

*Practices
and Attitudes Regarding Land–Use in
Waukesha County, Wisconsin, 1996*

By

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Introduction

Waukesha County, located immediately west of Milwaukee County in east central Wisconsin, encompasses 580 square miles. With its proximity to Milwaukee and its unique landscape of hills, kettles, lakes and streams, Waukesha County is a pleasant place to live. As subdivisions and strip malls rapidly replace farmland throughout the entire county, many current residents believe that suburbanization and the disappearance of farmland is inevitable. However, the type of growth that is occurring is not inevitable. Development occurs as a result of a collection of rules, practices and attitudes that determine how, where and when growth occurs.

The Current Situation

According to 1990 data, Waukesha County is both an agricultural and urban county as the amount of land used for agriculture and for urban uses is approximately equal. In 1990, 72 percent of the total area was non–urban land. Thirty–seven percent of this land was comprised of wet and woodland and surface water. Eleven percent consisted of quarries, landfill sites and other open lands, and the remaining 53 percent was agricultural. Although the agricultural land base has declined significantly over the past three decades due to the conversion of farmland to urban uses, land in agriculture accounted for 38 percent of the total area of the county in 1990. Urban land, land used for residences, commerce, industry, government, recreation and transportation, accounted for 28 percent (160 square miles). Sixty percent of this urban land was residential in nature (S.E. Wisc. Regional Planning Commission).

Although agriculture is still the predominant land–use in Waukesha County, farmland is rapidly being converted to urban uses. Much of this conversion consists of sprawling residential developments. Sprawl is characterized by low–density, scattered residential development, with onsite septic systems and private wells, located outside of planned urban service areas. By its very nature, sprawl significantly increases the rate and amount of farmland developed for urban uses. Between 1963 and 1990, 43 square miles or 48 percent of the 90 square mile increase in urban lands occurred as a result of sprawl (S.E. Wisc. Regional Planning Commission).

It is this phenomenon of sprawl that has caused the decline of farming in Waukesha County and will be the cause of farming's demise if it cannot be stopped. Many factors have converged during the past 30 years to contribute to the rise of sprawl and the subsequent decline of farming. The following sections outline the primary causes of sprawl in Waukesha County: government structure, urban pressures, on–farm factors and historical and current government policy. It is important to understand that strong–held attitudes and beliefs underlie these causes and the causes are interrelated.

Government Structure: Powers, Restraints and Implementation

State

The authority to make land–use decisions lies with state government. However, Wisconsin has relinquished most of its land–use decision making power to the municipalities, counties and towns by passing legislation enabling local governments to regulate the zoning and subdivision of land. The state Interagency Land–Use Council recently endorsed this principle by recommending to the governor that state involvement in land–use issues be limited to the provision of pertinent information and the coordination of existing planning activities between municipalities, towns and counties. George Meyer, head of the State Department of Natural Resources, summarized current beliefs about the role of state government in land–use by saying, "Land–use is a local issue, and the state should serve as an information source" (Hafemeister, p. 9).

Although the state does not directly control local land–use decisions, many state actions do effect land–use. For example, decisions regarding environmental regulations and transportation can encourage or discourage growth. In addition, the state government impacts the viability of farming through the Wisconsin Farmland Preservation Program and the Wisconsin Farmland Assessment Act. State actions and their effects on land–use will be addressed in the sections entitled "Urban Pressures" and "On–farm Factors."

Cities and Villages

Waukesha County has seven cities and 18 villages which encompass 36 percent (206 square miles) of the total area. Each city and village is governed by an elected board that possesses both administrative and legislative powers. In cities, the board consists of council members and a mayor. In villages, the board is comprised of a president and two to six trustees.

Under Wisconsin statutes, municipalities have the power to exercise home–rule (the power to govern themselves). Home–rule allows cities and villages to make development decisions that cannot be challenged by county or town governments. Although the state can intervene in specific situations, it rarely chooses to involve itself in zoning, subdivisions and annexations.

As cited above, cities and villages are authorized to create and enforce zoning and subdivision ordinances within their municipal limits. In addition, municipalities can annex unincorporated land contiguous to a municipal boundary if the landowner petitions for annexation (town and county governments are virtually powerless in preventing these annexations). In order to plan for annexation, first– through third–class cities (10,000 or more inhabitants) have the power to regulate development in unincorporated land within three miles from the municipal boundary and fourth class cities (under 10,000 inhabitants) and villages can regulate land–use within one and a half miles from the municipal boundary (WI Statutes 62.23(7a)). This is called "extraterritorial planning and zoning."

Although four cities and five villages have plans to annex land, annexation will have little effect on the general rate of development. Waukesha County, unlike many other counties throughout the country, does not require new developments to have access to facilities and services (such as sewer and water) that are often obtained through annexation. Therefore, annexation is not a prerequisite to the development of land, and approximately 50 percent of current development is occurring outside of municipal boundaries. Annexation may, however, affect the zoning. For example, a businessman encouraged the Village of Big Bend (which does not have sewer and water) to annex 765 acres of land because he was unsatisfied with township and county zoning controls. Much of the land to be annexed had five–acre zoning under township ordinances, but the village plans to zone most of the land as one–acre lots.

A subdivision plat review is required by the state whenever five or more lots of 1.5 acres or less are created at one time, or over a five year period. Any city, village, town or county can adopt a subdivision ordinance that is more restrictive than the state regulations (WI Statutes 236.45). All but two villages in Waukesha County (both of which are nearly developed) have their own subdivision control ordinances. In extraterritorial areas, the most restrictive subdivision ordinance of the applicable local government is enforced.

Counties and Towns

Waukesha County's unincorporated territory encompasses 64 percent (374 square miles) of the county and is governed by the county and the applicable town governments. The county has jurisdictional power in the unincorporated area of every township; whereas, each town government exercises power over unincorporated land in a specific township. The county is governed by an elected board with both administrative and legislative powers. The county board consists of 35 district supervisors and a chairman. In theory, town government is run by town meetings, democratic assemblies open to all town residents. In reality, an elected board runs the town government on a day to day basis with monthly board meetings and an annual town meeting. The town board consists of the town chairman and two to five district supervisors.

Decisions affecting land–use within the town (excluding the area regulated by municipalities through extraterritorial power) are regulated by the legal relationship between the county and the applicable town. Under Wisconsin Statutes, towns can adopt village powers. Village powers give towns the

rights of villages in all matters except those specifically delineated in the statutes regarding towns. Towns with village powers are allowed to adopt zoning ordinances that overrule the regulations of an existing county ordinance if the town ordinance is approved by the county board (WI Statutes 60.62(3)). Subsequent rezonings must also be jointly approved by the town and the county. Therefore, if a county and a town cannot agree on a proposed rezoning, the existing zoning remains in effect. In Waukesha county, the County Zoning Code is applicable in the towns of Genesee, Oconomowoc, Ottawa and Vernon. The nine remaining towns have adopted their own zoning ordinances under village powers.

Towns and/or counties are allowed to adopt ordinances regulating subdivisions (236.45(2)). If the town and the county have subdivision ordinances governing the same area, the most restrictive ordinance applies. Waukesha County has a subdivision control ordinance that regulates development of shore and floodland, but does not have a subdivision control ordinance which applies to all lands within the unincorporated area. Conversely, each town has adopted its own subdivision ordinance. Therefore, the subdivision of land in the unincorporated areas is primarily regulated by the town ordinances.

With local governments having the power to make land–use decisions, it is important to understand that voter turnout in local elections is significantly lower than the turnout for national and state elections. Therefore, land–use decisions are often made by local governments without hearing the voice of most residents. In the Town of Merton, for example, only 678 people out of 5,000 registered voters cast a ballot in the spring 1996 town government election (Town of Merton, p. 1). The majority, if not all, of the major landowners/farmers voted in this election, while most non–farm residents did not.

Urban Pressures

The inexorable pressure for more urban land in Waukesha County creates a market in which farmers are able to sell their land to developers for top prices. Many factors combined together create the extreme urban pressure felt in Waukesha County in late 1996. These factors include, but are not limited to, population growth, rising employment opportunities and the decentralization of jobs, the existing affinity for single family dwellings in a low density residential situation, the widespread availability of electric power, low cost fuel for car travel, the development of road systems which create adequate transportation to formerly rural areas, mound septic systems and regulations which support the use of these systems, the real estate market and the tax system through which local governments receive revenue. In addition, the uncertainty of development patterns increases the pressure on farmland everywhere in the county.

Transportation

Prior to the 1960s, Waukesha County was served by rural roads. In 1996, Waukesha County is crossed by four freeways running primarily east and west. In addition, north–south and east–west arterial routes occur at one to three mile intervals throughout the entire county. Together these freeways and arterial routes provide transportation from the western, southern and northern parts of the county to the eastern edges and the Milwaukee area. With 83 percent of the roads operating under capacity, travel from one area to another is relatively fast and efficient. It is this ability to travel easily by car or truck throughout the county that has opened much of the rural area for residential, commercial and industrial development and contributed to scattered development patterns.

In addition to personal auto travel, Waukesha County has bus, rail and air service. Bus routes exist within the City of Waukesha and between the city and downtown Milwaukee. Rail freight service is provided throughout the county with 107 miles of active mainline, and air transportation needs are served by three small county airports and Mitchell Field International which is located just south of Milwaukee.

Although the existing transportation system has accommodated urbanization during the past thirty years, an updated system will be needed for continued residential, commercial and industrial growth. For example, the eastern end of the county is particularly congested on I–94 just outside of Milwaukee County. The 20 mile stretch of I–94 between downtown Milwaukee and Waukesha carries a daily average of 160,000 vehicles, twice its design capacity. Furthermore, with new commercial, industrial and residential buildings being constructed daily, there is a constant demand

for the modernization and expansion of the current road system.

Decisions made regarding I-94 and other roadway projects will impact the development patterns of Waukesha County. Any improvement in the system will most likely encourage more development in the area. An updated system that depends almost exclusively on road improvements will make it possible to continue development outside planned urban service areas. A system with increased transit use might slow the development of farmland by encouraging a more centralized development pattern, however, with the extensive road system that already exists, greater transit use will not seriously impede growth. Little or no improvements will create the only scenario that seriously retards growth and slows the conversion of farmland to urban uses.

Although the county and state government transportation plans currently favor personal auto use over mass transit, air quality may jeopardize those plans. Waukesha County has an extremely high level of ozone, creating a health hazard. In order to reduce the creation of ozone and comply with federal standards as set forth in the 1990 Clean Air Act, additional restrictions on emissions of ozone-forming chemicals must be imposed on industries and vehicles. Certain industries may be prevented from locating in the county and transportation systems that increase the number of single occupancy vehicles will have to be re-evaluated. However, there is a chance that none of this will occur; the state Department of Natural Resources recently announced that it will not impose additional regulations on area businesses and vehicles because the areas' ozone problem is largely attributed to winds carrying pollution from distant states. If the U.S. Environmental Protection Agency does not back down on its requirements and the DNR does not impose additional restrictions, the EPA has the authority to cut federal funds for highway projects. The outcome of the standoff will impact the nature of future transportation.

Population and Employment

Waukesha County had more than 320,000 residents in 1996 and is the third most populated county in Wisconsin. The county achieved this status due to a 255 percent population increase between 1950 and 1990; the population of the seven county Southeastern Wisconsin Region, of which it is a part, increased by only 46 percent during the same time period. Migration, including the decentralization of population away from Milwaukee County, is the primary cause of the population increase. Waukesha County is the second fastest growing county in the state and is expected to reach a population of 425,000 by the turn of the century.

Employment opportunities have paralleled population increases in Waukesha County during the past few decades. Although jobs continue to be located in the city of Waukesha and the eastern cities and towns of the county, since 1975, a dramatic increase in jobs has occurred further west in the county. The Villages of Mukwonago, Sussex and Hartland and the Town and Village of Pewaukee have also experienced significant employment increases in recent years. Furthermore, commuting to Milwaukee from anywhere in Waukesha County continues to be a viable option.

The service industry is the largest single employer, replacing manufacturing as the largest employer in 1970. Although employment opportunities in manufacturing have doubled since 1970, Waukesha County, like the state and region, has seen a decline in the relative share of manufacturing employment due to the dramatic increase of service-related opportunities. In regard to immediate employment, Manpower Inc. rated the Milwaukee metropolitan area as one of the best places in the country to find a job in the fall of 1996. In Waukesha County, 46 percent of the companies surveyed will be hiring compared with 25 percent nationally. Both nationally and locally, only 10 percent of the businesses surveyed will be reducing employment levels.

It is not possible to pinpoint which came first, population growth or increased employment opportunities. Each has influenced the growth of the other. For example, some people have moved away from Milwaukee in order to have a more rural lifestyle, and businesses have sprouted up to serve them. Conversely, growing businesses have found it financially advantageous to construct new buildings on undeveloped land rather than to redevelop existing structures, and many people have moved to Waukesha County to take advantage of these new job opportunities.

Public and Private Utilities

Urban developments need water, sewage systems, electricity, natural gas, communication capabilities

and solid waste disposal. None of these are lacking in Waukesha County, making most of the land open for development. Of primary importance is the availability of a sewage treatment system. Waukesha County has 10 public wastewater treatment plants which served 17 percent of the total area and 72 percent of the population in 1993. Houses in planned urban service areas not currently served by these sewer systems and houses in areas outside planned urban service areas rely exclusively on onsite septic systems. According to local land-use plans, all but one of the planned urban service areas and some of the unincorporated areas will have sewer systems once the county is fully developed. At that point, approximately 82 percent of the total population will be served by public sewer.

On-site septic systems have been a major contributor to urban sprawl and the conversion of farmland because they allow development in rural areas. Today there are two types of septic systems: the traditional and the mound system. The traditional system must be placed in specific soils to work effectively, while the mound system can function in many soil types. With the use of the mound system, rural lands with soils not suited for traditional systems can now be developed and soil type is basically removed from the factors that limit urban development.

Public water is currently supplied by 16 municipal and 61 private or cooperatively owned water supply systems. In 1993, 12 percent of the area and 58 percent of the population was served by such systems. The remaining residents are served by private wells. Additional development will easily be accommodated by new and existing water systems or private wells. Hook-up to electric power, natural gas and communication services is readily available. In addition, solid waste disposal needs are presently served by two landfills and additional landfills will be opened as needed.

Real Estate Values

There is a high demand for the conversion of Waukesha County farmland into single-family dwellings. This demand results from the market value for housing, current policy on capital gains tax, the widespread desire for an urban/rural lifestyle, the lack of development restrictions and the fact that residents are relatively wealthy and can often afford new housing. The median family income is \$50,000, compared to the statewide average of \$35,000.

Today, Milwaukee ranks seventh among the top 10 U.S. cities in regard to home equity growth. Property values have risen steadily in the Milwaukee metropolitan area (of which Waukesha County is a part) during the past decade, resulting in a strong real estate market that shows few signs of slowing down. Unlike the east and west coasts, the Milwaukee market has not fallen victim to huge upswings or downswings in home values, sparing homeowners the agony of selling devalued property and buyers the frustration of buying overvalued houses. This stability has made home investments one of the most secure investments for Milwaukee area residents during the past ten years. Residential values have risen on average 7.1 percent a year since 1986. This is a 74 percent increase during the 10 year period. With a 40.6 percent rate of inflation during the same period, many homeowners have built considerable equity. Despite this rise in value, however, homes are not highly valued compared to other markets, and many experts believe the steady upward pressure on housing values will continue. By one estimate, a \$275,000 house in the Village of Sussex would be worth \$875,000 in San Francisco (Merisalo, p.57).

With the federal tax policy on capital gains, home buyers often regard buying large homes with more land as financially advantageous. The tax policy exempts from taxation any gain on a residence if the sales price of a home is reinvested in a home of greater value, persons moving from areas in the United States where homes are higher priced than Wisconsin may be inclined to spend more on a new home to avoid the capital gains tax. In addition, many long-time residents of the area have experienced considerable home-equity growth and are now able to afford a bigger home. It is not uncommon to see a long-time resident of one subdivision move down the street to a new subdivision with bigger houses and more land (one and three acre lots are the norm). With these trends, and the current market, approximately 60 percent of new housing construction in Waukesha County consists of large expansive homes known as executive housing (average size is approximately 3,000 square feet).

In addition to the financial advantages of settling in Waukesha County, people are buying houses in the area simply for the urban/rural lifestyle that many areas of the county currently provide. Ten

thousand years ago, a glacier covering the southeastern region of the state melted and formed the Kettle Moraine, a land mass that traverses the western portion of Waukesha County. It is the scenic beauty of the Kettle Moraine with its hills, lakes, rivers and farmland that attract people to the area, and it is the availability of land that allows them to stay. Developers are finding that residents want open space and large lot sizes of one, three and five acres; the suburban lifestyle with half acre lots is no longer in high demand. Unfortunately, the widespread desire for large lot sizes has accelerated the pace of farmland conversion, and Waukesha County residents are destroying the very lifestyle they moved to the area to attain.

Despite an increase in the construction of new housing, lower income families and elderly households are being excluded from the Waukesha County housing market. With home appreciation, property taxes often increase. In some cases, the corresponding tax increase may force homeowners to move from the neighborhood. In addition, most of the towns and some cities and villages do not provide for smaller homes because they are considered to be a financial burden on local governments. With over 90,000 county workers, approximately half of the total job force, earning \$22,500 in 1989 (\$27,000 in 1994 dollars), many workers are now having difficulty affording homes and paying property taxes. Many of these workers must live outside the county. If this trend continues, Waukesha County may no longer be regarded as a prime location for business because of the inability to find workers.

Government Revenue

Property Values and Property Taxes

Property taxes are the main source of revenue for local governments. Development decisions directly affect local property values; therefore, the potential effects of a new development on prevailing property values is a major concern of local planning. In general, development and redevelopment increase the value of property and expand the tax base. Without an equal rise in the cost of services, an expanding tax base may result in a declining tax rate and lower taxes. Therefore, government officials try to attract development that is fiscally positive, development that pays more in taxes than it demands in services. If, however, the costs of services associated with the new development are greater than the rise in property values, taxes will increase. Furthermore, a lower tax rate does not necessarily mean a lower tax bill because general inflation can raise property values faster than the tax rate declines.

As of January 1, 1996, the total equalized value of Waukesha County property had reached \$22.4 billion, second in the state only to Milwaukee County's value of \$32 billion. Residential development accounts for 80 percent of the total assessed value, while retail property is 18 percent of the total. Manufacturing, agriculture and other land uses each are less than 1 percent of the total assessed valuation of the county. This was \$1.4 billion (or 6.8 percent) more than its value in January 1995 and nearly three times its 1980 value of \$8.3 billion. The \$1.4 billion increase included \$583 million in new construction of which \$442 million were residential construction, and \$112 million and \$27 million was commercial and industrial construction, respectively. Villages and towns experienced the fastest rates of growth due to widespread residential construction.

County officials have expressed satisfaction with growth during the past year because they believe the development was of high quality and can pay for the increase in service costs. The reality, however, is that although the tax rate will drop when the 1997 budget is finalized, the total amount of taxes paid will increase slightly. In addition, there is evidence that the county and towns are feeling the increases in service costs as a result of new development. The county is currently wondering how it will fund road improvements, and many school districts are experiencing significant cost increases with the construction of bigger schools as more families with school-age children move into the area. Local governments are trying to find solutions to these budget shortfalls by either increasing the tax base with new development or by finding ways other than the general property tax to fund cost increases. Unfortunately, neither solution is working and both are contributing to sprawl and the conversion of farmland to urban uses.

Despite the words of the County Budget Manager, "The less you grow, the more you have to raise through property taxes," growth does not always lower taxes (Skalitzky, p.3B). In addition, seeking alternative ways to fund the costs of sprawl will help divert taxpayers' attention from the real costs of sprawl. In most cases, the taxpayer pays the bill regardless of tax source. Examples of alternative

financing mechanisms and their impact on taxpayers and development patterns are addressed in the following three sections.

Roads

According to Dan Finley, the Waukesha County Executive, \$6 million will be needed annually for county road improvements to serve future development, and the traditional revenue sources are not capable of supporting these necessary expenditures. The county has relied on the property tax and on state aid and grants as revenue sources. In 1995, the property tax accounted for 38 percent of the funds generated and state and federal assistance accounted for 31 percent. Any additional revenue is generated from fines, licenses, service charges, investment incomes, loans, interdepartmental revenue and fund balance appropriations. According to state statutes, the county can generate revenue from a 0.5 percent county sales tax, a local motor vehicle registration fee and impact fees on new development. Although Waukesha County had not yet exercised these options, the county executive strongly urged the county to develop a county-wide transportation impact fee in July 1996. He proposed that developers pay \$192 per single family home and \$.46 to \$1.11 per square foot of retail, office and industrial developments in order to generate \$3.1 million annually. The proposal was struck down 17 to 16 by board members who believed that impact fees would deter companies from locating in Waukesha County.

Without the ability to generate funds through an impact fee, the county executive is now proposing a cost-sharing plan called the Partners' Plan. According to the plan, the county will continue to pay for improvements of existing roads, but municipalities will be required to pay for half of the expenditures needed for road expansions caused by new development. Each municipality will determine how to raise its portion of the funding. The county executive recommends that local governments use tax increment financing to fund the projects, but local impact fees, special assessments or property taxes could also be considered. Although there is no information regarding the general consensus of all local governments, neither the Village of Hartland nor the Town of Merton is interested in the cost sharing plan. Both have stated that county roads should be paid with county money.

New Development

Tax Incremental Financing is a local financing mechanism used by cities, villages and towns to attract private development in a designated area through the use of public investment. The funds to finance the improvements within a TIF district are generated by the taxes collected on the increases in taxable property values within a 23 year period. Taxes collected from the property within a TIF district at the time of its creation continue to be distributed among the various taxing jurisdictions just as taxes from property outside the district are distributed. Additional tax revenues derived from the increased value of property within the district are allocated to a special fund to pay for public improvements. The unavailability of the incremental tax revenues to the other tax districts such as the county and schools increases the likelihood that county and school budgets will experience shortfalls.

Twenty-six TIF districts existed in 14 Waukesha County villages and cities in 1993. To qualify for designation as a TIF district, at least 50 percent of the property must be blighted, in need of rehabilitation or conservation, or suitable for industrial use according to Wisconsin Statute 66.52 (66.46). Therefore, TIF is primarily used for the redevelopment of downtown areas or to build new industrial parks. Although in some counties the redevelopment of downtown may significantly slow the conversion of farmland to urban use, this is not the case in Waukesha County. With rapid industrial and commercial expansion being allowed in the county, redeveloped downtown areas cannot fully accommodate the influx of commercial and industrial businesses. In addition, much of the development occurring outside municipalities is not business-related but is suburban or rural residential development. Most of the people who seek these homes do not want to live downtown even if downtown areas are redeveloped. As a result, farmland is in demand for development despite the use of TIF.

Although farmland cannot be considered a blighted area according to the statutes governing TIF, it can be considered an area suitable for industrial use. Under 66.52, the state declares that it will promote industrial development in order to provide residents with greater employment opportunities and relief from tax burdens through an expanded tax base. Therefore, cities, villages and towns are authorized to pay for industrial development through the use of tax increment financing. For example, the City of Muskego is proposing to develop an industrial park on 260 acres of farmland with the use

of tax increment financing.

Schools

A total of 62 percent of property taxes collected in 1993 in Waukesha County were used to fund elementary and secondary schools. With such a sizable portion of property taxes going to schools, communities are concerned about the impact residential development has on local school budgets. Governor Tommy Thompson has tried to alleviate the property tax burden by putting more money into school aid than the previous four governors combined. However, taxpayers, including farmers, never felt that relief because school spending increased at the same rate. A new law in 1994 simultaneously increases state aid and implements school budget cost controls. Wisconsin Act 437 promises to increase the state share of public school funding from 40 percent to 66.7 percent by 1997. In order to receive the aid, schools must cap their budget increases at 3 percent a year. With teacher salaries and benefits accounting for 75 percent to 80 percent of operating expenses, a salary cap of 3.8 percent a year has been instituted. Prior to this, teacher salaries often increased by at least 6 percent a year. According to the Governor, total property tax collection will decrease by about \$1 billion and farmers will get the property tax relief that they have been seeking (Thomas, p. A7).

Increased state aid for Arrowhead High School, located in the Village of Hartland, has allowed the school district to lower the tax rate by 21.8 percent for 1996. However, Wisconsin Act 437 is not all that it appears. Schools districts affected by significant increases in enrollment often need to construct new buildings. Arrowhead High School will be needing new buildings when enrollment reaches 2,000. As of mid 1996, 1,770 students are enrolled. A 3 percent a year budget increase will not be enough to pay for new construction. Therefore, Wisconsin Act 437 allows school districts to pass referenda to increase tax rates. The residents of Swallow School District, located in the town of Merton, recently approved a \$3.5 million referendum that would increase the tax rate by \$1.16 for a 20 year period.

On-Farm Factors

Despite being known in the first half of the century as Cow County, USA, Waukesha County has experienced a decline in agriculture. Although statistics show that 25,000 or 12.5 percent of the population in 1990 had farm or farm-related jobs, more than three-fourths of those jobs are in wholesale and retail trade (this includes businesses such as wholesale grocers). Only 1,740 people are directly employed in farming (with approximately 690 farms) and related agricultural services such as farm management, custom chemical application, custom crop harvesting, veterinary services, dairy herd improvement associations and artificial insemination. The remaining jobs are provided by indirect agribusiness industries such as chemical and fertilizer mining, miscellaneous textile products and food machinery manufacturers, and processing and marketing. Golden Guernsey, a division of Foremost Farms, is the only remaining fluid milk plant in both Waukesha and Milwaukee counties, and gone forever are dairy processors such as Hawthorn Melody, Sealtest, Pabst, Kraft, APand Borden.

Why did Waukesha County experience a decline in agriculture?

Being fully aware of their proximity to Milwaukee (not more than 35 miles), Waukesha County farmers decided 30 years ago that eventually they would sell their land for development. They knew that urbanization would eventually reach their farmyards, and they knew that in the absence of use-value assessment and other tax credits, property taxes would be higher than in other rural areas of the state. Therefore, according to these farmers, farming would no longer be viable. Despite the fact that very little in life is inevitable, the mere fact that farmers believed development was inevitable has conditioned all aspects of their business and personal planning and has fulfilled the prophecy of development.

Today, most farmers publicly say:

- ◆ Property taxes are too high; therefore they cannot make a living.
- ◆ None of their kids want to farm; therefore, there is no one left to inherit the farm.
- ◆ The land is their retirement; therefore, they need to sell it for development.
- ◆ There are not enough contiguous acres of farmland; therefore, they cannot expand and/or continue to farm long-term.

- ◆ The nearest implement dealer is in a neighboring county; therefore, it is difficult to get needed equipment and services.

But these reasons are only symptoms of the real barrier to farmland preservation – urban sprawl and widespread uncertainty about the future pattern of development. Urban sprawl has given the farmer the potential to sell his or her land for more money than can be gained through farming, and the overwhelming majority of farmers cannot find any substantial reasons to sacrifice the possibility of receiving such an offer. In 1992, actual farmland sales (without buildings and improvements) ranged from \$1,200 per acre to \$8,632 per acre. Therefore, some farmers in Waukesha County have been offered \$1 million for 120 acres; for other farmers it is only \$400,000. In any case, the financial rewards from development are always better than selling the land to another farmer.

Profit and Property Taxes

One cannot argue with the fact that property taxes are higher in Waukesha County than in many other counties in the state. In 1992, the average Waukesha County farmer's tax per acre (excluding buildings and machinery) was \$40.06; whereas, the state average was \$15.74. Although profit margins are diminished by higher property taxes, property tax is only one part of the total cost of production. In 1994, the property tax accounted for 8.3 percent of the total cost of farm production, and, while this is a significant expense, it will not break the bank of a good businessman who looks at a myriad of ways of increasing production while lowering most expenses. A farmer who farms approximately 2,000 acres in the Town of Merton has confirmed the fact that property taxes do not have to prevent one from having a viable farming operation. According to this farmer, use–value assessment will have little effect on his profitability because property taxes are just a small part of a farmer's expense.

But many farmers do not have as large an operation as the 2,000 acre Merton town farm. The state average is 228 acres, while the average farm size in Waukesha County is 135 acres. Many farmers have not expanded their operations because of their belief that it is not possible to be viable over the long run in Waukesha County. Others have refrained from expansion or other investments simply because they know that eventually they will sell for development and need not make the highest possible profit now. Farmers use property taxes as the most visible reason for their failure to be profitable, but the answer is not that simple. For example, one Merton town farmer publicly complained that farming in Waukesha County is not viable. "How can you say a farmer can exist in Waukesha County? I lose money every single day I get out of bed" (Stevens, p.17). With the average farm selling \$63,684 of agricultural products and spending \$51,218 on production expenses for a net profit of \$12,466, it initially appears that this farmer's comments are accurate (UWEX, p. 6). However, this same farmer privately stated that if she and her husband expanded their operation from 30 cows to 150 cows they could make a go of it. In addition, the County Conservationist reports that farmers have always maintained that property tax relief would allow them to continue farming, yet, with the adoption of use–value assessment, they are now saying "great, but not my land" (Shaver, personal interview).

Government Programs : Tax Relief

Farmland Preservation Program

In 1977, the state legislature established the Wisconsin Farmland Preservation Program. Under this program, Waukesha County farmers are entitled to income tax credits if their land is part of an exclusive agricultural zoning district. An area of land can be zoned as exclusive agricultural if the individual farms within the area have 50 percent or more of their soils classified as "prime" or are "of statewide significance," are at least 35 acres in size and are part of an agricultural area of at least 100 contiguous acres. Although large areas of Waukesha County farmland met the criteria for becoming an exclusive agricultural district in 1977, most farms could not participate in the program because these agricultural districts were not written into local zoning ordinances.

Seven years later, in 1984, Waukesha County adopted the Waukesha County Agricultural Land Preservation Plan to promote the Wisconsin Farmland Preservation Program. In accordance with the plan, exclusive agricultural zoning districts were incorporated into the Waukesha County Code thereby enabling farmers under the jurisdiction of this code to participate in the farmland preservation program and take advantage of income tax credits. However, each municipality and the majority of towns are not under the jurisdiction of the Waukesha County Code, and, despite the recommendation

of the plan, many of these local governments did not adopt agricultural zoning districts.

It is probable that many local governments did not implement the Farmland Preservation Program because the rules are inadequate to attract wide participation.

- ◆ Tax credits are insufficient. Credits are based on gross household income from both non-farm and farm sources. If income is greater than \$37,000 and taxes are over \$6,000, the maximum tax credit a farm family can receive is \$600.
- ◆ Most farmers want the option to sell for development which is not possible with their land zoned as exclusive agricultural.
- ◆ Farmers in the program are penalized for selling to developers through a fee equal to the total income tax credit for the previous 10 years.

As of 1994, 134 landowners in Waukesha County were participating in the program. The average tax credit was \$1,205 or about 25 percent of the average tax bill of \$4,750. Despite this participation, the plan has done little to prevent farmland conversion in Waukesha County. Many farmers in the program are now considering selling for development. Certainly, these farmers will be required to pay the penalty fee, but this is a small price to pay in comparison to the profits gained by selling to developers.

Use-Value Assessment

The Wisconsin State Legislature passed a law in 1995 to assess farmland on the basis of its use-value rather than its market value. The legislation froze the assessed value at existing levels for 1995 and 1996. After 1996, assessed values will be reduced to use values over a 10 year period. Farmland affected by this law is defined as land used for raising livestock or for the production of crops. Non-pasture wet and forestland are not eligible. Currently, the law is under attack by some city governments and taxpayer groups concerned about the loss of revenue and shift of tax burden to non-farm property owners.

Unlike the Farmland Preservation Program, all agricultural lands regardless of zoning are assessed according to use-value, and only those landowners who sell their land after owning the land for less than five years are required to pay a penalty. This penalty is equivalent to 5 percent of the difference between the sale price and the use-value during the last year of ownership. Thus, while the new program may be expected to provide substantial property tax relief to all owners of farmland, it will do so without attaching any significant restrictions on the land. Bryce Luchterhand of the Wisconsin Rural Development Center accurately sums up the problem with use-value assessment. He said, "Use-value assessment is not a farmland preservation law. There is nothing about the law that causes the continuation of farming" (WEI, Agriculture and Land-Use Conference).

Farmland, even without the use-value assessment law, is often assessed significantly below the market value (note: assessed value is not supposed to approximate market value). For example, in 1993 the market value of farmland was approximately \$3,500 an acre, while the assessed value in the Town of Mukwonago was \$1,100 an acre. Vernon farmland was assessed at \$1,300 an acre, and Waukesha farmland at \$1,650 an acre. Although these assessments are a higher proportion of time cash value than if the land were assessed according to use-value, farmers are already paying taxes at less than full valuation levels. As in many states, local assessors give de facto tax incentives to farmers.

Certainly, Waukesha County farmers have financial difficulties to overcome, some of which are unique to the county; however, farmers throughout the entire state of Wisconsin are facing financial difficulties. After all, farming is a business. But many farmers in Waukesha County pay more attention to potential sale at development prices than to making the investments and other choices necessary to remain competitive and improve farm income.

Retirement

Today, the average age of a Wisconsin farmer is just over 55. In addition to social security, land is a farmer's retirement pension. In the past, most farms were passed to one's children. Today many farmers sell their land to someone other than their children because many farm children do not want to farm. This is the case in Waukesha County where most farm children were raised with the notion that farming is not viable and prefer job opportunities other than farming.

When a farmer does not pass his farm on to his children, he sells the land. In an urbanizing community, the farmer often sells to a developer; whereas, in a rural community, the farmer sells his land to another farmer. Certainly, in an urbanizing community, the farmer could sell his land to another farmer, but he can make more money by selling it for development.

The Domino Effect

When one farmer sells for development, the entire farming community is affected, as it starts a cycle that may not end until almost every farm is gone. A farmer in the Town of Vernon, for example, has a son who wants to farm, but he is convinced that it will be impossible in Waukesha County due to the lack of available land. The family currently farms rented land that will eventually be sold for development by its owner. Therefore, to be a viable farm, the family will need to rent more land or buy land. Buying more land in Waukesha County is virtually impossible because the family cannot compete with the price paid by a developer. Renting land is an option; however, as more and more families sell their land for development, there will be less rentable land that is attractive for farming. Many Waukesha County farmers already operate relatively small blocks of land that are scattered among urban lands. So the young eager farmers will likely move to the next county or state where land is available and cash from the Waukesha sale will provide a larger farm. The Internal Revenue Service makes such moves attractive by waiving or deferring capital gains tax on an exchange. The domino effect is completed.

Property Rights

Farmers are generally adamant about having the right to do whatever they want with their land and often become politically involved to preserve this right. For example, 55 landowners in the Town of Merton presented a letter to the town board stating that the group is against yearly allotment of building permits and larger lot zoning. They advocate for "letting economics be the control for handling the pace of development" (Siewert, 3/2/95, p.1). Because the people turn out for town elections and generally elect the board, their views are usually listened to.

Advantages

Despite any limitations that exist for farmers at the urban fringe, Waukesha County farmers have several advantages over farmers in non-urbanizing areas. Economic advantages include the ability to capitalize on the urban desire for open space and rural recreation through farm tourism, fairs and festivals, the availability of off-farm jobs to provide additional income and the opportunity for direct sales with the use of roadside stands, farmers markets, nurseries and greenhouses. In fact, nurseries are a rapidly growing part of Waukesha's agricultural industry. In addition, the Waukesha County farmer and his/her family have better public services than most rural areas and are closer to cultural events. Finally, Waukesha County has fertile soil. Currently, 36 percent of the total area of the county is covered by soils classified as national prime farmland according to the Natural Resource Conservation Service. Many other areas of the state do not have such fertile soil.

Government Policy: Past and Present

Current Zoning

Urban Residential Zoning

According to 1993 data, 52 percent of the county (302 square miles) is zoned for urban residential use. Almost 90 percent of this land is zoned equally for low-density and suburban-density development. Of the 302 square miles zoned for urban residential use, 165 square miles is currently undeveloped, much of it still in agriculture. Upon full development of such lands, an additional 230,000 persons will be accommodated. This is about 73 percent more than the 1990 population of 304,715, and under an intermediate growth scenario, full development will not be reached for 50 years. The over-abundance of land zoned for residential use creates scattered and incomplete neighborhoods that lack sufficient public services and break up prime blocks of farmland. In addition, overzoning discourages farm investment due to the ever-present ability to sell for development.

Conservancy Zoning

Conservancy zoning consists of lowland and upland districts. Lowland districts are primarily wetland where nearly all types of structures are prohibited. Upland districts consist of woodland, areas prone to erosion and related scenic areas, and development is allowed at a density of one dwelling unit per

five acres. The Southeastern Regional Plan 2010 asserts that approximately 29 percent of the entire county needs to be zoned for conservation to prevent widespread environmental damage. Only 19 percent of the county was zoned for conservation, 18 percent as lowland and 1 percent as upland in 1993.

Prime Agricultural Zoning

Land zoned as prime agricultural must be used for agriculture and must be at least 35 acres. Although the Southeastern Regional Plan 2010 recommends that 25 percent of Waukesha County's land remain in agriculture, only 8 percent of the land is currently zoned as prime agricultural land. The city of Muskego, the towns of Eagle, Mukwonago, Oconomowoc, Ottawa and Pewaukee account for 92 percent of all such lands. An additional 2 percent of county land is zoned as "other agricultural districts" with minimum parcel sizes ranging from five to 34.9 acres.

Commercial and Industrial Zoning

Two percent of Waukesha County's land is zoned for commercial use and 4 percent is zoned for industrial use. Under an intermediate growth scenario, full development of these lands will not occur until the year 2050. As noted above, overzoning will encourage sprawl development.

The Genesis of Current Zoning

Current zoning throughout the county does not reflect the recommendations of the Southeastern Wisconsin Regional Planning Commission. The reasons for this lack of congruency can be summarized by understanding the history of zoning, the legal relationship between the county and the towns, and the preferences of farmers. Prior to the creation of SEWRPC in the early 1960s, the entire county was zoned primarily as one-acre lots. At that time, urban pressure was minimal and one-acre lots adequately discouraged growth. In 1967, SEWRPC completed the first Southeastern Regional Land-Use Plan. The plan, as noted above, called for more restrictive zoning in order to preserve agricultural land and environmental corridors. Under Wisconsin Statutes, proposed zoning changes needed the approval of both county and town governments otherwise one-acre zoning would remain in effect. Therefore, the county could not impose SEWRPC recommendations on the towns and was limited to approving any town proposals that were more restrictive than one-acre zoning. The zoning in 1996 is basically a reflection of the changes proposed by the towns in the 1970s. Although some towns desired protection of environmental corridors and prime agricultural lands, most towns resisted placing severe development restrictions on their land. For example, the Town of Merton zoned the entire town for one- and three-acre lots.

Government Policy: The Vision for the Future

County Development Plan: Objectives and Guidelines

With concerns regarding the current patterns of development and the need to better coordinate joint decision-making between the county and towns regarding the development of unincorporated areas, Waukesha County began in 1993 to prepare its first county-wide land-use plan. The Development Plan Advisory Committee designed the plan to meet three objectives.

- ◆ Promote relatively compact, centralized development by encouraging new development within or near existing urban centers and prevent the development of areas where sewer, water and mass transit are not provided.
- ◆ Preserve, in open and natural uses, the remaining environmental corridors.
- ◆ Preserve the remaining prime farmlands

These objectives are identical to the objectives of the regional land-use plan prepared by SEWRPC. However, there are two significant differences between the sets of rules guiding the creation of the two plans.

- ◆ The definition of prime agricultural lands.
- ◆ The method for determining the amount of land allocated to the various land-use categories.

The Waukesha County Development Plan Advisory Committee identified prime agricultural areas as land in farm units of at least 35 acres, with at least 50 percent of the area covered by USDA designated prime farmland soils and in a contiguous block of similar farmland of at least five square miles in size. The omission of soils of statewide importance and the increase in the farming block size criterion from 100 acres to five square miles, or approximately 3,200 acres, substantially reduced the

amount of land that qualified as prime agricultural land in Waukesha County. In formulating these standards, the advisory committee stated that it was attempting to balance the need to preserve agricultural resources with the difficulties faced by farmers in maintaining farms in an urbanizing county with inexorable pressure to convert farmlands to other uses.

The amount of land allocated to the various land–use categories in the county plan was based on local plans rather than the traditional 20 year forecast of population, household and employment levels that governed the creation of the regional plan. According to Wisconsin statutes, counties are required to incorporate into the county development plan duly adopted village and city plans. The statutes do not, however, explicitly prescribe the treatment of plans adopted by towns acting under village powers, nor do the statutes provide direction in the case of conflicts created with extraterritorial planning. The legal opinion of Attorney Richard A. Lehmann was sought, and he stated, "a town/village powers master plan would not be required to be incorporated in a county development plan and that s59.97(3)9e does not give controlling force to a town plan adopted under s62.23" (Lehmann, p.7). Therefore, the advisory committee was not required to incorporate into the county plan the provisions of all adopted city, village and town plans. However, with the hope of achieving a locally–acceptable and implementable land–use plan for the county, the committee chose to adopt those plans (including extraterritorial planning) which were consistent with county development objectives. In areas where local land–use plans do not exist or were inconsistent with county objectives, the county plan was drafted to meet county objectives. Unfortunately, the adoption of local plans creates a plan known as a build–out plan (conditions to be met upon full development in approximately 2050) which allows overzoning and encourages sprawl.

The Development of the Plan

The advisory committee reviewed existing local plans to determine if they were consistent with county objectives. As of June 1995, 28 of 38 communities had local land–use plans. Overall, municipal plans were judged to be substantially consistent with county development objectives; whereas, town plans were generally less consistent. Of the 13 towns, 11 have land–use plans. Four of them were considered consistent and 7 were inconsistent with at least one of the three county objectives and some with all three. Six town plans, Delafield, Eagle, Lisbon, Merton, Mukwonago and Summit, accommodate widespread residential development outside planned urban service areas without immediate accessibility to public sewer and water, and most allow the development of prime agricultural land and environmental corridors. In summary, of the 28 city, village and town land–use plans, 20 were found to be substantially consistent with county development objectives and were incorporated directly into the preliminary county land–use plan. For the remaining eight plans, those parts that were consistent with county development objectives were incorporated into the county land–use plan and the inconsistent parts were not.

The Preliminary County Development Plan

Urban Land

The "Development Plan for Waukesha County, Wisconsin" was adopted by the county board on November 26, 1996, the first county plan in south eastern Wisconsin. Urban land includes residential, commercial, industrial, governmental, institutional, recreational, transportation, communication and utility land uses. In 1990, these areas comprised about 26 percent of the total area of the county. According to the preliminary plan, urban land would account for 41 percent of the total area of the county, increasing substantially from 148 square miles to 240 square miles. Urban residential land, a part of the total urban land and defined as residences with more than one dwelling unit per five acres, would increase from 19 percent to 30 percent of the total area of the county. Urban residential development includes high density (less than 6,000 square feet per unit), medium density (6,000 to 19,999 square feet per unit), low density (20,000 square feet to 1.4 acres per unit) and suburban density (1.5 to 4.9 acres per unit) development. Of the total planned increase in urban residential land, 60 percent would occur at low density or suburban density and 38 percent would occur at medium density. Only 2 percent would occur at high density thereby providing virtually no low–income housing. Commercial and industrial land will double from 2.5 percent of the total area of the county to 5.4 percent.

Non–Urban Land

Non–urban land consisting of environmentally sensitive areas, prime agricultural land, other

agricultural and rural residential land and extractive and landfill sites will comprise 59 percent of the total area of the county. Land designated as environmental corridors and areas of isolated natural resources are considered to be Waukesha County's remaining environmentally sensitive areas of prime significance. The land within these areas consists of 29 percent of the total area of the county and include wet, wood and floodland, wildlife habitat areas and land contiguous to streams and inland lakes. The preservation of environmental corridors and isolated natural resource areas in essentially natural, open uses will do much to ensure a high level of environmental quality. In addition, the creation of serious and costly environmental and developmental problems such as flood damage, poor drainage, wet basements, failing building and pavement foundations, excessive infiltration of clear water into sanitary sewers and water pollution will be avoided. According to the plan, development should only be allowed in upland conservancy areas (approximately 2 percent of the entire area of the county) and should be restricted to one dwelling unit per five acres.

Prime agricultural land will account for only 2.9 percent of the total area of the county. Such land is envisioned to be preserved in agricultural use through the use of exclusive agricultural zoning. This is a loss of 47.7 square miles of farmland from 1990, or a reduction of 73.8 percent.

Rural residential and other agricultural land comprise 18 percent of the total area of the county. This category includes land used for hobby farms, horse farms and rural residential development. Farmers may continue to farm this land, though it does not meet the advisory committee criteria for prime agricultural land. Development cannot occur at a gross density of less than one dwelling unit per five acres; however, the plan recommends the use of clustering to confine the dwelling units to a portion of the site while retaining the rest in open space. It is the hope of the advisory committee that five acre zoning will alleviate environmental problems inherent in the use of onsite sewage disposal.

After the advisory committee completed the Preliminary County Land–Use Plan, it was submitted to local governments for review. Many town governments were outraged by the plan. Their collective vision for the community and their land–use plans as previously noted were significantly different from the county's vision and plan. The general consensus was to "take the word farming out of the plan" (Stevens, p.17). Although the advisory committee was reluctant to remove prime agricultural areas from the plan, they were forced to do so as a result of their own definition of prime agricultural land. Land in nearly all of the five square mile blocks designated as prime agricultural land had been recently subdivided unbeknownst to the advisory committee. Therefore, only a few five–square–mile blocks of farmland remain.

With the new information regarding the recent subdivision of farmland, the land–use plan was revised. Although the Revised County Land–Use Plan is similar in many ways to the preliminary plan, it identifies significantly less prime agricultural land than did the preliminary plan. In the preliminary plan, 52 square miles of land were identified as prime agricultural land; in the revised plan, only 17 square miles or 2.9 percent of the total area of the county is identified as prime agricultural land. Large areas of land formerly classified as prime farmland were reclassified as urban land, rural residential, other agricultural lands or other open lands to be preserved. This allows for a 4.2 percent increase in developable land.

Town governments were generally pleased with the revised plan because prime agricultural zoning districts were removed almost entirely. The only area that is designated for agriculture is a small area in the northeastern corner of the county. If the revised plan is adopted by the County Board, virtually every farmer will have the county's official support in developing his or her land, and rezonings of prime agricultural land will be easily obtained. According to Kurt Bauer of SEWRPC, "clustered development will be about the only way that the county will save what privately owned open space is left" (Gould, p.5A). Virtually every person interviewed for this project agreed with Kurt Bauer's assessment.

Conclusion

Planning, zoning and special tax laws have failed to protect prime agricultural land in Waukesha County. With the lure of profits from selling to developers, operators of both profitable and non–profitable farms have pushed for zoning ordinances and land–use plans that allow the development of agricultural land. Virtually the entire county is now zoned for development, and it appears as if the majority of agricultural land remaining will soon be lost forever.

Despite the grim forecast, agriculture can still be saved in Waukesha County with innovative tools requiring public and private partnerships between farmers and the non-farming community.

◆ **Public Partnerships**

The county or individual town and municipalities can raise money to purchase development rights from interested farmers. Those farmers interested in continuing to farm would keep their land and gain income equal to the value of the development rights. Farmers interested in retiring could receive the full value of their land by selling the development rights to the community and the land at its agricultural price to another farmer. This would allow the retiring farmer to receive substantial compensation for his land and enable another farmer to begin farming.

County staff has requested assistance from SEWRPC to prepare a study on the purchase or transfer of development rights for consideration for use in Waukesha County.

◆ **Private Partnerships**

Individuals with an interest in having a home with a rural setting could buy a farm at its development price, build a house on one or two acres and establish a conservation easement restricting the remaining land to agricultural use and allowing the owner to take a tax deduction. Subsequently, the land would be rented or sold to a farmer according to its agricultural value. For example, at \$3,000 an acre, a person could buy a 100 acre farm for \$300,000. By putting a conservation easement on the land, the owner is allowed to take a tax deduction equal to the difference between the market value and the agricultural value. In most cases, 100 acres would not be enough land for a viable farming operation; therefore, several such individuals may have to buy tracts of contiguous land thereby allowing a farmer to rent or buy from several people. This approach would not work for everyone, but is an option to be considered.

The fact that these preservation tools exist, however, will do nothing to save farming in Waukesha County without public will, leadership, public education and support from the agricultural community. Today, very few people, if any, want to see the demise of agriculture and the development of open spaces. Farmers say they are sad to see houses instead of corn or pasture. A developer said it made him sick to look at all the land being developed non-contiguous to the municipalities, and nearly everyone agrees that a future of widescale development for Waukesha County is unpleasant at best. There is strong public desire to preserve agriculture in Waukesha County, but few people know how to do it. Most residents feel powerless as they regard the process of total development of the county.

Waukesha County desperately needs a leader who can harness public action for the widespread desire to save agricultural land. The county and town governments are not willing to assume this leadership. Therefore, a private group of citizens will have to take the initiative. This group of citizens will need to educate themselves and the general public about the social, environmental and economic costs of sprawl, the community benefits of active farming and the public and private partnerships needed to secure a future of their county that they truly prefer.

Even with the presence of leadership and public education, residents may still fail to raise the funds necessary to save agricultural land. At least, they will understand that widescale development is not inevitable. The preservation or conversion of agricultural land occurs because of a community's policies, practices and attitudes.

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

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