

Appendix A: Stakeholder Groups and Perspectives

Results of the Initial Stakeholder Process

Outlined below, the outcomes of each stakeholder group are summarized.

A. The Jefferson County Farmland Preservation Commission

The County Farmland Preservation Commission, which will hereafter be referred to as the Commission, was formed in March 2007 by County Resolution NO. 2006-86. This resolution provided \$20,000 in funding and called for the creation of a seven member Commission in order to develop a voluntary PDR program for Jefferson County (based on “existing PDR programs found to be functional and effective in such places as the Dane County Town of Dunn, the states of Pennsylvania, Maryland, and elsewhere”).¹ The Commission is composed of five county supervisors and two citizen members that are appointed by the County Board Chairman and have three-year terms. The Commission also is staffed by the County Zoning and Planning Department and conducts monthly open meetings.

The Public Participation Team conducted one interview and one focus group with members of the Commission:

1. Interview with Citizen Members: On October 5, the Public Participation Team met with Daphne Holterman and Margaret Burlingham, the two citizen members of the Commission, at Rosy Lane Farm. In this meeting, we began to identify stakeholders and their positions within farmland preservation, as well as discuss the Commission’s proposed communications plan (since adopted).

2. Meeting with Commission: On October 12, the Public Participation Team met with the Farmland Preservation Committee. The purpose of this focus group was to conduct a brief visioning session, identify issues and challenges, and gather their perspectives on various tools and strategies for farmland preservation and the Commission’s role in future activities. In addition, we asked about how and which stakeholders to engage. The Commission is well versed in farmland preservation strategies and considerations, including funding concerns, and has been involved in informal and formal outreach thus far. The focus group yielded the following key findings:

- The Commission’s vision for farmland preservation in Jefferson County centers on economic and cultural viability of agriculture for new and established farmers.
- This vision relies on the maintenance of rural quality of life that balances urban and farmland needs. This can be achieved by linking farmland preservation to benefits for urban dwellers, such as water regeneration and well-planned urban development.
- PACE is currently the desired tool for farmland preservation, if possible in conjunction with other tools.

¹ The resolution passed with a vote of 21 ayes, 6 nays, and 2 absent. The full resolution may be read at the following web address: <http://www.co.jefferson.wi.us/Farm/CoBoardResolution2.pdf>

- Current emphasis is on seeking outside funding for the farmland preservation program.
- The Commission wants to build support for a farmland preservation program through education and dialogue with stakeholder groups.

B. Farmers

Farmers in Jefferson County represent diverse perspectives. Among the three groups participating in the public participation process, we heard from a total of twenty farmers, representing a variety of interests and affiliations. There were dairy and grain farmers, mostly larger-scale farmers but some variation in size. Some also worked as insurance agents, agribusiness (co-op) reps, local and state political office-holders (former and current), and environmental advocates. In addition, Margaret Burlingham and Daphne Holterman, Farmland Preservation Commission members, were present at two separate meetings.

The Public Participation Team conducted three focus groups with farmers during the week of October 29. Farmers, in general, were broad, long-term thinkers about both challenges and opportunities in farmland preservation. The main tensions they (and other stakeholders) identify are individual rights versus collective interest. A summary of key points follows:

- Farmers are concerned about the framing messages about farming, such as whether the public knows where their food comes from and how well they understand the importance of farming to the economy and the environment.
- Farmers identified challenges to farmland preservation and agricultural sustainability, including lack of urgency among farmers and non-farmers about farmland preservation, the intensity of development pressure and concerns that conservation and recreation land use will spur further residential development, the need to preserve farmers as well as farmland, and concern that the land use plan is fragile and vulnerable to local politics.
- Viable urban development (livable development, urban density) is essential to balance urban growth and farmland preservation.
- Keeping land available and affordable is only one component of a viable rural economy and culture. Farmers also stressed that it is equally important to “Preserve Farmers” as well as farmland, by supporting entry to farming maintaining viable infrastructure (related industry and services).
- Farmers identified the need for further education and political action around farmland preservation – in the local grassroots, in the county, statewide, and nationally.
- Leadership development among farmers will be critical to promoting farmland preservation. This includes encouraging farmers to run for office and develop organizational leadership as well.

C. Multi-jurisdictional Steering Committee

The multi-jurisdictional steering committee is a group of staff from six urban communities who meet monthly to coordinate efforts in the comprehensive plan. It consists of City Managers, City Engineers/Public Works Directors, Village and City Administrators, and the County Economic

Development Director. Steve Grabow facilitates the group, which is also attended by a representative of the Vandewalle planning team.

The Public Participation Team conducted a focus group with this committee on November 7. A summary of key points from the meeting follows:

- The group saw cities and villages as already involved because they encourage growth in the urban areas or at its fringe and think rural development is “detrimental to cities” as well as farmland. They also felt that denser urban development helped them deliver services more efficiently.
- Some challenges they saw in farmland preservation strategies were that they do not want PACE on the urban fringe where it will “ring” them in. Some felt they needed stronger, uniform laws and systematic development and preservation—for example, planning practices that incorporate urban density and well-planned fringes to manage “rural sprawl.”
- Most strongly encouraged greater coordination among different levels of government (towns, cities/villages, and the county) to discuss their needs and resolve conflicting policies. Most seemed to favor state programs and funding.
- Some felt that there would be support for county-wide funding such as tax levies, although many expressed wariness that cities carry the financial burden of farmland preservation.
- Some benefits they saw in strong farmland preservation strategies were a local source of food, preservation of the aquifer, stormwater mitigation, and an open area around the cities so that people in the urban areas still felt they lived in a small community. They also saw a strong agricultural economy that supported their agriculture-related businesses.

D. Environmental Interests

Environmental interest in Jefferson County is both diverse and broad with active groups including hunt clubs, park associations and conservation groups along with other interested parties.

The Public Participation Team conducted a focus group with environmental interests on November 8. At the focus group, there were representatives from the Jefferson County parks committee, Ice Age trail and Lake Ripley management district. Farmland Preservation Commission member John Molinaro was also present. A summary of key points follows:

- The environmental interest group representatives felt that there was a need for more communication and collaboration between farmers groups, environmental groups and hunt clubs.
- Environmental groups are not interested in taking over prime farmland. They prefer land with drumlins, trees, creeks, and other natural features to be a part of the landscape.

- There is the potential for friction between farmers and environmental groups since some farmers may feel that environmental groups are taking farmland out of production and inflating the price of land.

E. Town Officials

The Public Participation Team conducted a focus group with town officials on November 15. In attendance were representatives from the following Jefferson County town boards: Town of Aztalan, Town of Concord, Town of Ixonia, Town of Jefferson, Town of Koshkonong, Town of Palmyra, and the Town of Sumner. Also in attendance was a member of the County Board of Supervisors.

A summary of key points follows:

- Towns believe that the current (1999) county plan is working well to preserve farmland.
- All were in agreement that it is important to preserve rural character and protect/promote working farms in Jefferson County.
- There was strong consensus that priority of PDR/PACE programs would be for farms likely to be developed or annexed (i.e. proximity to incorporated areas or bypasses).
- A strong consensus was met that there needs to be much more education regarding PDR/PACE and farmland preservation issues.

F. Zoning Committee

The Public Participation Team met with the Jefferson County zoning committee of the board on November 9. The meeting was attended by 5 members of the committee and the zoning technician. The key findings were as follows:

- The zoning committee thinks the existing plan is working well. They try to have experienced members and do site reviews so that they can make good decisions about sensitive issues. They know each decision sets precedence.
- The Zoning Committee discussed whether the plan had the support of the existing board and how/whether it would maintain that support in the future.
- Towns vary in how they approve splits, and cities vary in how they use their extraterritorial power. Cities need to have denser development, but it is a political issue. Some cities promote denser development, but other cities do not.
- Some members supported PDR/PACE, while others said further education was needed first.

G. Land Trusts

The public participation team conducted a phone interview with a representative of a local land trust on Monday, November 19. A summary of key points follow:

- Land trusts offer landowners “non-governmental protection,” which some prefer due to “mistrust of government.” “Basically, we declare we are not a member or arm of the Jefferson County government.”
- The land trust does not prioritize any type of land but rather is primarily concerned in land conservation of any sort and will work with any willing owner. They see this as protecting natural resources from Waukesha County kind of development.
- Partnership potential: Land trusts can leverage outside funds (e.g. federal funds), while the county can raise matching funds. Landowners may be drawn to having multiple institutions on the easements, multiple systems of accountability.
- “I think [there is support for a tax levy], if we didn’t have the metropolitan builders association and developers coming in here to defeat those levies for farmland preservation.”
- The priority for farmland preservation (as well as land preservation) is fundraising: “More money less talk. Action *is getting* the money.”
- “Zoning is good, but not permanent.”
- The results of the current state farmland preservation credit program are reversible, and developers are profiting from it.
- The Farmland Preservation should work on the state government for broader support, access state funding (e.g. Stewardship Fund).

H. UW Extension

The Public Participation Team interviewed Ken Bolton of UW Extension on November 16. Ken works with dairy and farm producers and discussed the opinion of farmers and agribusiness. Key points from the interview were as follows:

- Farmers must be on board for any program to pass. In order to get them involved, you need to make it worth their while and get to know them. Meet them one on one—not in groups. Work on the farm level. Some farmers won’t come out, and those that do may be more liberal than the majority of farmers.
- Farmers are not a homogenous group. Some want profit maximization and some want to preserve farmland.
- There is a disconnect between farmers who want farmland preservation and non-farmers who don’t know difference between farmland and open space.
- Leasing development rights is better than PDR because it keeps the rights with the landowner. Then terms could be changed to meet future social and economic needs. We don’t know enough now to make long-term decisions.
- The threat to farmland now is not rural housing but the extraterritorial zoning authority of municipalities.

- People think Jefferson County has the best farmland but need to keep in context of preferred farmland if competing for state or federal funding. In the state, Rock County and Walworth County will be prioritized, though Jefferson County adds significantly to the agricultural economy. Nationwide, IL, IA, CA, IN have larger tracts of Class 1 and 2 soils.
- In order to preserve farmland, need farm business profitability. Right now things are pretty good for agribusiness. However, it depends on the point in time. Not much we can do about it.

I. Tax and Real Estate

The Public Participation Team interviewed George Neuberger on November 14. George has a legal practice in Watertown and works on legal issues with farmers. Key points from the interview were as follows:

- Farmers come to the attorneys with their own desires. They generally have a sense of the rules and attorneys explain the fine points. The basic role of attorneys is as a facilitator for the needs of the client.
- Everyone wants to preserve farmland until they need to sell. Rare is the farmer whose interest in farmland preservation exceeds his personal stewardship.
- Farmland preservation fluctuates with commodity prices. As commodities increase in price, there is more interest in farming. Farming is entirely centered on economic issues.

Appendix B: Public Involvement Supplemental Information

A. Focus Groups

Focus groups are small groups of around 5 to 8 people who share common interests. They are usually run by a facilitator who is somewhat neutral to the process and who engages the focus group in certain pre-determined questions. An assistant records notes.

Possible Questions to Consider:

Benefits and Challenges Questions:

- *What might be some benefits to our local communities from efforts to preserve farmland in Jefferson County?*
- *What do you see as some potential challenges associated with enhanced farmland preservation policies?*
- *Regarding rural and natural resource area preservation in general, what would be your vision for or how would you describe the ideal "countryside" or "rural character" in the lands outside of your urban service area?*
- *How important is it to preserve agricultural land in Jefferson County? What are the reasons it is important?*

Engagement Questions:

- *What groups need to be involved in farmland preservation? How?*
- *How should people be engaged about agricultural preservation? What should be done to keep people connected in this process?*
- *How would you like to see farmers engaged in Farmland Preservation efforts?*
- *How would you see your group working with the farmland preservation movement?*

Other Questions:

- *What role should cities/villages play in development?*
- *What is your familiarity with the status of the Farmland Preservation Commission's work?*
- *What role should the County, Towns, Cities, Villages should play in the development of new or enhanced farmland policies?*
- *What areas are best preserved for agricultural land use?*
- *How do you think a farmland preservation program should be funded?*

B. Learning Circles

Learning circles are groups of neighbors who get together to discuss a topic of shared mutual interest, though their opinions and knowledge of the topic may vary. The idea is that people can create a safe, caring space to educate themselves and discuss topics, including those that might be more charged in other arenas. One example of a learning circle is the Natural Step, which is being used by the Sustain Jefferson organization. More information is available at <http://sustainjefferson.org>. This is a lot of potential for engaging learning circles during the next

several months before the Vandewalle planning process begins to discuss land use and farmland preservation.

Jefferson County could engage learning circles by conducting the following activities:

- Meet with Sustain Jefferson about program set up.
- Dedicate a staff person and hire a student intern to conduct set up activities.
- Commit county funding to the project and/or submit proposals to local agribusiness and other funding sources.
- Develop a packet of information about farmland preservation topics for the learning circles to discuss over 4-6 weeks (for example, including introduction to farmland preservation, an introduction to the 1999 plan and zoning, PDR and PACE, and so forth).
- Conduct a kick off event for learning circle participants, potentially engaging agribusiness such as cooperatives and libraries, among other community group. Set up a database of learning circle participants and send them information about participating in future public participation processes conducted during the Vandewalle planning process and thereafter.

C. Assessment of Stakeholder Networks

The purpose of the assessment of stakeholder networks is to tap into existing groups in order to engage people where they already attend meetings, do business, and/or have relationships established.

In order to assess how farmland preservation activities can be integrated into stakeholder networks, conduct an inventory of these groups and their regular meetings and activities.

For example, we heard about many organizations and groups that farmers are involved in during our public participation process. Some of these groups include the following: the Farm Bureau, the Agricultural Council, Rural Leadership, farming cooperatives, the Jefferson County Agribusiness Group, and so forth. Some of these groups are contact with farmers on a daily basis and can generate conversation and feedback.

Appendix C: Conservation Reserve Programs

Farmland Benefits of CRP/CREP

The Conservation Reserve Program (CRP) and the Conservation Reserve Enhancement Program (CREP) are voluntary, federally funded programs that allow farmers to retire highly erodible, environmentally sensitive cropland and marginal pasture for a period of 10 to 15 years, or in permanency through a permanent easement. These programs can protect farmlands in numerous ways. 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 cash-rent. Additional financial benefits include initial sign-up bonuses and cost-sharing for the implementation of required environmental practices.

Why CRP/CREP can help protect farmland

CRP and CREP provide a stable source of income to farmers who wish to reduce the impact that extensive farming practices have in areas that are the most vital for protection. This preserves farms by allowing farmers to have the financial means to continue farming. It also protects the land and water from potential environmental damage. The program additionally attempts to enhance the landscape by providing a habitat for wildlife that may not otherwise be provided without these incentives.

The programs have been shown to reduce soil erosion significantly. The enhancement of water quality is also a major benefit of the program. Improved water quality protects surface waters from sediment and nutrient enrichment, through grasses and tree buffers. It also protects ground water quality with an additional payment incentive for EPA approved wellhead protection areas.²

CRP/CREP History

The CRP/CREP programs began in 1985. They were created by the Food Security Act of 1985. The programs were created to reduce soil erosion. Another goal of the programs was to maintain agricultural income by providing farmers with a stable revenue source during a time of declining and volatile commodity prices. In addition to these goals, the programs were attempting to continue to produce crops long term as well as improve water quality, and create a habitat for numerous forms of wildlife.

By the mid 1980's over 34 million acres had been enrolled in CRP throughout the nation. The rental rates were established by the bids from farmers. Initially, it was not well established which bids would be accepted. After the first years of biddings, the process became much more

² Barbarika, A. (2006). Conservation Reserve Program: Summary and enrollment statistics FY 2006 USDA. Retrieved 11/01/2007

transparent. The USDA would allow all lands that were eligible to be enrolled in the program at the area's maximum rental rate. Once this was understood, the amount of lands in the programs grew rapidly.

As the programs progressed, they were altered to protect the environmental benefits that the governmental agencies felt held the highest priority. This was established using the environmental benefits index (EBI). Several factors are established in the index, such as wildlife, water quality, erosion, long-term benefits, air quality, and the price for the land. Certain highly desirable types of land were allowed continuous sign-up for the program without going through the bidding process again.

CRP: How It Works

There are two types of CRP programs: the General Sign-up and the Continuous sign-up. Both programs require that the fields must have been planted to an annual crop for at least four out of the last six years. The current calculations for planting history use the years 1996 to 2001. The land must also have been owned for the past 12 months. Once the land is enrolled in the program, it must be managed with a resource-conserving cover, such as grasses or trees. The General Sign-up program ranks applications based on the Environmental Benefits Index. The rank that a land attains is based on the expected environmental improvement in soil resources, water quality, wildlife habitat and other resource concerns during the time the land is to be enrolled in the program. Each offer submitted by a landowner is assigned a point score based on its relative environmental benefits, and is compared nationally with all other offers. Offers are accepted or rejected based on the resulting ranking. The sign-up for the general program is during designated periods set up by the USDA. The periods may occur at anytime and usually last for a four-week period. In Jefferson Co. often the local offices know that a general sign-up will be occurring before the event happens. The Jefferson Co. Farm Service Agency will send out notification in their Newsletter and the local press to look for an announcement of the official beginning of the General Sign-up period.

The other type of CRP is the Continuous Sign-up program. Sign-up for the Continuous CRP program may occur at any time. The purpose of this program is to install needed practices to protect natural resources of concern. The Farm Service Agency provides a rental payment and cost-share assistance of required cover for enrollment in the program. The Continuous program allows that certain marginal pastureland be enrolled as a riparian buffer or for other water quality issues. For Jefferson Co., riparian buffers are the main type of land that will be accepted for the program. Riparian buffers are areas of trees and/or shrubs next to ponds, lakes and streams that filter out pollutants from runoff, as well as providing food and shelter for wildlife.

Several types of payments will be given for enrollment in the program. The first financial benefit is an annual rental payment based on the productivity of the soil. There is also a cost-share assistance component of the program that allows for a 50 percent reimbursement for the resource-conserving cover required by the program. There are additional financial incentives on the annual rental payment based on the level of environmental sensitivity of the land. There are also one-time financial incentives for enrollees that employ certain practices.

CREP: How it works

The Conservation Reserve Enhancement Program is an extension of the CRP program. In addition to the federal funding of CRP, this program adds state level funding as well. Numerous agencies are in partnership to make this program work.

Many of the environmental focuses of this program are the same as CRP. This program focuses more closely on local environmental concerns. The FSA and local participants focus on an agricultural, environmental issue and create a proposal to address the issue.

The payments for the program are the same as CRP. Additionally, the state adds a one time up-front payment. This payment is 1.5 times the annual rent rate for a 15 year contract or 12 times the annual rent rate for a permanent easement. The State also provides an additional 20 % cost-share on installing eligible practices.

Riparian buffers are once again the focus for this program in Jefferson County. Eligible lands are within 150 feet of an eligible stream or water body. This requirement is met by nearly ninety percent of Jefferson County.

What CRP and CREP can offer Jefferson County

There are many types of environmentally sensitive areas that CRP/ CREP wish to protect. The environmentally sensitive areas that are eligible for these programs in Jefferson County are restricted to water quality issues; filter strips, riparian buffers, grassed waterways, and wetland restoration.

Jefferson County currently has over 8,500 acres in CRP. There is no limit to the amount of land that can be enrolled in the program. This year 1.8 billion dollars will be spent nationally on CRP. Over forty-two million of that money will be assigned to Wisconsin. The County's weighted average for soil rental rates is approximately \$98 per acre.

The CREP program for Jefferson County has over a million dollars worth of funding and they are currently using less than half of that amount. This is not due to the lack of eligible land; it seems to be a result of limited applications. The average payment per acre in 2006 for CREP land was \$114.³ Examples of high, medium, and low rental rates in Wisconsin are given in the Figures 1a – 1c.

³ Barbarika, A. (2006). *Conservation reserve program: Summary and enrollment statistics FY 2006* USDA. Retrieved 11/01/2007

Figure 1a

Conservation Reserve Enhancement Program (CREP)

Payment Example 3 (High)

County: Dunn
CREP Area: Water Quality
Practice: CP22, Riparian Buffer, newly enrolled, with permanent fence and watering facility
Dominant Soil Types: SeB, SfA, and SfB
Eligibility Criteria: Cropland, immediately adjacent to eligible water source
 minimum 35 foot width, maximum average width of 150 feet

Payments / Acre									
Contract Type	Federal Annual Rent	Federal Annual Incentive	Federal Annual Maintenance	Federal “Up Front”	Federal Cost-Share	Other Federal Incentives	State “Up Front”	State Cost-Share	Total Rent and “Up Front” Payments
15 Year	\$94.00	\$32.90 (35% of Annual Rent)	\$10.00	\$150 (Signing Incentive Payment, 10/1 start date)	50%	40% of eligible install costs (Practice Incentive Payment)	\$141.00 (1.5 times Annual Rent)	20%	\$2,344.50
Permanent Easement	\$94.00	\$32.90 (35% of Annual Rent)	\$10.00	\$150 (Signing Incentive Payment, 10/1 start date)	50%	40% of eligible install costs (Practice Incentive Payment)	\$1,128.00 (12 times Annual Rent)	20%	\$3,331.50

Figure 1b

Conservation Reserve Enhancement Program (CREP)

Payment Example 2 (Medium)

County: Iowa
CREP Area: Blue Mounds Grassland
Practice: CP-23, Wetland Restoration
Dominant Soil Types: DgB; DsB; and DuB3
Eligibility Criteria: Cropland, hydrologically connected, PC, FW, or organic soils, limited to 40 acres including maximum average width of 150 feet

Payments / Acre									
Contract Type	Federal Annual Rent	Federal Annual Incentive	Federal Annual Maintenance	Federal "Up Front"	Federal Cost-Share	Other Federal Incentives	State "Up Front"	State Cost-Share	Total Rent and "Up Front" Payments
15 Year	\$76.00	\$45.60 (60% of Annual Rent)	\$5.00	\$0	50%	25% of cost to restore hydrology, excluding seeding	\$114.00 (1.5 times Annual Rent)	20%	\$2,013.00
Permanent Easement	\$76.00	\$45.60 (60% of Annual Rent)	\$5.00	\$0	50%	25% of cost to restore hydrology, excluding seeding	\$912.00 (12 times Annual Rent)	20%	\$2,811.00

Figure 1c

Conservation Reserve Enhancement Program (CREP)

Payment Example 1 (Low)

County: Wood
CREP Area: Prairie Chicken Grassland
Practice: CPI, Establishment of Permanent Introduced Grasses
Dominant Soil Types: Aa, Ab, and NoD2
Eligibility Criteria: Cropland, within 1,000 feet of eligible water source OR

Payments / Acre									
Contract Type	Federal Annual Rent	Federal Annual Incentive	Federal Annual Maintenance	Federal “Up Front”	Federal Cost-Share	Other Federal Incentives	State “Up Front”	State Cost-Share	Total Rent and “Up Front” Payments
15 Year	\$22.00	\$7.70 (35% of Annual Rent)	\$5.00	\$0	50%	\$0	\$33.00 (1.5 times Annual Rent)	20%	\$553.50
Permanent Easement	\$22.00	\$7.70 (35% of Annual Rent)	\$5.00	\$0	50%	\$0	\$264.00 (12 times Annual Rent)	20%	\$784.50

How to Become Enrolled in the Programs

To sign up for CRP or CREP your land must not currently be enrolled in either of the programs, or your contract must expire by the designated time period. You must also have owned your land for the past 12 months. Exceptions are made for previous owner's death, purchase through foreclosure, and the purchase of the land without the intent of enrolling in CRP. The land must have been in active crop production for at least four of the past six years. These requirements pertain to all CRP/CREP sign-ups.

The General CRP sign-up is held at designated times which have in the past been open for a four week period. In addition to the above land requirements, General sign-up land must either have an erosion index of 8 or higher, be expiring CRP land, or be located in the CRP conservation priority area. The program uses an Environmental Benefits Index (EBI) (http://www.fsa.usda.gov/Internet/FSA_File/crp33ebi06.pdf) for the last sign-up period index. Points are allotted with regard to the potential cover that will be used for the CRP land, the wildlife enhancement, the current erosion index, and air quality benefit. Once the sign-up period ends, an EBI cutoff will be set. A representative of the USDA will assist farmers in maximizing their EBI score if requested.

The Continuous CRP sign-up can be applied for at any time. In addition to cropland, certain marginal pastureland may be entered as a riparian buffer. There is no competitive bidding in this process. To apply for the Continuous CRP sign-up, contact the local FSA office.

To sign-up for CREP, first contact the County Land and Water Conservation Department (LWCD). This office will give you the most current application:

http://www.datcp.state.wi.us/arm/agriculture/land-water/conservation/crep/applicant-info/pdf/ARM-LWR-209_06-04.pdf).

A representative of the USDA will make an onsite visit to verify if your land is eligible to be in the CREP. If eligible, there are two sign-up options. One option is a 15-year contract:

http://www.datcp.state.wi.us/arm/agriculture/land-water/conservation/crep/applicant-info/pdf/ARM-LWR-283_06-04.pdf)

Or a permanent easement: <http://www.datcp.state.wi.us/arm/agriculture/land-water/conservation/crep/applicant-info/pdf/forms-12-05/ARM-LWR-281EasementForm.pdf>

The Future of the Program

There are many speculations on what the current market of higher crop prices will do to CRP and CREP. A direct result in higher rental rates is to be expected. There is speculation that other incentives will be added or enhanced. These programs are intended to protect sensitive areas and act as buffers that indirectly improve crop production. With increased crop production, the priority of these programs will be higher which should be reflected in the payments to farmers.

Sources

The current CRP representative in Jefferson Co.:

FSA Service Center Office

Debra Schut

County Executive Director

debra.schut@wi.usda.gov

(920) 674-2020

(920) 674-6195 fax

Mailing address:

134 W Rockwell STE 110

Jefferson, WI 53549-2089

The current CREP representative in Jefferson Co.:

Nancy L Lannert

CREP Administrator

Resource Conservationist

Jefferson County Land and Water Conservation Department

920-674-7115

Appendix D: Model Ordinance

PDR MODEL ORDINANCE

Based on the
TOWN OF DUNN, DANE COUNTY, WISCONSIN
ORDINANCE NO. 4-3 amended
RELATING TO THE TOWN OF DUNN
RURAL PRESERVATION PROGRAM
and the
TOWN OF WINDSOR
PURCHASE OF DEVELOPMENT RIGHTS/RURAL PRESERVATION PROGRAM
JANUARY 23,2007

Model ordinance language begins here:

The Town Board of Supervisors of the Town of Dunn, Dane County, Wisconsin, DO ORDAIN as follows:

SECTION I. An ordinance to create the Town of Dunn Land Trust Commission and to establish the Town of Dunn Rural Preservation Program pursuant to the laws of the State of Wisconsin, specifically including Sections 60.10(2)(c) and (e), 60.10(3)(a), 60.22(3), 61.34(1), 61.34(3m) and 700.40 of the Wisconsin Statutes is hereby created to read as follows:

I. DEFINITIONS. In this Ordinance:

A. *Board* means the Town of Dunn Board of Supervisors.

B. *Conservation easement* means a holder's non-possessory interest in real property within the Town of Dunn imposing any limitation or affirmative obligation the purpose of which includes protecting viable farm operations and farmland to maintain the rural character of the Town of Dunn, permanently preserving scenic vistas and environmentally significant areas, including wetlands, lakes, streams and woodlots, creating and preserving "buffer zones" around significant environmental areas and agricultural areas, protecting the Town of Dunn from encroachment of neighboring cities and villages, restricting land divisions, retaining or protecting natural, scenic or open space values of real property, assuring the availability of real property for agricultural, forest, recreational or open space use, protecting natural resources, maintaining or enhancing air or water quality, preserving the historical, architectural, archaeological or cultural aspects of real property.

C. *Commission* means the Town of Dunn Land Trust Commission.

D. *Conservation interest* means a holder's interest in a conservation easement, a third party right of enforcement in a conservation easement or fee title interest in real property.

E. *Nonprofit conservation organization* means a nonprofit corporation, a charitable trust or other nonprofit association whose purposes include the acquisition of property for conservation purposes and that is described in Section 501(c)(3) of the Internal Revenue Code and is exempt from federal income tax under Section 501(a) of the Internal Revenue Code.

II. RURAL PRESERVATION PROGRAM EXPENDITURES.

The Board is authorized to acquire conservation interests in real property or to make payments to nonprofit conservation organizations for the purpose of rural preservation as provided herein.

A. *Conservation Easement Purchases.* The Board may, subject to subsection D, expend funds for costs associated with the purchase or acceptance of donated holders' interests or third party rights of enforcement in conservation easements as defined, respectively, in Secs. 700.40(1)(b) and 700.40(1)(c) of the Wisconsin Statutes.

B. *Land Purchases.* The Board may, subject to subsection D, expend funds for the purchase of land for the purpose of rural preservation.

C. *Payments to Nonprofit Organizations.* The Board may, subject to subsection D, appropriate money for payment to a nonprofit conservation organization for the conservation of natural resources within the Town or beneficial to the Town through the acquisition of conservation interests, provided that the recipient organization submits and the Board approves a detailed plan for the work to be done as provided for in Section 60.23(6) of the Wisconsin Statutes. The Board may attach such conditions and restrictions on the appropriation as the Board considers necessary and appropriate to protect the Town's interests in rural preservation.

D. The Town Board shall refer to the Commission, for its consideration and recommendation before final action is taken by the Board, the expenditure of funds under subsections A, B, or C. Unless such recommendation is made within 30 days, or such longer period as may be stipulated by the Board, the Board may take final action without it.

E. The Town Board shall refer to the Commission, for its consideration and recommendation before final action is taken by the Board, the expenditure of funds under subsections A, B or C. Unless such recommendation is made within 30 days, or such longer period as may be stipulated by the Board, the Board may take final action without it.

F. *Voluntary Conveyances.* The Board may acquire conservation interests only from willing owners and may not exercise its power of eminent domain to acquire such interests.

G. *Indirect Costs.* In addition to the purchase price therefore, the Board may expend funds for the payment of indirect costs associated with the conduct of the program, including costs of administration and acquisition of conservation interests, including but not limited to survey costs, title evidence, attorneys' fees, appraisers' fees, environmental assessments, transfer taxes and recording fees.

III. LAND TRUST COMMISSION

A. *Creation.* There is hereby created the Town of Dunn Land Trust Commission (hereinafter the "Commission").

B. *Duties.* The commission shall be responsible for general supervision of the Open Space Program as set forth in this Ordinance, including the following:

1. The Commission shall maintain contact with public and private agencies to maximize the resources and coordinate efforts to preserve the rural character of the Town.

2. The Commission shall determine the interest of owners of land within the Town at least annually, to donate or sell interests in real property for the purpose of the rural preservation program.
3. The Commission may recommend selection criteria and may recommend the acquisition of interests in specific parcels of real property to be acquired by the Town for rural preservation purposes.
4. The Commission may recommend changes to the Open Space Program and suggestions as to how the Open Space Fund acquisition program may be integrated with the Town of Dunn's Land Use Plan and Open Space Plan and other local and regional land use plans.
5. The Commission may conduct public meetings or public hearings as it determines necessary or convenient to its work.

C. *Membership.* The commission shall consist of seven (7) members consisting of:

1. A representative of a Dane County nonprofit conservation organization, as defined in Section 23.0955, Wis. Stats., to be designated by the Board, after consideration of the recommendation of the governing body of the nonprofit conservation organization, to serve a three-year term, expiring on the third anniversary after the appointment.
2. The Commission Chair and four members nominated by the Town Chair, and with the advice and consent of the Board, appointed for staggered terms expiring on June 1 following the third anniversary of their appointment, subject to the following:
 - a) The Commission Chair and at least three members shall be electors of the Town.
 - b) Notwithstanding the foregoing, two of the initial members appointed under this subparagraph iii shall be designated to serve for terms expiring on June 1 following the first anniversary of their appointment and two of such initial members shall be designated to serve for terms expiring on June 1 following the second anniversary of their appointment.
 - c) To the extent practicable, include persons with backgrounds and experience in agriculture, finance, conservation or planning.

D. *Officers.* The Commission shall have the following officers:

1. The Chair shall preside at all meetings of the Commission. In his or her absence, the Commission shall designate a member to serve as residing officer of its meeting.
2. A Secretary shall be elected by a majority vote of the Commission at the first meeting of the Commission following June 1 of each year to serve for a term expiring on June 1 of the following year. The Secretary shall maintain records of the Commission's work, including minutes of all meetings of the Commission.
3. The Commission may establish any additional officers it determines necessary or convenient to the operation of the Commission.

E. *Rules of Procedure.* The Commission may adopt rules of procedure governing its deliberations. In the absence of any other such rules, the Commission shall conduct its proceedings in accordance with Robert's Rules of Order, latest revised edition.

IV. PROCEDURE FOR ACQUISITION OF CONSERVATION INTERESTS

A. The Board may conduct public meetings or public hearings as it determines necessary or convenient to consideration of Rural Preservation Program expenditures.

B. Prior to purchasing any conservation interest, the Board shall cause an appraisal to be prepared by a qualified appraiser setting forth the fair market value of the interest proposed to be purchased.

V. ALIENATION OF ACQUIRED INTERESTS. Except where the intention to reconvey a conservation interest is expressly provided for in the Board's authorization to acquire such interest, no conservation interest acquired by the Town under the provisions of this Ordinance shall thereafter be alienated, unless all of the following conditions have been met:

A. The Board or the Commission has conducted a public hearing for the purpose of considering the proposed alienation;

B. The Town Board has referred to the Commission, for its consideration and recommendation before final action is taken by the Board, the proposed alienation. Unless such recommendation is made within 30 days, or such longer period as may be stipulated by the Board, the Board may take final action without it;

C. An advisory referendum on the proposed alienation is approved by a majority of the electors of the Town voting on the measure.

D. A resolution in support of the proposed alienation is adopted by an affirmative vote of two-thirds of the members of the Board; and

E. A resolution in support of the proposed alienation is adopted by a majority of the members of the governing body of any public agency or nonprofit conservation organization which jointly undertook the acquisition of the conservation interest proposed to be alienated.

VI. PROCEDURE FOR ACQUISITION OF CONSERVATION AND/OR FARMLAND PRESERVATION EASEMENTS

1. The Windsor Town Board may conduct public meetings or hearings as it determines necessary or convenient to consider program expenditures as recommended by the Plan Commission.

2. Prior to purchasing any conservation interest recommended by the Town of Windsor, the Windsor Town Board may cause an appraisal to be prepared by a qualified appraiser setting forth the fair market value of the interest proposed to be purchased.

3. Priority shall be given to agricultural properties adjacent to growth corridors and environmentally sensitive areas as defined in the Town of Windsor Comprehensive Plan: 2025. The Town of Windsor recognizes that production agriculture-related uses are the highest and best land use in the designated areas.

4. Consideration shall be given to the following:

- a. Quality of farmland and production agricultural uses.
- b. Development pressure
- c. Financial consideration.
- d. Historic, archeological, scenic and environmental qualities.

- e. Proximity to permanently protected land.
- f. Community integrity.
- g. Protection of natural resources.
- h. Recreational opportunities.
- i. Cultural/historical qualities.
- j. Community separation.

VII. CONFLICT OF INTEREST.

No person may participate in any deliberation of the Commission or of the Board in the consideration or determination of any expenditure under this Ordinance in which the person, a member of the person's family, or an organization with whom the person is affiliated has a financial interest.

VIII. AMENDMENT OR REPEAL. This Ordinance may be amended or repealed only by affirmative vote of the Board following a public hearing.

IX. SEVERABILITY. Should any provision of this Ordinance be adjudged invalid by a court of competent jurisdiction, such adjudication shall not affect the validity of any other provision of this Ordinance.

SECTION 2. This Ordinance shall take effect immediately upon the passage and posting or publication as provided by law.

Sources:

1. Town of Dunn Rural Preservation Program, *Town of Dunn, Wisconsin*

<http://town.dunn.wi.us/LandUse/Ordinance%20Creating%20Rural%20Preservation%20Program%20Amended.pdf>

2. Town of Windsor Purchase of Development Rights/Rural Preservation Program, Town of Windsor, Wisconsin

Additional sources for more information

1. For a detailed ordinance about a PDR program .

Model Community Purchase of Development Ordinance, Model Sustainable Development Ordinances, Minnesota Environmental Quality Board, Biko Associate Inc., p 32

<http://www.mnplan.state.mn.us/pdf/2000/eqb/ModelOrdWhole.pdf>