

Chapter 5: Agricultural Resources Element

Credit to Pat Emery, who originally drafted and presented this element.

5.A. Vision Statements

- 1) **The Town of Concord will continue to have the rural character desired by the majority of its residents.**
- 2) **Farmers in the Town will retain the “right to farm.”**
- 3) **Preservation of the continuity and integrity of agricultural zoning districts will allow for the continuation of accepted agricultural practices.**
- 4) **The Jefferson County Agricultural Preservation Policies set forth in [Chapter 5 Implementation of the Jefferson County Agricultural Preservation and Land Use Plan¹](#) [2021 Jefferson County Agricultural Preservation and Land Use Plan](#) will continue to guide the preservation of agricultural lands within the Town.**
- 5) **Agricultural lands will not be replaced by uses other than the cultivation of crops and the rearing of animals to provide food, wool and other products, except for uses accessory to those agricultural activities and small-scale, scattered housing. The viability of agricultural uses will not be compromised by establishment of land uses that are incompatible with farming have the effect of restricting agricultural activity.** 
- 6) **The Town will support stringent requirements for CAFOs (Concentrated Animal Feeding Operations) and any other livestock facility that may have adverse environmental effects.**
- 7) **Non-farmersAll residents will continue to benefit from the aesthetics of their rural properties and the quality of life they currently enjoy.**
- 8) **The current use and aesthetic beauty of agricultural lands will not be compromised bybe protected by preventing large-scale, non-agricultural development such as new residential neighborhood plots or utility-scale solar energy facilities. excessive development or man-made structures** 
- 9) **The town will not see the development of utility-scale solar energy facilities on agricultural land within the town or surrounding communities** 

5.B. Strategies

- 1) **With the exception of strategy 2 below, the Town will follow the Jefferson County Agricultural Preservation Policies set forth in the *Jefferson County Agricultural Preservation***

¹ *Jefferson County Agricultural Preservation and Land Use Plan* (Jefferson County, October 1999/February, 2021), pp. 106–107.

and Land Use Plan, as adopted in ~~February 2021~~ October 1999. The key features of this strategy are as follows:

- 1.a All new homes require rezoning out of the A-1 Exclusive Agricultural District to the A-3 Rural Residential District.
- 1.b For the purpose of determining the number of small parcels, the parent parcel is all contiguous A-1 zoned property under the same ownership (See Appendix B for current A-1, A-2, and A-3 land use policies from the Jefferson County Agricultural Preservation and Land Use Plan, February 2021 ~~October 1999~~).
- 1.c A prime agricultural land lot would be considered by the committee if they determine that no available non-prime land exists or that a prime location provides better protection of land resources.

- 2 The Town will reduce the number of new permitted residential lot splits, as compared to Jefferson County policy described in the Jefferson County Agricultural Preservation and Land Use Plan (February 2021). ~~on non-prime land. The number of allowable splits from 1977 parent parcels will be reduced from 3 residential lot splits to 2 on non-prime land, and from 2 to 1 while still permitting one residential lot split on prime land. Procedures to be followed to implement this strategy are outlined in "Chapter 11: Implementation Element~~
- 3 Establishment of land uses that are incompatible with farming will not be allowed in areas that may reasonably be expected to have a negative impact on the continuation of farming.
- 4 The Town Board will investigate any application for a CAFO to ensure that the proposed facility meets all the requirements set forth in Wisconsin's livestock facility siting law as interpreted by ATCP 51.² It will also investigate any livestock facility that may have adverse environmental effects. The Town Board maintains the right to impose further regulations regarding any adverse environmental concerns associated with these operations including but not limited to: ground water pollution, water quality, air pollution, dust, traffic, noise, odor, and lighting.
- 5 The Town will continue to oppose the development of utility scale solar energy facilities on agricultural land within the town. The Town will maintain a resolution or other form of local policy opposing such a development and establishing minimum siting guidelines. If such a development is proposed or approved, the Town will seek to ensure siting guidelines to mitigate the audio, visual, view, light, noise, vibration, electrical, radio interference, and other effects attributable to solar facilities.³
- 6 The Town will seek to educate farmers regarding the benefits of participation in the Wisconsin Working Lands Initiative Farmland Preservation Tax Credit Program ~~Wisconsin Farmland Preservation Program~~ and encourage their participation in the program (see 5.E.).
- 7 The Town may consider working with the various land trusts that function in this area to preserve agricultural lands through the purchase of land or of conservation easements (see 5.E.).

² Wisconsin Department of Agriculture, Trade and Consumer Protection, administrative rules, chapter 51.

³ List of effects is from Invenergy Solar Development North America LLC, Participation Easement Agreement filed with the Wisconsin PSC for the Badger Hollow Solar Project.

- 8) **The Town may want to undertake an effort to educate the public about these land trusts and conservation easements. Education could take the form of mailings and/or informational meetings where members of area land trusts could be invited to speak to the citizens of the Town.**
- 9) **The Town will work with the Jefferson County Farmland Conservation Easement Commission to identify the best methods for preserving farmland in the Township (see 5.E.).**

5.C. Issues

An increase in the percentage of rented farmland may signal the onset of trends leading to future changes in land use. “While land may remain in farming use, subtle changes in land tenure arrangements may signal important short- and long-term changes in land use. For example, an increase in the use of rented farmland in a community may occur for any number of reasons: [1] The price of land may have been bid up through increased demand for nonfarm development. [2] Or farm commodity prices may have fallen relative to the price of farmland. [3] Or farmers may find that they simply can't 'cash flow the land,' where the mortgage principle and interest payments exceed the income they can expect to gain from production. In such a situation, rental ground is where to make money.... [4] ...farmland ... is owned by nonfarmers.... Studies have shown that absentee ownership and reliance on rented land are linked to faster rates of farmland conversion in urban fringe areas.”⁴ The Jefferson County Agricultural Preservation and Land Use Plan, adopted in February 2021, identified a series of Issues and Opportunities in the county. Of greatest relevance to the Town of Concord are the following:


- Preservation – residents value agriculture and it continues to be an important element of the county's economic, social and visual fabric, with many individuals connected to agriculture as a form of income or activity. Residents also value the preservation of natural resources and open spaces.
- Development Pressure – the county's location, between Madison and Milwaukee, results in growth pressures. This is especially true for communities along the I-94 corridor, including Concord.
- Practice and Policy Modernization – as agricultural practices shift, such as manure management techniques, county policies need to adapt as well (but they tend to lag)
- Water Quality – there is a strong interest in protecting the county's surface water and groundwater resources

5.D. Background and Statistical Data

The Town of Concord is located at the eastern edge of Jefferson County. Historically and presently, it is an agricultural community strongly influenced by its location on the transportation route midway between Milwaukee and Madison. Through the years, it has served travelers as a stagecoach stop, a bus stop on STH 30, and a travel stop on I-94. In addition, the surrounding area was dominated by dairy farms and local cheese factories into the late 1950s and early 1960s.

Over time, the face of agriculture has gradually changed. In 2005 the Town of Concord had five (5) dairy farms, two (2) commercial horse stables, and several vegetable and specialty farms. In large part, crop farming has replaced dairy farming. The major areas of farm (crop) land are owned or rented by farmers raising commodity crops to be sold at market.

⁴ Excerpted from *Wisconsin's Guide to the Agricultural Element*, pp.32–33.

~~Agriculture~~ Agricultural and open lands remains the major dominant land use in the Town of Concord; In 1996, of the 23,243 acres in the Town of Concord, 11,791 acres  were agricultural and an additional 9,057 acres were classified as open land.⁵ Together this agricultural land and open land comprise approximately 90 percent of Concord's total area; as a result the land use is generally rural in character.


~~H~~owever, with regard to employment, agriculture it plays a more modest minimal role in Concord, as with only 1 percent 3% of the Town Concord's employed residents listed farming, fishing, and forestry and mining as their occupation.

- 205 Concord residents, or 10.1 percent of the Town's population, lived on farms.
- Of the employed adults in the Town, 66 worked on farms.

In summary, while the majority of land in the Town of Concord is farmed, only a small minority of residents lists farming as their primary occupation. It appears that a relatively large number of acres are farmed by relatively few farmers, some of whom may not reside in the Town of Concord. A number of other residents farm part-time, have a hobby farm with a few animals and pets, or simply enjoy the atmosphere and recreational aspects of living in an agricultural area

5.E. Conservation Programs *(See Appendix B for contact information)*

Land Trusts and Conservation Easements

Another method for preserving agricultural land is through direct cooperation with Land Trusts. A Land Trust is a nonprofit organization that works to conserve land through acquisition of land or conservation easements. Landowners can voluntarily sell or donate land and/or conservation easements to the land trust and receive compensation in some form. Compensation may be in the form of cash for the sale of their land or conservation easement, or, in the case of donated land or conservation easements, a tax deduction is given for the value of the donation, to the extent allowed by law. The purpose here would be three-fold: (1) to work with these land trusts to preserve the rural character of the Town by decreasing development, (2) *to preserve agricultural lands*, (3) to use conservation easements strategically as a buffer to development in neighboring communities and to make land in areas open to annexation less desirable for such a purpose. Some area trusts include the Natural Heritage Land Trust, Land Trust Network of Jefferson County, Drumlin Area Land Trust, and Tall Pines .

Jefferson County Farmland Conservation Easement Commission

Jefferson County has established a Farmland Conservation Easement Commission to identify the best methods to preserve farmland in the County. This committee hopes to develop and oversee a county program to receive donated conservation easements either alone or in cooperation with a land trust. The committee would ultimately like to develop a program by which they could purchase conservation easements as well as accepting donated easements.

Agricultural conservation easements permanently restrict the use of the land on which they are placed. They preserve farmland by allowing agricultural activities while prohibiting

⁵ Information from the *Jefferson County Agricultural Preservation and Land Use Plan Background Report* associated with the *Jefferson County Agricultural Preservation and Land Use Plan* (Jefferson County, 1999), pp. 164–165.

development and building for non-agricultural purposes. The landowner retains ownership of the land and all rights and liabilities associated with ownership, other than those specifically relinquished in the easement. The easement remains with the land in perpetuity.

More information about this program is available on the Jefferson County website by searching “Purchase of Agricultural Conservation Easements (PACE)”, or by contacting staff in the Jefferson County Land & Water Conservation Department. The web site http://www.jefferson-countywi.gov/jc/public/jchome.php?page_id=906 information about donating an agricultural conservation easement and the potentially substantial federal tax breaks available to farmers.⁶

Purchase of Development Rights (PDR) Programs

Purchase of Development Rights (PDR) uses the value of the development potential of a property as a method of determining the value of a conservation easement.⁷ Some municipalities have instituted a Purchase of Development Rights Program, referred to as PDR, in which the governmental body has established criteria to determine areas that it would like to remain undeveloped or in permanent farmland use. Under a PDR program, landowners voluntarily sell to a land trust (working in conjunction with the municipality) the development value of their land, while retaining full title and ownership of the property. Although PDRs may be partially funded by state or federal grants, the municipality may set aside funds through its annual budgeting process for the purpose of purchasing the development rights to these pieces of land. The Town of Dunn in Dane County has implemented a PDR program. Under Dunn's program the town pays landowners for their development rights, and, in return, the landowners agree, through grant of a conservation easement, that their lands will continue to be farmed in perpetuity. The agricultural easement, or covenant, is binding upon subsequent purchasers.

Wisconsin Farmland Preservation Program Working Lands Initiative

Many Concord farmers participate in the Wisconsin Farmland Preservation Working Lands Initiative Farmland Preservation Tax Credit Program. In brief, this program provides participating landowners who have 35+ acres and whose lands are kept in agricultural use with state income tax credits, and protection from special assessments such as sewer or water utilities. Landowners must be Wisconsin residents, their land must be zoned exclusively agricultural, they must meet certain minimum requirements as concerns gross farm receipts, they must farm in compliance with county soils and water conservation standards, and they must file a conservation plan with Jefferson County. Under the program, conflicting non-farm uses cannot occur near-on these lands. In 2005 over 30 percent of eligible land in the Town of Concord was in the Farmland Preservation Program.

⁶ *Watertown Daily Times* (March 26, 2008).

⁷ <http://www.drumlinaREALlandtrust.org/land-protection-and-preservation.html>