

SAVE THE DATE: Saturday, December 6. The Conservancy's holiday gala, the **Holly Ball**, at Big Foot Country Club. Cocktails, dinner, dancing to live music, and entertaining live and silent auctions. Have an item particularly attractive for either auction? - call us (262/275-5700) to arrange a donation. Credit cards accepted for reservations and auction purchases.

Conservation Subdivision Ordinance Closer to Enactment

In a series of workshop meetings designed to educate and solicit feedback, Walworth County has introduced its draft conservation subdivision ordinance to the public, especially interest groups and local government officials. As has been true from inception, the Geneva Lake Conservancy has been deeply involved in the process.

Conservation subdivisions are based upon the identification and set-aside of lands containing significant environmental or other natural features, permitting homes to be clustered on smaller lots on remaining portions of a property appropriate for development. As a general rule (which may vary according to zoning district), no less than 50% of the property is declared off limits to development. Set-aside lands are typically placed in common ownership among homeowners and permanently protected by means of conservation easements held and enforced by organizations such as the Geneva Lake Conservancy or local units of government.

The County's proposed ordinance was drafted with the assistance of Randall Arendt, nationally-recognized expert on conservation development. Arendt has been the featured speaker at conservation workshops in southeastern Wisconsin over the past three years, appearing twice in Walworth County at events sponsored by the Conservancy. He has also consulted with other local jurisdictions in devising similar land use laws and regulations.

Walworth's zoning agency and its land conservation committee, comprised of County supervisors and lay members, are hosting the interactive meetings, while staff of the County's land use and resource management department conduct the briefings. In that fashion, both those who must ultimately enact the ordinance and those who will administer it have the benefit of attendees' wide-ranging opinions on its construction. Issues that have been considered include:

- Whether conservation development should be mandatory or voluntary in all zoning districts under consideration
- Interconnectivity between/among developments
- Dedication to public or private not-for-profits
- Public access and use
- Density bonuses

At the conclusion of the workshops, County staff will fine tune the ordinance and present it to the two oversight committees for approval. A public hearing will then be held and the ordinance, with recommendations, will be forwarded to the County Board for consideration. It is possible the process may be concluded by the end of the year.

Factoids

■ *The Conservancy's Green and Gold Belt Protection Plan identifies for protection 53 square miles of prime farmland and 28 square miles of environmental and other natural features - approximately 18% and 10%, respectively, of the total land area in the southern half of Walworth County.*

■ *69% of the respondents to the Town of Linn Comprehensive "Smart Growth" Plan Survey agreed or strongly agreed that the Town should pursue a Purchase of Development Rights (PDR) program. 75% of the respondents to a 1999 survey of Walworth County residential property owners encourage "preservation of farm land".*

■ *49% of Linn's "Smart Growth" survey respondents are willing to raise their property taxes by \$.50 per \$1,000 of assessed valuation to "preserve rural character". 35% disagree or strongly disagree.*

■ *52% of the Linn survey respondents are seasonal residents.*

— Wish List — PowerPoint Projector

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Organization Ties

The Geneva Lake Conservancy benefits from maintaining ties with other land use-and conservation-related organizations whose missions complement or otherwise affect the Conservancy's. The list (to be continued in later newsletter editions) includes:

American Farmland Trust (www.farmland.org) A national organization with a Midwest office in Madison, AFT is a leading proponent for preserving prime farmland. AFT conducts studies that demonstrate the economic penalties to local governments associated with the conversion of farmland and woodlands to residential uses, and provides technical assistance to organizations and agencies proposing purchase of development rights programs.

Chicago Wilderness (www.chicagowilderness.org) A coalition of over 150 governmental and non-governmental organizations working together through research, planning and policy initiatives, public outreach and education, and grant-making to improve the protection, management and restoration of natural areas throughout the region extending from northwest Indiana to southeast Wisconsin.

The Conservation Fund (www.conservationfund.org) A national organization with Midwest offices dedicated to building capacity for conservation organizations, establishing coalitions to address conservation issues on a regional or geographic feature-specific basis, and attracting large-scale funding in support of coalition activities.

Fox River Watershed Land Alliance A coalition of not-for-profit organizations within northeast Illinois and southeast Wisconsin, working together to protect critical lands and reduce uncontrolled sprawl from the Chicago area. Geneva Lake and Nippersink Creek both feed into the Fox River.

Gathering Waters Conservancy (www.gatheringwaters.org) Madison-based organization providing technical support, training and networking opportunities for Wisconsin land trusts.

Geneva Lake Environmental Agency (www.genevaonline.com/~glea/) GLEA serves as an extension of local governments through monitoring, studying and proposing management options to protect Geneva Lake from negative effects associated with both natural and man-made causes.

VOLUME 40 ISSUE 2

SUMMER 2003 NEWSLETTER

LINN AND THE G&G: Bellwethers for Walworth?

Readers of the last issue of "Update" will recall being introduced to the Conservancy's Green and Gold Belt Protection Plan (G&G), an initiative that identifies and establishes priorities for the protection of environmental corridors, wetlands, forested uplands, isolated natural areas and prime farmlands in southern Walworth County. Culminating an intensive year-long study that utilizes a geographic information system (GIS) to map and overlay land parcels and their distinguishing natural features, the G&G is intended to serve not just a blueprint for the Conservancy's active land protection role but also as an advocacy tool available to assist local and County officials in making land use planning and policy decisions.

Coincident with the Conservancy's planning, the Town of Linn, which surrounds and buffers most of Geneva Lake's north and south shores, has been engaged in a "Smart Growth" update of its land use plan (a mandate under recent Wisconsin law). A draft of the recommended plan was rolled out for public comment at a June 30 meeting attended by 100-plus Linn residents. Matt Peters, project planner from Green Bay-based consultant Foth and Van Dyke, presided, and most members of the plan advisory committee were also in attendance.

Members of long-standing Linn farm families greeted the proposed designation of an "agricultural preservation district", comprised of farmlands south of S. Shore Drive, with a great deal of skepticism, citing conflict between the draft plan's recommended limits on future development in the district and their ability to sell at least some portion of their lands to provide for retirement. Peters cited a plan-initiated survey of Linn residents that overwhelmingly supported farmland preservation and preserving the rural character of the Township; farmers countered with dissatisfaction that "lake people" could dictate to the Town's largest landowners the future disposition of their properties — a classic private property rights versus public interest debate.

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(LINN AND THE G&G cont.)

The Linn draft plan’s recommendation for farmland preservation is not so different from the Conservancy’s. The G&G identifies for protection approximately 4,200 acres of prime Linn farmland, where soil type, productivity, and smaller, fragmented parcels lend themselves to dairying, small livestock, produce, and game, horse and hobby farms. For the most part, those lands lie between Hwy. 120 and the Walworth-Linn Town Line Road, east to west, and S. Shore Drive and Hwy. B, north to south. Although not as extensive in area, the land identified in the Conservancy’s plan is contained within the agricultural preservation district recommended in the Linn plan.

When presented separately to local and County officials and farming interests, the Conservancy’s plan has been well-received. The variety of tools proposed by the Conservancy to implement farmland preservation on the recommended scale include agricultural easements, purchase of development rights (see sidebar), zoning, and tax incentives for hobby farms producing at large-scale farm rates. Also, conservation development is recommended when new subdivisions are sited, better preserving the open, rural character of the landscape, protecting woodlands and wetlands, and preventing excessive stormwater runoff and erosion. Can these proposed options be melded into a comprehensive program that meets the needs of farmers and the greater public preference to safeguard working lands? That’s the challenge faced in Linn and, on a larger scale, all of Walworth County, where development pressures, low commodity prices and rising land prices combine to threaten traditional land uses and the rural landscape that residents and visitors alike find so appealing.

Recognizing that assigning a high priority to the protection of prime farmland places its agenda squarely in the center of the Linn experience, the Conservancy has offered assistance to Linn officials and farmers. This is not to suggest that the G&G plan’s proposals are the only ones worth considering. Instead, it is hoped that the Conservancy’s standing among the interested parties - and access to other resources - might assist in Linn’s planning.

Can the Conservancy help Linn and its farmers find a long-term solution, where farmland preservation and farmers’ retirement objectives become complementary, not conflicting? What about the County’s role? (Walworth has County-wide zoning.) Can the Linn experience be useful as a model for similar initiatives in other townships throughout Walworth County and the County’s land use plan? There is too much at stake for the Conservancy not to be involved.

PURCHASE OF DEVELOPMENT RIGHTS:

What and Why

Purchase of development rights (PDRs), sometimes referred to as purchase of agricultural conservation easements (PACE) programs, are used as a means of protecting high quality farmland. They provide farmers a voluntary option to sell the right to develop their land; in exchange, the land remains in agricultural production - an agreement which, like a conservation easement, perpetually attaches to the land. The farmer is compensated for the difference in value between continued use of the land for agricultural purposes and its development potential. Ownership of the land remains with the farmer, who can sell, transfer or bequeath it, but the restriction against development always remains in force.

PDRs are expensive, which is why most programs are financed and administered by governments, and they’re also very recent to the Midwest (dating back to the 1960s and ’70s in some parts of the East and West). Two Wisconsin townships have PDR programs: the Town of Dunn in Dane County; and the Town of Bayfield in Bayfield County. Dunn’s program, adopted by referendum in 1996, was initially funded by a \$.50 per \$1,000 equalized value property tax assessment and then received a much-needed infusion of capital through a 2001 bond initiative of greater than \$2 million. Development rights on 2,000 acres of prime farmland

have been acquired. In 2001, Kane County, Illinois established a PDR program, the first in the state, drawing upon annual royalties from riverboat gambling operations. The 2002 Farm Bill authorized almost \$1 billion in federal funds, through the U.S. Department of Agriculture, to be available to match state, tribe, local government and not-for-profit development rights purchases.

The American Farmland Trust, a not-for-profit farmland conservation organization with offices in Verona (Dane County), Wisconsin, has identified Walworth County farms as among the most threatened by development pressures in the U.S. Although Walworth is relatively sparsely populated, according to the 2000 Census its 27% growth in the preceding decade made it the third fastest growing county in the state. The Geneva Lake Conservancy’s Green and Gold Belt Protection Plan identifies 34,000 acres of prime farmland recommended for protection - 18% of the total land area - in southern Walworth County. Among them are the Big Foot and Rock prairie regions, generally acknowledged as the richest farmland in the world. Sadly, the farmland east of Janesville, Wisconsin, now lost to that community’s recent explosion of residential subdivision, was equally fertile. Now it grows driveways and backyard swimming pools. How can it be argued that development always represents the land’s highest and best use?

Experts predict that if the current rate of prime farmland conversion is maintained (much less accelerated), the United States could become a net importer of food and fiber within the next quarter century. Preserving prime farmland is not just about wanting to retain rural landscapes and character, it’s about real economic consequences should we fail to do so.

Factoid

Prairie plants put down roots 2-3 times their above-ground height. Little wonder that Eastern “sod-busters” wooden plows had difficulty breaking the virgin Midwestern soils, giving rise to the invention of the steel-bottomed plow by John Lane (not Deere) in 1834. John Deere later patented the tool, incorporating Deere and Company in 1868, which survives today as one of the nation’s oldest and largest manufacturers.

Alliance Aids Conservancy

Land trusts and other conservation organizations in the southeastern Wisconsin/northeastern Illinois area, including the Geneva Lake Conservancy, have combined efforts in private land protection through the Fox River Watershed Land Alliance. (The lengthy name evolved from trying to distinguish the Alliance from other organizations in the region - some of which are Alliance members.) The Geneva Lake Conservancy is the northernmost (and only Wisconsin) partner; the Naperville-based Conservation Foundation is furthest south.

The purpose of the Alliance, spearheaded and supported by funding and staff from the Land Trust Alliance, a national organization with satellite offices in the Midwest, is to leverage members’ individual land conservation initiatives into a regional effort that will expand individual organizations’ capacity and stimulate the creation of connected corridors of protected open space throughout the watershed. Two-thirds of the land area of Walworth County drains to the Fox River, including Geneva Lake. The Nippersink Creek subbasin, which rises in southeastern Walworth County, is the connecting point with the Conservancy’s Illinois partners.

Supported by funding from private foundations, the Alliance proposes to develop educational materials about conservation easements, conduct easement-related workshops for landowners, attorneys, real estate professionals and others, and devise a landowner outreach strategy designed to accelerate the pace and connectivity of individual members’ conservation easement work. GLC executive director Chris Goebel chairs the committee responsible for strategy development.

On behalf of its members, the Alliance is seeking support from several foundations. If successful, the Conservancy stands to gain significant financial assistance for its land conservation efforts in the Nippersink area where 4,500 acres of prime farmland, natural areas, environmental corridors, wetlands and upland wooded areas are identified for protection in the GLC’s Green and Gold Belt Protection Plan.

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