

The “Ultimate” Land Use Study Tour: Lessons from Maryland, New Jersey and Pennsylvania

By Mike Koles, Waupaca County UW-Extension Community Development Educator

What will development bring for your landscape, your community, and your economy? What innovative tools are available to address the “sticky” land use issues? What roles should local governments play in the land use arena? These and a plethora of other questions were addressed



during an October educational tour that examined land use tools, as well as agriculture and urban development programs in the states of Maryland, New Jersey, and Pennsylvania. The program, dubbed ***The Ultimate Land Use Study Tour II***, was the second this year organized by University of Wisconsin-Extension; Wisconsin Department of Agriculture, Trade, and Consumer Protection; and the American Farmland Trust. In total, 98 participants representing a wide range of interests, including farmers, developers, environmentalists, and elected officials at the state and local level, have benefited from the tour.

Why the tour?

According to Greg Blonde, Waupaca County UW-Extension Agriculture Educator, “the goal of the tour is to increase awareness, knowledge, and understanding of alternative land use implementation tools and expand leadership to enable pursuit of these techniques in communities that desire to do so”. It is based on a highly successful program initiated in 1998 by the Michigan Rural Development Council and the American Farmland Trust Great Lakes regional office. Mike Koles, Waupaca County UW-Extension Community Development Educator, who along with Blonde prompted the Wisconsin tours, feels that adults learn best by getting involved. “In education, we have a saying. Tell students and they will forget; show them and they will remember; involve them and they’ll understand. The topic of alternative land use implementation tools is one that you can talk about until you’re blue in the face, but until you actually talk to the farmers and developers that are using the tools, talking is meaningless”.

The tour focuses on these states because they are nationally recognized as leaders in the use of *Purchase of Development Rights (PDR)* and *Transfer of Development Rights (TDR)* programs. When someone owns a parcel of land, they own what is commonly called “a bundle of rights”. This bundle includes many rights, including but not limited to the right to farm, hunt, recreate, lease, sell, bequeath, and develop. The programs used by these states and local governments within them focus on paying a landowner for not developing their property. Stated differently, the right to develop is purchased from the landowner. In the case of PDR the funding source is public and for TDR the funding source is the development industry.

Key Lessons Learned

While in barns of farmers that have sold their development rights and walking through homes built by developers taking advantage of the programs, participants learn the keys to successfully utilizing PDR and TDR. It's immediately recognized that a unique land use attitude exists. In these states, communities encourage sustainable growth for both agriculture and non-agriculture development. In fact, land use programs are not viewed as farmland preservation programs, but instead as agriculture and economic development programs. Working lands are not considered a holding zone for commercial, industrial, or residential development but are themselves viewed as being developed as part of the agriculture economy. Lands designated for urban development are viewed as critical for job creation, housing, and overall enhancement of the quality of life. Bill Hussman, retired developer, told the group, "you've got to have preserved farmland and urban development if you want to have a thriving economy".



Bill Hussmann in one of his developments

Tour speakers communicated that it is critical to determine how much land is needed for agriculture and urban development and create a comprehensive plan to define where each type of development occurs. According to Ralph Robertson, Director of the Carroll County Maryland program and dairy farmer, "without a plan you can go nowhere".

Because many Wisconsin communities are developing plans for the first time, the question was often asked, "How do you do create such a plan?" A two-fold answer was consistently provided. First, determine how much urban and agriculture development you want based on demographic trends and community desires. Second, target urban development toward areas where urban infrastructure exists or will soon be in place (e.g., water, sewer, roads, parks, schools), and focus agriculture development where rural infrastructure exists (e.g., most productive farmland, suppliers, processors, markets). These mostly objective characteristics were the foundation for developing separate urban and agriculture development zones.

Once plans are adopted, many land use programs are used to encourage agriculture growth and urban development. In fact, PDR and TDR are supported by various community development mechanisms. For example, in some communities the public funding used to support PDR isn't allocated completely to purchase farmers' development rights. Instead, a portion is appropriated for urban investment because community leaders recognize the connection between healthy cities and healthy farms.

Another foundational tool used to support these innovative programs is zoning. This was a somewhat unexpected lesson, but speakers shared that the community must create a very low residential density (1 house per 25 acres or more) in the agriculture development zone if agriculture is expected to thrive. The primary difference between using low density zoning in

these states and most situations in Wisconsin is they have provided additional mechanisms, namely PDR and TDR, that allow for property owners to take advantage of land equity.

How successful are these programs?

Tour participants visited with the leaders of some of the most successful PDR and TDR programs in the country. Many of the county based programs that were examined are nearing or have already eclipsed the mark of permanently preserving 50,000 acres. One such county is Lancaster County, Pennsylvania. As of the writing of this article, the county preserved 64 farms and 5,056 acres of farmland in 2006 alone and 664 farms covering 56,345 acres over the 26 years of the program. Lancaster County's level of success would not be possible without a state and local government funding partnership. During April's tour, participants were part of a ceremony recognizing this collaboration and witnessed the provision of \$9.3 million from the state and \$9.0 million from the county to the Lancaster County Agricultural Preserve Board for purchase of development rights in 2006.

Many tour participants initially underwent sticker shock when first told the funding needs but were greeted with a quick response by speakers. The gist of the message was you either pay for it now or you pay for it later. Speakers suggested that failing to preserve farmland brings the costs associated with providing services to new homeowners, loss of the agriculture economy, and loss of the intangibles, such as, open space and the rural lifestyle. There must be something to the argument, because Lancaster County, which lies in the heart of conservative rural Pennsylvania, continues to fund the program and has an annual waiting list of over 200 farmers who want to protect their land.

The bottom line...

Effectively implementing a TDR or PDR program in your county won't happen overnight but can be accomplished when the key steps are taken over time. As illustrated in Figure 1., both a solid comprehensive plan, which separates urban and agriculture development, and zoning that implements the plan and provides for low density housing in rural areas and high density housing in urban areas are required before you can even start talking about PDR or TDR. Once this foundation is in place, a mix of leadership, education, and collaboration of critical partners can lead to the funding support necessary to successfully protect and grow a fundamental cog in many of our county economies.

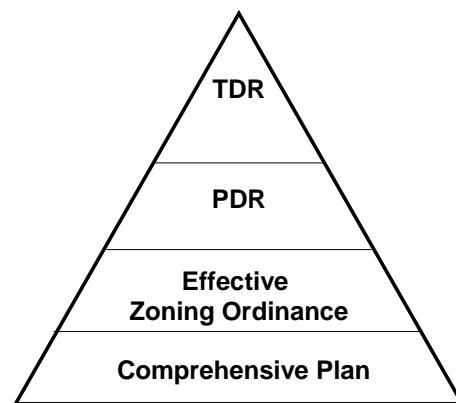


Figure 1. Program Building Blocks

What's next?

University of Wisconsin-Extension is partnering with the Department of Agriculture, Trade, and Consumer Protection to provide another opportunity to learn more about these innovative land use tools. **“Growing Wisconsin: A Workshop on How to Sustain our Working Lands”** is a one-day interactive seminar that will be offered in Menomonie, Kimberly, and Oconomowoc on February 26, 27, and 28, respectively (see below). The workshop will provide attendees with an opportunity to learn from some of the national leaders in protecting working lands. Tour speakers include Rod Nilsestuen, Wisconsin Secretary of Agriculture, Trade, and Consumer Protection; Gene Garber, Chairman of the Lancaster County, Pennsylvania Agricultural Preserve Board; Ralph Robertson, Director of the Carroll County Maryland Agricultural Land Preservation Program; and Scott Everett, Regional Director of the American Farmland Trust's Michigan Office. Attendees will also hear about several Wisconsin projects and network with others from throughout the state. Registrations (\$40 per person) are due February 9.



A Workshop on How to Sustain Our Working Lands



As a follow up to the Ultimate Land Use Study Tour, UW-Extension in cooperation with Wisconsin Department of Agriculture, Trade, and Consumer Protection will host a statewide workshop at three locations on February 26, 27, and 28. The purpose of the workshop is to increase awareness of how to sustain working lands through the use of voluntary programs, such as, purchase of development rights and the required supporting policies. Each workshop will feature Gene Garber, Chair of the Lancaster County Pennsylvania Agricultural Preserve Board; Ralph Robertson, Director of the Carroll County Maryland Agricultural Land Preservation Program; and Scott Everett, Regional Director of the American Farmland Trust's Michigan Office.

Monday, February 26 - Menomonie, Wisconsin

Holiday Manor Inn & Conference Center

Tuesday, February 27 - Kimberly, Wisconsin

Liberty Hall

Wednesday, February 28 - Oconomowoc, Wisconsin

Olympia Village

TO REGISTER or FOR MORE INFORMATION go to:

<http://www.datcp.state.wi.us/registration/landuse.jsp>
or call 608-224-5041