

**RESOLUTION  
ROCK COUNTY BOARD OF SUPERVISORS**

LAND CONSERVATION  
COMMITTEE  
INITIATED BY



THOMAS SWEENEY  
DRAFTED BY

JUNE 19, 2018  
DATE DRAFTED

LAND CONSERVATION  
COMMITTEE  
SUBMITTED BY

**RECOMMEND CHANGES TO THE WISCONSIN FARMLAND PRESERVATION PROGRAM**

1 **WHEREAS**, the Wisconsin Farmland Preservation Program (FPP) was established in 1978 to protect  
2 the states most valuable agricultural lands from development. Two avenues were created via  
3 legislation: local land use zoning or a special agreement with Department of Agriculture Trade and  
4 Consumer Protection (DATCP). The twenty towns within Rock County chose the local land use zoning  
5 as the preferred option. Landowners who participated in the program were then eligible for a  
6 Wisconsin state income tax credit, if they met the financial criteria and the state's soil conservation  
7 standards. The peak years of the program resulted in approximately 1,200 Rock County participants  
8 and 23,900 statewide participants; and,  
9

10 **WHEREAS**, in 2009, the state of Wisconsin made significant changes to the FPP administrative codes  
11 and statutes as part of the Working Lands Initiative, a suite of programs to protect farmland from  
12 development. Among the many changes to the FPP were setting new flat rates per acre for the income  
13 tax credits, adding a process for local areas to establish Agricultural Enterprise Areas (AEA),  
14 establishing a Purchase of Agricultural Conservation Easements (PACE) Program, and finally adding  
15 additional conservation standards; and,  
16

17 **WHEREAS**, since the FPP rules were amended in 2009, the costs of implementing the required  
18 conservation standards has increased to a point where in some cases the cost of participating in the  
19 program has exceeded the available tax credits, which in turn has impacted the program participation not  
20 only in Rock County, currently at 404 participants, but statewide, currently estimated at 12,000  
21 participants; and,  
22

23 **WHEREAS**, the premise of the FPP tax credit was to ensure landowners were compensated for their  
24 conservation stewardship and to help offset the costs of implementing and maintaining the required  
25 conservation practices. To date this program has been the best available tool to ensure conservation  
26 best management practices are being maintained in Rock County and statewide; and,  
27

28 **WHEREAS**, the long term net result of aforesaid changes was a decrease in the value of the tax credits to  
29 maintain the conservation standards which in turn has decreased the overall enrollment within Rock  
30 County and statewide. This decrease in enrollment is alarming and needs to be addressed as soon as  
31 possible; and,  
32

33 **WHEREAS**, as part of the FPP redesign, the state of Wisconsin recognized the importance of PACE as a  
34 valuable tool to complement the long-term preservation of the most valuable working farmlands in the  
35 state and subsequently enrolled 14 participants. The statewide program was defunded due to a  
36 controversial funding mechanism, but remains in the Wisconsin state statutes; and,  
37

38 **WHEREAS**, Local units of government, towns and counties continue to pursue the purchase of  
39 agricultural easements through locally funded programs with, in some cases, United States Department of  
40 Agriculture - Natural Resources Conservation Service grants. Rock County developed a local PACE  
41 program in 2009 and has been very active with this program ever since. Also, numerous Agricultural  
42 Conservation Easements (ACE) have been donated to local land trusts. Many of the donated ACE's  
43 remain eligible for the FPP but are not recognized by DATCP for their true farmland preservation value;  
44 and,

18-6B-040

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45 WHEREAS, Rock County urges the State of Wisconsin to review the Farmland Preservation Program  
46 and increase each existing tax credit category by a minimum of \$2.50 per acre, add a new tax credit  
47 category to recognize landowners with ACEs and set the credit level for easements at a minimum tax  
48 credit level that can be found in the FPP zoned AEA's, and review the program every five years making  
49 the appropriate adjustments that reflect Best Management Practices (BMP) cost changes in the agriculture  
50 sector.


51  
52 NOW, THEREFORE, BE IT RESOLVED, that the Rock County Board of Supervisors duly  
53 assembled this 28<sup>th</sup> day of June, 2018, requests the State of Wisconsin review the  
54 Farmland Preservation Program statutes and administrative codes to increase the allowable tax credits;  
55 amend the program eligibility to allow landowners who have Agricultural Conservation Easements the  
56 ability to participate in the FPP, if they meet the financial and conservation criteria; establish a new tax  
57 credit level for Agricultural Conservation Easements; reestablish funding for the statewide PACE  
58 program through a redesigned funding mechanism; and increase the frequency of review of the Farmland  
59 Preservation Program allowable tax credits to assure they are meeting the basic costs associated with  
60 program participation.

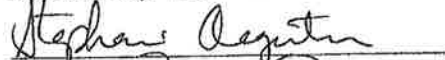
61  
62 BE IT FURTHER RESOLVED, that the Rock County Board of Supervisors directs the County Clerk to  
63 send a copy of this resolution to: Wisconsin State Senators Steven Nass and Janis Ringhand; Wisconsin  
64 State Representatives Amy Loudenbeck, Don Vruwink, Debra Kolste, and Mark Spreitzer; Department  
65 of Agriculture, Trade and Consumer Protection Secretary Sheila Harsdorf; Wisconsin Farm Bureau  
66 Legislative Director Paul Zimmerman, Wisconsin Counties Association – Agriculture, Environment and  
67 Land Use Committee.


Respectfully submitted:

LAND CONSERVATION COMMITTEE

  
Richard Bostwick, Chair

  
Alan Sweeney, Vice Chair

  
Stephanie Aegarter

  
Wes Davis

ABSENT  
Brenton Driscoll

  
Robert Potter

  
James Quade, USDA-FSA Representative

Jeremy Zajac

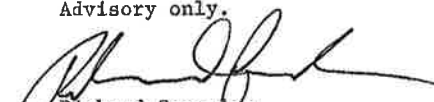
FISCAL NOTE:

No fiscal impact to Rock County.

  
Sherry Oja  
Finance Director

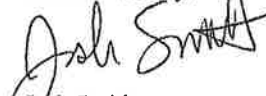
LEGAL NOTE:

Advisory only.

  
Richard Greenlee  
Corporation Counsel

ADMINISTRATIVE NOTE:

Matter of Policy.

  
Josh Smith  
County Administrator

## RESOLUTION

RECOMMEND CHANGES TO THE WISCONSIN FARMLAND PRESERVATION  
PROGRAM

## EXECUTIVE SUMMARY

This advisory resolution recommends changes to the current Wisconsin Farmland Preservation Program (FPP) to address current deficiencies in Wisconsin state statutes and administrative codes. The resolution identifies the current deficiencies and proposes appropriate changes to various issues. In 2009, the Department of Agriculture Trade and Consumer Protection redesigned the FPP. At that time, the changes were heralded by numerous farm groups and conservation advocates statewide as revolutionary. Wisconsin again became leaders in the preservation of farmland. However, over time, issues started to surface and need to be addressed. Rock County has identified the most pertinent issues that need to be addressed to assure that this program does not slip through the cracks and becomes irrelevant.

The FPP has been an extremely beneficial tool not only to the conservation of Rock County's soil and water resources, but statewide. Currently it is the program that drives the implementation of soil and water conservation statewide. Also, the program has been a benefit to the long-term protection of Wisconsin's working lands through planning and zoning efforts adopted by various counties and townships.

The number of program participants continues to decrease at an alarming rate not only in Rock County, but statewide. With the decreasing enrollment in the program another trend that has materialized is a decrease in the soil and water conservation best management systems being maintained on the landscape. The net result is increase in surface and groundwater nonpoint source pollution statewide.

The identified, and to a lesser degree the unidentified, deficiencies in the program are not the only issues that have caused the decrease in programs enrollment. However, the proposed changes should help stabilize enrollments statewide. Finally, if the state takes a proactive approach and reviews the program on a more rigorous schedule, enrollment in the program should increase.