.	No referendum. Prefer outside (state) funding. Discussed local matching funds, agribusiness donations, and funds from sale of county lands.
Farmers	Need to increase discussion among farmers. Need to develop farm leadership.	Need more farmer input in government. Need public awareness of benefits farmers provide (food and environment).	Need inviting urban areas & disincentives to rural development. Show role of ag in economy & environment.	Educate farmers about easements. Balance individual rights of farmers and collective interest.	Need to have extensive education first. Some discussion on state Stewardship Fund. Need state support.
Environmental Groups	More emphasis on education within environmental groups. Hunting groups should be involved.	Create collaboration with farmers and hunt clubs. Educate farmers that environmentalists do not want A-1 lands.	If cities aren't able to build out, there is a concern that the city could feel stifled.	Prioritize environmental corridors for animal movement and buffers of farmland around existing parks.	Concerned that adding a tax on to the property tax makes the tax more visible and easily attacked.
Town Officials	Need more information about exact strategies.	Need coordination between county and town governments.	Need attractive cities to reduce pressure on rural land.	Support for PACE. Prioritize areas close to cities. Support intelligent zoning.	Thought that there would be little support for a tax increase.
Multi-jurisdictional (Urban) Group	Think rural development detrimental to urban areas.	Need governmental coordination at all levels. Frame as societal good.	See benefits for urban areas as local food source, preservation of aquifer, stormwater mitigation, open space, and agribusiness.	Want more uniform policies (not political). Favor state programs. Do not want PACE on urban fringe where it will "ring" them in.	Funding issue would split their community. Favor state funding. Some supported use of county funding to preserve areas near natural areas.

Vision, Goals and Objectives

The following vision, goals, and objectives frame our report's understanding of current issues in Jefferson County, as well as the policy strategies and recommendations. These do not necessarily reflect the formal vision and goals of Jefferson County, but are an interpretation of the information gleaned from the 1999 Agriculture and Preservation Plan as well as various focus group conversations.

Vision: Preserve Jefferson County's rural character and quality of life

Goal A: Ensure the preservation of productive agricultural land

Goal Objectives:

- Create registry program for farms interested in donating/selling an easement
- Develop a method to rank and categorize farmland quality
- Secure a stable source of funding for any easement program
- Continue current land use policy and practice
- Create and promote education and capacity building to ensure successful implementation of preservation tools

Goal B: Develop a sustainable rural economy

Goal Objectives:

- Ensure affordability of future farmland
- Facilitate/ encourage the younger generation of farmers
- Maintain rural infrastructure
- Create/bolster market for agricultural products grown and made in Jefferson County



Goal C: Preserve aesthetic and scenic landscapes

Goal Objectives:

- Identify historically relevant structures and landscapes
- Create administrative process to manage scenic easement program

Goal D: Preserve open space and environmentally sensitive areas

Goal Objectives:

- Identify environmentally sensitive areas
- Continue with current environmental corridor program

Goal E: Promote compatible existence of urban and rural life

Goal Objectives:

- Create and manage a public education and capacity building campaign



Education and Capacity Building

Jefferson County is characterized by strong social institutions and dedicated citizens. By engaging and mobilizing these groups, the County can build support for farmland preservation, and create solutions that benefit both rural and urban communities in Jefferson County.

The Farmland Preservation Commission aims to create a program that preserves farmland, the majority of the recommendations in this report address programs, like PACE,. However, we strongly recommend that an Education and Capacity Building strategy accompany any of these programs. This strategy addresses the *process* related to the concrete goals of preserving farmland. It focuses on the process goals necessary to create an organizational infrastructure that facilitates the success of a strong farmland preservation program. An Education and Capacity Building program addresses the need to build public “buy-in” and increased willingness to devote resources toward farmland preservation. An Education and Capacity Building Program can connect concrete land preservation goals with programs that address the forces shaping rural development, such as programs that support young farmers, plans for vibrant urban development, and programs which advocate for broader state support.

A strong Education and Capacity Building program includes the following strategies:

- Use a stakeholder input process to assess needs, values, and visions.
- Inform and educate stakeholders through a communications strategy.
- Build capacity for leadership and representation within supporting stakeholder groups.
- Build political capacity and awareness among local officials.
- Build partnerships among stakeholder groups.
- Expand education, political support, and awareness building.

These strategies are critical components toward building a farmland preservation program that effectively meets and balances the needs of multiple stakeholders.



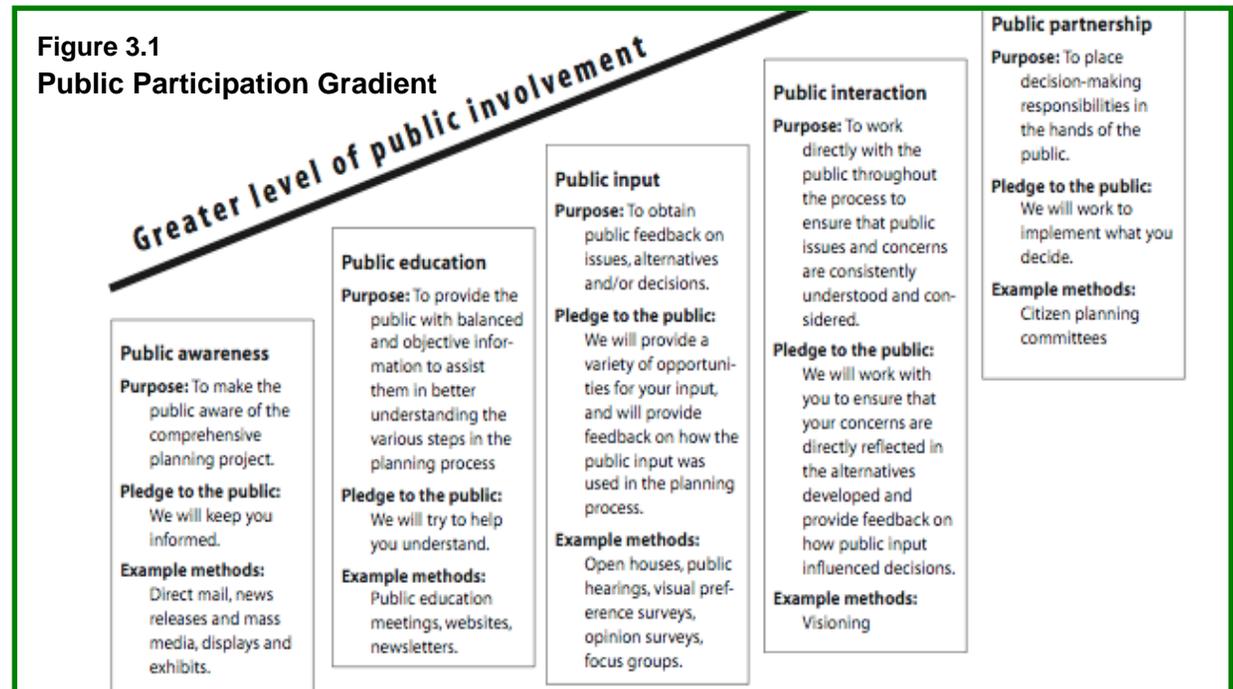
Process

The following strategies for education and capacity building were informed by the initial public participation process, conducted in Fall of 2007 (See Appendix A for complete focus group findings.) This activity supported work that the Farmland Preservation Commission had already been doing in public relations: identifying communications and input needs, connecting with key stakeholders, and building capacity.

Although the strategies in this Education and Capacity Building section target the Farmland Preservation Commission, they also seek the engagement other key stakeholders and leaders.

Definitions, goals, and approach

Education is traditionally conceived of as a one-way process to *inform* the citizenry of activities. In contrast, education must be a process that actively engages stakeholders to meet a variety of goals. Grabow, Hilliker and Mosical (2006) highlight “A multi-level Approach for Citizen Involvement,” shown in Figure 3.1 The levels of public involvement range from public involvement to public partnership.



Strategies

1. Inform and Educate Stakeholders Through a Communications Strategy

This fall, the Farmland Preservation Commission approved a communications plan. The communications plan identifies a number of opportunities to generate public awareness regarding preservation needs and the Commission's role. Thus, many of the strategies and tools in the communication plan resonate with and are integrated into our recommendations.



Goals:

- Generate public awareness and support for the Farmland Preservation Commission's activities.
- Strengthen the image of the Farmland Preservation Commission and its role in the County.

Strategies:

- Create fact sheets, brochures, displays and other educational materials about farmland preservation tools, as well as information about the Farmland Preservation Commission's role in the County.
- Create a media kit; strengthen relationships with media representatives; and continue generating print and radio media pieces about farmland preservation and the Commission's role within Jefferson County.
- Conduct "in-field" and small-group or one-on-one informational meetings about farmland preservation tools such as conservation easement donations, PACE, and other components of the program the Commission develops.
- Create specific training sessions geared to town officials and plan commission members regarding PACE
- Create learning opportunities to visit farmland preservation programs in other places (such as the Town of Dunn, WI and Lancaster County, PA).

2. Continue a stakeholder input process

A public participation process based on two-way dialogue will help develop a farmland preservation program which meets the needs of multiple stakeholder groups. Such a process is a critical first step to capacity and partnership-building. A continuing plan that gathers input from stakeholders should incorporate the following goals and strategy.

Goals:

- Obtain public feedback and assess stakeholder needs to shape farmland preservation programs, including identifying existing conflicts.
- Involve stakeholders, especially farmers, at all steps of the process.
- Identify driving forces and values related to farmland preservation needs,
- Empower the public to participate in informed decision-making

Strategies:

- Continue conducting individual key informant interviews and focus groups with stakeholder groups. This includes the following:
 1. Host a second round of focus groups with farmers and other landowners looking at specific programmatic strategies, such as those recommended in the report. See Appendix B on resources and potential questions to use in both focus groups and key informant interviews.
 2. Host focus groups with stakeholders not represented in this report; specifically building, development, real estate and business associations.
 3. Conduct key informant interviews with farmers who haven't been involved in order to understand their positions and gauge strategies that may engage these groups.
 4. Survey organizations about their familiarity with, and perspectives about, farmland preservation.
- Survey targeted constituencies, or consider a county-wide survey of voters similar to the surveys used to inform the 1999 plan.
- Support the creation of community-based learning circles in order to educate and inform participants and build leadership. See Appendix B for ways to engage learning circles.



3. *Develop Strong Leadership and Capacity within Supporting Stakeholder Groups*

In order for a farmland preservation program to work, it needs strong leaders or “champions”. In order to build leadership and capacity, consider the following goals and strategies.

Goals:

- Generate public support and ownership through dialogue.
- Strengthen capacity within supporting stakeholder groups.
- Build strong leadership among stakeholders.
- Reinforce the leadership role of the Farmland Preservation Commission.
- Build political capacity and awareness among local officials.

Strategy

- Take a “train-the-trainer” approach to education in order to keep the networks of stakeholder groups informed. This type of program will increase public awareness and education among identified leaders. Participating leaders should be a part of a network of stakeholders. Develop educational materials and cultivate these leaders to present and discuss the information within their networks. Invite the leaders to discuss farmland preservation and the roles of the Commission.
- Inventory stakeholder networks—that is, groups of key stakeholders. Assess stakeholder networks for their potential to collaborate within the context of farmland preservation. This will integrate farmland preservation activities into existing networks. In addition, building on already established networks may save resources and increase turnout. Be sure to provide incentives for stakeholders to engage. See Appendix B for a sample assessment of stakeholder networks.
- Continue strengthening the Farmland Preservation Commission and its leadership role in ‘championing’ farmland preservation activities. Develop a guiding vision and objectives for incorporating farmland preservation activities into Commission activities. Align Farmland Preservation Commission objectives with efforts to enhance rural economic well-being—such as, encouraging young farmers, and encouraging farm-supporting industries, etc.



- Strengthen the role of individual Commission members as public voices and advocates for farmland preservation. Advocate for farmland preservation within the County Board and build a coalition of supporters outside the Board. Conduct a presentation for the County Board about farmland preservation strategies, and develop linkages between the results of this report with the countywide comprehensive planning process.

4. Build partnerships

Partnerships will help Jefferson County reach a ‘critical mass’ in support of farmland preservation. While local efforts form the groundwork for farmland preservation, it’s also important to advocate for farmland preservation in the broader scope (such as, state and national level government) in order to increase resources and strengthen political support.

Goals

- Build partnerships among stakeholder groups to create an organizational infrastructure that supports the Farmland Preservation Commission’s work.
- Bridge and balance conflicting interests, in order to foster willingness to devote resources toward collective benefits associated with farmland preservation

Strategy

- Create a coalition of supporters (for example, a “Farmland Preservation Alliance,” or a citizen advisory committee), in order to build support outside of the Commission. This coalition will need to build alliances among farmers, landowners, environmental groups, and urban residents. Designate a point person to facilitate the group and to respond to continued public feedback. (This group should participate in education and advocacy.
- Convene quarterly meetings of representatives from cities, villages, towns, and county governing bodies. Discuss issues of consensus and conflict in urban and rural planning; such as, the prioritization of lands to preserve and possible sources of funding. Consider areas of common interest; such as, water regeneration, local food security, and connecting farmland preservation to efforts to quality of life.



Chapter 3: Capacity Building

- Advocate intergovernmental cooperation among City/Village, Town, and County governing bodies. Explore the possibility of intergovernmental agreements and other cooperative measures in order to coordinate planning aspects of balancing urban and rural land uses.
- Through discussions with the coalition of supporters, intergovernmental meetings, and so forth, develop a unified statement about farmland preservation that the County Board can adopt and use to lobby for state and federal programs and funding.



Table 3.2 Public Participation Purpose of Recommendations				
Purpose Recommendation	Public Awareness and Education	Public Input	Public Interaction and Leadership	Public Partnership
Create Fact Sheets and Brochures	X			
Develop Media Kit	X	\		
Hold Informational Workshops	X		\	
Conduct Key Informant Interviews	\	X		
Organize Focus Groups	\	X		
Identify Stakeholder Networks			X	
Implement Learning Circles	X	\	\	
Develop a Train-the-Trainer Educational Program	X		X	
Continue to Develop a Guiding Vision and Objectives for the Commission			X	
Make a Presentation to the County Board	X	\	\	\
Create a Coalition of Supporters	\	\	\	X
Facilitate Quarterly Meetings among Intergovernmental Bodies	\	\	X	\
Adopt Intergovernmental Agreements	\	\	\	X
Lobby State and National Officials	\	\	X	\

Note: An X indicates the primary purpose of the participation, where as \ indicates that the activity will also address the other purposes.

Land Evaluation, Site Assessment

An essential component of all land preservation is an approach to prioritizing lands and areas for acquisition. The Land Evaluation, Site Assessment (LESA) system, developed by the USDA, can be used to assess the suitability of parcels for preservation and can be used to rank applications for preservation funding. In many states and local communities across the country, analyses based on the LESA system have served a planning purpose to identify priority areas for preservation. In states and counties with established purchase of agricultural easement programs, LESA systems provide an objective and reasonable method for ranking applications for limited funding. At least 10 states and 177 local governments have been identified as using LESA systems in their farmland protection programs.

Key Components of a LESA

- LESA assigns numeric values (points) to characteristics of parcels, based on local determination. In consultation with experts and officials, the Farmland Preservation Commission could establish points systems and weighting factors to represent its policy goals and priorities.
- LESA consists of two parts, the Land Evaluation and the Site Assessment:
 - The Land Evaluation portion is based on the agricultural productivity of the soils, based on standard capability classifications from the USDA-NRCS (Class I-VIII). Soils are graded on their organic matter and on physical, chemical, and biological indicators, and their ability to produce row and field crops. These indicators are applied to specific agricultural use (based on an indicator crop) and each plot is ranked from best (100) to worst (0). The Land Evaluation is weighted (usually between .30 and .50) as an element of the entire assessment.
 - The Site Assessment considers factors such as agricultural viability and productivity, development pressure, scenic or environmental benefits, and clustering of preserved lands. Common site assessment factors are:
 1. Agricultural viability and productivity – Current agricultural values, such as size of the farm, current investment, surrounding agricultural uses, strength of local agricultural supply infrastructure, condition of agricultural buildings, etc.



Chapter 4: Priority Assessment

2. Development pressure – Development pressures focus on the zoning/protection of the site, proximity to existing development, distance from public utility/sewer grid, and location on transportation systems.
 3. Other public values – The other public values category can include a wide variety of factors, such as historic/educational value, wetlands/riparian value, scenic/open space value, proximity to floodplain, environmental features, proximity to other preserved land, ability to cluster preserved farmland into agricultural districts, etc.
- These three sub-groups are weighted together to form the remainder of the total evaluation according to local standards.
 - LESA systems are consistent and transparent because the scoring criteria are published and publically available
 - LESA systems make funding decisions and application review an objective process.



Figure 4.1 – Example of Computing a LESA score

Figure 4.1 to the right is an example of a LESA weighting system. Column one represents the various sections and parts of the LESA criteria as discussed above. Column two is the ‘score’ given to the parcel in question within that specific criterion, and column three represents the predetermined weight or importance that a particular criterion has. The final column is the score for each criterion given its weighted importance, as well as the total score for the parcel which will be used in ranking and prioritizing its importance in preservation efforts.

LESA Case Study One: Lancaster County, Pennsylvania

Lancaster County, in their well-established and nationally recognized PACE program, uses a LESA system with 40% of the total score based on Land Evaluation (entirely soil quality) and 60% Site Assessment. The majority of the Site Assessment is comprised of farmland potential and clustering potential (25% each).

(1) Factor name	(2) Factor rating (0-100)	(3) Weighting x (Total = 1.00) =	(4) Weighted factor rating
Land evaluation (site with one soil):			
1) Land capability	68	x 0.30	= 20.4
2) Soil productivity	62	x 0.20	= 12.4
Subtotals		0.50	32.8
Site assessment-1 (agricultural use factors):			
3) Acreage of farm	100	x 0.15	= 15.0
4) Farm investment	80	x 0.05	= 4.0
5) Surrounding uses	60	x 0.10	= 6.0
Subtotals		0.30	25.0
Site assessment-2 (development pressure):			
6) Protection by plan or zoning	90	x 0.06	= 5.4
7) Distance to sewer	70	x 0.05	= 3.5
Subtotals		0.11	8.9
Site assessment-3 (other factors):			
8) Scenic quality	50	x 0.09	= 4.5
Subtotals		0.09	4.5
Total of factor weights (must equal 1.00)	////////// ////////// //////////	1.00	
Total LESA score (sum of weighted factor ratings)	////////// ////////// ////////// //////////	////////// ////////// //////////	71.2

Source: Land Evaluation and Site Assessment: A Guidebook for Rating Agricultural Lands

Lancaster County also awards significant points for parcels in exclusive agricultural zoning areas and agricultural security areas, and for parcels in proximity to previously preserved parcels. In Lancaster County, no applications are accepted within urban or village growth areas. CRP/CREP land uses are allowed on lands with an agricultural easement, but the CRP/CREP lands cannot count as tillable land for minimum requirements.¹



Lancaster County LESA Guidelines

Land Evaluation (40% of Total Score)

1. *Soils*: 40% of the total score – this is an evaluation of the potential productivity of each soil type. The Land Capability Class, Slope Range, Depth, Drainage and Gross Corn Yield are considered to determine the Relative Value of each soil type. Soils that have the highest Relative Value obtain the most points. This data is obtained from USDA, Natural Resources Conservation Service (NRCS). Farms that follow an NRCS approved RMS conservation plan that is 100% implemented may be evaluated with alternative “bonus” Relative Values. Alternative Relative Values will result in a higher soil score. Scoring reflects the potential productivity of a farm’s soils, rated on a scale of 100.

Maximum Factor Points—100

Site Assessment (60% of Total Score, divided into three categories)

1. *Development Potential*: 10% of the total score – this category addresses factors that determine the likelihood of conversion to non-agricultural uses.

<u>Factors</u>	<u>Maximum Points</u>
A. Extent of Non-Agricultural Use in Area	40
B. Proximity to Public Sewer and Water Service	30
C. Amount of Road Frontage	30

¹Source: County of Lancaster Agricultural Preserve Board Program Guidelines, 2004

Chapter 4: Priority Assessment

2. *Farmland Potential*: 25% of the total score – this category addresses factors that may help distinguish the likelihood of the farm to continue as a successful farming operation.

<u>Factors</u>	<u>Maximum Points</u>
A. Size of Farm	35
B. Stewardship	25
C. Tiered Pricing	20
D. Percentage of Harvested Cropland, Pasture and Grazing Land	10
E. Percentage of Farm offered for Easement	5
F. Historic, Scenic, Environmental Qualities	5



3. *Clustering Potential*, 25% of the total score – this category addresses factors indicating the long-term commitment to agriculture in an area and the potential to build contiguous blocks of preserved farmland.

<u>Factors</u>	<u>Maximum Points</u>
A. Proximity to a Farm with a Conservation Easement	60
B. Percentage of Land Adjacent to the Farm in Ag. Zoning	20
C. Proximity to a Farm with an Easement Sale Application	10
D. Consistent with County Future Land Use Map	5
E. Percentage of Land Adjacent to the Farm in an ASA	5

LESA Case Study Two: Town of Dunn, Dane County

The Town of Dunn's evaluation criteria are different than Lancaster County's. Dunn has a lengthier assessment structure that includes the size of farm and proximity to other farms in addition to soil quality in its Land Evaluation (all together worth 35%). Development pressure and financial considerations make up some of the remainder (20% of total), but historic and scenic value form the largest portion of the Site Assessment category (45% of total).²

These two case studies illustrate the flexibility of LESA systems in reflecting community needs and priorities. An area mostly comprised of working farms can more heavily weight agricultural factors while one with more water or scenic features can allow more environmental and natural features consideration. In the end, an inclusive process guided by local leaders, with attention paid to Jefferson County's unique circumstances should result in a fair and transparent system.



Examples of Jefferson County Priority Assessments

As described above, LESA systems can be used as a planning tool to examine the suitability of parcels and areas for preservation. In this section, we present four illustrative scenarios of what LESA-based suitability and prioritization methods could look like in Jefferson County. These scenarios were designed to illustrate the possibilities, and were based on the limited data available in the county parcel database. Thus, they use mainly public information such as parcel size, proximity to natural features, and soil quality based on county soil surveys.

To develop these four scenarios, we suggest four alternative strategies which Jefferson County might consider as priorities. The four scenarios are:

Scenario 1: *Maximizing the potential for future urban expansion.*

One approach to farmland preservation is to prioritize parcels based on their agricultural values, and to allow future room for cities to expand their urban service areas. As reflected in the current county planning process, this scenario would discourage acquisition of parcels which could potentially be in future urban service area expansions. To develop this scenario, higher scores and weights were attached to parcels further from city boundaries and major intersections. See map 4.1 on page 4-7.

² *Town of Dunn, Wisconsin: Purchase of Development Rights Program: <http://town.dunn.wi.us/PurchaseofDevelopmentRights.aspx>*

Scenario 2: *Acquiring farmland most likely to be developed*

In direct contrast to Scenario 1, this simulation examines what preservation efforts would look like if the county adopted a strategy of trying to contain urban expansion and protecting farmland most likely to be lost to urban development. This scenario is based on techniques in some parts of the country to establish “green belts” to act as urban growth boundaries. It is unclear, however, whether such strategies would represent the most efficient use of taxpayer dollars, and may lead to “leapfrog” development. To develop this scenario, more points and weight were attached to proximity to city urban service areas and major intersections. See map 4.2 on page 4-8.



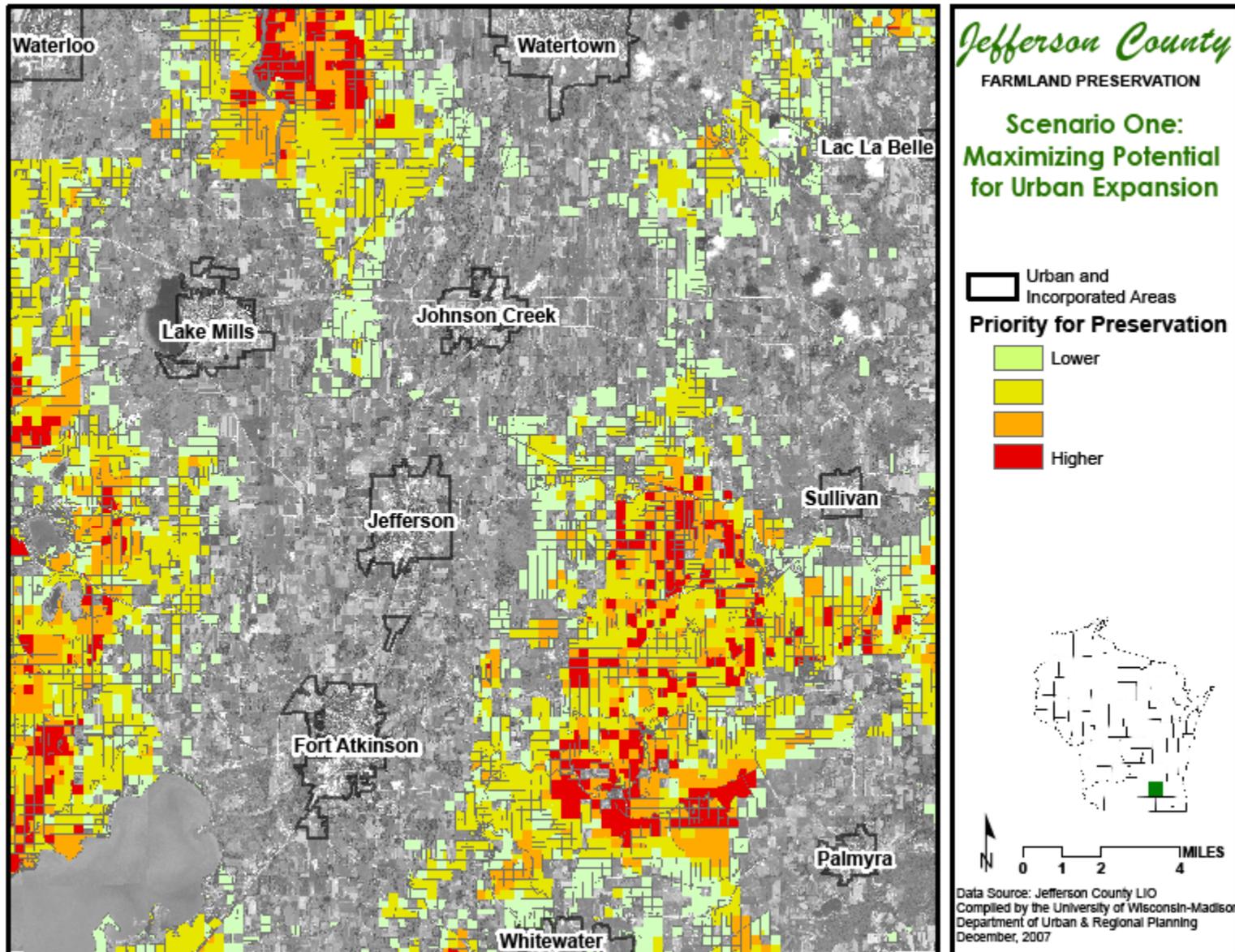
Scenario 3: *“Smart Conservation” (Clustering and Districting)*

This scenario is roughly based on the “Smart Conservation” model of Natural Lands Trust. In this scenario, preservation priorities are identified as creating contiguous districts or clusters of preserved land, and so higher priority is given to parcels in proximity to existing preserved areas or environmental corridors. Stronger weight and more points were given to proximity to environmentally sensitive land and existing preserved lands. See map 4.3 on page 4-9.

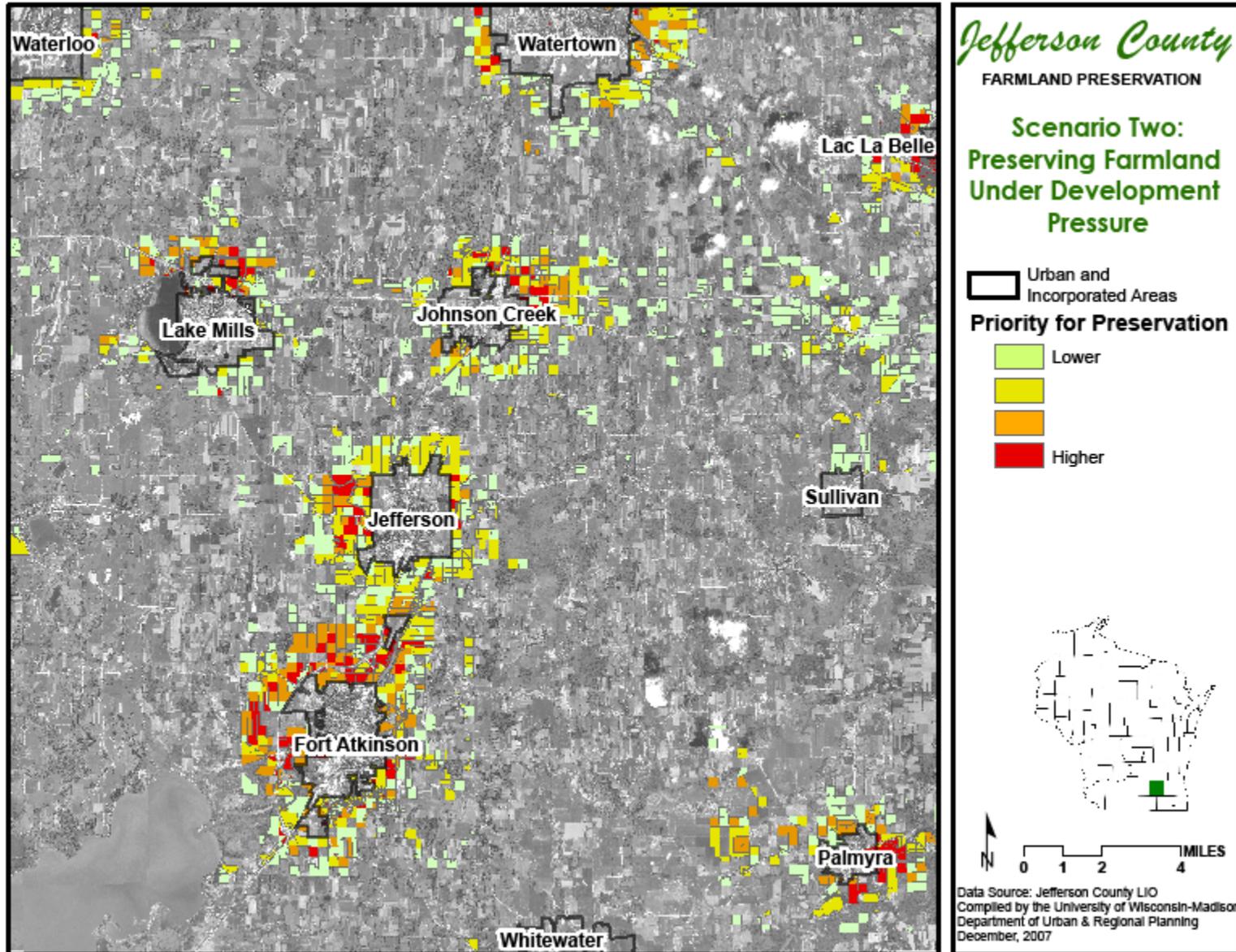
Scenario 4: *Protecting Scenic Viewsheds*

This scenario is based on an idea that preservation efforts be prioritized to lands which provide a scenic “country” view near transportation corridors. To create this scenario, greater weight was given to parcel size and proximity to transportation corridors.

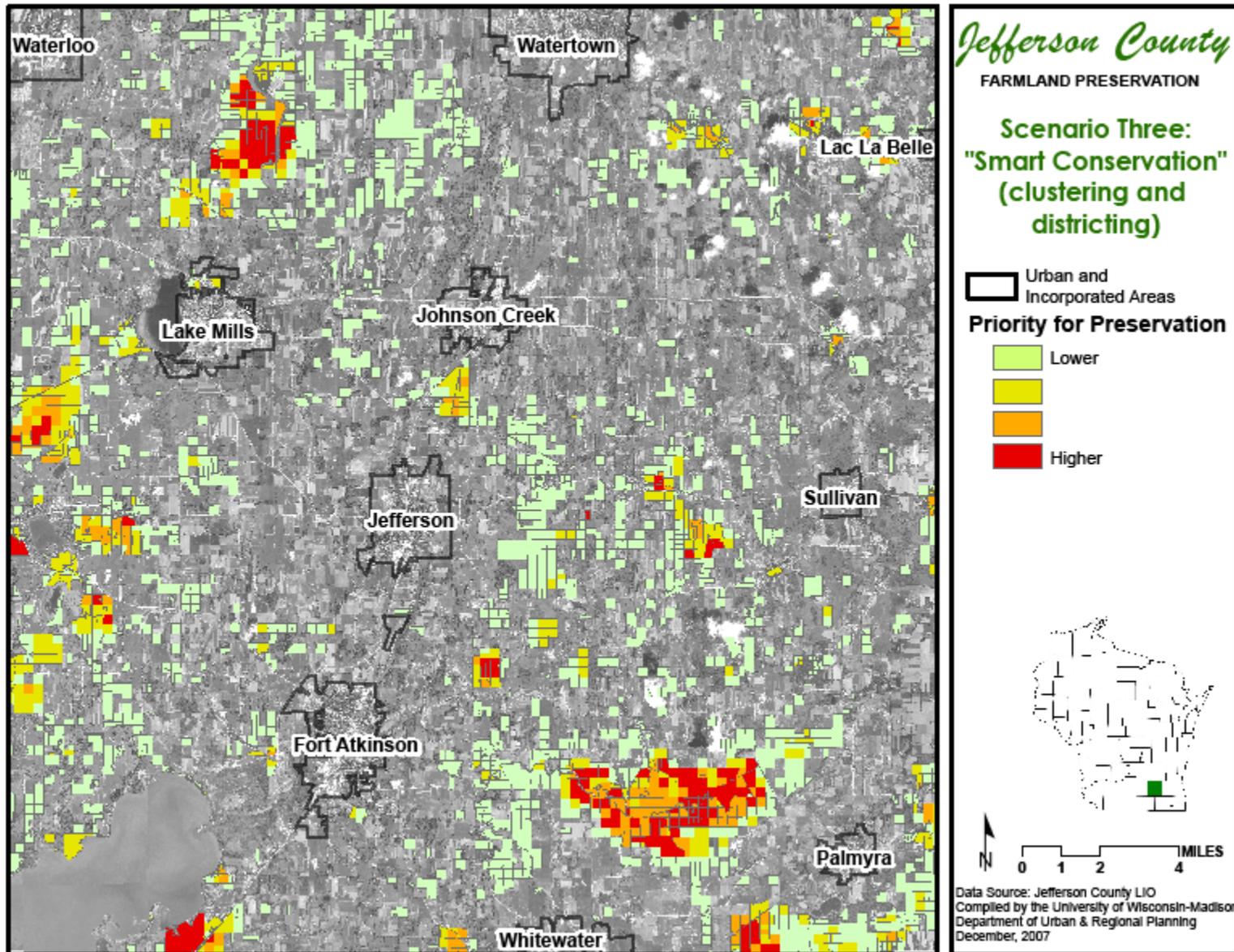
Map 4.1: Scenario One: Maximizing Potential for Urban Expansion



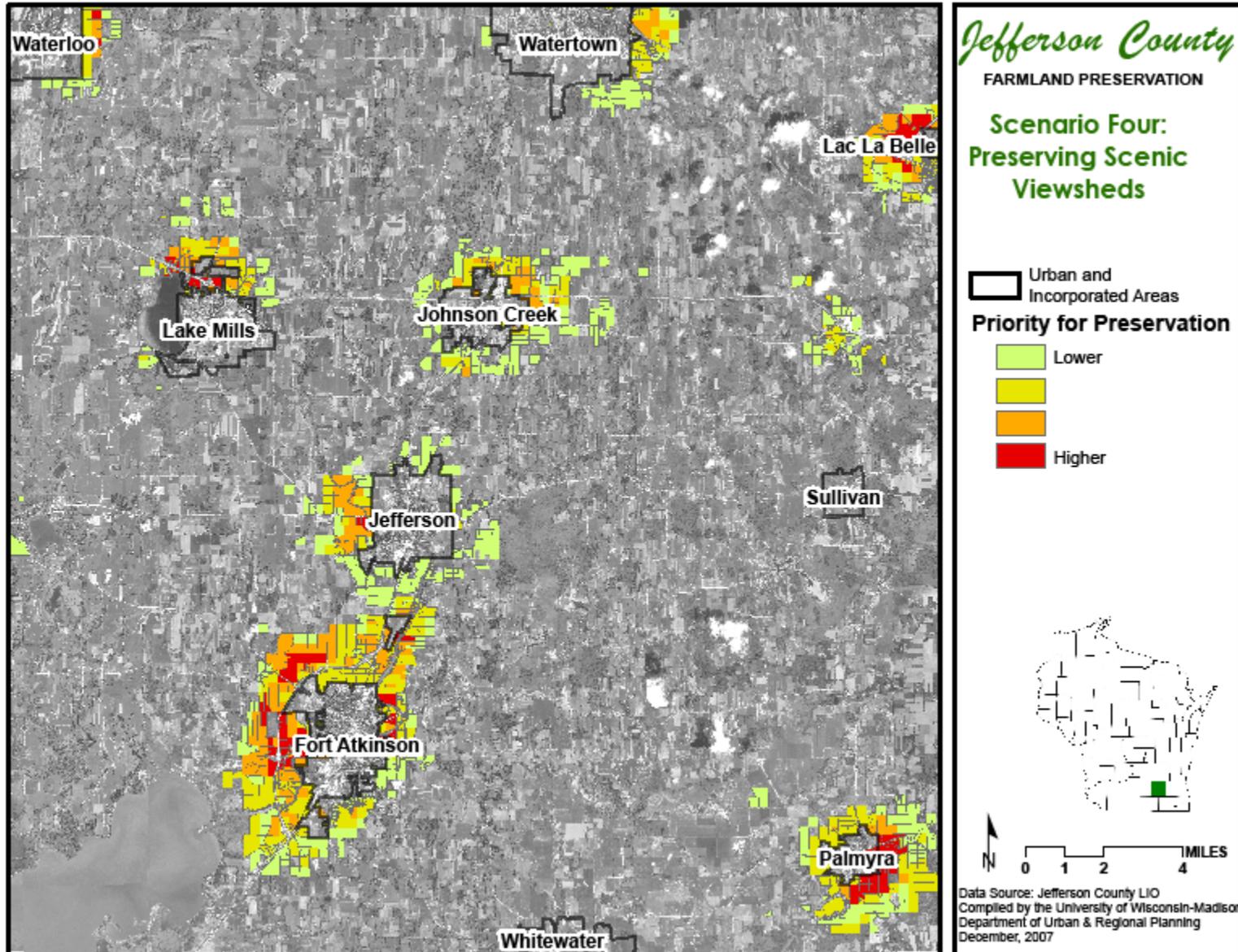
Map 4.2: Scenario Two: Preserving Farmland Under Development Pressure



Map 4.3: Scenario Three: "Smart Conservation"



Map 4.4: Scenario Four: Preserving Scenic Viewsheds



Recommended Tools

There are a large number of tools used by local communities across the country to preserve farmland, which vary in their intensity, cost and ease of operation. After reviewing successful farmland preservation strategies in other counties and other states, and based on our focus group research and analysis of Jefferson County, we are recommending Jefferson County use the tools and approaches outlined in this chapter. Based on the analysis presented in Chapter 1, we recommend that Jefferson County maintain its existing land use regulations (zoning and subdivision control) to preserve farmland. In addition, we believe that the current Urban Service Area policies which prevent lower-density leap-frog development and keep the expansion of urban areas manageable and in coordination with infrastructure should be maintained. The main recommendations of this chapter are centered around the development of additional farmland preservation measures by means of a Purchase of Agricultural Preservation Easement (PACE) program.

Figure 5.1 is a representation of the types of tools recommended for Jefferson County, and reflects whether the tools represent permanent or temporary protections on the land and whether the tools are voluntary or mandatory from the perspective of the landowner. It is important to note that the characterization of tools as “temporary” or “permanent” is an oversimplification. Zoning is permanent in the sense that the restrictions on the property can last for many years, but is temporary in the sense that the regulations could be changed by a later Board of Supervisors. Likewise, although conservation easements on land are recorded *in perpetuity*, in rare cases the easements can be removed. Some states do allow landowners to re-purchase the development rights at a later time if rare conditions make farming the parcel impracticable. The purpose of Figure 5.1, however, is to demonstrate that purchases of agricultural conservation easements represent both a more permanent and a more voluntary approach to farm preservation. When used as a complement and supplement to existing zoning regulations, PACE programs can provide the flexibility and financial incentives necessary to balance landowners financial needs with public interest in land preservation.



Figure 5.1: Farmland Preservation Tools Matrix

	Temporary	Permanent
Regulations	Land Use Regulations (Zoning, Subdivision) Urban service areas	
Voluntary	CRP/Conservation payments Leasing development rights	Purchase of Conservation Easements / Purchase of development rights Donation of Conservation Easements



Land Use Regulations

Land use regulations include zoning and subdivision control. In Jefferson County all towns are under the County zoning, which was designed to implement the 1999 plan. More detail about the current zoning system was presented in Chapter 1. Towns may impose more restrictive regulations on land divisions (“splits”) through the land division regulations. A few towns in Jefferson County do impose greater restrictions than allowed in the County plan. As towns are preparing their own comprehensive plans, many are considering additional restrictions on the number and/or placing of residential splits allowed on land currently zoned A-1.

Our recommendations are that the County maintain its current zoning system, based on the 1999 plan. Analysis of land split data in comparison to other counties, as well as feedback from focus groups, leads us to conclude that the current plan and zoning are succeeding in protecting agricultural lands from large-lot rural residential development seen in other counties. We heard a consensus among county and town officials that the current zoning system was working, but that purchase of agricultural conservation easements would provide additional protection for farmland. Many expressed concern that zoning regulations could be changed many years down the road, which would open previously “frozen” parcels to additional development pressure.

In addition, we recommend that in areas of the county where limited rural development is either encouraged or allowed under the current plan, the county promote “conservation subdivisions.” In conservation subdivisions, a significant portion of the parcel is preserved as open space or agricultural land, and the houses are clustered together in smaller lots. A “village” type design could be used. In most conservation subdivisions, at least 40 percent of the land must be preserved as common open space, although some areas of the country reserve 80 percent of the initial land for agricultural preservation. One additional option to consider is utilizing “transfer” of development rights incentives to cluster the “splits” from a number of contiguous agricultural parcels into one conservation subdivision. This would allow for some rural residential development while still maintaining large contiguous areas of agricultural land.

Chester County, Pennsylvania has won national awards for using conservation subdivision techniques to preserve working farmland and environmentally sensitive areas.¹

Urban Service Areas

In the 1999 plan, future urban service areas around the cities were designated to accommodate projected urban development needs to the year 2020, with a 2.5 times safety factor added. Policies for urban service areas were intended to encourage higher density development within or adjacent to existing incorporated cities and where public infrastructure services could be provided. They were also designed to designate adequate land for future urban expansion, to be accommodated in a planned and phased process. Land within designated urban service areas which is not yet under development is usually zoned for agricultural use, and the cities use their extra-territorial plat review powers to stop proposed land developments which would not be consistent with their future plans for the areas.



¹ Their design guidelines for conservation subdivisions can be found at: http://dsf.chesco.org/planning/lib/planning/cluster_tour/index5.htm

By providing a mechanism for urban development to occur in a reasonable, planned and timed process, urban service areas serve to protect farmland from haphazard and leapfrog development patterns. By concentrating growth in areas where higher densities and public services are available, urban service areas reduce the pressure for low-density rural residential development in agricultural areas, as seen in many other counties in Wisconsin. We recommend the continuation of the urban service area planning process as a way to balance future urban expansion needs with farmland preservation.

We also strongly recommend that the county does not acquire (either through purchase or donation) conservation easements in areas designated as urban service areas. Moreover, from our focus groups with town and city officials, we highly recommend that city and town officials cooperate and negotiate boundary agreements. Particularly, many town officials felt that cooperative boundary negotiations would be an important process step in understanding how any agricultural conservation easement purchase program would affect the future of their communities.



Conservation Reserve Program (CRP)

The Conservation Reserve Program and the Conservation Reserve Enhancement Program are voluntary, Federally funded programs that allow farmers to retire highly erodible and environmentally sensitive cropland or marginal pasture, for a period of 10 to 15 years, or to create permanent easements. These programs can protect farmlands in numerous ways. While under the CRP contract, land may only be sold for development with substantial penalties. The programs' lengthy contracts reflect a long-term vision for beneficial environmental farmland practices. The programs have records of proven soil erosion reduction, water quality enhancement, and improved wildlife habitats. The program offers rental rates based on the relative productivity of the soils and the average dry land cash rent or cash rent equivalent. Additional financial benefits are initial sign-up bonuses and cost sharing for implementing required environmental practices.

Currently there are over 8,500 acres enrolled in the Conservation Reserve Program in Jefferson County.

Please refer to Appendix C for a full description of the CRP and CREP program

Leasing of Development Rights

In contrast to purchase of development rights, in which development rights are extinguished in perpetuity and for which the local government or land trust must pay the difference between development value and agricultural value, some have recommended that local governments “lease” the development rights for a defined period of time. For example, the recently published “Future of Farming and Rural Life in Wisconsin” report by the Wisconsin Academy of Sciences, Art and Letters recommends leasing of development rights for a period of 25 years. The concept of 25 year leasing of development rights was adopted as a compromise recommendation, even though the report calls its recommendation “purchase of development rights”. However, the final report of the Working Lands Initiative Steering Committee (Wisconsin DATCP) strongly recommends state funding only apply to purchases of development rights which are perpetual.



Based on the recommendations of the Working Lands Initiative and our analysis of farmland preservation programs in other states, we strongly recommend that Jefferson County not pursue a leasing of development rights program. If public funds are to be spent to protect farmland, and so as to leverage local dollars with state and federal grants, we recommend Jefferson County only pursue purchases of development rights which are in perpetuity.

Conservation Easement Donation Program

Donation of conservation easements is widely used across the country to preserve agricultural and other environmentally sensitive land. For example, in Charles County, Maryland, residents have protected over 5,000 acres of land by donating conservation easements.² This tool will be an integral part of Jefferson County’s farmland preservation efforts because it does not require any County funds. The main benefit and incentive to landowners are the significant Federal tax benefits from donated easements, while the landowner retains ownership.

When a landowner donates a conservation easement, the landowner voluntarily enters into a legal agreement with the local government or a land trust. The easement is a permanent restriction on the use of the land to preserve its agricultural or environmental values. Conservation easement donation allows the landowner to continue to own, use, pass on the land to his or her heirs, and sell the land while limiting the development potential in accordance with the easement agreement. A donated easement is created in a manner that meets the needs and wishes of the current landowner.

² http://www.lta.org/regionalta/s_midatl.htm

A conservation easement donation provides a number of potential financial incentives to landowners. While some states provide additional state-level tax benefits for donating conservation easements, Wisconsin currently does not.

Federal Tax Incentives:

- **Income Tax Deduction for Qualified Conservation Contribution:** Landowners donating easements for conservation purposes and used for the general benefit of the community may be eligible to deduct the fair market value of their donation from their income taxes (up to 50% of adjusted income) in the year the donation is made. The remaining value can be carried forward as deductions for up to 15 years, with each year's deduction capped at 50% of adjusted income.
 - **For farmers:** Farmers (individuals who receive more than 50% of their income from the business of farming) who donate their land in 2006 or 2007 are eligible to deduct the fair market value of their land up to 100% of adjusted income for 15 years. This extra incentive was only offered for 2006 and 2007, and the U.S. Congress has not extended it, as of this writing.
 - **Bargain Sales:** A landowner can sell a conservation easement on his or her land for less than the fair market value of the easement, with the difference considered a donation for tax purposes. If Jefferson County initiates a purchase of agricultural easements program, it should consider giving higher priority to parcels where the landowner accepts a lower than market value price, with the remainder constituting a donation.
 - **Estate Tax Reduction:** Taxes can be a considerable burden on heirs inheriting agricultural parcels. Estate taxes are often based on a property's highest and best use, so taxes could potentially be calculated based on development value. The existence of a conservation easement on the land reduces the potential tax liability for heirs.
- If a landowner donates a conservation easement in a will, the value of the easement is deducted from the taxable value of the estate.
- The Taxpayer Relief Act provides easement donors with a potential exclusion from estate tax of up to \$500,000 beyond the value of the easement itself.



State Tax Incentives:

- At this time, the State of Wisconsin does not provide any specific tax incentives for the donation of conservation easements.
- As tax law changes, the tax incentives for donating conservation easements may change. Jefferson County should take advantage of existing and future tax incentives by advertising them to potential land donors in order to promote farmland preservation in this manner that reduces the County's financial contribution.

Purchase of Agricultural Conservation Easements (PACE)

Purchase of agricultural conservation easement (PACE) programs are also frequently called purchase of development rights (PDR) programs. In a PACE program, government funds are used to purchase the development rights on a parcel from a willing landowner. A conservation easement is then attached to the property limiting the future development of the parcel but allowing the landowner to maintain ownership of the land and maintain agricultural operations. PACE programs provide an opportunity for farmers to receive needed financial resources for their land, while retaining the land in farmland.

A purchase of agricultural conservation easements (PACE) program can often be a useful tool in farmland preservation because it addresses the difficulties in regulatory approaches such as zoning. There are three main issues which reduce the potential effectiveness of zoning for farmland preservation:

- Excessive regulation may raise considerations of 'regulatory takings' under the 5th Amendment to the U.S. Constitution
- Regulations such as zoning are not permanent because later governing boards can vote to change the regulations
- Some landowners feel as if zoning restrictions on a property are too restrictive

Unlike regulations such as zoning, PACE/PDR programs are entirely voluntary. Unlike temporary regulations, PACE/PDR programs are also permanent. When a conservation easement is agreed to by the landowner and the agency purchasing the development rights, the easement is recorded with the Register of Deeds as a permanent restriction on the property.



Key Components of a PACE/PDR program

- A willing land owner agrees to sell the development rights on a parcel to a government agency. The difference between the “development value” of the parcel and the “agricultural value” of the parcel is calculated and the landowner may be paid the full amount of this difference. Landowners may elect to receive less than full development value for their property, with the difference considered a “donation” which may be eligible for Federal tax benefits.
- The farmer retains ownership of the land and all other property rights, other than the development rights. The land can be farmed as before, and public access is not required.
- The farmer retains the right to sell the land on the open market. Future purchasers of the land will know that the property will remain in agricultural use and will not be developed. Because the development rights on the property have been extinguished, land sales will represent the agricultural value of the parcel and will make farmland more affordable for new farmers or expansion of existing operations.



PACE programs recognize that farmers often have financial needs which motivate sales of land for development purposes. Recognizing the public benefit in preserving land for agriculture, PACE programs offer an alternative source of financial compensation for landowners. The purchase of the development rights by the public is a benefit for both the landowner and the public. The landowner is able to extract some of the financial value of his or her land, and the public is able to maintain agricultural land. As described in the Current Conditions Chapter, preserving agricultural land is not only beneficial for farming operations, but also provides many scenic and environmental benefits to the public at large.

PDR programs are also frequently used to preserve natural areas such as woodlands or wetlands which may be of great scenic value or may serve as valuable wildlife habitat or for preserving important historical features.

Implementing Strategy: Pilot Program

Because the purchase of agricultural preservation easements or donation of agricultural easement programs discussed previously would constitute a significant financial and administrative effort on the part of the county, we recommend that Jefferson County consider a smaller-scale pilot program. The pilot program could be targeted to a limited geographical area of the county, perhaps in an area where a Town government is willing to engage in partnerships with the county. One possible way to identify pilot program areas is to examine the LESA-based land scenario maps in Chapter 4. There are many advantages to a pilot program, including:

- Helps to identify gaps in programs and policy and allowing them to be addressed before full implementation
- Can serve as a demonstration to the public so as to attract additional support for funding
- Program can be implemented with limited funding
- Allows for the development of administrative structures and tools, such as the LESA rating system discussed in Chapter 4.



Implementing Strategy: Land Owner Registry Program

One way to begin implementation of a farmland preservation program is to create a voluntary county-wide registry. The registry provides an opportunity for land owners to make a non-binding declaration of potential interest in participating in preservation programs. This allows the county to gauge interest in the program, and to gather further information from prospective participants (location of the land, parcel size, type of farm, location of historic structures, etc.) which can be used for identification of potential priorities or potential clusters of preservation efforts.

A mailing to county farmers and landowners is recommended which includes a registry application form along with information about the purpose of the registry and a brief overview of the PACE program. This mailing should emphasize that a registry application does not obligate a farmer to any further participation. The registry can also be used to target further program information and education directly to interested land owners.

Registration benefits Jefferson County by allowing the county to focus education efforts on interested parties, and by inventorying the land characteristics of potential preservation efforts. Registration benefits farmers because the registration carries no further obligation, but facilitates the education process. Registration opens the line of communication between the county and the farmers prior to any obligation on either end.

Education and Capacity Building Program

Regardless of which tools are implemented, an education and capacity building program is necessary to create public buy-in and foster an understanding of the County's farmland preservation goals. For a complete discussion about how to structure and implement such a plan please refer to Chapter 3: Capacity Building.

Policy Recommendations

The policy recommendations in this section were developed based on the assessment of current conditions, examination of best practices around the country, discussions with elected officials, and focus group input sessions. These recommendations provide Jefferson County with the various strategies and tools necessary to build on their existing strengths, and move forward in farmland preservation efforts. We begin by outlining the policy recommendations, and then provide more detail on the financial elements of those recommendations, including local funding sources and matching grants.



Building on Strength:

- Maintain existing (1999) County plan and zoning ordinances
- Consider additional protections reflecting local priorities in their plan updates and land division ordinances.
- Continue using Urban Service Areas to provide for reasonable and phased urban expansion, coordinated with public infrastructure services, and to direct growth toward established areas.

Moving Forward:

- Jefferson County should maintain, develop and fund its Purchase of Agricultural Conservation Easement program. County Board Resolution 2006-86 established a voluntary “purchase development rights” program overseen by the Farmland Preservation Commission. We recommend that the Commission move forward with additional funding for purchasing agricultural preservation easements. An analysis of alternative funding levels is presented later in this section.
- We recommend that the County formally create a Conservation Easement Donation program.

Leveraging Resources:

- Jefferson County should enhance its promotion of the federally funded Conservation Reserve Program and the Conservation Reserve Enhancement Program (CRP/CREP).

- Jefferson County should take full advantage of existing and future matching grant funding sources from the State and Federal governments. When combined with required local funding matches, these grant programs can leverage financial resources such that Jefferson County only pays portion of the needed costs for farmland preservation.

Implementing Strategies:

- The creation of a Land Evaluation, Site Assessment program
- The creation of a landowner registry program
- The creation of pilot program areas

Engaging the public

- Large scale public education and outreach campaign, as detailed in Chapter 3

Intergovernmental cooperation

- County should consider partnering with town governments in land preservation efforts. One possible strategy is to have county funding be available as a “matching grant” for town funding sources. In this way, the County could pilot purchase programs in towns which spend some of their own resources such as to leverage county dollars.
- County should facilitate cooperative planning and boundary agreements between towns and cities.



Funding Alternatives: Local Sources

In order to implement a Purchase of Agricultural Conservation Easement program which leverages state and federal matching grants, Jefferson County would need to provide funding from its own resources. As shown in Figure 1.5 Jefferson County's 2007 property tax levy was \$23.8 million, based on a property tax rate of .003729 (3.7293 mils). In order to estimate the levels of funding available we assume the current county property value of approximately \$6.4 billion.

To estimate the average total cost to purchase the development rights on parcels in Jefferson County, we used the most recently available (2006) data on land sales. In 2006, the average price per acre of land sold for agricultural use was \$6,623 and the average price of land per acre sold for conversion to other uses was \$12,764. Subtracting the agricultural value from the land conversion value yields an estimate of an average of \$6,141 per acre to purchase the development rights. Of course, the actual appraised value of development rights will vary significantly across the county.

Counties and municipalities in Wisconsin are subject to property tax levy caps. Exceeding the levy cap requires voter approval in a referendum. For the 2007-2009 budget biennium, the general property tax levy may not exceed the actual 2006 levy by more than 3.86 percent without taxpayer approval. If we assume that all other county spending programs increase at the same rate as in 2006-2007, the county could spend slightly over \$200,000 per year on farmland preservation programs without requiring a referendum. At a price of \$6,141 per acre, this would result in approximately 35 acres of land preserved per year (if using only local sources) or up to 70 acres of land preserved per year with matching grants.

Alternatively, the county could seek voter approval in a referendum to increase property taxes for farmland preservation programs. Again, based on current county property values, Figure 6.1 shows the amount of money which could be raised based on different property tax rate increases and the amount of land which could be preserved (with matching funds) per year.

Figure 6.1: Alternative Funding Levels

Property tax rate increase	Amount raised per year	Cost per average home per year	Acres Preserved per year (with matching funds)
1/8 mil (=0.000125)	\$799,333	\$22	260
1/4 mil (=0.00025)	\$1,598,666	\$45	521
1/2 mil (=0.0005)	\$3,197,333	\$90	1041
3/4 mil (=0.00075)	\$4,795,999	\$134	1562
1 mil (=0.001)	\$6,394,665	\$179	2083

Funding Alternatives: Matching Grants.

Although the State of Wisconsin does not currently have a specific matching grant program for the purchase of agricultural easements, the Working Land Initiative (DATCP) Steering Committee Report and the Wisconsin Academy of Sciences, Arts and Letters recent “Rural Life in Wisconsin” report both recommend development of state-wide funding for purchase of development rights or purchase of agricultural conservation easement programs. According to the Working Lands Initiative, the recommended PDR grant program would be prioritized for “Communities where this is a formal and locally funded PDR program.” (p. 23) Thus, Jefferson County’s own funding of its PACE/PDR program would be a priority for receipt of state matching funds. Although many experts believe it is likely a state PDR program may be funded in the near future, until such funds are available, Jefferson County will need to seek matching grants from the other sources listed below.



Farms and Ranchlands Protection Program (USDA-NRCS FRPP)

The USDA-NRCS Farms and Ranchlands Protection Program (FRPP) provides Federal matching funds for purchase of agricultural conservation easement/purchase of development rights programs. To qualify, an agricultural parcel must:

- be part of a pending offer from a State, tribe, or local farmland protection program
- be privately owned
- have a conservation plan for highly erodible land
- be large enough to sustain agricultural production
- be accessible to markets for what the land produces
- have adequate infrastructure and agricultural support services
- have surrounding parcels of land that can support long-term agricultural production.

Chapter 6: Recommendations

The NRCS State Conservationist, with advice from the State Technical Committee, reviews applications and awards funds to qualified entities to purchase perpetual conservation easements.

FRPP funds' share of the easement cost cannot exceed 50 percent of the appraised fair market value of the conservation easement. A donation by the landowner of up to 25 percent of the appraised fair market value of the conservation easement may be counted as part of the local match. At a minimum, the qualifying government or land trust must provide 25 percent of the appraised fair market value or 50 percent of the purchase price of the conservation easement.

Since the program was established in 1996, Wisconsin has received \$10.2 million in funds, funding 11 programs for over 9,200 acres on 64 working farms throughout Wisconsin (NRCS, 2006). Due to increasing development pressure throughout the state, requests for FRPP funds have increased dramatically in recent years, far outpacing the program's funding capacity. In Fiscal Year 2003, partners in Wisconsin requested \$6,179,643 in FRPP funds. Proposals are selected through a competitive process to protect the most strategic farms that will help accomplish FRPP and local land use goals. The entities receiving WI FRPP funds as of 2001 include: the Town of Dunn, Wisconsin Department of Natural Resources, Dane County, Jefferson County Land Trust, and Kinnickinnic River Land Trust.

Recent FRPP allocations to Wisconsin:

2007:	\$1,571,753	(total U.S.: \$72,462,437)
2006:	\$1,514,003	(total U.S.: \$70,233,020)
2005:	\$2,729,364	(total U.S.: \$110,667,569)

A funded local preservation program in Jefferson County will provide for a competitive possibility of receiving FRPP funds. However, given that the total allocation to Wisconsin is only \$1.5 million, FRPP funds alone may not be adequate for Jefferson County's preservation needs.



Wisconsin Department of Natural Resources Knowles-Nelson Stewardship Program

One of the program areas of the Knowles-Nelson Stewardship Program is the Acquisition of Development Rights program. Funds under this program are available to purchase the development rights from agricultural parcels in order to enhance nature-based outdoor recreation. Further information about the grant program is available at: <http://dnr.wi.gov/org/caer/cfa/lr/stewardship/stewardship.html>. Grants from the Stewardship program under the Local Assistance Program cover up to 50 percent of eligible project costs.

Based on a review of the program guidelines, Jefferson County should target its application for Stewardship funds for purchasing agricultural conservation easements to leverage existing preservation efforts. For example, one criteria for grant funding is on land that creates a buffer between already preserved land and potential development. As shown in many of the LESA-based scenario maps in Chapter 4, agricultural parcels in close proximity to already preserved land could be prioritized for acquisition with Stewardship funds. Further grant criteria include properties which are within environmental corridors or which connect environmental corridors. Thus, in order to implement Jefferson County's priorities and to leverage its local sources, we recommend giving priority to those parcels which would be eligible for DNR funding. In particular, LESA-based scenario 3 (Chapter 4) prioritizes parcels for acquisition based on proximity to existing preserved land.

Only 10 percent of Local Assistance Program grants are designated for the Acquisition of Development Rights program. There is no "average" number of proposals funded each year, as requests vary in numbers and dollars requested. Requests are ranked and the requested dollar amounts of the top proposals will determine how many projects can be funded each year. The number of funded proposals has ranged from 2 large and expensive projects to 6 smaller and lower priced projects per year. (Email communication with Stephanie Brouwer, 10/31/07).



Administration

Effective administration is crucial in the creation of a PACE program. There are currently 27 different County Board Committees in Jefferson County. Among them is The Farmland Preservation Committee which consists of five County Board Members and two members of the public. This committee was created to discuss conservation easements, a PDR program, and other farmland preservation issues. For County Board consideration, the Farmland Preservation committee will address different policy, program, and action recommendations for farmland preservation. Accounting for public support and/or opposition, the Board then has the ultimate decision on approving or denying the policy, program, and/or action recommendation.



Land Trust Formation in Jefferson County

In operating its PACE program, Jefferson County could utilize land trusts in two ways: by operating its own trust or by developing a co-partnership with private land trusts.

If the County chooses to establish its own land trust, either as a purely public program or by founding a private trust directed by the county, it should be carefully organized. The trust will accept and evaluate applications, hire appraisers and oversee the appraisal system, make offers on and purchase easements and oversee the easements in perpetuity. A permanent staff, assisted by volunteers, will be needed to operate the trust.

Should the County seek partnerships with private land trusts, perhaps by offering to match the private funds with county funds, noted benefits include:

- Action: ability to move rapidly when purchasing an easement
- Permanence: ability to withstand fluctuations and influences of a changing political climate over time
- Facilitation: ability to interact with both the public and local government to gain support for a preservation program

The activities of the private trusts should not only match the priorities of the County preservation plan, but they must also operate under all state laws regarding contracting. Any partnership must be contractual and explicitly describe the responsibilities of each party.

A public-private partnership could also be used to compliment a County-run trust after the main PACE program is established. Oversight of a County land trust or a private-public partnership could fall under the auspices of the Farm Preservation Commission or a new entity created within the existing County structure. Such an oversight entity should have municipal and citizen representatives.

Formation may include:

- New Entity under or equal to County Agricultural Preservation Committee, representative of all municipalities
- Stewardship Fund to purchase conservation easements, overseen by a non-profit land trust whose directors include county, municipal and citizen representatives
- Land trust staffed by handful of full-time professionals along with volunteers
- Contractual partnership with responsibilities of each party explicitly defined
- County could additionally fund outside Land Trusts with matching funds that are focused on specific agreed upon goals and rules.
- Board accepts and evaluates applications, hires appraisers and oversees appraisal system, makes offers on easements, oversees easement restrictions in perpetuity.



Key Components of a General Land Trust Model

- A land trust can be a wholly private organization, a wholly public organization (managed by the county in this case), or a public private partnership where the county provides oversight and the privately staffed trust administers the daily activities of the easement program.
- Like any organization, management is critically important to the success of a land trust. Experts recommend eight basic rules for land trust management:
 - A land trust must have clear goals and purposes. These should be spelled out in the bylaws. Also, staff and the board of directors should regularly review the goals and activities of the land trust.
 - The board of directors must realize that they (not the staff) are legally responsible and accountable for the actions of the organization.
 - Board members must be careful to avoid conflicts of interest. Otherwise, the image of the land trust could be tarnished, hampering the trust's activities.

Chapter 6: Recommendations

- A land trust must understand and fulfill its legal requirements as a nonprofit organization. The land trust must prepare articles of incorporation and bylaws that conform to state law and file them with the state. The land trust must also file an Application of Recognition of Exemption with the IRS in order to receive tax-exempt status as a nonprofit charitable organization. Each year the land trust must file a federal 990 for with the IRS. A land trust must conduct fundraising activities in an ethical and responsible manner.
 - The board of directors must be absolutely certain that the land trust manages its finances and assets in a thoroughly responsible and accountable way. Clear financial records are important, and an annual audit by a certified public accountant is recommended.
 - A land trust with a volunteer staff, supplemented with paid consultants when needed, must have sufficient skills and personnel to carry out its programs.
 - A land trust with paid staff must ensure that staff members are responsible and have the skills and support to do their jobs.
 - A land trust must also have a well defined mission and set of procedures.
- Land trusts must perform due diligence when acquiring an easement:
 - Once in possession of an easement, a land trust becomes a part of the “chain of ownership” and can be liable for environmental cleanup and accidents on the property. Because of this, all potential properties should have an environmental assessment performed (or researched in farm loan records) and the trust should hold a liability insurance policy.
 - A land trust must have a strong enforcement region:
 - The trust must manage the easement through a combination of site preparation (signage, cleanup, access trails, etc.) and repeat inspections. The land trust should work with the owners to ensure the owner’s practices conform to the easement. In the case of a violation, the trust should remember the easement is a legal obligation and remain firm in enforcement.



Figure 6.1: Implementation Matrix

Goal 1: Preserve Agricultural Land—Phase 1: Capacity Building, Assessment, and Outreach

Objective	Strategy	Required Action	Responsibility		Milestone Date
			Primary	Secondary	
Generate public awareness and support of farmland preservation	Inform and educate through the Commission communications strategy	Create fact sheets, brochures, and other educational materials about farmland preservation	Farmland Preservation Commission	UWEX, Towns, Counties	Year 1, ongoing
Continue the stakeholder input process.	Obtain public feedback and assess stakeholder needs to shape farmland preservation programs	Conduct focus groups and key informant interviews with farmers and other stakeholders	Farmland Preservation Commission	UWEX, Towns, Counties	Year 1, ongoing
Develop leadership and capacity	Generate public support and ownership through dialogue	Take a train-the-trainer approach to education in order to keep the networks of stakeholder groups informed	Farmland Preservation Commission	UWEX, Towns, Counties	Year 1, ongoing
Build partnerships among stakeholder groups	Create a coalition of farmland preservation supporters outside the Commission	Convene quarterly meetings of stakeholder representatives	Farmland Preservation Commission	UWEX, Towns, Counties	Year 1, ongoing
Identify Areas for Preservation	The county should create an priority ranking system to identify lands to preserve.	Develop Land Evaluation and Site Assessment (LESA) program	Farmland Preservation Commission	Land Information Office, Zoning Commission	Year 1, assess program annually
Identify Potential Participatory Farms	The county should create a registry program for farms interested in donating/selling easements	Create database	Farmland Preservation Commission	Land Information Office, Zoning Commission	Year 1, update as necessary
Optimize current land use regulations	The county should evaluate the current zoning and land division regulations to see if stricter guidelines will enhance preservation	Review of county and town zoning and land division ordinances for consistency and documentation	Zoning commission	Farmland Preservation Commission	Year 1, assess regularly
Intergovernmental Cooperation	Work with surrounding counties and towns (internal and external)	Semi-annual meetings and communication and intergovernmental agreements, informational sessions	County board, UWEX, Farmland Preservation Commission	Town Boards	Year 1, ongoing
Encourage voluntary land preservation measures	Educate and encourage farmers to use preservation means available such as the Conservation Reserve Program	Create educational program	UWEX, Farmland Preservation Commission	County Board, Town Board	Year 1, ongoing

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Goal 1: Preserve Agricultural Land—Phase 2: Finance, Formation, and Policy Implementation

Objective	Strategy	Required Action	Responsibility		Milestone Date
			Primary	Secondary	
Establish necessary legal framework for PACE program	Adopt ordinances to enable PACE program. Update comprehensive plan to reflect ordinances	Adopt ordinance	County Board	Town Boards	Year 1 - 2
Create partnership with existing or new Land Trust	The county should support a land trust, whether it's private, public, or a combination is up to the county	Varies depending on which entity manages the trust. Regardless, one must be created.	County Board	N/A	Year 1 - 2
Create preliminary PACE Program	Use donations and leasing options to establish PACE program	Establish program	County Board	N/A	Year 1 - 2
Create local funding mechanism	The county must secure funding locally to establish a purposeful PACE program	Raise taxes to accommodate needed dollars to fund program	County Board	N/A	Year 1 - 2, ongoing
Seek outside funding sources	Outside dollars available with a local match, additional funding will help preserve more land	Apply for funds from WDNR, DATCP, as well as other additional funding sources	Land Trust, County Clerk	County Board	Year 1 - 2, ongoing
Form PACE program	Through previously established legal framework, funding and land trust, establish county-wide PACE program	Enact program	County Board		Year 2 - 3, ongoing
Encourage appropriate density	Density within Urban Service Boundary is most efficient for county and will help preserve agricultural land	Encourage use of local and state policy to create density in urbanized areas. (Ex: Community Development Block Grant)	Local Units (Cities and Villages)	UWEX, Municipal Plan Commissions	Ongoing

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Goal 2: Preserve a sustainable rural economy in Jefferson County

Objective	Strategy	Required Action	Responsibility		Milestone Date
			Primary	Secondary	
Make farmland affordable	Through the use of a PACE program, the market value for agricultural lands is reduced, thus making it more affordable	Creation of a PACE program	County Board	N/A	Year 2 - 3, ongoing
Create incentives for young farmers	Encouraging and facilitating the entry of individuals into farming in Jefferson County is necessary.	Create program to educate and support entry-level farm operators	UWEX	Farmland Preservation Commission, 4-H, FFA,	Year 1, ongoing
Maintain rural infrastructure	Maintain quality roads, drainage, and utilities in county.	Review of current infrastructure	County Board	Town Boards	Ongoing
Increase economic base for Jefferson County products	Increasing the demand for Jefferson County products will build the economic base	County should work with the necessary organizations to help brand Jefferson County products (UWEX, Milk Marketing Board, CSAs, etc)	TBD	TBD	Ongoing
Create awareness of role of farming, food security in our communities.	Creating understanding of and support for farming among urban and non-farmer rural residents will strengthen values and collective will around farmland preservation	Broad-based education on farming and food security, grounded in regional context of Jefferson County	UWEX	FFA, 4-H, Farmland Preservation Commission	Ongoing

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Goal 3: Ensure the preservation of aesthetic and scenic landscapes

Objective	Strategy	Required Action	Responsibility		Milestone Date
			Primary	Secondary	
Protect significant scenic resources	Scenic view sheds should be protected and kept free from development	Create administrative process to manage scenic easement program	County Board	Town Boards	Year 2 - 3, ongoing
Protect historic and culturally significant structures/land	Historically significant structures should be identified and protected to help ensure the rural quality of life.	Purchase easements on land and structures to preserve them.	County Board	Town Boards	Year 2 - 3, ongoing

Goal 4: Preserve open space and environmentally sensitive areas

Objective	Strategy	Required Action	Responsibility		Milestone Date
			Primary	Secondary	
Protect environmentally sensitive areas	Identify and protect sensitive areas in Jefferson County, as well as the environmental services to agricultural and residential uses.	Place restrictions on development in sensitive areas, use PACE program to purchase development rights. Town level restrictions on development in sensitive areas	County Board	Town Boards	Year 2 - 3, ongoing
Establish environmental corridors	Use environmental corridors and subsequent regulations to thwart development in identified areas	Identification of corridors and create zoning regulations to disallow development	County Board	Town Boards	Year 1 - 2, ongoing

Goal 5: Promote compatible existence of urban and rural life

Objective	Strategy	Required Action	Responsibility		Milestone Date
			Primary	Secondary	
Identify motivations and values associated with rural development pressure	Identifying the root motivations of rural development can help create longer-term solutions to counter 'rural sprawl'	Research or survey motivations for non-farming residents to move to rural areas, the benefits they seek. Incorporate these values into urban areas planning in Jefferson County.	Farmland Preservation Commission, Cities and Villages , UWEX	Multijurisdictional Steering Committee	Year 1, ongoing
Encourage appropriate density	Density within Urban Service Boundary is most efficient for county and will help preserve agricultural land	Encourage use of local and state policy to create density in urbanized areas. (Ex: Community Development Block Grant)	Local Units (Cities and Villages)	UWEX, Municipal Plan Commissions	Ongoing
Implement strong urban planning policies at fringe areas	Effective planning at fringes that clearly demarcate boundaries between dense urban areas and rural areas is important for effective and efficient land use.	Encourage use of local and state policy to create well-planned urban fringes. (Ex: Community Development Block Grant)	Cities and Villages	County Board, Town Board	Ongoing

Case Studies

These case studies present real world examples of farmland preservation tools in use. The examples are taken from across the country and represent some of the current best practices.

Donations

In January 2000, the State of Ohio initiated its first tool to help protect farmland from development. The new law allowed land owners to donate development rights to the State of Ohio, or local governments. For the purpose of protecting productive farmland from conversion to non-agricultural use. The Ohio Department of Agriculture (ODA) Farmland Preservation now operates the Ohio Agricultural Easement Donation Program (Senate Bill 223) as part of a larger farmland preservation program including the purchase of agricultural easements, agricultural security areas, and loan guarantee programs. According to the Donation Program Guidelines:

- Protecting a farm through a donated agricultural easement allows the landowner to retain ownership and exclusive use of the land. The landowner still pays taxes, can continue to farm the land with any agricultural activity permitted by Ohio law, and can sell the land or pass it along as a gift or through the landowner's estate. Through those transfers, the easement remains on the land to prevent the new owner from developing or otherwise converting the land to a non-agricultural use.
- The land must be at least 40 acres in size and comprised of one or more contiguous parcels. ODA will consider accepting a donation on a 25- to 40-acre farm if it is contiguous to an existing agricultural easement.
- Generally, no portion of the parcel or contiguous parcels may be excluded from the donation, including the homestead.

An agricultural easement held or co-held by ODA is intended to exist in perpetuity. To further that intent, ODA easements may only be extinguished under the following circumstances:

1. If the easement is taken through eminent domain; or
2. If an unexpected change in the conditions of the land makes continued agricultural use of the land impossible or impractical.



Source: Ohio Dept. of Agriculture



Source: Ohio State University

If the landowner intends to take advantage of federal tax benefits arising from the donation, the IRS will require the landowner to (a) commission and pay for an appraisal of the land and (b) submit an IRS Form 8283 signed by the director of ODA. ODA will require the landowner to provide to ODA a copy of the IRS-required appraisal.

Between 1999 and 2006, the Ohio Department of Agriculture, through its three agricultural easement programs (one donation program and two purchase programs), has preserved 135 farms totaling 26,393 acres.

	Acres Preserved	Dollars Spent to Purchase Easements
Purchase	23,308.515 acres	\$ 27,260,006
Donation	<u>3,084.603 acres</u>	<u>\$0 (donation)</u>
Total	26,393.118 acres	\$27,260,006

These numbers indicate that only 13 percent of the farmland preserved in Ohio over this timeframe came from landowner donations. Since 2002, the Ohio Office of Farmland Preservation has received applications from 1,368 landowners, totaling 217,982 acres, with a cumulative agricultural easement value of \$314,317,057. This indicates that there is far more demand for purchase programs than current funding can accommodate. Since donations are theoretically unlimited (i.e. there is no funding limitation on the number of landowners participating), there appears to be far more potential for the preservation of farmland using a purchase-type program model.¹



¹ <http://www.ohioagriculture.gov/pubs/divs/farm/curr/farm-d-index.stm>; http://www.ohioagriculture.gov/oda3/Admn/Farm/Donation_Program_Guidelines.pdf <http://www.ohioagriculture.gov/farmland/Farmland%20Preservation%20Report%201999-2006.pdf>

Purchase of Agricultural Easements (PACE/PDR)

Town of Dunn, Wisconsin

In 1996 the Town of Dunn (located southeast of Madison) created the first purchase of development rights (PDR) program in the state of Wisconsin to permanently preserve agricultural land, open space, and environmentally sensitive areas.

Goals:

- To preserve farmland and support viable farm operations
- To protect open space and environmentally sensitive areas
- To maintain the town's rural character and quality of life
- To protect the town from the encroachment of neighboring cities and villages

The Natural Heritage Land Trust and the Town co-hold 19 of the conservation easements. The Land Trust and the Town's Land Trust Commission are jointly responsible for annually monitoring the conservation easements and enforcing the terms of those easements to ensure that the farmland and rural qualities will be maintained. The land Trust Commission has established a 10-step process for application to the PDR program:

1. Learn more about PDR. Members of the Land Trust Commission, as well as the town's PDR coordinator, are also willing to meet with you at your convenience to discuss the program.
2. Complete PDR pre-application form (submit by August 15 or February 15)
3. Meet with members of Land Trust commission
4. The Land Trust commission ranks your application using objective criteria, including such factors as: quality of farmland, development pressure, financial considerations, and natural, historical or archaeological features. Because funds for the PDR program are limited, applications that rank highest will receive first consideration.
5. Discuss terms of potential easement on your property
6. A professional appraiser determines the value of your easement



7. Negotiate terms of sale
8. Secure approval from mortgage or lien holders
9. Town prepares baseline data report of your property
10. Finalize sale of easement

The PDR program was initiated by the approval of a referendum to increase the rate of the property tax (\$.50 per \$1,000 equalized valuation). The Town has received several grants to supplement these funds (see below), and in 2000 approved a \$2.4 million bond initiative without raising taxes. The initial PDR tax is being used to make payments on the 20-year bond, providing cash flow now and taking advantage of the time value of money.

Grant Funds:

- \$100,000 USDA-NCRS Farmland Protection Program (1997)
- \$515,000 USDA-NCRS Farmland Protection Program (1998)
- \$235,200 Wisconsin Department of Natural Resources (2001)
- \$212,344 Dane County Conservation Fund (2001)
- \$851,850 USDA-NCRS Farmland Protection Program (2002)
- \$319,250 USDA-NRCS Farms and Ranchlands Protection Program (2003)

As of July 2007, the program has protected 22 farms and 2,729 acres, with applications pending for another 32 farms and 1,869 acres. ²

²<http://www.nhlt.org/ourwork.php>; <http://town.dunn.wi.us>



Source: Town of Dunn



Source: West Waubesa Preservation Coalition

Bucks County, Pennsylvania³*Context:*

Since 1945, Bucks County has lost 74% of its productive farms and farmland. In 1987, a statewide \$100 million bond issue was passed by the voters. Funds are continuously generated at the state level for certified PDR programs with a 2-cent tax on every pack of cigarettes sold within Pennsylvania, generating an average of \$23 million annually for farm protection. Pennsylvania also has a Agricultural Security Area Program to help protect and promote continued productive agricultural use on viable agricultural lands, and to protect the agricultural economy of the state. The state-certified Bucks County Agricultural Land Preservation Program began in 1989 and is administered by the Bucks County Agricultural Land Preservation Board. Its goal is to preserve 10,000 acres of farmland by the year 2007. The program also explicitly embraces conservation values of open space, wetlands, and wildlife habitat. It views farm protection as key to the conservation of these values.

*Criteria:*

Farms must meet certain minimum requirements in order to be eligible for the Bucks County Agricultural Land Preservation program. The farm must:

- Be located in a duly recorded agricultural security area consisting of at least 500 acres;
- Be at least 50 acres unless tract is contiguous to a preserved farm, and then the minimum is 10 acres;
- Contain at least 50% class I-IV soils; and
- Contain at least 50% or 10 acres of harvested crop-land/pastureland.

After meeting these eligibility requirements, there is a strict point-based farmland evaluation system when selecting farms for easement purchase. This system places special emphasis on soil quality, ownership involvement in farming activities, and land stewardship. Other selection criteria include: long term economic viability of the farm, location factors, and environmental qualities of the farmland tract. The farmland evaluation system has been designed to award more points to those farms more threatened by development pressures.

³ <http://udallcenter.arizona.edu/commonground/pdrtext.htm>

Approach:

This program has several payment options, including: lump-sum; installment; and "like kind," where a farmer receives the deed to another property instead of money. The second property could also possibly qualify for preservation. The program sets a payment ceiling of \$10,000 per acre. Conservation easements willfully sold by a landowner at an amount less than the appraised value are eligible to receive a federal income tax charitable deduction. The easement value in Bucks County range from \$3,500 to \$15,000 with an average per acre value of \$6,186. Only perpetual easements are purchased. Monitoring is done by inspection yearly by the Preservation Board.

Funding:

Program funds come from two types of allocations. The majority of funding is provided by the Pennsylvania Department of Agriculture and consists of several grants and matches based on county real-estate-transfer tax and local farmland-preservation allocations. The other portion comes from an annual county appropriation. In 1998 the county appropriation was \$1.95 million; the state appropriation totaled \$2.55 million. Between 1989 and 1998. In addition, nine municipalities in Bucks County have floated bonds for open space and farmland protection, totaling \$35.3 million.

County Based PDR programs in New Jersey ⁴*Criteria:*

Farms must be in an Agricultural Development Area and be eligible for Farmland Assessment. The SADC prioritizes applications for preservation funding through a ranking system that assigns points for the following factors: percentage of high-quality soils; percentage of tillable acres; suitable boundaries and buffers, such as other nearby preserved farms and open space; the local commitment to agriculture (e.g., right to farm ordinances, financial commitment); size of the farm and agricultural density of the area; imminence of development, and prioritization by the CADB. These quality scores establish the SADC's preliminary priority list for preservation.

Approach:

Landowners sell the development rights on their farmland to their county. When landowners sell their development rights, also known as development easements, they retain ownership of their land but agree to permanent deed restrictions that allow only agricultural use. The State

⁴ <http://www.state.nj.us/agriculture/sadc/countyeasementpurchases.pdf>



Agriculture Development Committee (SADC) provides counties with grants to fund 60-80 percent of the costs of purchasing development rights on approved farms. It generally holds one funding round per year for this program. Landowners apply to their county agriculture development board (CADB). The CADB reviews applications and forwards those approved to the SADC. The SADC certifies development values for each farm based on independent appraisals conducted by two licensed appraisers and a review by an SADC staff appraiser. Counties hire appraisers from an SADC approved list.

Once the SADC certifies development easement values, landowners have 30 days to submit their offers. A landowner can improve a farm's ranking on the preliminary priority list by offering to discount — or sell the development easement for less than the certified value. For every one percent a landowner discounts, two points are added to the farm's quality score. Landowner offers establish the final priority list for preservation. The number of farms that will be preserved each round depends on available state, county and sometimes municipal funding.



Scenic Easement Program

Napa County, California⁵

The Property:

The Henry Ranch is located southwest of the City of Napa in a 4,000-acre valley. The current landowner acquired the 530-acre ranch in 1993, constructed a reservoir, and planted 125 acres with grapes. Other than vineyards, the property is undeveloped.

The Land Trust:

The non-profit Land Trust of Napa County

The Easement:

In 2002, the owner donated a conservation easement on 117 acres of the property along with several historic ranch buildings and barns to the Land Trust of Napa County. This easement is an excellent example of an agricultural land easement with scenic protection provisions. The owner of the Henry Ranch has reserved the right to construct a future winery, prohibited any future estate residential use, and protected a significant stand of oak riparian woodland as well as the scenic ridgelines on the property.

⁵ http://www.scenic.org/easements/case_studies/henry

Talbot County, Maryland⁶*The Property:*

The farm, known as Rich Neck, is comprised of 790 acres including more than five miles of Chesapeake Bay waterfront and many historic buildings. The farm includes an entire peninsula that juts several miles into the Chesapeake Bay.

The Land Trust:

The Maryland Environmental Trust (MET) negotiated the easement. MET is a statewide land trust governed by a citizen board of trustees. A quasi-public agency, funded by the State of Maryland but with its own endowment, the Trust focuses on preserving natural resources, open space, and agricultural lands through the use of conservation easements. The Trust also provides grants for environmental education programs.

The Easement:

The idea was to place a general purpose conservation easement on the property. The landowner decided to include restrictions on subdivision, new construction, timbering, and internal and external changes to the eighteenth-century manor house. The landowner believed that multiple easement holders made it more likely that easement would survive in perpetuity. Three organizations -- the Maryland Environmental Trust, the Maryland Historical Trust, and the Nature Conservancy -- jointly hold the easement that went into effect in 1988. The Maryland Historical Trust is responsible for monitoring and enforcing the historic and archaeological provisions of the easement; the MET responsible for compliance with other terms. The easement also references a goal from the general plan of Talbot County, Maryland of "protecting the beauty of the Chesapeake Bay waterfront." It contains several key provisions related to the protection of watersheds, farming practices, and design protection for the many significant structures. The easement requires that the establishment and maintenance of vegetative buffers between agricultural operations and streams, thus protecting water quality and supply while offering scenic enhancements to the property. An appendix to the easement lists all the structures on the property and refers to their dates of construction and protection status under the easement. Like most easements, it prohibits billboards and limits the size of all signs, in this case, to four feet by four feet. The easement balances the desires of the landowners to keep farming, protect historic structures, and conserve scenic views of the waterfront.



⁶ http://www.scenic.org/easements/case_studies/poe

Rural Heritage Preservation Program

Kane County, Illinois - Rural Preservation Plan ⁷

Context:

Kane County, on Chicago's fast-growing urban fringe, has a rich heritage of farming dating from the 1850s as well as a long history of planning to protect its rural heritage. Its first land use plan (1976) was amended in 1980 to state that the best farmland should be conserved and protected from premature development. In the 1990s development pressure prompted the county government to create a comprehensive preservation program to protect its historic architectural resources.

The Approach:

Both the County's *2020 Land Resources Management Plan* (1996) and its *Historic Preservation Plan* (1989) emphasize the importance of preserving working farmland, the agricultural economy, and the agricultural landscape. The *2020 Plan* divides the county into three distinct land use areas, based on its historical land use patterns—the Urban Corridor, the Critical Growth Area and the Agricultural/Village Area. The Agricultural/Village Area protects 50% of the County's land area from premature conversion to other uses and supports the agricultural economy.

The Kane County Historic Preservation Program consists of a set of tools and other components developed to deal with preservation issues at the county level. Tools include a survey of all pre-1945 structures and archaeological sites in rural Kane County, a publication describing the results of the survey, an historic preservation ordinance and a preservation plan. The Rural Structures Survey, completed in 1987, provides basic information about the county's historic resources.

"Built for Farming: A Guide to the Historic Rural Architecture of Kane County", presents and analyzes the results of the Rural Structures Survey. This book, published in 1991, was designed to educate professionals, non-professionals, property owners and other interested individuals about the historic resources in Kane County. The county's Historic Preservation Ordinance was adopted in 1988 and created the Kane County Register of Historic Places, the county's list of landmarks, and the Kane County Historic Preservation Commission. Kane County was the first in Illinois to become a Certified Local Government.

The County's preservation program also includes financial incentives to encourage rehabilitation of historic structures and mechanisms to allow for consensus-building and preservation education. Historical, architectural and financial technical assistance is offered by staff and commission

⁷ <http://www.mnhs.org/preserve/shpo/landscape/landscape5.html>



members to owners of historic properties and small communities upon request. The County Historic Preservation Commission and the Kane County Farm Bureau established "That Darn Barn" in 1990 as an award program for preservation of historic farm buildings and to generate ideas on returning structures to productivity. "That Darn Barn" continued through 1992 as a demonstration project to educate farmers and other building owners about good preservation practices and adaptive reuse.

Pilot Program^{8,9}

The "Future of Agriculture in Our Community" is a program developed in Pennsylvania to help develop awareness of the significant role agriculture plays in the community, and the importance of including agricultural land preservation as a tool in economic development plans. The "Future of Agriculture in Our Community" implemented a pilot program in one county of the state. As part of the pilot program, the group conducted a survey and analyzed the results in order to apply the lessons learned to the expansion of the program.

In addition, a variety of states and counties have created appropriations requests and enacted legislation for the provision of agricultural preservation pilot programs. In April of 2007, Maine enacted legislation that defines a pilot program for agricultural land preservation, its goals, how to prioritize land to be included, how the program will be implemented, and mandates annual reports (LD 1713). Connecticut also legally authorized an agricultural preservation pilot program, in April of 2004. Connecticut's legislation was enacted in an effort to preserve the agriculture industry in the state by assisting and expanding the market for agricultural goods, with the help of university students and those with local knowledge of working within the agriculture industry (Raised Bill No. 5641). Though this legislation is at the state level, and the specific goal of the legislation might differ from those of Jefferson County, they represent recent examples of legislation enacting agricultural preservation pilot programs in the United States that might serve as helpful examples for Jefferson County should it choose to enact a pilot program of its own.



⁸ <http://www.mofga.org/Default.aspx?tabid=690>

⁹ Brasier et. al. "The Future of Agriculture in Our Community: A Pilot Program to Increase Community Dialogue About Agricultural Sustainability". *Journal of Extension*. Article Number 2FEA3. Volume 44, Number 2. <http://www.joe.org/joe/2006april/a3.shtml>
LD 1713. Maine Department of Food, Agriculture and Rural Resources. Accessed 02 December 2007. ⁸
Raised Bill No. 5641. An Act Concerning Agricultural Planning. Connecticut General Assembly, Committee on Environment. February 2004.
Raised Bill No. 5641. An Act Concerning Agricultural Planning. Connecticut General Assembly, Committee on Environment. February 2004.