

8 Summary

INTRODUCTION

On July 28, 2004, the Washington County Planning, Conservation, and Parks Committee requested the Planning and Parks Department to study various means of preserving farmland and open space in Washington County. This study's goal is to objectively research and analyze different tools and funding sources that can be used in Washington County for farmland and open space preservation. The Farmland and Open Space Preservation Study Group composed a mission statement to provide a framework for the study. The mission statement is as follows:

“To objectively research, analyze, and develop a variety of tools and techniques for farmland and open space preservation accommodating projected growth in Washington County.”

This study will assist the Washington County Planning, Conservation, and Parks Committee in decision-making regarding farmland and open space preservation as recommended in *A Park and Open Space Plan for Washington County: 2020*.

URBAN GROWTH, AGRICULTURAL TRENDS, AND OPEN SPACE INVENTORY

Urban Growth

Washington County has experienced significant population growth, growing from 33,902 persons in 1950 to 117,493 persons in 2000 according to the U.S. Census with the estimated population forecast for Washington County to be 149,500 in 2025 and 157,300 in 2035.

In addition to the population growth, Washington County has seen increases in the number of households, as defined by the U.S. Census. Between 1970 and 2000, households increased by 152 percent while the population increased by 84 percent. In 2000, there were 43,843 households in Washington County, and this number is expected to grow to 58,800 in 2025 and 62,800 in 2035. The increase in household numbers has impacted the amount of land being converted from farmland and open space into residential development.

In 2000, urban land uses – consisting of residential, commercial, industrial, governmental and institutional, recreational, and transportation, communication and utility uses - encompassed about 75.9 square miles, or 17 percent of the total area of the County. Nonurban lands – consisting of agriculture, woodlands, wetlands, surface water, landfills, extractive areas, and other open lands - encompasses approximately 359.5 square miles, or about 83 percent of the County.

Agricultural Trends

Farming in Wisconsin has undergone considerable change in the last few decades. Wisconsin Agricultural Statistical Service statistics show that the State saw 15 percent of its farmland taken out of agricultural production between 1980 and 2002. Over the same period, Washington County saw 34 percent of its farmland taken out of agricultural production. Although there has been a steep decline in

agricultural lands, agriculture still plays an important part in Washington County's economy. In 2003, agriculture made up roughly 10 percent, or \$629 million, of the total economic activity in the County.

Historically, farm size has been broken down into six categories: 0-9 acres, 10-49 acres, 50-179 acres, 180-499 acres, 500-999 acres, and 1,000+acres. The category with a steady decline in numbers has been farms ranging in size of 180-499 acres, dropping 46 percent from 1987 to 2002, followed by farms ranging from 50-179 acres, dropping 20 percent over the same period. Farms ranging from 10-49 acres have seen the largest increase, 47 percent, between 1997 and 2002.

Washington County's agricultural land has been more valuable than the average land values for the State. Land prices were relatively stable from 1982 through 1990. However, since 1990, agricultural land values have seen sharp increases, rising at an average annual rate of 12 percent.

Natural Resources and Open Space Inventory

The Southeastern Wisconsin Regional Planning Commission's (SEWRPC) regional planning program identified and delineated areas, "environmental corridors", in the region, including Washington County, as those that have concentrations of prime natural resources. Natural resources consist of rivers, streams, lakes, wetlands, woodlands, prairies, wildlife habitat areas, wet and poorly drained soils, and rugged terrain. Environmental corridors and isolated natural resource areas in Washington County occupied approximately 119.7 square miles, or about 27 percent, of the County in 2004.

This study defines open space according to the definition in *A Park and Open Space Plan for Washington County: 2020*. Open space consists of the following: primary environmental corridors, secondary environmental corridors, isolated natural resource areas, natural areas, critical species habitat sites, geological and archeological areas, and prime agricultural land. In addition, open space includes lands located within established Department of Natural Resources project boundaries.

A Park and Open Space Plan for Washington County: 2020 recommends protecting a total of 77,334 acres of open space lands which comprises 28 percent of Washington County. Of these 77,334 acres recommended for protection, 17,758 acres, or about 6 percent of the County, were currently in public ownership, nonprofit conservation organization ownership, conservation easements, or in compatible private outdoor recreation uses such as golf courses or camps in 2002.

THE TAKINGS ISSUE

When considering farmland and open space preservation methods, it is important to understand how preservation tools and techniques may impact a property owner's rights. The takings issue recognizes the need to balance two competing principles, respect for the property rights of individuals and the public's ability to further the public good by regulating a property owner's potential use of land.

The legal term "takings" refers to the physical acquisition of private property by governmental bodies. It also applies when government regulation removes all economically viable use of private property in what the courts describe as a "regulatory" or "constructive" taking. The concept is based on the Fifth Amendment of the U.S. Constitution, which provides the concept that private property cannot be taken for public use unless there is just compensation.

PRESERVATION TOOLS

The preservation tools described and analyzed in Chapter 4 represent existing and potential strategies for the protection of farmland and open space within Washington County. Preservation tools are grouped into three categories:

1. Regulatory Based Tools – These tools control or define the activities or modifications that a landowner may conduct on his or her land, through the regulation of ordinances.
2. Incentive Based Tools – These tools support or encourage a specific activity or modification that a landowner may conduct on his or her land and, although some of these tools may be incorporated into an ordinance, they are voluntary.
3. Economic Viability Tools – These tools focus on improving/enhancing the economic environment for the agricultural industry.

Regulatory-based tools are implemented by local governments through adoption of a zoning, land division or other land use ordinance. Such tools that can be used to protect farmland and open space include agricultural protection zoning, conservation subdivision development, lot averaging, incentive zoning, overlay districts, sliding-scale zoning, and urban growth boundaries.

Incentive based tools are voluntary and are mostly based on the willingness of the landowner to sell their property. Incentive based tools include options review by developer, conservation easements and purchase and transfer of development rights programs, where a landowner sells the development right of their land. Where public access and use are desired or complete ownership control is preferred, outright donation, purchase, or bargain sale of land to a government entity, conservation organization, or public charity should be utilized for permanently protecting lands of preservation importance.

Economic viability tools create or provide a supportive economic environment for agriculture to succeed. Such tools include: use value assessment, farmland preservation program, right to farm laws, Wisconsin managed forest laws, USDA programs, and various approaches or initiatives to promote agriculture locally. These tools do not protect agricultural land from development, but provide farmers a profitable environment for agriculture and may continue to farm and not sell their land for non-agricultural purposes.

COMMUNITY OPINION SURVEYS

As part of this study, seven community opinion surveys were analyzed to gather information related to questions regarding farmland and open space preservation. Three of the surveys were conducted on a county-wide level and the other surveys came from the Towns of Farmington, Richfield, and Wayne and the Village of Newburg.

A majority of residents stated that rural character, farmland, and preservation of natural resources were very important to their community. Also, a majority of residents preferred conservation subdivisions as the type of residential development in their community. When asked if the County or local municipality should buy land or development rights to preserve farmland and/or open space, responses were mixed.



FUNDING STRATEGIES

Achieving the goals and objectives for the preservation of farmland and open space in Washington County will require a coordinated effort to fund and implement programs by government agencies, private organizations and individuals. An effective program should combine several funding strategies that may include federal, state, local, and private money to successfully preserve farmland and open space in a community. Such funding strategies include: bonds, tax levy dollars, revolving loan fund, sales tax, impact fees, charitable donations, and outside grant dollars.

TOOL IMPLEMENTATION

Since planning and implementing a farmland and open space protection program can be complex due to the high competition for farmland and open space lands and concerns about the efficient use of public funds, communities need to follow a well thought out project planning process. Therefore, a farmland and open space preservation program should incorporate a combination of tools and funding sources.

Both regulatory and incentive based tools, as described in Chapter 4, can be implemented by different levels of government to realize the preservation goals outlined in a program. The selection, creation, and implementation of a preservation program will need to be based on the needs and concerns of local citizens and governments as well as addressing the political, community, financial, and legal issues.

In addition to planning, cooperation will be an essential component to the success of any preservation program, since some tools may be best utilized at different levels of government. Also, some tools may require large areas of land, which may be located within two separate Towns, making the success of a preservation program reliant on intergovernmental cooperation.

CONCLUDING REMARKS

The intent of this study is not to recommend any particular tool that may be considered by a community to preserve farmland and open space nor prioritize presented preservation tools. The purpose of this study is to inform County and local officials about the available preservation tools available to communities who want to protect farmland and/or open space and various funding strategies and sources. Utilization of this study can assist communities in the development of a farmland and/or open space preservation program.