



WISCONSIN STATE REPRESENTATIVE  
**MIKE POWERS**  
80TH ASSEMBLY DISTRICT

## MEMO

**TO:** Members Farmland Preservation Committee and  
Conservation and Land Use Committee

**FROM:** Representative Powers and Klusman

**DATE:** March 24, 1999

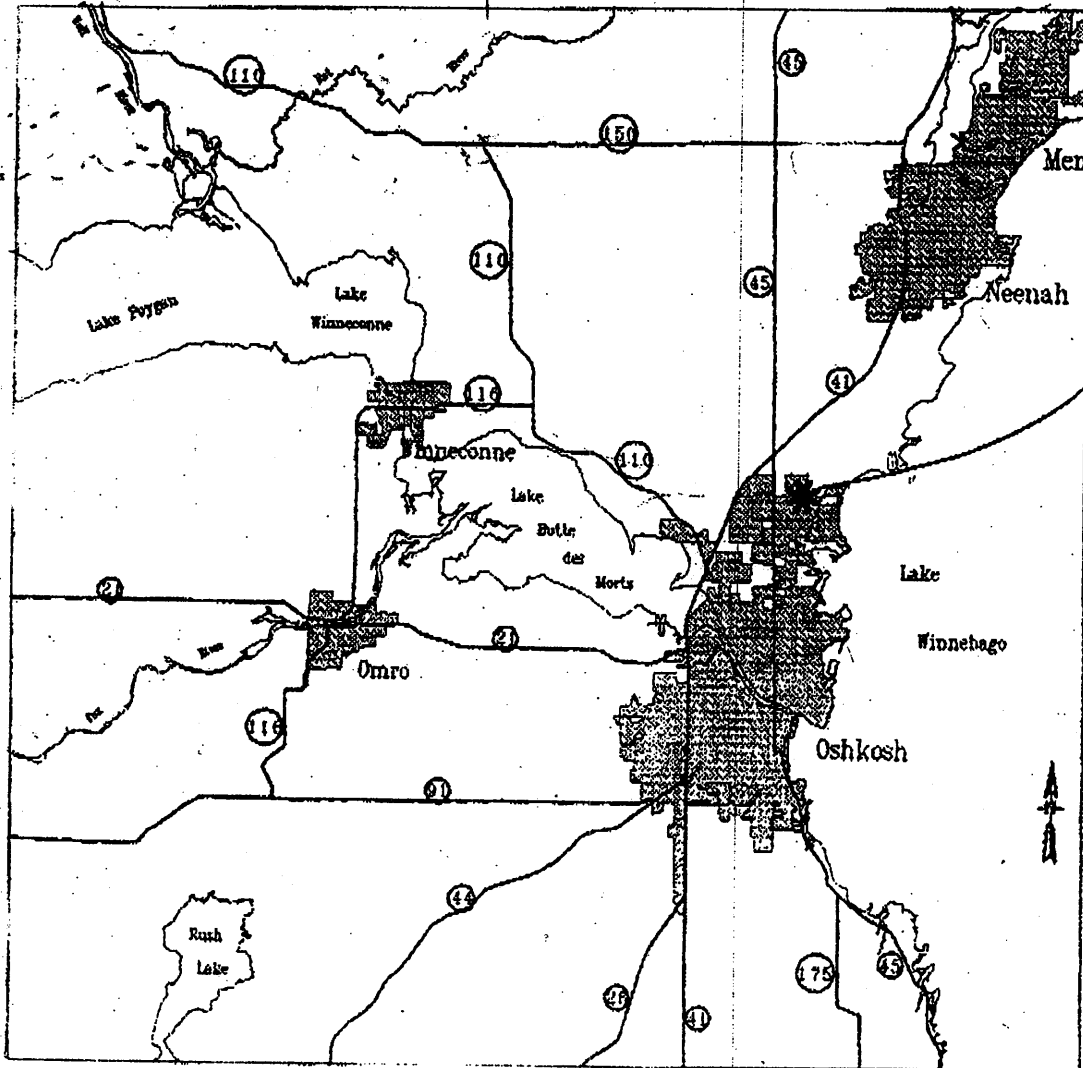
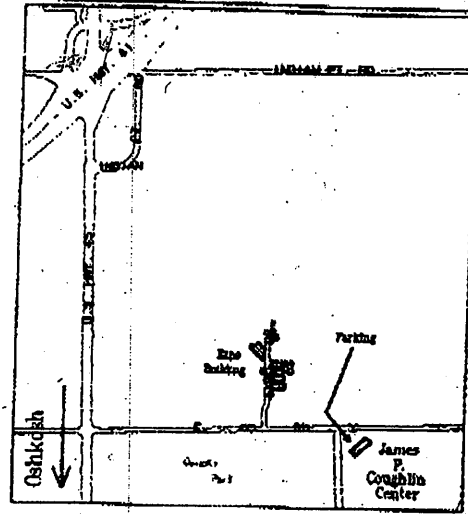
**RE:** Directions to the Friday, March 26, 1999 Joint Hearing

Enclosed are maps of varying detail, giving directions to the James P. Coughlin Center at 625 E County Road Y (also known as East Sunnyview Road).

# James P. Coughlin Center

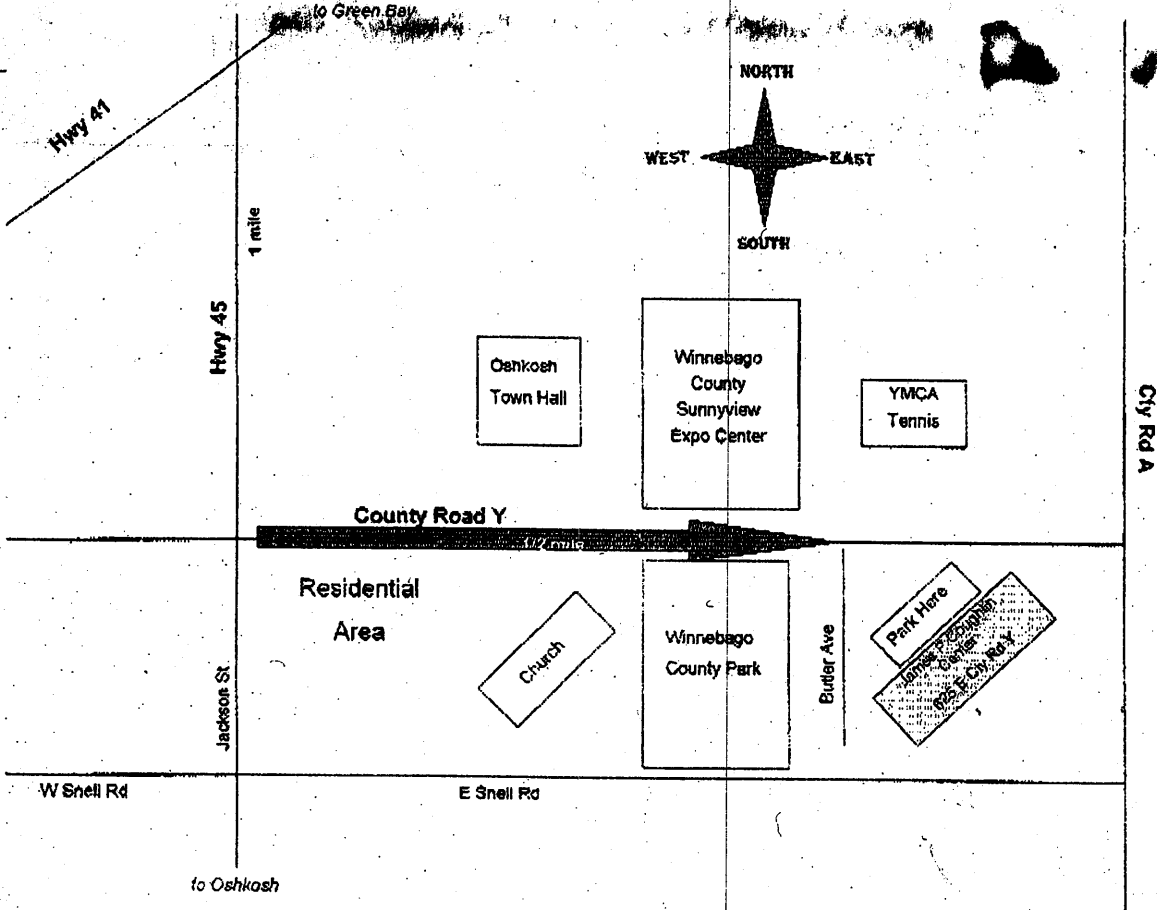
\* 625 E. County Rd Y

\* The J.P. Coughlin Center is located  
7/10ths of a mile east of US  
Hwy 45 on County Road Y.

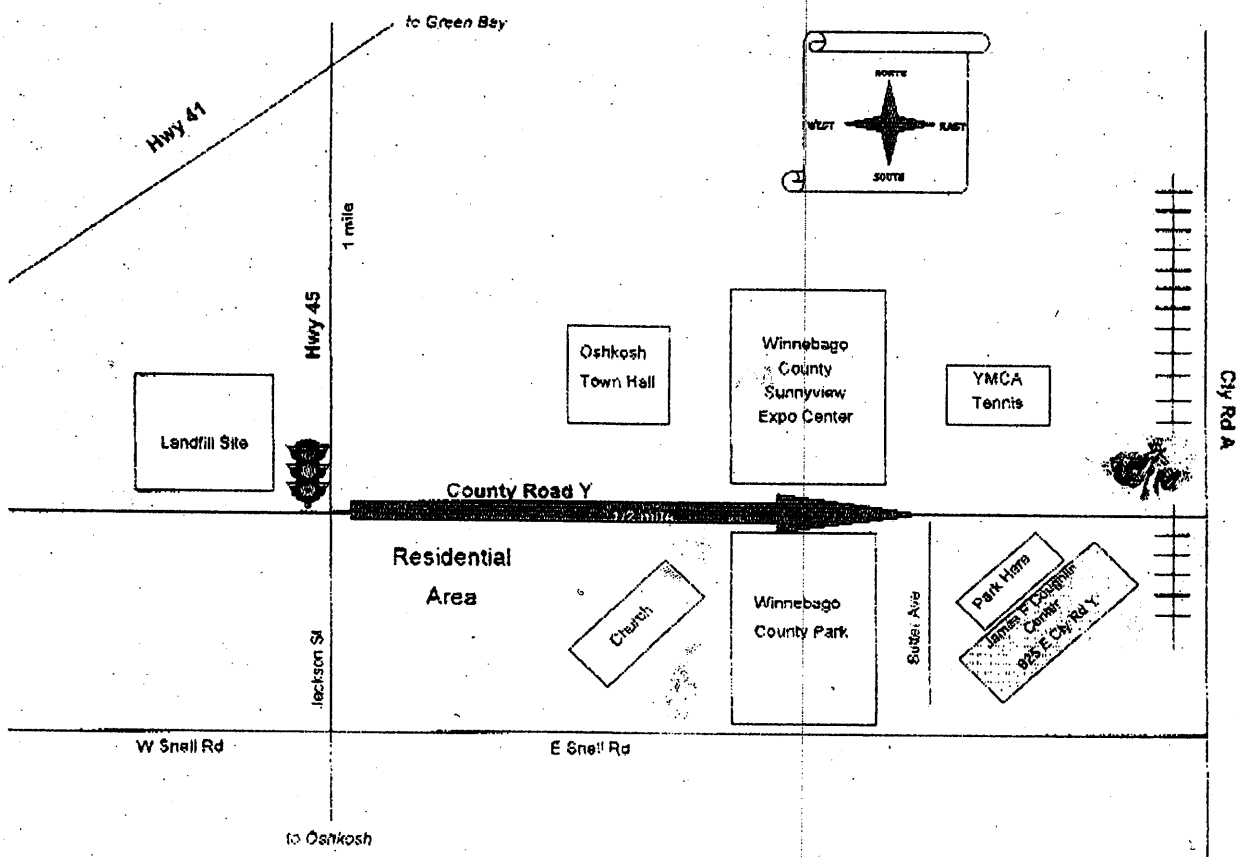


Post-It™ brand fax transmittal memo 7671 # of pages 1

To: K Luomanen	From: Judy Kimball
Co: State Cop 1 to 1	Co: Winnebago Cty UWEX
Dept:	Phone: 233-1974
Fax #: 608-266-8137	Fax #: 424-1277



OfficeMap2.wmf



OfficeMap.wmf

# Assembly Committee Travel Approval Form

Chairperson's Name Mike Fowers

Room # 125W Building Capitol Phone 266-1192

Name of committee Conservation & Land Use

City and date (If more than one hearing outside of Madison is being scheduled, please list each of them.)

City Oshkosh Date Mar 26, '99

Purpose of hearing (Please include Bill and LRB numbers.) (AB133/SB45)

Proposed changes to the Farmland Preservation Program, Comprehensive Plan, and Conservation Reserve Enhancement Program

- Is a page requested to attend?  Yes  No  
Is an overnight stay required?  Yes  No  
Will a state car be needed?  Yes\*  No

\*(If yes, contact Mary Ellis at 266-1108)

Date of this request 13 Mar 99  
(approval MUST be granted prior to trip)

Date 13 Mar 99

[Signature]  
Chairperson's signature

Committee members will not be reimbursed for expenses incurred for the purposes this hearing.

- Approved  Disapproved

Date 3/19/99

[Signature]  
Scott R. Jensen, Speaker

- K. Authorize the department to enter agreements with local governments and business improvement districts for groundwater cleanups at multiple sites.

5. Other Statutory Changes

- A. Require local governments and lenders to give the department or the responsible party access to a property for environmental investigations and cleanup as a condition of receiving liability exemptions.
- B. Clarify local government exemptions from liability for involuntary acquisition of property.
- C. Clarify that the department pre-qualification letters serve to identify a person as a voluntary party but do not extend exemptions from liability.
- D. Clarify that liability exemptions are limited to prior hazardous substance discharges on a property.
- E. Require that counties charge some or all of cancelled delinquent property taxes on brownfields properties back to the municipality where the property is located.

**2. Reauthorization of Stewardship Program**

The Governor recommends providing \$345.0 million over the next ten years to reauthorize the Stewardship Program. In addition, through a new category in the reauthorized program under the auspices of the Department of Agriculture, Trade and Consumer Protection, this funding is expected to leverage up to an additional \$200.0 million in federal funding through the Conservation Reserve Enhancement Program (CREP). CREP is a program that pays landowners for habitat and water quality protection efforts based on a plan approved by the Governor and the U.S. Department of Agriculture. Taken together, this represents more than a 100.0 percent increase in funding for land acquisition, habitat protection, water quality improvement, property development and local park assistance. Changes related to reauthorizing the Stewardship Program will be included in the capital budget bill.

**3. Septage Management**

Source of Funds	Agency Request				Governor's Recommendation			
	FY00		FY01		FY00		FY01	
	Dollars	(Positions)	Dollars	(Positions)	Dollars	(Positions)	Dollars	(Positions)
GPR	-147,200	( -2.00 )	-147,200	( -2.00 )	-147,200	( -2.00 )	-147,200	( -2.00 )
PR-O	647,200	( 2.00 )	1,190,500	( 8.00 )	0	( 0.00 )	0	( 0.00 )
SEG-O	0	( 0.00 )	0	( 0.00 )	279,700	( 4.00 )	257,300	( 4.00 )
<b>TOTAL</b>	<b>500,000</b>	<b>( 0.00 )</b>	<b>1,043,300</b>	<b>( 6.00 )</b>	<b>132,500</b>	<b>( 2.00 )</b>	<b>110,100</b>	<b>( 2.00 )</b>

The Governor recommends the following changes to address issues related to the land application of waste and failure of private on-site wastewater treatment systems:

1. Distribute \$3.0 million in no-interest loans from the environmental improvement fund to address failing private on-site wastewater treatment systems. The funding would be available to municipalities to augment grants to homeowners under the Wisconsin fund program (see Department of Commerce, Item #3).
2. Provide \$50,000 to conduct a study on issues associated with land application of waste and identify approaches to reduce conflicts between affected parties.
3. Transfer 2.0 FTE GPR positions and \$147,200 GPR annually to environmental fund SEG.
4. Provide an additional 2.0 FTE SEG-O four-year project positions to work with counties that have the most severe conflicts associated with the land application of waste.

### 6. Land Information Initiative

Source of Funds	Agency Request				Governor's Recommendation			
	FY00		FY01		FY00		FY01	
	Dollars	(Positions)	Dollars	(Positions)	Dollars	(Positions)	Dollars	(Positions)
PR-S	0	( 0.00 )	0	( 0.00 )	1,408,900	( 2.00 )	1,511,800	( 2.00 )
SEG-S	0	( 0.00 )	0	( 0.00 )	1,000,000	( 0.00 )	1,000,000	( 0.00 )
TOTAL	0	( 0.00 )	0	( 0.00 )	2,408,900	( 2.00 )	2,511,800	( 2.00 )

The Governor recommends making several changes to improve land use decision making:

1. Reallocate \$620,000 PR-S annually from the Land Information Board and provide an additional \$400,000 PR-S annually from contributions from the Departments of Natural Resources and Transportation (\$200,000 each) and contract with the Board of Commissioners of Public Lands to support a federal Natural Resources Conservation Service effort to complete digitization of soil maps statewide and soil surveys in nine northwestern counties over the next four years. This funding will leverage \$1,537,500 annually in federal monies for this initiative (see Board of Commissioners of Public Lands, Item #7; Department of Natural Resources, Item #19; and Department of Transportation, Item #13).
2. Reallocate \$202,300 PR-S in FY00 and \$410,300 PR-S in FY01 from the Land Information Board to develop and implement a computer-based land information system. The system will be accessible to local units of government and the general public and include modules to assist with local planning efforts.
3. Provide \$1.0 million SEG-S annually to award grants to support planning efforts of local units of government and create a uniform comprehensive plan description to guide these efforts. Distribution of the grant funds will need Department of Transportation approval (see Department of Transportation, Item #16).
4. Create 2.0 FTE four-year project positions to create standardized geographic information systems (GIS) data for property assessment (\$186,600 PR-S in FY00 and \$81,500 PR-S in FY01). The Department of Revenue will provide technical assistance to municipalities to improve property assessment systems integration.
5. Modify annexation law to extend from 20 days to 60 days the period of time in which the department has to issue an opinion on annexation petitions, to authorize the department to suspend the annexation process until accurate documentation is supplied, and to change the effective date of an annexation ordinance to the date the ordinance is recorded with the register of deeds.
6. Modify municipal incorporation law to create a review process that will consider cooperative boundary agreements and incorporation petitions jointly and to reduce the minimum area required to incorporate as a village from 4 square miles to 3 square miles, when the unincorporated area is located within 10 miles of a first class city or 5 miles of a second or third class city.
7. Increase the size of the Wisconsin Land Council by one public member.

### 7. Glass Ceiling Board

Source of Funds	Agency Request				Governor's Recommendation			
	FY00		FY01		FY00		FY01	
	Dollars	(Positions)	Dollars	(Positions)	Dollars	(Positions)	Dollars	(Positions)
GPR	0	( 0.00 )	0	( 0.00 )	60,500	( 1.00 )	75,000	( 1.00 )
TOTAL	0	( 0.00 )	0	( 0.00 )	60,500	( 1.00 )	75,000	( 1.00 )

The Governor recommends creation of a Glass Ceiling Board and the indicated support resources. The board is attached administratively to the Department of Administration and is staffed by the Women's Council.

### 8. Master Leases to Local Government

The Governor recommends expansion of the state's master lease program to allow local governments to use the program to acquire property or services related to public safety functions.

**15. Sign Permit Fees**

Source of Funds	Agency Request				Governor's Recommendation			
	FY00		FY01		FY00		FY01	
	Dollars	(Positions)	Dollars	(Positions)	Dollars	(Positions)	Dollars	(Positions)
SEG-O	0	( 0.00 )	510,000	( 0.00 )	0	( 0.00 )	510,000	( 0.00 )
TOTAL	0	( 0.00 )	510,000	( 0.00 )	0	( 0.00 )	510,000	( 0.00 )

The Governor recommends the following changes for monitoring outdoor advertising signs.

1. Provide \$510,000 SEG-O in FY01 to contract with a private vendor for a modern inventory system to assist the department in tracking outdoor advertising signs adjacent to federal aid eligible highways. Funding will be provided by changing permit fees from one-time to annual.
2. Eliminate the provision requiring permits for on-property signs if they do not constitute a traffic hazard and are located outside the incorporated area of a city or village.
3. Clarify that uses of zoned property authorized by special zoning permission, including uses by conditional use, variance or special exception, will not be considered in determining the classification of a zoned segment as a business area. This change will give the department wider discretion in issuing permits for on-property signs unless directed by federal law.

**16. Transportation Planning**

Source of Funds	Agency Request				Governor's Recommendation			
	FY00		FY01		FY00		FY01	
	Dollars	(Positions)	Dollars	(Positions)	Dollars	(Positions)	Dollars	(Positions)
SEG-F	672,400	( 0.00 )	672,400	( 0.00 )	672,400	( 0.00 )	672,400	( 0.00 )
SEG-O	168,100	( 0.00 )	144,100	( 0.00 )	168,100	( 0.00 )	144,100	( 0.00 )
TOTAL	840,500	( 0.00 )	816,500	( 0.00 )	840,500	( 0.00 )	816,500	( 0.00 )

The Governor recommends the following related to state and local transportation and land use planning:

1. Transfer funding of \$430,100 SEG-O to reflect the transfer of 12.0 FTE SEG-O positions in each year from the state highway maintenance, repair and traffic operations appropriation to the state administration and planning appropriation. This change will expand the Division of Districts multimodal planning capabilities in response to increased local planning demands.
2. Increase federal planning funds by \$672,400 SEG-F annually in response to changes in the Transportation Equity Act for the 21st Century (TEA-21). Provide \$168,100 SEG-O in FY00 and \$141,100 SEG-O in FY01 to match these additional federal funds.
3. Transfer \$1.0 million SEG-F in each year to the Department of Administration to support grants for local planning efforts. Allocation of these funds will require approval by the department.

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WISCONSIN FARM BUREAU MEMO

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TO: CONSERVATION AND LAND USE COMMITTEE  
REVIEW OF THE FARMLAND PRESERVATION  
PROGRAM COMMITTEE

FROM: ROGER CLIFF *rc*

SUBJECT: RECOMMENDATIONS ON FARMLAND PRESERVATION PROGRAM

DATE: MARCH 25, 1999

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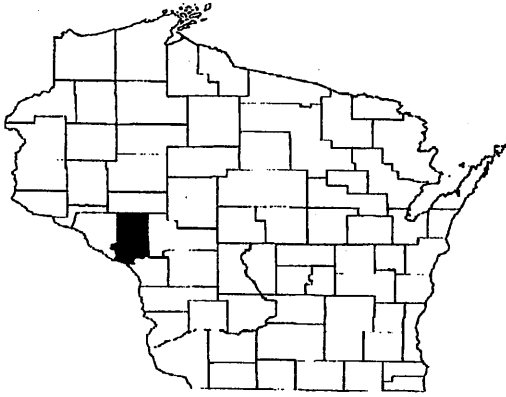
The Wisconsin Farm Bureau Federation (WFBF) recommends the following regarding the Farmland Preservation Program as proposed in the state budget.

1. WFBF commends the Governor for proposing major revisions to the FPP. A complete rewrite of the program is needed.
2. WFBF recommends providing a significant property tax credit to all farmland owners that are zoned exclusive ag and/or complying with reasonable conservation/non-point requirements.

Example:

- Total credit of 60% on up to \$10,000 of property taxes
  - 20% credit if farmland is zoned exclusive ag by the town or county
  - 40% credit if complying with conservation/non-point requirements
  - \$6000 maximum credit
  - \$250 minimum credit
3. WFBF recommends paying the property tax credit directly to farmers in mid-December, co-issuing the check to the municipal treasurer if possible.
  4. WFBF recommends converting the FPP from a sum sufficient appropriation to a sum certain appropriation.





**TREMPEALEAU COUNTY, WISCONSIN  
ZONING AND PLANNING DEPARTMENT**

**TREMPEALEAU COUNTY GOVERNMENT CENTER  
36245 MAIN STREET  
P.O. BOX 67  
WHITEHALL, WI 54773**

**PHONE: (715) 538-2311 ext. 259 FAX: (715) 538-4210**

March 17, 1999

State Representative  
Mr. Jon Richards  
1823 North Oakland Avenue  
Milwaukee, WI 53202

Dear Mr. Richards:

You requested that I summarize my thoughts and experiences on land use planning in Wisconsin and Trempealeau County. I appreciate the opportunity to offer my input.

The State of Wisconsin recognizes the importance of preserving farmland and reducing urban sprawl but takes a piecemeal approach to attacking the issue. The program (farmland preservation) put in place had good intentions but has not worked. In my opinion the farmland preservation program preserves farmland as well as a band aide stops the bleeding of a six-inch cut. The program has failed because it is voluntary, based on income and the property owner can buy out of the program. The proposed changes to the program will do nothing to stop the bleeding. The farmland preservation program is taking a backward approach to agricultural preservation. Eliminating the need for farmland preservation plans is proposed. Being promoted is the purchase and transfer of development rights. The purchasing and transferring of development rights are tools to implement a land use plan. However, land use planning is not complete. In my opinion, it must first be determined what land should be preserved before we start promoting or using the tools to preserve it.

The state's priority watershed program, though not a direct tool to preserve farmland, is aimed at financially assisting producers. Thus, the producer can continue to farm, keeping the land in agriculture. However, this program rewards bad producers (from an environmental perspective). Environmentally sensitive producers that manage their operations correctly receive no assistance.

The "Right to Farm" bill, in my opinion is just a "feel good" act by the legislature. Again, it demonstrates good intentions and shows the farm organizations that we care about agriculture. Yet, when you get right down to it, the bill does not hold water. The State of Iowa demonstrates that to us.

Regarding public opinion, my perspective from the local level and comments at planning meetings reveal that the non-farm residents want to protect the producers and their ability to make a living. The producers themselves are split into two categories; those that want to preserve agriculture for themselves and future generations and those that want preserve agriculture for their generation to profit from, then sell off development sites as they retire (the property rights advocates we all hear from).

So far as you have read, I have done nothing but complain. As I tell the public at planning meetings, "Don't give me problems, give me solutions". I will attempt to live by my word.

I believe the solution lies within current statutes and proposed legislation. The "Right to Farm" bill recognized its own weakness and offered a solution, if you read it carefully. The bill states "The legislature further asserts its belief that local units of government, through the exercise of their zoning power, can best prevent such conflicts from arising in the future, and the legislature urges local units of government to use their zoning power accordingly." The solution is land use planning. The proposed changes to the farmland preservation program offer a funding source. One million dollars is designated to local units of government to assist in land use planning. Land use planning and zoning regulations that implement those plans are the keys to agriculture preservation in the State of Wisconsin.

What role should the state play in land use planning? Historically, land use planning in the State of Wisconsin has been left to local units of government. However, local units of government are either slow to develop land use plans or fail to recognize the necessity of plans. I believe the state's role in land use planning should be supervisory. Simply, require local units of government to complete land use plans according to set minimum requirements and offer a funding source. It is not necessary to instruct the local units of government on how to plan; just make sure it is done. The State of Tennessee has just recently mandated planning. The argument for state mandated planning is quite simple. Our tax dollars subsidize future development (roads, schools, economic development, etc.). It only makes sense that the growth be planned.

Concerning the state's "band aide" programs, once all the counties have completed land use plans and adopted zoning regulations, I propose utilizing the funding from previous programs. Give tax credits to property owners who are actively employed in agriculture, are good farmers (conservation plans, nutrient management plans, etc.) with properties designated as exclusive agriculture.

With regard to property rights advocates in the state, I think it is time the legislature does what's right even though it might not appear to be popular. To tell you the truth, I think the legislature would be surprised!

Thank you for listening. If you need me in any way to forward a land use planning initiative in Wisconsin, let me know.

Sincerely,

Peter Fletcher  
Zoning and Planning Specialist

Outline for members of the Winnebago County Agriculture & Extension Committee  
March 12<sup>th</sup>, 1998, presented by Thomas Wrchota, Winnebago County Citizen

- Specific land use issues/conflicts in Winnebago County communities that deal with agriculture and non-farmers (Omro Community Center "Sprawl" Meeting, 11/7/95):

- Land development
- Livestock waste disposal
- Billboards
- Property rights
- Municipal waste disposal
- Farm machinery on roads
- Government taking private properties
- Highway development

- Key elements in the implementation of a successful land use/sustainable community plan.
  1. Options that are available to the community in its implementation of the land use plan:
    - Neglect it
    - Politicize and marginalize it
    - Take ownership of the plan
  2. If the towns and communities "take ownership" of the land use plan, they must;
    - Promote citizen participation
    - Educate its citizens
    - Facilitate workshops
    - Coordinate the various governmental and non-profit entities
  3. Implementing a community supported land use plan will necessitate; A land use indicator checklist, so the plan can be monitored throughout the future. How?
    - Statistics
    - Community survey
    - Community leader interviews
    - Focus groups
    - Public Meetings

# Winnebago County Comprehensive Plan

## *Recommended Strategic Actions*

### *Land Use*

1. Secure information on local land use plans from each town, village, city as part of developing the County land use plan.
2. Develop a map of distinct preferred uses.
3. Complete a comprehensive review of county zoning and subdivision ordinances; update and strengthen based on the new land use plan.
4. Utilize density as a consideration in identifying residential uses.
5. Evaluate the need for additional business/industrial land.
6. Encourage the use of exclusive agricultural zoning through farmland preservation ordinances.
7. Allow rezoning out of Exclusive Agriculture when the development plan preserves the majority of the farmland as open space, e.g. cluster development.
8. Explore options to encourage the preservation of farmland such as conservation easements or sale of development rights.
9. Encourage infill development in existing urban centers.
10. Provide transition zones or buffers between residential uses and conflicting non-residential uses.
11. Preserve wetlands and natural links for wildlife.
12. Foster long-term interjurisdictional planning for annexation.
13. Encourage interjurisdictional border agreements and agreements to share the benefits of new development, e.g. tax base/impact fees.
14. Promote uniform assessment practices throughout the county.
15. Create an alliance of local governments within the county to encourage and coordinate local implementation planning that will help achieve the county-wide vision.

### *Transportation*

1. The transportation system should be driven by the land use plan.
2. Improve system for maintaining existing roads.
3. Set policy that new roads within subdivisions will be paid for by the developer or residents.
4. Design transportation systems to enhance neighborhood integrity and safety.
5. Develop an ordinance to insure set back of residential uses from major highways.
6. Upgrade access to central business districts.
7. Encourage road designers to incorporate alternate transportation modes e.g. bike lanes.
8. Airport Master Plan should follow County Land Use Plan.\*
9. Improve transportation signage.
10. Continue to explore effective public transportation as needed to serve our changing population.

### *Utilities*

1. Coordinate land development goals and utility plans.
2. Continue to require hook-ups into existing public sanitary/water facilities of all properties within sanitary districts and encourage and support the extension of these facilities into areas consistent with the County Land Use Plan regardless of jurisdictional boundaries.
3. Cluster development in rural areas and utilize mini (combined) sanitary systems where public sanitary/water systems are not available.
4. Prohibit private holding tanks for new residential development.\*
5. Foster use of new sanitary/water technologies.
6. Support competitive development of communications facilities: fiber optics, cable, cellular, satellite, computers in a manner that supports land use recommendations.
7. Promote remediation alternatives for contaminated sites.

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\* \* While the majority of the Advisory Committee has agreed to the wording of the \*ed items in this list, the committee has not reached unanimous agreement.

# Winnebago County Comprehensive Plan

## *The Planning Process*

*During the summer of 1996, the Comprehensive Plan Advisory Committee, appointed by the Winnebago County Board, participated in a series of four planning meetings to initiate the County-wide Comprehensive Land Plan process.*

*In meeting one, the Advisory Committee examined Core Values that it wished to see upheld throughout in the plan.*

*In step two, the Committee created a set of broad, far-seeing goals for Winnebago County, a vision for the future of the County.*

*Next the planning group carefully defined several key challenges which could inhibit the County from successfully reaching this vision.*

*Finally the Advisory Committee named a series of Strategic Actions to guide the creation of the actual Comprehensive Plan and its implementation.*

## *The Core Values* that will drive our planning

- We value...well managed land use.
- We value...our diverse quality of life that enhances human potential.
- We value...the rural atmosphere of large parts of our County.
- We value...a strong employment base.
- We value...a healthy natural environment.
- We value...the recognition of owner rights in balance with community rights.
- We value...effective, cooperative government units.
- We value...the nurturing of local government.
- We value...quality public services and facilities.

**Table 1****PERCENT REDUCTION IN DAIRY HERDS BY COUNTY**

<u>County</u>	<u>1991-96</u>
Calumet	23
Fond du Lac	19
Green Lake	23
Marquette	26
Outagamie	21
Shawano	20
Waupaca	20
Waushara	26
Winnebago	24
State Average	20

**Table 2****AVERAGE ANNUAL FARMLAND CONVERSION TO NON-FARM USES IN WISCONSIN  
(BASED ON FARMLAND SOLD)**

<u>County</u>	<u>1983-87</u>		<u>1988-92</u>		<u>1993-96</u>	
	<u>Acres</u>	<u>Percent</u>	<u>Acres</u>	<u>Percent</u>	<u>Acres</u>	<u>Percent</u>
Calumet	138	6	161	6	278	9
Fond du Lac	517	11	946	10	1243	22
Green Lake	302	18	349	12	357	15
Marquette	734	34	923	30	930	28
Outagamie	433	10	910	19	1240	28
Shawano	332	7	764	11	1305	20
Waupaca	545	12	1434	22	1361	25
Waushara	1098	26	1245	24	1111	21
Winnebago	559	23	1163	26	787	29
State Average	27,000	11	64,000	16	78,000	23

Wall St. Journal

11/21/97

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## What Buyers Want

Rated "extremely important" by recent home buyers

Natural, open space	77%	Outdoor pool	52%
Walking and biking paths	74	Community recreation center	52
Gardens with native plants	56	Interesting little parks	50
Clustered retail stores	55	Tennis courts	39
Wilderness areas	52	Golf course	39

Sources: American Lives Inc. and InterCommunications Inc.

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"... Community leaders must follow the public's deepest wants and needs, but must lead in articulating a vision of the best in people."

Louis Sullivan  
1880s



An example of a land use/agriculture plan that is evolving and appears to be quite successful.

Comments by J. Philip Gottwals, Ag. Marketing Specialist, Howard County, Maryland.  
Notes taken at the Sustainable Ag. Research & Education 10<sup>th</sup> Year Convention, Austin, Texas, 3/4/98 through 3/8/98

Farmland Preservation Session, Friday, March 6<sup>th</sup>

Farming on the "edge", how do we keep the land base that, both city and country folk desire?

Howard County decided that local agricultural enterprises had the biggest bang for the "buck"(regarding revenues and costs to the county).

Money stays in the community

Farms "export" their products, so new money enters county

Supporting Ag. is an easy "sell" financially

The residential community is still being "subsidized"

Howard County provided only \$3000 to it's Economic Development Plan 2 yrs. Ago.

You must make lots of partnerships

Dept. became an omnibusman, for the promotion of what is good economically, environmentally, and socially for the towns--FARMS

Under the current economic conditions farmers can not compete with other vested interests, like residential development dollars.

Since the vast majority of the community wants green space, they support strong BUSINESS EDUCATION for the current farmers, beginning, and transition farmers.

A network of non-profits, private citizens, and governmental agencies, will help the highly motivated farmers—must pass various criteria.

Farmers must develop a detailed business plan if they want loans

80% success in improving farm profits if they have a “plan”

Business training is tailored to the real needs of “bottom line,” (not productivity) agriculture

See big move towards more high margin type farming near cities (the “edge”).

10 years ago—250 dairies, now down to 6, with a 12% land base—  
but new types of farming, and farmers are entering economic system  
If you have good economic returns farmers don't want to sell out.

Goal: Mandatory cluster development—and the rest goes into Agricultural Preservation—so far, the use of the land preservation “tools” have had mixed results  
Land values have increased by 20% due to the “development with beautiful views.”

You must have “HOME RULE” regarding land use

What are Howard County's current projects?

To gain added agricultural dollars for the producers, we are developing a food processing incubator system.

We are working for loans from CRA (Community Reinvestment Act)

There is an Alternative Agriculture Production Program, that the county wants to implement

We partnering with the university to develop a “custom needs program.”

What else has to be done in the future?

Restaurant to local farmer support programs

Retiring farmers need better laws, estate planning, PACE program,  
and new farmer mentor programs

## The Hierarchy of Land Uses and Fiscal Impacts

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	RESEARCH OFFICE PARKS	
	OFFICE PARKS	
	INDUSTRIAL DEVELOPMENT	
	HIGH-RISE/GARDEN APARTMENTS <i>(STUDIO/1 BEDROOM)</i>	
	AGE-RESTRICTED HOUSING	
MUNICIPAL BREAK-EVEN	(+)	
	GARDEN CONDOMINIUMS <i>(1-2 BEDROOMS)</i>	
	OPEN SPACE	
<hr/>		
	(-)	
	RETAIL FACILITIES	
	TOWNHOUSES <i>(2-3 BEDROOMS)</i>	
	EXPENSIVE SINGLE-FAMILY HOMES <i>(3-4 BEDROOMS)</i>	
		(+)
		SCHOOL DISTRICT BREAK-EVEN
<hr/>		
		(-)
	TOWNHOUSES <i>(3-4 BEDROOMS)</i>	
	INEXPENSIVE SINGLE-FAMILY HOMES <i>(3-4 BEDROOMS)</i>	
	GARDEN APARTMENTS <i>(3+ BEDROOMS)</i>	
	MOBILE HOMES <i>(UNRESTRICTED AS TO OCCUPANCY LOCALLY)</i>	
<hr/>		

Source: "Land, Infrastructure, Housing Costs and Fiscal Impacts Associated with Growth", Lincoln Institute of Land Policy, 1995.



## Legislative Fiscal Bureau

One East Main, Suite 301 • Madison, WI 53703 • (608) 266-3847 • Fax: (608) 267-6873

March 11, 1999

TO: Representative Judith Klusman  
Room 119 West, State Capitol

FROM: Al Runde, Fiscal Analyst

SUBJECT: Changes to the Farmland Preservation Program in the 1999-01 Biennial Budget Bill

As you requested, this memorandum describes the changes to the farmland preservation program under Assembly Bill 133 (1999-01 biennial budget bill). Specifically, this memorandum describes the proposed changes to the farmland preservation credit formula and the farmland preservation land use requirements, as well as the proposed creation of a farmland preservation acreage credit.

### **Formula Changes and Program Sunset**

The bill would modify the formula used to compute farmland preservation credits, effective with claims filed for tax years beginning after December 31, 2000. The bill would also sunset the farmland preservation credit program, with no new credits to be paid for a tax year that begins after December 31, 2002.

The formula changes made by the bill and the sunset provision would apply to all farmland preservation claimants. According to DOA, it was the intended that these modifications not apply to claimants that hold a farmland preservation agreement, but rather to new claimants and claimants that currently file under exclusive agricultural zoning. DOA intended that current agreement holders would continue to receive credits as calculated under current law until their agreement expires or is relinquished. In order to meet this intent, the bill would have to be amended.

Under the bill, farmland preservation credits filed prior to tax year 2001 would be claimed under the filing requirements and credit computation provisions of the program that exist under

current law. For new claims filed for a tax year beginning after December 31, 2000, the bill would make the following modifications to the farmland preservation credit.

Eligible Applicants. The bill would delete the requirement that claimants submit a copy of their farmland preservation agreement or a certificate from their local zoning authority that certifies that their land is subject to, and conforms with, an approved exclusive agricultural zoning ordinance. This requirement would be replaced with a requirement that claimants submit a copy of a certificate of compliance with local soil and water conservation requirements, issued by the county land conservation committee having jurisdiction over the claimants' farmland. A certificate of compliance would certify that the state and local soil and water conservation standards that apply to a claimant's farmland are being met. The effect of these changes is to allow all farmers who meet soil and water conservation standards to claim a credit, rather than only those covered by a farmland preservation agreement or exclusive agricultural zoning. The bill would not require county land conservation committees to provide potential claimants a certificate of compliance with soil and water conservation standards.

Credit Computation. The amount of property taxes that can be used in computing a credit would be reduced from \$6,000 to \$4,000. The potential credit would be calculated as 40% of the first \$2,000 of excessive property taxes plus 60% of the next \$1,000 of excessive property taxes plus 70% of the next \$1,000 of excessive property taxes. Under current law, the potential credit is calculated as 90% of the first \$2,000 of excessive property taxes plus 70% of the second \$2,000 of excessive property taxes plus 50% of the third \$2,000 of excessive property taxes. Excessive property taxes equal total eligible property taxes minus an income factor, which the bill would not modify. Under the bill, the maximum potential credit would be \$2,100, rather than \$4,200 under current law. Claimants could receive a credit equal to 10% of their total eligible property taxes, which would be limited to \$4,000, or the amount computed under the proposed formula, whichever is greater.

The credit amount, using the household income and property taxes for the year for which a claim is filed, could be the greater of the credit as calculated under farmland preservation law: (a) as it exists at the end of the year for which the claim is filed; or (b) as it existed on the date on which the farmland became subject to a current certificate of compliance issued by a county land conservation committee.

For claims filed for tax years beginning after December 31, 2000, the current law provisions that reduce the potential credit based on the type of land use restrictions affecting the claimant's farmland would not apply. This change would allow all claimants to receive 100% of their potential credit computed under the formula or 10% of their total eligible property taxes, whichever is greater.

Attachment 1 to this memorandum provides a summary of the current law formula and an example claimant under that formula. For comparison purposes, Attachment 2 to this memorandum provides a summary of the formula under AB 133 and an example of the credit amount received by the same example claimant described in Attachment 1.

## **Changes to Land Use Requirements**

The bill would modify some of the soil and water conservation requirements associated with existing farmland preservation agreement holders. According to DOA, it was intended that such agreement holders be subject to the soil and water conservation requirements required under their existing agreements, until their agreements expire or are relinquished.

Under the bill, the following modifications would be made to the farmland preservation agreement, exclusive agricultural zoning and soil and water conservation requirements of the farmland preservation program:

Farmland Preservation Agreements. The Department of Agriculture, Trade and Consumer Protection's (DATCP) authority to enter into, or extend, any farmland preservation agreement would be eliminated on the bill's general effective date. DATCP would be required to relinquish land from a farmland preservation agreement upon the request of the owner, rather than releasing it on request only after the land has been under agreement for 10 years. Any relinquishment of an agreement would continue to be subject to the credit payback and lien requirements of the program.

Initial Farmland Preservation Agreements. Effective on January 1, 2001, the bill would repeal Subchapter III of Chapter 91 of the statutes, relating to initial agreements, which were available until October 1, 1982, for land not covered by an agricultural preservation plan and exclusive agricultural zoning. The remaining statutory references to initial agreements would reference the initial agreement provisions of the 1997 statutes.

Exclusive Agricultural Zoning Ordinances. Effective on January 1, 2001, the bill would make the following modifications to the exclusive agricultural zoning statutes:

a. The requirement that a 35-acre parcel is the minimum parcel size needed to establish a farm operation or a residence under exclusive agricultural zoning would be eliminated. Rather, the exclusive agricultural zoning ordinance would be required to specify a minimum lot size.

b. The lien requirements for those claiming a farmland preservation credit under exclusive agricultural zoning when land is rezoned or granted a special exception or conditional use permit would be deleted.

c. The requirements that ordinances be consistent with a county agricultural preservation plan and include land identified as an agricultural preservation area in a county agricultural preservation plan would be deleted.

d. The provisions related to submitting copies of exclusive agricultural zoning ordinances to the Land and Water Conservation Board (LWCB) for review would be deleted.

e. The statutory purpose statement for the exclusive agricultural zoning ordinance statutes, which relates to allowing owners of land affected by these ordinances to claim farmland preservation credits, would be deleted.

County Agricultural Preservation Plans. Effective on January 1, 2001, the bill would repeal Subchapter IV of Chapter 91 of the statutes, relating to county agricultural preservation plans. Remaining statutory references would reference the county agricultural planning provisions of the 1997 statutes and plans prepared under those provisions.

Soil and Water Conservation Standards. Beginning on January 1, 2001, county soil and water conservation standards would be required to be consistent with the tolerable erosion levels established by the LWCB and DATCP's nutrient management administrative rules. County land conservation committees would be required to submit revised soil and water conservation standards that comply with these requirements to the LWCB no later than September 1, 2000. Notices of LWCB approval of these standards would be made to the county land conservation committee, rather than the local zoning authority.

The bill would delete the requirement that county land conservation committees submit a notice of noncompliance with soil and water conservation standards (or the cancellation of such a notice) to the local zoning authority having jurisdiction over the land operated by the farming operation receiving the notice. Instead, all such notices (or cancellations) would be required to be submitted to DOR.

Effective on January 1, 2001, the bill specifies that county soil and water conservation standards would apply to the land and farming operations of all farmland preservation claimants. Currently, these standards do not apply to the land and farming operations of a person applying for a farmland preservation credit under a farmland preservation agreement that was applied for prior to July 1, 1986.

The bill would specify that any county, city, village or town may adopt an ordinance requiring that land owned by a farmland preservation claimant be farmed in compliance with reasonable county soil and water conservation standards. This provision currently only applies to claimants under exclusive agricultural zoning.

Soil and Water Conservation Plans. Effective on January 1, 2001, the bill would delete the references to the soil and water conservation requirements that relate to those applying for farmland preservation credits under a farmland preservation agreement that was applied for prior to July 1, 1986, except those references related to actually claiming a credit, which would be modified to refer to the requirements under the 1997 statutes. The following are the requirements that would be deleted:

a. County land conservation committees must ensure that a soil and water conservation plan is prepared for all lands covered by a farmland preservation agreement.

b. Soil and water conservation plans, approved by the county land conservation committee, must be included in any farmland preservation agreement for that county.

c. County land conservation committees must monitor the farmland under an agreement to ensure that the county soil and water conservation plan is followed.

d. County land conservation committees must issue notices of noncompliance, and forward a copy of the notices to DOR, to farming operations that are not in compliance with the county soil and water conservation plan.

e. No farmland preservation credit is allowed to any claimant that is subject to a notice of noncompliance with a county soil and water conservation plan.

Effective on January 1, 2001, the statutory references to the county soil and water conservation plans under DATCP's soil and water resource management program and the DNR's priority watershed program would be deleted.

Land and Water Conservation Board. Effective January 1, 2001, the bill would delete the requirement that the LWCB review farmland preservation plans and exclusive agricultural use zoning ordinances that are submitted to the Board. Also, the bill would delete the requirement that the Board certify, to the appropriate zoning authority, whether these plans and ordinances meet the standards established under the agricultural preservation planning and exclusive agricultural zoning statutes. The remaining statutory references to this authority and the resulting certifications would reference the authority exercised or certifications made under the 1997 statutes.

DATCP Emergency Rules. DATCP would be provided the authority to promulgate an emergency rule to implement the changes in the farmland preservation program. However, DATCP would not be required to provide evidence that the rule is necessary for the preservation of public peace, health, safety or welfare or provide a finding of emergency.

### **Farmland Preservation Acreage Credits**

The bill would provide \$500 in 1999-00 and \$1,000 in 2000-01 to fund the estimated cost of the farmland preservation acreage income tax credit. The acreage credit would be a refundable income or franchise tax credit that would first be available in tax years beginning after December 31, 1998. The funding would be provided from a sum sufficient, general fund appropriation. A claimant could receive both a farmland preservation credit and a farmland preservation acreage credit.

If a claimant sells, donates or transfers the development rights to the claimant's land, the amount of the acreage credit for such land would be: (a) 50 cents per acre, if the farming rights on the acreage are retained; or (b) 30 cents per acre, if the farming rights on the acreage are not



retained. The bill would sunset the program after tax year 2002, with no new claims for the acreage credit allowed for a tax year beginning after December 31, 2002.

The bill would establish the following provisions related to the creation of the farmland preservation acreage credit:

Eligible Claims. Eligible claimants would be those who sell, donate or otherwise transfer the development rights of their farmland, on which the credit would be based, to the state, a political subdivision or a nonprofit entity, and who meet the program requirements. The credit could not be claimed until a claimant files, with the register of deeds in the county in which the farmland is located, a certificate that verifies that the development rights have been transferred. Only the person that owns the farmland when the development rights are initially transferred could claim the credit. The credit would be available to those individuals and corporate entities that are eligible for the existing farmland preservation tax credit.

Development Rights. Development rights would mean a holder's nonpossessory interest in farmland that imposes a limitation or affirmative obligation the purpose of which is to retain or protect natural, scenic or open space values of farmland, assuring the availability of farmland for agricultural, forest, wildlife habitat or open space use, protecting natural resources or maintaining or enhancing air or water quality.

Sale, Donation or Transfer of Rights to a Political Subdivision. For the purposes of the program, a political subdivision would be a town, village, city or county. If a claimant sells, donates or otherwise transfers development rights to a political subdivision, the political subdivision may develop the farmland only in a way that is consistent with a local comprehensive plan.

Sale, Donation or Transfer of Rights to a Nonprofit Entity. For the purposes of the program, a nonprofit entity could be any entity described in section 501(c)(3) of the Internal Revenue Code that is exempt for federal tax purposes under section 501(a) of that code. Claims relating to the sale, donation or transfer of rights to a nonprofit entity would be subject to the following:

a. A credit may not be claimed unless the nonprofit entity enters into a signed agreement with DATCP and that agreement, as well as the instrument of conveyance of the development rights, is recorded in the office of register of deeds in the county in which the farmland is located.

b. Any agreement between the nonprofit entity and DATCP would be have to contain standards for the management of the farmland, a prohibition against using the development rights to the farmland as security for any debt, unless DATCP approves the incurring of the debt, and a clause stating that any subsequent conveyance of the rights is subject to the statutory provisions related to such conveyances.

c. A nonprofit entity may subsequently sell, donate or otherwise transfer the acquired development rights to the farmland to the state or to a city, village, town or county, or to a third party, other than a creditor, if the third party is also a nonprofit entity.

d. Any subsequent sale, donation or transfer of the development rights from one nonprofit entity to another would have to be approved by DATCP and the entity acquiring the development rights would have to sign a subsequent agreement with DATCP that would be subject to the same requirements as the initial agreement covering the development rights of the land.

e. A nonprofit entity may subsequently sell, donate or transfer the acquired development rights to satisfy a debt or other obligation with DATCP approval.

f. With the written consent of DATCP and the property owner, a nonprofit entity that holds the development rights to a property may develop the property in a way that retains or protects natural, scenic or open space values of farmland, assuring the availability of farmland for agricultural, forest, wildlife habitat or open space use, protecting natural resources or maintaining or enhancing air or water quality

g. The instrument conveying the development rights to the nonprofit entity shall state that if the nonprofit entity violates any essential provision of the signed agreement, the development rights that were acquired shall vest in the state.

DATCP Responsibilities. DATCP would be required to maintain a list of nonprofit entities with which the Department has entered into a development rights agreement and to make the list available to DOR and landowners who are interested in transferring their development rights. Also, DATCP would be provided the authority to promulgate an emergency rule to implement the Department's authority relating to development rights agreements. The Department would not be required to provide evidence that the rule is necessary for the preservation of public peace, health, safety or welfare or provide a finding of emergency.

Ineligible Claims. No credit would be allowed unless the claim is filed with DOR in conformity with filing requirements required under the farmland preservation program. A claim would be ineligible if DOR determines that ownership has been transferred to a claimant primarily to maximize benefits under the farmland preservation program.

I hope this information is helpful. Please contact me if you have any further questions.

AR/sas  
Attachments

## ATTACHMENT 1

### Calculation of the Farmland Preservation Tax Credit

**Step 1: Calculate "income factor."** The income factor is based on the following percentages of household income:

	Maximum Income Factor for Income Bracket	Cumulative Income Factor
0% of 1st \$5,000 of household income	\$0	\$0
7% of 2nd \$5,000 of household income	350	350
9% of 3rd \$5,000 of household income	450	800
11% of 4th \$5,000 of household income	550	1,350
17% of 5th \$5,000 of household income	850	2,200
27% of 6th \$5,000 of household income	1,350	3,550
37% of household income over \$30,000	2,450	6,000

**Step 2: Determine "excessive property tax."**

Excessive Property Tax = Eligible Property Tax - Income Factor

The maximum eligible property tax which may be claimed is \$6,000.

**Step 3: Determine "potential credit."** The potential credit equals:

90% of first \$2,000 of excessive property tax plus 70% of next \$2,000 of excessive property tax plus 50% of next \$2,000 of excessive property tax

The maximum potential credit equals \$4,200.

**Step 4: Determine "actual credit."**

The actual credit depends upon individual agreements and the zoning or planning actions taken by local government. The actual credit equals:

- 100%** of the potential credit for farmland covered by county, city, village or town zoning and a county preservation plan.
- 80%** of the potential credit for farmland covered by a preservation agreement and a county preservation plan. Owners of farmland subject to a farmland preservation agreement have the option of calculating their credit based on the farmland credit law that existed on the effective date of the agreement.
- 70%** of the potential credit for farmland covered by county, village or city zoning without a county preservation plan.
- 10%** of eligible property taxes if this amount is larger than the tax credit formula amount.

**ATTACHMENT 1 (continued)**

<b>Example Calculation of a Farmland Preservation Tax Credit</b>																													
<b><u>Example Claimant</u></b>																													
<b>Farm located in the Town of Hobart in Brown County</b> <b>Household Income = \$23,000</b> <b>Property Taxes = \$4,700</b>																													
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<p><b><u>Step 2: Determine "Excessive Property Tax"</u></b></p> <p>Eligible Property Tax - Income Factor = Excessive Property Tax</p>	<p align="center">\$4,700 - \$1,860 = \$2,840</p>																												
<p><b><u>Step 3: Determine "Potential Credit"</u></b></p> <p>Potential Credit equals:            90% of first \$2,000 of excessive property tax            plus 70% of next \$2,000 of excessive property tax            plus 50% of next \$2,000 of excessive property tax</p>	<table> <tbody> <tr> <td>90% x</td> <td align="right">\$2,000</td> <td align="center">=</td> <td align="right">\$1,800</td> </tr> <tr> <td>70 x</td> <td align="right">840</td> <td align="center">=</td> <td align="right"><u>588</u></td> </tr> <tr> <td><b>Potential Credit</b></td> <td></td> <td align="center"><b>=</b></td> <td align="right"><b>\$2,388</b></td> </tr> </tbody> </table>	90% x	\$2,000	=	\$1,800	70 x	840	=	<u>588</u>	<b>Potential Credit</b>		<b>=</b>	<b>\$2,388</b>																
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<p><b><u>Step 4: Determine "Actual Credit"</u></b></p> <p>Actual Credit equals:</p> <p>100% of the potential credit if the farmland is covered by county, city, village or town zoning and a county plan.</p> <p>80% of the potential credit for farmland covered by a preservation agreement and a county plan.</p> <p>70% of the potential credit for farmland covered by county, village or city zoning without a county preservation plan.</p> <p>10% of eligible property taxes if this amount is larger than the tax credit formula amount.</p>	<p>Town of Hobart is covered by county plan and town zoning. Therefore, the formula credit equals:</p> <p align="center">100% x \$2,388 = \$2,388</p> <p>The minimum credit equals:</p> <p align="center">10% x \$4,700 = \$470</p> <p>\$2,388 is greater than \$470, so</p> <p><b>Actual Credit = \$2,388</b></p>																												

## ATTACHMENT 2

### Calculation of the Farmland Preservation Tax Credit Under AB 133

**Step 1: Calculate "income factor."** The income factor is based on the following percentages of household income:

	Maximum Income Factor for Income Bracket	Cumulative Income Factor
0% of 1st \$5,000 of household income	\$0	\$0
7% of 2nd \$5,000 of household income	350	350
9% of 3rd \$5,000 of household income	450	800
11% of 4th \$5,000 of household income	550	1,350
17% of 5th \$5,000 of household income	850	2,200
27% of 6th \$5,000 of household income	1,350	3,550
37% of household income over \$30,000	450	4,000

**Step 2: Determine "excessive property tax."**

Excessive Property Tax = Eligible Property Tax - Income Factor

The maximum eligible property tax which may be claimed is \$4,000.

**Step 3: Determine "potential credit."** The potential credit equals:

40% of first \$2,000 of excessive property tax plus 60% of next \$1,000  
of excessive property tax plus 70% of next \$1,000 of excessive property tax

The maximum potential credit equals \$2,100.

**Step 4: Determine "actual credit."**

The actual credit would equal the greater of the potential credit or 10% of eligible property taxes.

**ATTACHMENT 2 (continued)**

<b>Example Calculation of a Farmland Preservation Tax Credit Under AB 133</b>																																											
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<b><u>Step 4: Determine "Actual Credit"</u></b>  Actual credit equals the greater of the potential credit or 10% of eligible property taxes.	Potential credit equals: $\$884$  The minimum credit equals: $10\% \times \$4,000 = \$400$  \$884 is greater than \$400, so  <b>Actual Credit = \$884</b>																																										

For: State Offices

**Conservation Reserve Enhancement Program (CREP)**

Approved by: Acting Deputy Administrator, Farm Programs



**1 Overview**

**A  
Background**

On February 19, 1997, CCC issued a final rule in the FR that provides, at 7 CFR 1410.50(b), that CCC may enter into agreements with States to use CRP to cost-effectively further "specific conservation and environmental objectives of that State and the nation."

CREP has been established to provide a flexible and cost-effective means to address agricultural resource problems by targeting Federal and State resources to specific geographic regions of particular environmental sensitivity over a 10- to 15-year period.

**B  
Purpose**

This notice:

- provides an overview of CREP
- provides guidance for submitting a CREP proposal
- requires that State Offices offer to brief and work with State governments on CREP implementation.

**Disposal Date**

August 1, 1998

**Distribution**

State Offices; NRCS, 80; FS, 80; CSREES, 5;  
EPA, 25; USGS, 25

## Notice CRP-310

### 2 CREP Overview

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#### A Goals

The primary goals of CREP are to:

- create an opportunity where the resources of a State government and CCC can be targeted in a coordinated manner to address specific conservation and environmental objectives of that State and the nation
  - improve water quality, erosion control, and wildlife habitat in specific geographic areas that have been adversely impacted by agricultural activities, with emphasis on addressing nonpoint source water pollution and wildlife habitat restoration in a cost-effective manner. Conservation of species either listed on the Federal endangered species list or identified as candidates for listing on the Federal endangered species list are included under this second objective.
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#### B USDA Assistance

To meet CREP goals, USDA provides financial, educational, and technical assistance to help producers voluntarily implement conservation practices that will enhance the environment in an economically efficient manner. This assistance will be provided after an agreement is signed by the Governor of a State and the Secretary of Agriculture to implement a State's CREP.

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#### C General Program Requirements

CREP proposals must:

- address a resource conservation issue of State and national significance
  - demonstrate the ability to achieve significant environmental benefits in a cost-effective manner
  - present clear program goals with measurable objectives
  - provide a significant commitment, such as 20 percent, of State or non-federal funding to achieve conservation objectives
  - provide evidence of strong producer and community support for the project
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Continued on the next page



2 CREP Overview (Continued)

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**E**  
**General Program Requirements (Continued)**

- be consistent with CRP regulations
  - provide for interagency cooperation
  - have a monitoring and evaluation component to measure the success of the project.
- 

**D**  
**CREP Approval Process**

State government:

- develops the CREP proposal according to this notice after consultation with appropriate Federal agencies and any non-federal partners participating in the proposal
- submits the proposal to DAFP for review.

After receipt of a proposal, an interagency group shall review the proposal and provide comments to the State.

Through ongoing negotiations, State government and USDA staff shall develop a final proposal. The State shall transmit a copy of the final proposal along with a draft agreement to DAFP.

The agreement becomes effective after being signed by the Governor and the Secretary of Agriculture.

---

**E**  
**CREP Outreach**

State Offices shall contact key representatives of the State government and offer to make a presentation on CREP.

State Offices shall notify representatives of the State Technical Committee and commodity, environmental, and other potentially interested groups of the availability of CREP.

The FSA National Office shall work with interested parties in determining the viability of CREP proposals.

A brief slide show outlining CREP is available upon request to State and County Offices to assist in outreach activities. Contact CEPD to receive a copy.

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Continued on the next page

2 CREP Overview (Continued)

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**F**  
**Annual Rental Rate**

The annual rental rate for CREP must be consistent with CRP policy. CREP proposals may provide for an incentive payment, where appropriate. Economic documentation must accompany any incentive rate proposal. Any incentive rate will be a negotiated item and a part of the agreement.

States or other entities may provide additional annual or lump sum payments for CREP.

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**G**  
**Cost-Share Assistance for Conservation Practices**

CCC cost-share assistance for CREP conservation practices shall not exceed 50 percent.

States or other entities may provide additional cost-share assistance or in-kind services. Other Federal Agency cost-share is subject to the provisions of 2-CRP.

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3 Project Requirements

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**A**  
**State and National Significance**

To be eligible for CREP, a project must address environmental effects related to agricultural use. In addition, it must address a resource concern of State and national significance, as defined by meeting at least 1 of the following criteria.

- Project is located in an area where agriculture is an important element of the regional economy, and the long term viability of agriculture is threatened because of agricultural-related environmental conditions.
  - Project would measurably improve water quality in areas where it currently does not meet designated use standards, such as areas identified pursuant to studies conducted under Section 305 of the Clean Water Act.
  - Project would mitigate nonattainment of air quality standards because of agricultural activities.
  - Project would provide significant restoration of a species on or identified as candidates for listing on the Federal endangered species list.
- 

Continued on the next page

**3 Project Requirements (Continued)**

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**A  
State and National  
Significance  
(Continued)**

- Project would mitigate adverse agricultural impacts on important segments of the regional economy, such as recreational use, transportation, fisheries, etc.
  - Project would ensure the preservation of a unique geographic region, which represents 1 of the most important examples of a particular resource type in the country, such as a designated national natural landmark.
- 

**B  
Land Eligibility and  
Ownership Criteria**

Land eligibility and ownership criteria for CREP are the same as for CRP.

---

**C  
Maximum Project  
Size and Number of  
Requests**

States may submit 1 or multiple CREP project proposals, but the initial limitation for CREP allocations will be 100,000 acres for each State. Project size should be based on the land area needed to address the specified objectives in a cost-effective manner. This acreage limitation may be waived based on unique site conditions, program performance, and acreage availability. Any condition for renegotiation of the agreement to waive the 100,000-acre limitation will be specified in the agreement.

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**D  
Conservation  
Practices**

Conservation practices authorized for CREP must be consistent with practices authorized for CRP and meet NRCS Field Office technical guide standards.

A CREP proposal may limit the approved practices to 1 or 2 specific practices or permit a wide variety of conservation practices.

A proposal may request a modification of an existing CRP practice. If such a modification is proposed, sufficient justification and supporting material to support the modification must be provided. The modification will only be approved if it is technically feasible and necessary to accomplish program objectives.

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Continued on the next page

## Notice CRP-310

### 3 Project Requirements (Continued)

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#### E Project Duration and Easement

The duration of contracts to be offered under CREP shall be a minimum of 10 years, but not to exceed 15 years. USDA will not secure any permanent or other easements. Obligations beyond the term of any contract, such as through long-term or permanent easements, must be between the State government and the participant.

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### 4 Consultation and Coordination

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#### A Interagency Coordination of CREP Project Proposals

Establishing an interagency team of Federal and State agencies to coordinate development of the CREP proposal is recommended. The State Technical Committee may serve as the core group in the development of the proposal. Consideration should be given to involving the following entities in the development of the proposal:

- FSA
- NRCS
- State Extension Service
- Governor's office
- State water quality agency
- administrators of any other technical agency providing technical assistance for water quality projects
- State conservation district agency
- U.S. Fish and Wildlife Service
- State Fish and Game Department
- State Department of Agriculture, or equivalent
- State Forestry Department
- EPA
- U.S. Geological Survey.

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Continued on the next page

**4 Consultation and Coordination (Continued)**

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**B  
Joint Efforts in  
Conjunction With  
States on Local  
Initiatives**

Every effort shall be made, both at the State and local levels, to ensure that CREP represents a cooperative effort.

Where there are agricultural conservation projects already existing or planned, which are under the jurisdiction of other groups, such as State agencies or homeowner groups next to a lake or stream, the CREP application should show that CREP will be part of a coordinated effort.

---

**C  
Local Support**

It is imperative that CREP applications reflect strong local support from producers and the public. Consideration should be given to encouraging the following local groups to participate:

- agricultural producers
  - soil and water conservation districts
  - farm-related organizations
  - outdoor recreation groups
  - environmental groups
  - forestry organizations
  - civic groups
  - other public interest groups.
- 

**D  
Commitments From  
Other Agencies**

Each application submitted shall include a description of the extent of financial, personnel, and/or other resource commitments for the project from:

- the Governor, for various State agencies
  - any other non-federal funding sources.
- 

**E  
Technical Assistance**

The proposal must specify any agency proposed to perform technical assistance.

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Notice CRP-310

5 CREP Development and Approval Process

A  
Developing and  
Approving CREP  
Proposal

This table outlines the process for developing and approving a CREP proposal.

Step	Action
1	An interdisciplinary/intergovernmental planning team to develop the CREP proposal is established.
2	Provide members of the planning team a copy of this notice.
3	Use these guidelines to develop the CREP proposal. Applications should be clear, concise, and brief, generally not exceeding 20 pages in length. Supplementary material may be submitted, but should be provided as an exhibit to the application.
4	Solicit public input on the proposal. In particular, comments should be solicited from affected producers and incorporated.
5	Governor submits proposal to DAFP.
6	DAFP conducts interagency review of proposal and submits comments to Governor within 60 calendar days.
7	CREP planning team revises proposal as necessary based on comments.
8	Following initial approval of a proposal, Governor submits a draft agreement along with revised CREP proposal to DAFP.
9	DAFP and Governor negotiate final terms for the agreement.
10	Secretary of Agriculture and Governor sign agreement.

Notice CRP-310

**6 CREP Application Outline**

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**A  
Format**

Project applications shall be prepared according to this notice.

- Separate required information into sections as described.
  - Information should be brief and in bullet lists, tables, or short narratives.
  - Excessive narrative should be avoided.
- 

**B  
Cover Sheet**

On the cover sheet, enter the following:

- project name
  - State
  - county or counties where the project is located.
- 

**C  
Section 1 - Abstract**

Provide a brief abstract of the project not to exceed 1 page, which includes the following:

- description of the project area
  - summary of existing conditions and agricultural impacts to be addressed
  - brief description of the project
  - size of the project area and CRP practices to be installed
  - estimated number of acres to be contracted under the CREP project
  - estimated cost of the project.
- 

Continued on the next page

6 CREP Application Outline (Continued)

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**D**  
**Section 2 -**  
**Existing Conditions**

Provide a discussion of existing conditions, which includes the following:

- why the project area is of State or national significance based on the criteria in this notice
  - a detailed map outlining the geographic area of the proposal
  - a description of the various human activities and land uses within the project boundary, such as cropland, range land, forest, urban, etc., including a summary of all land uses within the watershed/project area
  - a description of farm demographics within the project boundary watershed including number of farms, types of farms, average size of farm by type, etc.
  - a brief description of relevant environmental factors, including the following:
    - precipitation
    - soil
    - important geologic features
    - vegetation patterns
    - wildlife
    - water resources
    - air quality
    - federally listed endangered and threatened species.
- 

**E**  
**Section 3 -**  
**Agriculture-Related**  
**Environmental**  
**Impacts**

This analysis must include the following:

- magnitude of agriculture-related environmental impacts
  - past and projected future trends in agricultural impacts
  - nature of any health-related agricultural impacts
  - past, ongoing, and projected future efforts to address agricultural impacts through State and Federal programs, including the number of acres in the project area currently under CRP-1, EQIP, and WRP.
- 

Continued on the next page



**6 CREP Application Outline (Continued)**

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**F**  
**Section 4 - Project Objectives**

The CREP proposal shall include specific and measurable project objectives as well as documentation for the derivation of the objectives.

**Example:** Implementation of the project will reduce sediment loading by 2,000 tons per year resulting in a saving of \$2 million per year in reduced dredging costs.

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**G**  
**Section 5 - Project Description**

The project description must address each of the following:

- CRP conservation practices to be adopted
  - number of acres proposed to be contracted in the CREP agreement
  - length of time for project implementation
  - an analysis of the likelihood that project objectives will be met
  - interagency coordination method that includes how applicant eligibility determinations will be made, which agency or agencies will provide technical assistance, how the application process will be coordinated among agencies, and how contract compliance will be monitored
  - a flow chart of the application process.
- 

**H**  
**Section 6 - Cost Analysis**

The proposal must include a thorough discussion of project costs that addresses the following:

- total estimated project costs
  - itemization of costs to be funded from non-federal revenues, including a discussion of the status of these funds
  - thorough justification for any incentive payments
  - a detailed cost analysis that compares the cost of accomplishing project goals with CREP funds versus other existing Federal and State conservation programs, including regular CRP and EQIP.
- 

Continued on the next page

**6 CREP Application Outline (Continued)**

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**I  
Section 7 -  
Monitoring Program**

The proposal must include a monitoring and evaluation plan that can be used to measure the success of the project. The monitoring plan is to include the following:

- a description of the data to be collected and methods to be used to carry out the monitoring plan
  - delineation of responsibilities for carrying out the monitoring plan
  - provision of annual reports to describe monitoring results
  - provision for project modification if objectives are not being met.
- 

**J  
Section 8 - Public  
Outreach and  
Support**

A discussion of the nature of public support, especially from producers, is to be provided. There must also be a program for public outreach over the duration of the project.

---

**K  
Section 9 -  
Compliance With  
Other Laws**

The proposal must provide a clear analysis of environmental effects that will permit a determination as to whether the proposal could have a significant effect on the quality of the human environment for the purpose of compliance with the Natural Environmental Policy Act, as well as evidence of compliance with any other applicable laws.

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**PROPOSED CONCEPTUAL FRAMEWORK  
FOR COMPREHENSIVE PLANNING IN WISCONSIN FOR INCLUSION IN STUDY  
COMMITTEE REPORT**

Having carefully reviewed both the report of the State Land Use Task Force and the report of the State Interagency Land Use Council, and having heard public testimony concerning these reports, the Special Study Committee on Land Use Policies recommends that any actions to modify the structure of planning law in Wisconsin should be accomplished in accordance with the following conceptual framework:

**1. State Level Responsibilities**

The Wisconsin Land Council proposed to be created in the Governor's 1997-1999 State budget should be given the responsibility to formulate a set of State land use policies for adoption by the State Legislature. Such policies should relate to a number of issues including: 1) the protection of natural resources, including floodlands, wetlands, woodlands, wildlife habitat, prime agricultural lands, and mineral resources; 2) the differentiation of urban and rural development, and the establishment of criteria for the location of these forms of development; and 3) the provisions of public works facilities in support of both rural and urban development, including transportation, sanitation, drainage, and water supply facilities. The Council should recommend the means for coordinating the activities of State departments and any administrative rule changes to ensure that the actions of the individual departments are consistent with the adopted State policies.

**2. Preparation of Framework Plans**

The State should provide the support and a portion of the funding of the preparation of a set of framework plans that would serve to make the adopted State policies operational. This would include the preparation of areawide land use, transportation, sewerage, water supply, drainage and flood control, and park and open space plans. Such plans should be prepared by duly constituted regional planning commissions and be subject to certification by the State agencies concerned as meeting the adopted State policies, acting through the Council. The regional planning commissions should be directly linked to the county boards by membership and funding. There are nine existing regional planning commissions which cover all of Wisconsin except for Salk, Columbia, Dodge, Jefferson and Rock Counties which could be combined with the Dane County Regional Planning Commission.

**3. County, City, Village, and Town Planning**

The regional framework plans should be carried into greater detail at the county, city, village and town levels. Each of these governments should be required to prepare plans that are consistent with the regional framework plans. The plans should include a land use element and elements for those other functions for which the particular unit of government is responsible. In some counties, it may be possible for these second level plans to be prepared cooperatively by the counties, cities, villages, and towns; in other, more complex situations, it may be necessary for the plans to be prepared cooperatively by the counties and towns, and separately by the larger cities and villages. In the latter case, however, the city and village planning should be coordinated with the county planning through the regional framework plans. The county, city, village, and town plans should be submitted to the regional planning commissions for certification as being consistent with the framework plans that implement the adopted state policies.

4. **Plan Implementation**

Upon completion and adoption of the required plans, cities and villages independently, and counties and towns jointly, should then exercise zoning land subdivision control, and official mapping powers consistent with the duly adopted plans.

5. **Land Information Systems**

The planning framework would be facilitated by the creation of parcel-based land information systems at the county level. The creation of such systems is well underway in some counties of the State, and this effort should be continued. Any State level efforts in this respect should be limited to the collation of data from the county level systems.

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## STATE OF WISCONSIN CREP PROPOSAL

March 25, 1999

The State of Wisconsin proposes a Conservation Reserve Enhancement Program (CREP) to accomplish the following:

- improve water quality on impaired waters of the state;
- restore wildlife habitat for endangered grassland birds;
- provide agricultural landowners with a menu of options for participating in the program;
- leverage substantial federal dollars to the fullest extent.

This proposal is a cooperative effort among federal, state and local governments as well as farm and conservation organizations in Wisconsin to assist agricultural producers in conserving important land and water resources. Following completion, the Governor will submit the state's CREP proposal to USDA Secretary Glickman for approval.

### **Program Focus**

The state proposes to primarily focus the program on improving water quality and has targeted six riparian project sites. These project sites encompass over 90% of those waterbodies on the 303(d) Impaired Waters list for which agricultural activities are a significant contributing factor. The state proposal also includes two grassland project sites; one in the central part of the state, the other in the south central. The target areas are depicted on Attachment 1.

### **Enrollment Options and Eligibility**

In both the riparian and the grassland project areas, landowners will be offered the opportunity to voluntarily enroll lands in:

- A 10-year contract with the USDA; or
- Combined 15-year contract with the USDA and the state; or a
- Combined 10-year contract with the USDA followed by a conservation easement with the state.

For land enrolled in conservation easements, the state proposes to provide the opportunity for landowners to conduct limited grazing and haying. A management plan would be developed to allow this use. The management plan would provide landowners with some economic use of the property after the federal contract period expires. The plan would protect the conservation values of the easement to the land.

In the riparian project areas, lands along permanent and intermittent streams will be eligible. Guidelines will be established regarding minimum and maximum distances from the stream that can be enrolled and will be designed to offer the greatest flexibility for the landowner. In the grassland project areas, both of which are located within riparian project areas, there will be an expanded distance that the producer will be eligible to enter into the program. As established by USDA, general eligibility for CREP is the same as for the Conservation Reserve Program (CRP): the land must have been in agricultural production two out of the last five years, and the land must be owned by the same individual for at least one year. In the project areas, the state intends

to propose to USDA that only landowners who file a Schedule F with their federal income tax will be eligible to receive state money.

### **Enrollment Incentives**

The state's CREP proposal calls for providing landowners with additional financial incentives beyond what is currently available in the existing CRP. These incentives would be provided by both the state and federal governments and would increase in relation to the length of the agreement in which the landowner enrolls. As with CRP, the state proposes that all CREP payments will be based upon the established CRP annual rental rates. In addition, the state proposes to provide some cost-sharing assistance for installing conservation practices. Attachment 2 outlines the draft proposed incentives.

### **Program Implementation and Administration**

Implementation of the state's CREP will require a collaborative effort between the USDA's Farm Services Agency (FSA) and Natural Resources Conservation Service (NRCS), the state's Department of Agriculture, Trade and Consumer Protection (DATCP) and Department of Natural Resources (DNR), county Land Conservation Departments (LCD) and farm and conservation organizations. These agencies and organizations have brought their collective expertise to bear in designing the current proposal and it is expected that these groups will continue to work together in its implementation.

As with the CRP, the USDA will be the lead agency for CREP. The DATCP will administer the state's financial responsibilities for the program and work with the DNR, federal agencies and county LCDs to implement the program. The agencies at the local level will assist landowners in installing appropriate conservation practices. Conservation easements could be held by willing counties or by the state.

Sign-up for the program is scheduled to end with the conclusion of the 1996 Farm Bill on September 30, 2002. Continuation of the program will be contingent upon Farm Bill re-authorization.

### **Funding**

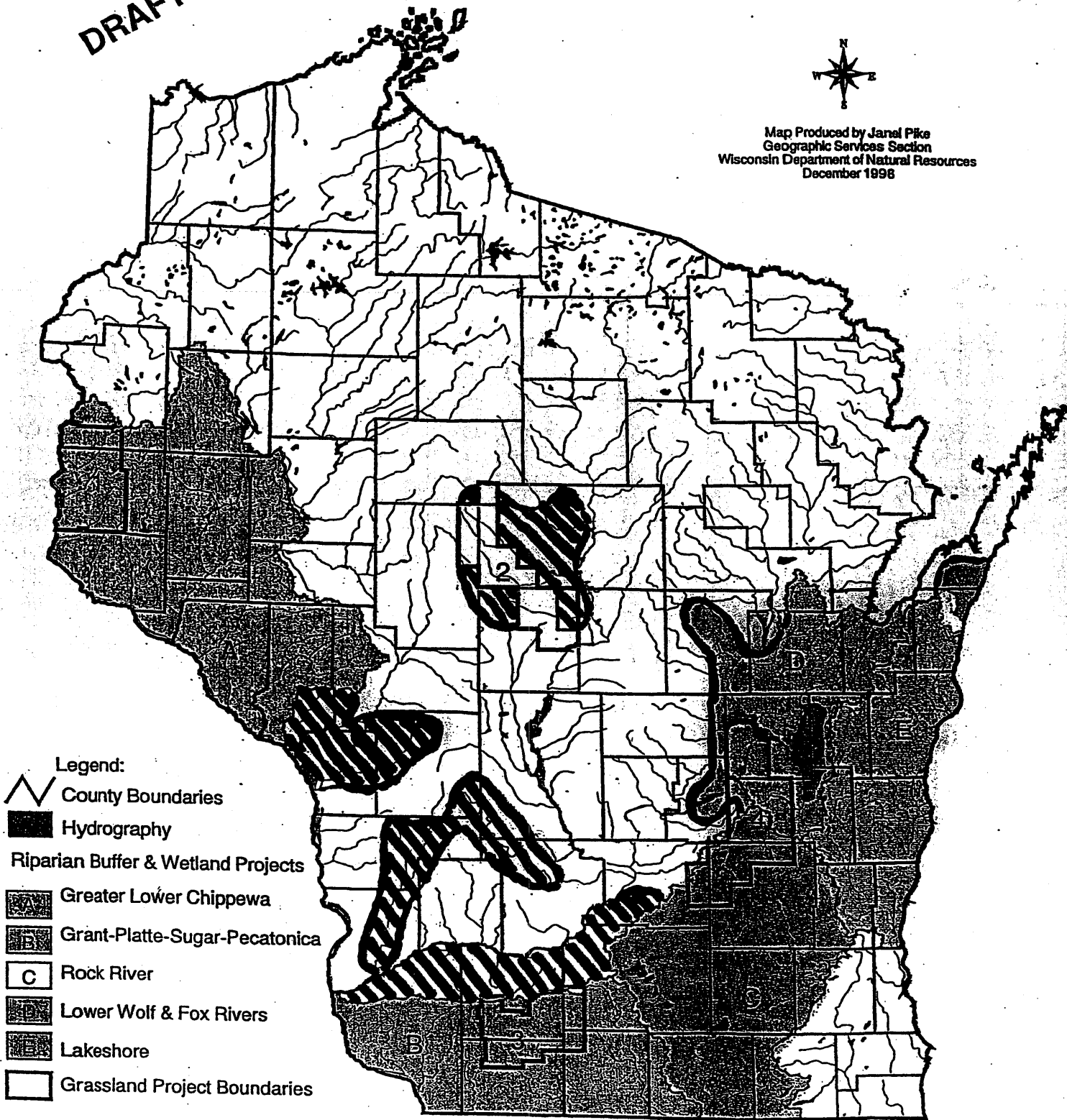
The state's Department of Administration has recommended that funding for the state's portion of the incentives for (both direct incentive payments to landowners and cost-sharing the installation of conservation practices) come from bonding. The state intends to provide over \$30 million in funding and additional in-kind services to meet the required non-federal match.

# Conservation Reserve Enhancement Program (CREP) DRAFT Project Areas

DRAFT



Map Produced by Janel Pike  
Geographic Services Section  
Wisconsin Department of Natural Resources  
December 1998



- Legend:
- County Boundaries
  - Hydrography
  - Riparian Buffer & Wetland Projects
  - Greater Lower Chippewa
  - Grant-Platte-Sugar-Pecatonica
  - Rock River
  - Lower Wolf & Fox Rivers
  - Lakeshore
  - Grassland Project Boundaries

- 2 Central Wisconsin Prairie Chicken
- 3 Blue Mound/Thomson Prairie



0 20 40 60 80 Miles

ADDITIONAL  
RIPARIAN  
AREAS TO BRING COVERAGE OF 303(d) WATERS  
TO WELL OVER 90% - TOTAL RIPARIAN

Wisconsin Transverse Mercator  
North American Datum 1983(91)  
Scale 1:2,500,000



**CONSERVATION RESERVE ENHANCEMENT PROGRAM  
PROPOSED INCENTIVES**

DIRECTION		FEDERAL STANDARD		STATE ENHANCEMENT PAYMENT	
10 Years	Standard rental rate payment \$80/acre average	50% annual enhancement of the standard rental rate \$5 per acre maintenance 50% cost-share on establishment of filter strips and buffers strips 35% cost-share to establish grassed waterways	0% enhancement on the standard payment 0% cost-share on establishment of filter strips and buffer strips 40% cost-share to establish grassed waterways		
15 Years	Standard rental rate payment \$80/acre average	40% annual enhancement of the standard rental rate \$5 per acre maintenance 40% cost-share on establishment of filter strips and buffer strips 35% cost-share to establish grassed waterways	20% annual enhancement on the standard rental payment 35% cost-share on establishment of filter strips and buffer strips 40% cost-share to establish grassed waterways		
Conservation Easement	Standard rental rate payment \$80/acre average for 10 years	150% annual enhancement of the standard rental rate \$5 per acre maintenance 40% cost-share on establishment of filter strips and buffer strips 35% cost-share to establish grassed waterways	6 times annual enhancement on the standard rental payment 60% cost-share on establishment of filter strips and buffer strips 40% cost-share to establish grassed waterways		