

Dane County, Wisconsin Plats versus Plows

*by
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Best Place to Live

Dane County, Wisconsin, located in the south-central part of the state, is one of the fastest growing counties in the Midwest. The City of Madison, located in the center of the county, is home to the state capitol, many federal and state offices, and the University of Wisconsin. Madison was rated one of the best places to live in the United States by Money Magazine in 1996. But, the growth in population had already begun long before this distinction was given to the city because the county attracts people and businesses due to its beautiful rolling landscape, abundant lakes and recreational activities, outstanding educational system and growing economy. Madison is also at the hub of major highway networks, supports a regional airport, has excellent rail service, and the Madison Metro system which provides bus service to residents of the metropolitan area.

The county is large, about 1,229 square miles, and had an estimated population of 398,233 in 1996. The City of Madison is by far the biggest population center in the county, with 200,814 people in 1996. Between 1970 and 1990, Dane County population increased from 290,272 (1970 Census) to 367,085 (1990 Census). Countywide population has increased by 31,150 people since 1990, an annual average increase of 1.4 percent. At the same time, the county's labor force increased by 18,132, or 8.4 percent, and housing units increased 20,105, or 13.6 percent. This annual growth rate exceeds the rate for the county from 1980 to 1990 of 1.35 percent as well as the state's annual population increase from 1990 to 1996 of 0.86 percent. The population of Dane County is projected to grow by 22.7 percent between 1996 and 2020, with the largest growth expected in the villages and smaller cities.

About half of the people in Dane County live in the City of Madison, with the county's smaller cities and villages comprising 31.5 percent of the county's population. There are six other cities, 19 villages and 34 towns. (In Wisconsin townships are called towns and have many of the same powers and duties as cities and villages, including the power to zone land.) About 18 percent of the people live in rural areas. The cities and villages with the biggest percent increase in population are Madison, Cottage Grove, Blue Mounds, Oregon, Waunakee, De Forest, Sun Prairie, Fitchburg and Stoughton.

In addition to being the fastest growing county in the state, Dane County has one of the highest median family incomes. The median effective buying income (personal income less personal tax and non-tax payments) for Dane County in 1995 was \$38,138, and was \$34,322 for Madison, with 34.5 percent of the households in the county spending more than \$50,000 a year. The 1994 per capita income for Dane County residents was \$24,437 compared to \$20,884 for the state as a whole.

Most of the new development needed to accommodate this population growth has taken

place within "Urban Service Areas," areas planned for urban growth that are served by public sewers and wastewater treatment systems. About 20 percent of the new parcels created in the past six years have been outside the Urban Service Areas. An average of 15 percent of new residential development in the county during the period has been with private on-site wastewater systems.

The platting of new lots in rural areas jumped from 601 in 1995 to 800 in 1996, an increase of 33.1 percent. About one-fourth of the rural lots were created in the Town of Middleton, one of four towns in the county that have not adopted exclusive agricultural zoning. The demand for residential lots in rural areas of the county is increasing at the same time that the available supply of lots is being used up, leading one state official to describe the efforts to preserve farmland in Dane County as a battle of plats versus plows.

Agriculture is an important industry in Dane County

Dane County ranks second in the state in the value of agricultural products sold by its farmers. Dane County farmers rank in the top five counties in the state for production of corn, winter wheat, soybeans, hay, green peas, cattle and calves, milk, hogs and pigs. The total value of agricultural products sold in the county in 1994 was \$213,501,000.

In 1996 Dane County had 583,000 acres of farmland, and 3,080 farms. According to the 1992 Census of Agriculture, 62 percent of the farms were operated by the owners, while 38 percent of the owners were principally employed in other occupations. The average farm size was 189.3 acres. Like the rest of the Midwest, the number of farms has declined during the past 10 years, from 3,140 in 1986, but the average size of farms has gotten smaller, not larger as is the trend in other areas. The size of the average farm in Dane County increased slightly in 1989 and 1990, from 196.5 acres to 203 acres, then decreased. Total land in farms also steadily declined, from 617,000 acres in 1986, with a slight increase in acreage from 1989 to 1991.

In 1996 only 484,357 acres of farmland in Dane County was classified as cropland by the Wisconsin Department of Revenue, Bureau of Equalization. The rest was classified as forest, swamp and wasteland. The total equalized value of the cropland in the county was \$417,976,165 in 1996, 8.4 percent of the total value of land in the county, but only 2.3 percent of the total value of land and improvements. Even so, agricultural land values rank third in the county, ahead of all land used for manufacturing, but behind residential and commercial property values.

The Rezoning Game

Diversion of farmland from agricultural use to other uses has increased dramatically during the past 10 years, from 2,193 acres in 1986 to 3,968 acres in 1996, at the same time the average price paid for farmland being taken out of production increased from \$1,868 per acre to \$3,237 per acre. This compares with the average price per acre for land remaining in farming of \$2,312.

Thirty of the 34 towns in Dane County have exclusive agriculture zoning, as well as the City of Fitchburg, a town located next to Madison that became a city in 1983. The Town of Madison is not included because it is all urban. Exclusive agriculture zoning prohibits building non-farm residences without rezoning the land, while agriculture zoning, which

applies in the four towns that have not elected to have exclusive agricultural zoning, allows single-family residences on half acre lots as a permitted use.

The purposes of the A-1 Exclusive Agriculture District are to preserve productive agricultural land for food and fiber production; preserve productive farms by preventing land use conflicts between incompatible uses and controlling public service costs; maintain a viable agricultural base to support agricultural processing and service industries; reduce costs for providing services to scattered nonfarm uses; pace and shape urban growth; implement the provisions of the county agricultural plan; and comply with the provisions of the Farmland Preservation Law to permit eligible landowners to receive state tax credits.

The number of acres of farmland being rezoned from exclusive agricultural use (A- 1 Agriculture Exclusive) to another zoning classification has remained about the same during the past six years, with an average of 1,950 acres rezoned each year (Table 1). Since 1990, 13,658 acres of land in exclusive agricultural zones has been rezoned in Dane County. Most of the rezonings were to create new lots for rural residences. The average size of a new lot in 1996 was 10 acres.

The county has three other types of agricultural zoning: A-2 Agriculture District, A-3 Agriculture District and A-B Agriculture Business District. The A-2 district provides for low density land uses compatible with agricultural and other rural uses, and to accommodate agricultural uses on parcels of less than 35 acres. Single family residences are permitted uses in this zoning district on lots of at least one acre in size. The keeping of livestock is not permitted on parcels of less than two acres.

Table 1. Acres rezoned from A-1 Exclusive Agriculture

Year Rezoned	Acres Rezoned
1990	2,122 acres
1991	1,546 acres
1992	1,907 acres
1993	2,180 acres
1994	1,767 acres
1995	2,153 acres
1996	1,983 acres

The A-3 district is a transition area designed to preserve in agricultural and open-space uses, for an unspecified time, lands located in close proximity to developed areas within the county where urban expansion is inevitable, in keeping with long-term plans for development. According to Sec. 10.127 of the Dane County Code of Ordinances, the purpose of the A-3 Agricultural District "is intended that urban development be deferred in such areas until the appropriate authorities concerned determine that it is economically and financially feasible to provide public services and facilities for uses other than those permitted in the district." Permitted uses and acreage requirements for land zoned A-3 are the same as those for A-1 Exclusive Agriculture areas.

The A-B Agricultural Business District is designed to provide for commercial uses associated with local agricultural production, require a rural location and do not need urban services. Permitted uses include such businesses as farm equipment sales and service, feed and seed stores, agricultural chemical storage and distribution, trucking services, processing of agricultural products, sales of nursery stock, and small scale energy generation from wind, methane and alcohol.

Wisconsin's Farmland Preservation Program

Wisconsin's Farmland Preservation Act was signed into law on June 29, 1977, for the purpose of helping local governments preserve farmland, and to provide tax relief to farmers who participate in local farmland preservation plans. In Dane County, the program is a combination of state tax credits, county planning and zoning, and local town planning. It is a complicated approach to farmland preservation that retains the tradition of local control over land use and zoning, while providing financial incentives to farmers, and planning assistance to local governments.

The farmland preservation program gives farmers who participate in the farmland preservation program a state income tax credit, based on household income, to off-set local property taxes. The law provides two ways that farmers can qualify for the tax credit: 1) the land is in a town that has exclusive agricultural zoning, or 2) the land is covered by a farmland preservation agreement signed by the owner. In either case the county must have adopted an agricultural preservation plan. Because Dane County has a population density of 100 or more people per square mile, only the first requirement applies to farmers owning land in the county.

In addition to being in an exclusive agricultural zone, the land must be at least 35 acres in size, the owner must be a Wisconsin resident, and the land must have produced at least \$6,000 in gross farm profits in the last year, or \$18,000 in the last three years. Farming operations must also comply with county soil and water conservation standards. The income requirement is waived if at least 35 acres of the land is enrolled in the Conservation Reserve Program.

The amount of tax credit a farmer receives varies, depending on the household income and the amount of real estate taxes paid on the farmland. Household income includes net farm income, and income from other sources. Farm partnerships or corporations are treated the same as any other household. The actual tax credit allowed is calculated by a very detailed formula. Property taxes up to \$6,000 are eligible for the credit, with the maximum credit \$4,200. The higher the property tax, and the lower the income, the higher the tax credit. Because Dane County has both a farmland preservation plan and exclusive agricultural zoning, eligible farmers in towns that also have exclusive agricultural zoning can receive 100 percent of the potential tax credit. Farmers in an exclusive agricultural zone are guaranteed a minimum tax credit of ten percent on property taxes up to \$6,000, regardless of their household income.

In 1996, the Wisconsin Department of Revenue distributed \$2,047,691 in farmland preservation tax credits to 1,853 farmers in Dane County, an average credit of \$1,105. The state wide average for tax credits was \$1,203 per farm. Dane County farmers received the

most amount of total tax credits of all the counties in the state. Total farmland preservation credits exceeded \$1 million in seven counties, the largest being Dane, Dodge, Fond du Lac and Iowa counties. An estimated 64.1 percent of the eligible farmers in the county received the tax credit.

If land in the exclusive agricultural zone is rezoned for non-farm use, the owner must repay the tax credits received on the property during the last ten years. There is no interest due unless the payment is not made at the time the land is rezoned. This repayment provision is rarely enforced.

Exclusive Agricultural Zoning

For it to be certified by the state, exclusive agricultural zoning must provide that farmland cannot be developed and that no residences can be built unless occupied by the farmer, the farmer's parents or children, or a person working on the farm. The minimum parcel size for building a farm residence in an exclusive agriculture zone is 35 acres. The landowner must demonstrate "substantial income" from farming to be allowed to build a home in this zoning district, otherwise, the land must be rezoned to a residential district. Other allowable uses, such as a farm implement dealer or a roadside stand, must be compatible with farming. Under the state law, special assessments for sanitary sewers, water, lights or nonfarm drainage cannot be imposed on land zoned for exclusive agricultural use.

Dane County, and 30 of the 34 towns, have adopted farmland preservation plans and exclusive agriculture zoning. The land must be rezoned to allow any non-farm use of land in an exclusive agriculture zone. In making the decision to rezone farmland, local officials must consider adopted land use plans, the impact the new development would have on public service costs, and the harm it would have on nearby farms or the local environment.

Farmland Preservation Plans

In addition to adopting exclusive agricultural zoning, Dane County has adopted a farmland preservation plan. The plan, prepared by the Dane County Regional Planning Commission and adopted by the Dane County Board of Supervisors on December 3, 1981, identifies agricultural areas in each town to be preserved, including areas of special environmental, natural resource or open space significance, and so-called transition areas. Transition areas designated in the plan are predominantly in agricultural use, but are identified for future development. It also establishes policies regarding preservation of agricultural lands, urban growth, provision of public services and facilities, and protection of natural resources. The county plan outlines how the farmland preservation program will be implemented, and how the county will coordinate with municipal and town officials and local residences to implement the plan.

A designated agricultural preservation area must be a minimum of 100 acres in size, but transition areas need only be 35 acres. In deciding what farmland to include in an exclusive agriculture or transition zone, the county must consider if any of the following conditions exist:

1. are existing or planned activities adjacent to the identified agricultural area incompatible with agricultural use;
2. is the area economically viable for agricultural use;

3. has substantial urban growth in the area or planned urban expansion created a public need to convert farmland to other uses; or
4. is maintenance of the area in agricultural use consistent with the goals and objectives of the agricultural preservation plan.

County farmland preservation plans and exclusive agricultural use zoning ordinances are reviewed and certified by the state's Land and Water Conservation Board. The board assures that plans and ordinances meet the standards set by the Farmland Preservation Act and the Department of Agriculture, Trade and Consumer Protection, the state agency charged with implementation of the farmland preservation program. The state also provides funds to counties to develop and update farmland preservation plans. Dane County is currently updating its plan.

Local Zoning Options

The relationship between counties and towns in Wisconsin zoning laws is complicated, making administration of the Farmland Preservation Act at the local level confusing and complex. In Wisconsin, towns have the power to plan and zone land, and the farmland preservation law also gives them local control over exclusive agricultural zoning. Towns that have adopted county zoning have the choice to accept or reject the county's exclusive agricultural zoning. In Dane County, if the town approves the zoning, then farmers in the town are eligible for the full tax credit on their income taxes. If the town rejects the county's zoning they are not eligible for any tax credit.

Four towns in Dane County have not adopted exclusive agricultural zoning: Bristol, Burk, Middleton and Springdale. The Town of Oregon adopted it in 1995. The Town of Fitchburg was entirely incorporated into the City of Fitchburg in 1983, and retained its exclusive agricultural zoning. Each town has a different reason for rejecting the county's exclusive agricultural zoning, ranging from "it creates too much government control over local land use decisions," to the town wants low-density residential development. In any case, the tax credit incentive available to farmers has apparently not been enough in these four townships to overcome the limit on development imposed by adopting exclusive agricultural zoning.

Requests for rezoning farmland in exclusive agricultural zones are reviewed by the town board and they make a recommendation to the county zoning committee. Both the town board and the county board have to approve the rezoning. The county executive can veto the rezoning, which then requires a two-thirds vote of the county board to overcome. The county waits until the town acts on a rezoning request before it votes. In any case, the town board has a lot of say in land use and zoning decisions in rural areas of the county.

Problems with the Program

Critics of the State Farmland Preservation Program say that the program, as currently administered, has not significantly reduced the conversion of farmland to other uses. According to a recent legislative report, the number of cropland acres in the state has declined by about 12 percent in the past 20 years. One of the problems with the state program is there is no real penalty when farmland is removed from the program.

The law requires that landowners who receive tax credits for maintaining their land in agricultural use must pay back the money when land is rezoned from exclusive agriculture

to some other use, or when farmland preservation agreements are terminated. This is an inefficient process and requires a lot of time to analyze property tax bills and income tax returns. Neither local governments or state agencies have the staff resources or records to accurately track credits claimed and changes in land use and ownership. This has resulted in under-reporting of land removed from the program and delays in the current tax credit payback process. It also results in future landowners assuming a tax liability for which they are not responsible.

The Wisconsin legislature, in 1995, instructed the Department of Agriculture, Trade and Consumer Protection to examine the problems with the current farmland preservation program tax credit payback process and suggest alternatives to it. The DATCP analyzed three alternatives to address the problems, and issued its report in January 1997. No action has been taken by the legislature on the report. The alternatives considered were:

- modify the current process to reduce inefficiencies;
- convert the tax credit payback to a flat farmland conversion fee, and;
- eliminate the tax credit payback requirement.

In 1995 the Wisconsin Legislature passed "Use Value Assessment" for cropland and pasture to replace the existing method of assessing farmland for property taxes. Starting in 1998, the new farmland assessment procedure will be phased-in over 10 years. Farmland used for growing crops and for pasture will ultimately be assessed based upon its use, or rental value, instead of its market value. As a result, property taxes will be reduced, and the amount of farmland preservation tax credits available to landowners will decline.

The effect of the change to Use Value Assessment on participation in the farmland preservation program is hard to predict. Some observers say that the cap on household income is more of a factor than the level of property taxes in calculating the tax credit, and that the tax credit itself is not much of an incentive for farmers to participate in the program. In general, the percentage of property taxes offset by the tax credit decreases as household income increases. More than 35 percent of farmers claiming a tax credit have \$35,000 or more of household income and received an average credit towards property taxes of only \$420, in 1993. Different changes to the program are now being discussed to increase the tax incentives paid to farmers to preserve farmland.

A Tale of Three Towns

Most of the towns in Dane County, and the county itself, have adopted the state Farmland Preservation Program approach to limit premature conversion of farmland. Four townships have taken other approaches to control land use, while others are going beyond the state-mandated program to adopt new ways to protect farmland threatened with development. The following is an examination of the approaches to farmland preservation taken in three towns in Dane County, Dunn, Oregon and Middleton.

Town of Dunn

The Town of Dunn, located south of the City of Madison has a long history of progressive land use planning. The town was one of the first in Dane County to create a plan commission and adopt exclusive agricultural zoning. The town's land use plan, first adopted in 1979, serves as a model of good planning for other rural communities. Much of the

leadership for developing the plan came from town residents who work at the University of Wisconsin.

With just 5,400 residents, only 10 percent of the town is developed for residential use. Almost 20 percent of the land is wetland, forests and other open space uses. Most of the rest, or about 62 percent, is in agricultural use. The town is situated at the south end of Lake Waubesa and the west side of Lake Kegonsa, and lies within the extraterritorial boundaries of the rapidly growing cities of Madison, McFarland, Stoughton, Fitchburg and Oregon. About 3,000 acres of farmland in the Town was developed for residential uses between 1978 and 1995.

In 1993 the town board established a task force on farmland preservation, which brought in experts, and surveyed town residents about various options to preserve farmland. The task force recommended that the town use its power to acquire land for conservation purposes to purchase development rights on farmland that was threatened with conversion. To accomplish this, the funds to purchase the development rights had to be authorized in the annual budget at a town meeting.

A graduate student in environmental studies was hired by the town board to educate the residences about purchase of development rights, and a "Cost of Community Services" study was commissioned to show the trade-offs in the form of tax revenues and expenditures for different land uses. An advisory referendum was scheduled for September 10, 1996, at the town hall.

The education program included a series of meetings with eligible landowners and the public, newsletters and fact sheets. A group of local residents formed Friends of Rural Preservation to push for a "Yes" vote on the referendum, which passed 531 to 412. The town board proposed increasing the property tax by 50 cents for every \$1,000 of equalized valuation to pay for the purchase of development rights. The budget, with the tax increase in it, was approved at a town meeting, and the first PDR was purchased on April 27, 1997. In addition to the tax revenues collected by the town, several thousand dollars have been raised from donations from local residents.

THE COST OF DEVELOPMENT IN THE TOWN OF DUNN

A Cost of Community Service study was completed for the Town of Dunn in 1994, using 1993 as the base year. The initial analysis shows that agriculture/forest/open space lands create the least tax burden while residential lands create the most, but that residential property generates most of the tax revenues collected by the town. Residential uses generated 92 percent of the town's total tax revenues and 98 percent of its expenditures, while agriculture, forest and open space uses combined generated only 5.5 percent of the town's tax revenues and less than 1 percent of its expenditures. Based on these percentages, the argument can be made that farmers subsidize residential development through their property taxes, so it is only fair that they be reimbursed to keep the land undeveloped through purchase of development rights.

A commission has been formed to develop criteria for selecting parcels for PDRs, and solicit applicants. According to the town's coordinator of the PDR

program there are several farmers interested in the program. The town has applied for federal funds to help pay for future PDRs.

Town of Oregon

In 1981 the Town of Oregon, which lies six miles south of Madison on Dane County's southern border with Green County, adopted a land use plan that did not include exclusive agricultural zoning. Ten years later, the town board appointed a committee to update the land use plan. On July 12, 1994, the board adopted a new plan and accepted exclusive agricultural zoning for the Town of Oregon. What happened between adoption of the two plans is an interesting study in farmland protection efforts in Dane County, Wisconsin.

The Town of Oregon is predominantly rural, but there are a number of scattered unsewered residential developments in the town, mostly concentrated in the rolling, heavily wooded Brooklyn Moraine that passes through the center of the area from northwest to southeast. The rural, wooded setting attracts people who work in Madison, but want to live in the country.

As a result, the population of the unincorporated area of the town increased by 35 percent between 1980 and 1990, from 1,798 to 2,428. The Village of Oregon, in the northeast corner of the town, has a population of 5,943. This population growth rate was much higher than the county as a whole, and more than the Village of Oregon, which grew from 3,876 to 4,519 during the same period, a rate of 16.6 percent. This rapid increase in population brought demands for a new middle school, and more traffic problems. It also brought a new breed of resident into the town.

The median age of town residents was 32.6 years, according to the 1990 Census, and the largest number of people were employed in educational services, professional services, health services, public administration and retail trade. The median household income was \$50,337 for residents in the unincorporated area and \$36,746 in the Village of Oregon, as compared to \$32,703 for Dane County as a whole. Although agriculture, forestry and fisheries continues to employ a large number of town residents, these occupations are rapidly becoming a small percentage of the total work force.

In just 10 years, the town had become an enclave for middle class professionals, and one of the fastest growing towns in Dane County. Almost all of these new residents were living on large, unsewered lots in the rural areas of the town. Between 1983 and 1990, 163 new parcels were created in the town. Most of these (152) were created by certified survey, while only 11 were created by subdivision. A new wave of platting activity is predicted as most of the lots in unsewered subdivisions created between 1970 and 1980 were close to being built out.

The prediction that more platting is expected, combined with the fact that most of the town was zoned A-1 Agriculture District, which allowed single family residences on 20,000 square foot lots as a permitted use, set the stage for development of the new land use plan. The Town of Oregon was at a critical turning point, and if the current trend of rapid population growth continued, the Town would change from a rural, agricultural community to an urban area.

At first an ad hoc Land Use Plan Committee didn't recommend that the town adopt exclusive agricultural zoning because it had been such a "hot issue" back in 1981. But attitudes had changed, and one of the larger farmers in the town, who opposed the zoning in 1981, was now a strong supporter of protecting farmland. The Town Planning Commission decided to hold several public hearings and working sessions to discuss updating the plan. They also distributed a Public Opinion Survey to all town residents and property owners. The results of the meetings and survey showed strong support for protecting both farmland and the rural character of the area. This translated into doing away with the A-1 zoning and adopting exclusive agricultural zoning.

At the same time, the plan recommended designating significant ground water recharge areas within the town as a "Ground Water Recharge Overlay Category." This special plan overlay category was intended to protect ground water in designated recharge areas by limiting the density of residential development and restricting the use of potential ground water contaminants. The maximum density allowed is one dwelling unit per 20 acres of contiguous land. The contiguous land could be farmland zoned "Exclusive Agriculture." This provision was another reason for adopting exclusive agriculture zoning.

The updated Town of Oregon Land Use Plan was adopted by a unanimous vote of the Town Board, without much opposition, and exclusive agriculture zoning was adopted in January 1995. Since then, 18 requests to rezone land in the "Exclusive Agriculture" zone were passed by the county and one is pending, while several petitions to rezone were denied by the county.

Town of Middleton

The Town of Middleton is one of the most densely populated townships in Dane County. A total of 420 new lots were created in the town through subdivision from 1988 through 1996, 310 of these were created in the last two years. The City of Middleton approved 615 new subdivision lots during the same time period, while expanding its Urban Service Area by 426 acres.

During the last 40 years the City of Madison has expanded into the Town of Middleton, until about one-half of the town was absorbed into the city-limits. There is only one dairy farm left in the town, and most of the remaining farmland is owned by non-farmers. Nevertheless, about 40 percent of the town is still undeveloped, mostly in farms, nurseries and open space uses. None of the farmland is eligible for the state farmland preservation credits because there is no exclusive agriculture zoning in the township.

Instead of using exclusive agricultural zoning, the Town of Middleton has decided to take a different approach to control land use. In response to the growing population in the town, and expansion of the cities of Middleton and Madison, the town board has chosen to encourage low-density residential development on unsewered, large lots to block annexation of additional land by the two cities. This is essentially a defensive position taken by the town board to keep from "being eaten-up by Madison." The town board implements this approach to limiting growth in the township through its land use plan and subdivision ordinance.

The town board developed a land use plan designed to preserve large areas of open space,

natural resources and small farms. The plan recognizes farming as an open space use, but chose to emphasize passive uses of open space, such as parks, wildlife refuges and nature preserves over farming as a preferred use of the remaining open space. Some farms have been acquired to prevent their development. The plan also calls for creation of greenbelts around the cities to discourage additional annexations of land.

The Dane County zoning ordinance permits single-family residences on 20,000 square foot lots in areas zoned "A-1," but the town rarely allows this type of development. Lot sizes are regulated by the town through its subdivision ordinance. The town requires a minimum of 1 1/2 acres of land for a lot in their subdivision ordinance, or a minimum of five acres if the land isn't subdivided. The town's subdivision ordinance also allows clustering of homes on 20,000 square-foot lots, but requires a 2-to-1 ratio of open space for each acre of land developed.

Because both the town and the county have subdivision ordinances, a developer has to comply with both. In addition, the cities of Middleton's and Madison's subdivision ordinances apply within their respective extraterritorial areas. The cities have negotiated an agreement with the town that governs annexations and review of subdivisions in the extraterritorial areas. The town agreed not to contest annexations of land that is contiguous to the cities in exchange for a limit on the use of the cities' extraterritorial authority to review subdivision plats.

The Future of Farmland in Dane County?

As the statistics on conversion of farmland from exclusive agricultural zoning to other uses indicate that current farmland preservation programs and policies are not slowing the rate of conversion of farmland in Dane County. The county's population is forecasted to increase by 100,000 between 1995 and 2020, with the smaller cities and villages accommodating much more of this growth. The Dane County Regional Planning Commission, Dane County, City of Madison and the Wisconsin Department of Transportation have drafted a new "Vision 2020 Land Use and Transportation Plan" for Dane County, which was adopted by the Dane County Board on November 21, 1997.

The "Vision 2020" plan continues the County's goal to protect agricultural lands by limiting non-farm development in agricultural areas, and by promoting compact urban development. A phone survey of Dane County residents done in November 1996 found that 92 percent of those surveyed support preserving farms and rural areas, while 88 percent want growth directed to planned areas of the county.

To accomplish these goals, the Vision 2020 plan recommends that most of the remaining rural areas in the county be designated as "Agricultural Preservation Areas," while allowing cluster development on well and septic systems in designated "Rural Development Areas." The draft plan also recommends the use of creative tools such as purchase or transfer of development rights to implement the plan. A report on transfer of development rights program options was presented to the county board in May 1996. The report recommended that transfer of development rights be included in the county's land use and transportation plan, and that interested cities, villages, and/or towns be identified for an Intra-municipal or inter-municipal TDR pilot program. The Dane County Board adopted a resolution on

October 9, 1997, directing the Department of Planning and Development to develop a pilot TDR program

The combination of increasing demand for rural residential lots and the low prices being paid for milk is forcing many dairy farmers to sell out to developers. Phase-in of Use Value Assessment of farmland will remove the tax incentive for farmers to participate in the state Farmland Preservation Program, but will reduce the property tax burden on farmers in rapidly growing areas like Dane County. The Wisconsin legislature is considering changes in the program to replace the tax credit with some other form of tax incentives to farmers who participate in the program, but no bills have been introduced.

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Purchase of Development Rights (PDR), Fact Sheet. (no date)

Town of Dunn, Cost of Community Services by Land Use. July 25, 1994.

Vote YES! for Rural Preservation. PDR Purchase of Development Rights. Friends of Rural Preservation. (pamphlet)

People Interviewed

Rob Kennedy, State Coordinator, New Transportation Alliance. Madison.

William Schaefer, Staff Attorney and Planner, Citizens for a Better Environment. Madison.

Bill Wenzel, Director, Wisconsin Rural Development Center. Mt. Horeb.

Mike Coullarid, Wisconsin Department of Revenue. Madison.

Dean Severson, Land Use Planner, Dane County Regional Planning Commission., Madison.
Thomas Smiley, Director of Community and Regional Development Planning, Dane County Regional Planning Commission. Madison.
Keith Foye, Section Chief, Wisconsin Department of Agriculture, Trade and Consumer Protection, Division of Agricultural Resource Management. Madison.
Vicki Elkin, PDR Coordinator, Town of Dunn. McFarland.
Jeanie Sieling, Director of Planning and Development, Dane County. Madison.
James Van Deurzen, Dane County Board, Supervisor, Town of Black Earth.
James Gregorius, Zoning Administrator, Dane County. Madison.
Tom Hovel, City Planner, City of Fitchburg.
David Wiganowski, Supervisor, Town of Burk.
Edwin Tellard, Supervisor, Town of Middleton.
Greg Lefound, Town Clerk, Town of Middleton.
Elene Kelly, City of Middleton.
Monica Slaght, Planning Commission, Town of Oregon.
Todd Sutphin, University of Wisconsin, School of Natural Resources, Madison.

Views expressed are those of the author(s) and not necessarily those of the American Farmland Trust.

CAE/WP97-13 You may purchase a print copy of this paper by contacting Teresa Bullock, Phone: (815) 753-9347, E-Mail: tbullock@niu.edu.

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