City of Madison
Task Force on Farmland Preservation

FINAL REPORT

Introduced to the Madison Common Council May 2, 2023

Table of Contents

- Executive Summary
  - Task Force Establishment & Purpose
  - Timeline & Process
  - Conclusions & Recommendations
- Statement of the Issue
  - Background
  - What does farmland preservation mean in the City of Madison?
  - The need for farmland preservation in the City of Madison
- Existing Conditions
  - Policy Landscape
    - Need for high level direction and coordination of overall food policy
    - Practices from other localities
  - Land Characteristics
    - Agricultural Soils
    - Brownfields
  - Land Access
    - City-Owned Land
    - Permanent Protection
    - Agricommunities
- Conclusions & Recommendations
- Recommendations
  - Land Use Planning
  - Staffing and Task Forces
  - City Land Leasing and Soil Contamination
  - Zoning & Land Use
- Appendices
  - A. Establishing and Extension Resolutions
  - B. Task Force roster, team composition and list of meeting dates
    - Roster (& Team Affiliation)
    - Task Force Meeting Dates
  - C. Team Charters
    - Policy Review Team
    - Land Characteristics Team
    - Land Access Team
  - D. Team Reports
    - Policy Review Team
    - Land Characteristics Team
    - Land Access Team
  - E. Resource Materials

- Agricultural Leases Policy Memo - 2022
- BT Farms Agri-Community article
- Comprehensive Plan Maps
- Comprehensive Plan Work Group Sunset Memo
- Dane County Pandemic Food System Study
- Edible Landscapes Permit Process
- Food Access Improvement Maps - 2022
- Food & Farmland Comp Plan Strategies
- Food Innovation District Memo
- Guide to planting edible, native and pollinator friendly landscapes in your yard and terrace
- Madison Food Policy Council input on Voit Farm re: Milwaukee Street Neighborhood Plan
- Madison Food Policy Council Memo on loss of productive farmland - 2018
- Madison Food Policy Council Memo on Raemisch Farm - 2022
- Ordinance to allow edible landscaping on City-owned land
- Planning Staff Presentation
- Sustainability Plan Update Presentation
- Sustainability Plan - Goals & Actions for TFFP
- Terrace Treatment Policy
- TFFP Background Memo
- TFFP Topics and Questions - Categorized w Teams
- 2050 Regional Development Framework Final Report July, 2022

F. Maps

- Ag Soils with Transit and Affordable Housing
- City Owned Properties Food Access Improvement Areas
- Community Gardens with Hosts
- Farmland Loss
- Growth Priority Areas with Productive Ag Soils
- Privately Owned Ag Zoned Properties with Food Access Improvement Areas

G. Definition of Terms

- From the Task Force on Farmland Preservation
- From the City of Madison 2018 Comprehensive Plan
- From the Zoning Code

Executive Summary

Task Force Establishment & Purpose

The Task Force on Farmland Preservation was created by the Common Council in September 2022 to research, understand, and apply the decades of City support for food production spaces within its boundaries to the increasingly controversial decisions facing policy makers when valuable agricultural areas are proposed for development. Members were chosen for their expertise and familiarity with the subject matter and with City processes. The Task Force was charged with creating guidelines for decision-makers to help balance development interests with the strong community values that support local food production, local food businesses, and the preservation of farmland as expressed in adopted plans.

Timeline & Process

The Task Force was staffed by Jeff Greger from the Planning Department and innovated a self-organizing and self-management structure with a leadership team that included a Chair, Vice Chair and Secretary. The leadership team kept notes, created agendas, and communicated with Task Force members. The Task Force met monthly from October through December 2022, then biweekly from January through May 2023. Research teams met weekly or biweekly starting in January 2023. Over 30 meetings were held in 7 months. In January 2023, three research teams were formed to focus on Policy Review, Land Characteristics, and Land Access. Each team created a Charter (Appendix C), reported regularly at Task Force meetings, and filed Team Reports to be used in drafting the final report and recommendations. The reports and supportive documentation are located in Appendix D. They contain highly relevant and detailed information and analysis on 16 different topics researched by Task Force members. Similarly, the resources listed and linked in Appendix E provide historical background, expert knowledge, and broader context for the work carried out by the Task Force. Jeff Greger created all the maps in Appendix F which have been extremely useful for visualizing complex patterns. The Task Force reviewed a draft report before submitting it for introduction to the Common Council.

Conclusions & Recommendations

The competition for farmland in Madison is fierce. Emerging farmers desiring to grow food for local markets must compete for land with larger operators growing commodity crops and developers seeking to convert the land out of agricultural use. Meanwhile, consumer and institutional demand for locally produced food remains strong.

The City of Madison currently owns and leases approximately 200 acres of farmland that could be utilized by market growers who are looking for 1-5 acres of land. Creating policies that support land preservation and access for food production requires collaboration among City staff. This collaboration has been made more difficult by the lack of a Food Policy Director to coordinate departments, boards, commissions, committees, and community partners on food policy efforts.

Municipalities around the country have developed approaches that could be adapted to address Madison's stated needs and values. When creating guidelines to help decision-makers balance the desire for urban agriculture with the demand for development, it is important to fairly value the health, economic, urban biodiversity, and ecosystem services supported when land is preserved for food production.

The Task Force on Farmland Preservation developed 47 recommendations in 4 topic areas: Land Use Planning, Staffing & Task Forces, Land Leasing & Soil Contamination, and Zoning & Land Use. An Implementation Matrix identifies responsible parties for each recommendation and the expected time frame of implementation.

Statement of the Issue

Background

In 1962, the Madison community began formally supporting growing spaces with the establishment of the Eagle Heights Community Gardens. The Mayor's Advisory Committee on Community Gardens, recommended by an Ad Hoc Committee in 1997, became the Community Gardens Committee in 2005. The Advisory Committee was the only City body available for the discussion of food-related issues until 2012, when the City established the Madison Food Policy Council (MFPC) and created the position of Food Policy Director in the Mayor's Office. In 2016, the Community Gardens Committee adjourned after formally transferring its responsibilities to the MFPC. During the Imagine Madison process (2017-2018), the MFPC created a Work Group that (1) succeeded in adding food-related goals and/or strategies to every substantive chapter of the City's Comprehensive Plan that can be leveraged to improve urban agriculture in the community and (2) provided clear feedback to the Plan Commission and Common Council on the need for balance between building development and farmland preservation which was largely ignored. At the end of 2020, the Food Policy Director position became vacant and has since been removed from the budget.

MFPC's Urban Agriculture Work Group, which supported food production spaces of all sizes from 2012-2020, was reorganized as the Regional Agriculture & Food Sovereignty (RAFS) Work Group to address issues raised during the pandemic. In 2022, RAFS submitted guidelines and suggested revisions of lease language to City Staff responsible for renting nearly 200 acres of City-owned land for cultivation. RAFS also advocated for the preservation of agricultural lands on the Voit and Raemisch Farms but, in both cases, decisions favored development of housing and commercial space in the absence of formal guidance on the community values that would have been fulfilled by preserving more space for food production. This Task Force was created by the Common Council in September 2022 to provide policy guidelines and recommendations to better inform these discussions and decisions in the future.

What does farmland preservation mean in the City of Madison?

Farmland Preservation is a land-use term typically encountered in rural areas, where programs offer tax credits to provide incentives for keeping farmland in production and protected from development. In an urban context like the City of Madison, it should be thought of as protecting from development a variety of growing spaces that may range from a community garden plot to a multi-acre field. Urban agriculture is commonly understood as farming in urban areas by individuals using human scale technology (hand tools, small tractors) to grow high value, nutritious fresh fruits and vegetables for local consumption made available through sale at local markets and restaurants. The range of practices can include market farms, community gardens, school gardens, year-round production in greenhouses, orchards, rooftop gardens, and the raising of chickens, fish, and bees.

Standard definitions of farmland preservation, and its tax incentive programs, have historically protected large farms and benefited white landowners while excluding communities of color. In Madison, there is a well-documented need to make farmland available on a more equitable basis to historically disenfranchised communities. The rural model also fails where the “highest and best use” criterion for land use decisions tends to dictate development, favoring roads and buildings over continued agriculture on open, well-drained fields to grow the City’s tax base instead of food. But property taxes are not the only way the City can provide for collective community needs, and there is clear demand to make farmland available on a more equitable basis to Black, Hmong, Indigenous, Latinx, and other growers of color in the community who seek to generate subsistence and income from food production.

Protecting growing spaces can provide health, well-being, food security, and economic development for the community at large. Growing spaces also provide ecological benefits and contribute to urban biodiversity, protecting the environment while providing green infrastructure, storm water management (infiltration), and ecosystem services (carbon capture, pollinators). The opportunity to provide these land-based benefits diminishes forever with each acre of farmland that is used for development.

The need for farmland preservation in the City of Madison

Access to farmland within urban areas is a challenge nationwide. Like many cities, the competition for available farmland in Madison is fierce. Emerging farmers compete both with developers seeking to convert the land out of agricultural use and with larger operators growing commodity crops for national markets. Retiring farmers who have invested everything in their operation often have no other option than to sell their land to the highest bidder, who is typically the buyer that will ultimately convert the farmland to nonagricultural use. In Dane County, there are three times as many farmers over the age of 65 as under the age of 35, as these farmers retire and seek to transfer their land to the next owner, the threat of conversion to nonagricultural use looms large.

At the same time that the state of Wisconsin is losing farmers overall, the demand for land that will remain in agricultural use is high. Within the Madison area, there continues to be an interest

in growing food for local markets. A recent poll conducted by Rooted WI, Inc., a Madison urban agriculture and food systems organization that manages the Gardens Network, shows that growers, particularly growers of color producing food for local markets, continue to seek smaller parcels of land for food production. Meanwhile, consumers in Dane County and the City of Madison continue to demonstrate support for local foods and the demand for locally grown products exceeds the supply.

The City of Madison could consider addressing these tensions in multiple ways: First, the stock of city-owned land is a ripe opportunity for creating farmland access for those farmers who cannot afford to purchase land near where they live. Creative and innovative partnerships between cities and nonprofit organizations can create long-term access and stability for growers. Second, ensuring that existing farmland is permanently available for agricultural use creates certainty within the community that space will always be open for food production for local markets. Finally, encouraging development within the city that balances affordable housing with growing spaces can help alleviate the tension between the need for housing and the demand for farmland. Such developments can afford residents a way to produce food for local markets near where they live.

A recent study recommends an audit of land use policies through the lens of incentivizing small- to medium-sized food production in both rural and urban areas. In 2022, the Dane County Pandemic Food System Study was commissioned by Dane County and the City of Madison to explore food system gaps that the COVID-19 pandemic exposed, and the interim solutions that were created in response to the crisis. It was conducted by Sift Consulting LLC, in partnership with members from the Dane County Food Council, a team of community advisors, and data collaborators. The report was released in March, 2023 and can be found in Appendix E. It also highlights the development pressure threatening agricultural land, and the need for better land access for Black, Hmong, Indigenous, Latinx, and other growers of color in urban and rural areas due to the precarious nature of short-term leases and the high cost of land.

Existing Conditions

The Task Force on Farmland Preservation conducted the bulk of its work through three research teams: the Policy Review Team, the Land Characteristics Team, and the Land Access Team. The teams developed charters to define key questions, keep track of their progress, and record the research leading to reports shared out to the full Task Force.

Policy Landscape

The Policy Review Team was composed of Alder Tag Evers; former Alder Rebecca Kemble, and former Chair of the Madison Plan Commission and Madison Food Policy Council Nan Fey. The Team brought decades of experience as Alders, Board, Commission and Committee Members, and as members of Madison Food Policy Council and other city-wide Task Forces, to bear on over twenty policy and process issues identified by the Farmland Preservation Task

Force. These issues included farmland loss data and mitigation strategies, models from other cities/regions, land banking and other protection strategies, local food system infrastructure, City-owned lands and their management, and numerous maps and overlays. The Team also reviewed the City's Comprehensive Plan, Sustainability Plan, Zoning Code, Land Banking Policy, and Ag Lease and Food Innovation District Memos, as well as regional documents including a county-wide Farmland Preservation Plan, Pandemic Food System Study, and Regional Development Framework. They also met with City Staff to discuss various issues and opportunities and develop helpful maps.

Need for high level direction and coordination of overall food policy

The Team's research identified critical gaps in the City's support for urban agriculture and the local food system:

- Absence of city-wide leadership and coordination with the vacancy of the Food Policy Director position
- A misalignment between Urban Agriculture zoning and actual urban agricultural practices, leading to this zoning category being underutilized
- Restrictive state building code regulations that limit the use of season-extending hoop houses, and lack of guidance from the City about how to comply with those regulations
- Land Banking policy and land bank fund prioritizing development only
- Agricultural leases on city-owned lands are short-term, lack transparent processes for access, and have not been updated
- No policy for temporary growing space on city-owned land in transition to other uses exists.
- No comprehensive repository of information and guidance for residents interested in pursuing urban agriculture exists.

Practices from other localities

Around the country, many cities, towns, and villages operate Purchase of Agricultural Conservation Easement (PACE) or Purchase of Development Rights (PDR) programs. These programs purchase agricultural conservation easements from interested landowners. The easement is a voluntary deed restriction that limits the future development of the land and ensures that a property remains permanently available for future agricultural use. The easement compensates a landowner for the development rights and offers an alternative to selling the land for development. The landowner who sells the protected land would receive similar compensation to the landowner who sells the land for development. The difference, however, is that agricultural conservation easements "run with the land", guaranteeing that land remains in agricultural use in perpetuity while allowing future farmers access to that land for a more affordable price. Once land is developed, it is permanently unavailable for agricultural use.

Dane County currently has a Transfer of Development Rights (TDR) program. This program transfers development credits between sending and receiving areas. A property that transfers its development rights is protected with an easement and the landowner is compensated for that

protection, while development projects in the receiving area to which the credits have been transferred are able to take advantage of increased density credits. This program has not been utilized within city limits. Similarly, while Wisconsin has a state Farmland Preservation Program that is implemented at the county level, Dane County excludes land from its Farmland Preservation Plan if that land is within an Urban Service Area. As a result, land within the City of Madison is not currently eligible for county Farmland Preservation Programs.

The City of New Haven, Connecticut recently established a Food Systems Policy Division (FSPD) to coordinate and provide the enabling conditions for co-creating with community members an environmentally sustainable and socially just local food system within that city. FSPD considers equitable and just access to growing space within the city as the foundation for improving everything in the food system from food access and security to creating new jobs and encouraging community development. Together with leadership from community members and organizations, FSPD is creating an Urban Agriculture Master Plan that Food System Policy Director Latha Swamy says “will bring food closer to the people who need and want it, and right in their neighborhood, with gardens and farms that the community has ownership over.”

Land Characteristics

The Land Characteristics Team was composed of Plan Commission member Alder Erik Paulson; Sustainable Madison Committee member Jeannette LeZaks, Director of Research and Innovation at Slipstream (a nonprofit combating climate change while focusing on equity); and Marcia Caton Campbell, a community and regional food systems planner who is executive director of Rooted WI, Inc. (Madison’s largest urban agriculture organization), and a member of the Dane County Food Council. This team focused on (1) understanding the soil characteristics considered optimal for agriculture and how those characteristics were taken into consideration in the Comprehensive Plan, and (2) understanding the definition of “brownfields" and how other cities have handled urban agriculture on lands that might be considered brownfields. The Team consulted USDA Natural Resources Conservation Service (NRCS) soil scientists about agricultural soils, and consulted US Environmental Protection Agency (EPA) website resources and brownfields policies from other cities around the country.

Agricultural Soils

Land considered of high quality for agricultural purposes within Madison city limits is primarily found on the periphery and is disappearing quickly; there are few parcels remaining within municipal boundaries that fall into this category. From the USDA NRCS, the Land Characteristics team learned that, with respect to Productive Agricultural Soils:

“In general these [agricultural soils] are directly related to soil health which are composed of both biotic and abiotic factors contributing to the soil functionality. High organic matter content, soil reaction levels (pH between 6.5 – 7.3), high cation exchangeable site availability (finer earth textures, excluding clays), high nutrient availability within acceptable levels, macro and micro element stability (no deficiencies), tortuosity (pores connectivity allowing

infiltration/translocation), no root restrictive layers (bedrock, clay pan, fragipan, etc.) within 75-100cm/30-40”), adequate water table depths (usually below 75-100cm/30-40”), lower erosion potential (less sloping, high OM, low disturbance/tillage), and no overland flow (flooding and/or ponding) are all desirable fields for the potential of “good” agriculture” (Email from USDA NRCS soil scientist, 3/10/23).

City staff confirmed for the Farmland Preservation Task Force that they used this NRCS soil definition for mapping Productive Agriculture Soils in the Comprehensive Plan. The map of Natural Limitations for Building Site Development shows areas with clay soils, steep slopes, and/or areas prone to flooding have natural limitations for building site development. Generally speaking, the same flat and well-drained soils that are considered “good” for agriculture are also the soils most desirable for development.

Brownfields

Urban farmers and community gardeners need confidence that the soils in which they are growing food are safe and do not contain lead, heavy metals, or groundwater contamination. The City of Madison does not have a brownfields testing policy related to urban agriculture. Growers need clear guidance from the City of Madison on whether they are allowed to test soils for contaminants on properties they lease that are city owned, possibly necessitating remediation by the landowner, or whether the City prefers that urban agriculture on city-owned land be conducted “from the ground up” in raised beds with a barrier (e.g., landscape fabric or clay cap) between the ground and the growing medium to ensure safe growing of food.

The definition of brownfields is set by the federal EPA, while cleanup standards for Wisconsin are set by its Department of Natural Resources (DNR). Landowner consent is often required before soil testing is done to determine brownfield status because of the cleanup obligations imposed upon landowners by the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, commonly referred to as CERCLA or Superfund. It is important to note that brownfield designations can include sites where there is an actual finding of contamination based on testing or where contamination is perceived to exist.

Some cities choose to impose requirements that growers engage in urban agriculture “from the ground up,” so that brownfields concerns are alleviated. The federal EPA has a designated Raised Bed Method Best Practice for food production in potentially contaminated urban soils. From an equity perspective, the Raised Bed Method is not without cost, though it is far less expensive than brownfields testing and remediation, which must be done by licensed civil/environmental engineers from an approved list at the WI DNR. The time and money it takes to have Phase I Environmental Site Assessments (and sometimes additional Phase II) environmental assessments conducted by professional environmental engineers is prohibitive for community groups with small/no budgets, and the bureaucratic process of navigating such studies can be onerous. Similarly, when community gardeners or urban farmers want to establish their growing spaces, the time that bioremediation takes can be a deterrent. Bioremediation would be a useful practice if sites could be identified for remediation years in

advance of their desired use as food production spaces. Regenerative agriculture, while an excellent practice for rebuilding agricultural soil health, is not practical in urban areas because it requires significant animal husbandry (e.g., sheep, goats, pigs, cows) at a scale that is typically not allowed under city zoning ordinances.

Since testing on city-owned land is not likely to be an effective approach for reasons outlined above, a more effective approach would be to follow the model of other cities that have adopted EPA's Raised Bed Method Best Practice for food production in urban soils.

Land Access

The Land Access Team was composed of Alison Volk, Land Protection Projects Deputy Director for the American Farmland Trust, with expertise in farmland preservation; Mark Voss, a real estate change agent with expertise in urban agriculture; and Yimmuaj Yang, Community Director of Groundswell Conservancy, a nonprofit organization that supports small farmers and provides equitable access to farmland. This team focused on identifying strategies for ensuring continuous and equitable access to farmland, particularly for growers from underserved communities seeking to generate an income from the production of food and fiber.

City-Owned Land

The City of Madison currently leases approximately 200 acres of farmland. Considering many market growers are looking for 1-5 acres of land, city-owned agricultural parcels could support numerous food producers. Currently, however, the process for leasing this land is not transparent or accessible to emerging farmers. There is no call for proposals and no way to learn when land is available for leasing. The land that is leased is currently operated by commodity growers and the leases are typically only one to two years in length.

Permanent Protection

The City of Madison does not have a mechanism for permanently protecting the current supply of agricultural land. Within municipal boundaries, permanent protection is typically achieved through the purchase of agricultural conservation easements. The purchase of easements compensates landowners for removing their development rights, which reduces the future purchase price of the land making the land more affordable for future farmers. Easements also provide retiring farmers with an alternative to selling their land for development. The State of Wisconsin has a program that provides funding for the purchase of agricultural conservation easements, but this program has not been funded since 2011.

Agricommunities

The protection of agricultural land is often considered at odds with the need for affordable housing. However, growers within the city who cannot afford to purchase land are often in search of growing spaces close to where they live. Agricommunities balance the need for

affordable housing with available agricultural land. These are typically areas where land has been set aside for agricultural use next to affordable housing developments. These are also complex projects that depend on partnerships between conservation organizations, community land trusts, and community organizations invested in food and agriculture.

In Madison, the only example of an agricommunity is Troy Gardens, which is owned by Madison Area Community Land Trust (MACLT) and farmed by Rooted under a ground lease. Other examples are included in Appendix E. Based on conversations with Greg Rosenberg, former Executive Director of MACLT, and Olivia Williams, its current Executive Director, the City has been verbally supportive of agricommunities and community land trusts, however there is little funding available to expand these projects to other neighborhoods or communities. There is also a lack of fluency among developers for crafting these projects and navigating city regulations.

Conclusions & Recommendations

The competition for farmland in Madison, which is some of the best in Dane County, is fierce. Emerging farmers desiring to grow food for local markets must compete for land with larger operators growing commodity crops for national and export markets as well as developers seeking to convert the land out of agricultural use. Meanwhile, consumer demand for locally produced food remains strong.

The City of Madison currently owns and leases approximately 200 acres of farmland that could be utilized by market growers who are looking for 1-5 acres of land, thereby supporting numerous local food producers. In situations where farmers are looking to sell their property to provide retirement income, more needs to be done to permanently protect that land for food production; this could include the purchase of agricultural conservation easements to both keep the land for food production and make the land more affordable for future farmers. The obvious win-win scenario for the direct competition between development and food production is to identify locations for agricommunities that can be designed to both provide housing and support urban agriculture. These solutions will require collaboration among and between City staff that has been made more difficult with lack of a Food Policy Director to coordinate departments, boards, commissions, committees, and community partners on food policy efforts.

It is also important to note that other communities have developed approaches that are worth understanding and could be adapted to address Madison’s stated needs and values. When creating guidelines to help decision-makers balance the desire for urban agriculture with the demand for development of buildings, it is important to fairly value the health, economic, and ecosystem services contributions to the community made by areas within municipal boundaries that are protected for food production.

Recommendations

The Task Force developed 47 recommendations in 4 topic areas: Land Use Planning, Staffing & Task Forces, Land Leasing & Soil Contamination, and Zoning & Land Use, The recommendations are summarized here, and an implementation matrix including staff and Board, Commission, Council or Committee responsible for each recommendation and a general timeframe for implementation is attached below.

Land Use Planning

- Comprehensive Plan Interim Update (2023) should include important contributions of agriculture in cities, noting the range of activities (community and market gardens), equitable access to land and jobs, community food systems, and climate resilience.
- Parks & Open Space Plan update (beginning in 2023) should require proactive planning for food production on city-owned lands, ranging from community to market gardens, and coordinate with the Office of Real Estate on revising leases accordingly.
- Area Planning Processes should include urban agriculture and food access issues when conducting public input sessions and developing the 12 city area plans.

Staffing and Task Forces

- Food Policy Director position (created in 2012, de-funded in 2020) should be restored to:
    - Represent the City at national and international food policy gatherings
    - Serve as a liaison among and between City Departments on food issues
    - Serve as link to City supports for urban growers
    - Create a comprehensive website to provide public information on food issues
    - Coordinate the implementation of food-related issues in the Comprehensive Plan
- Re-convene the Integrated Pest Management Policy Task Force (est. 2018)

City Land Leasing and Soil Contamination

- Common Council approve a resolution implementing recommendations in the January 2022 “Ag Leases Memo” from the Madison Food Policy Council RAFS Work Group located in Appendix E.
    - Revise lease terms and duration to meet Wis. Stat. Ch. 51 standards
    - Create an RFP process to advertise and make leases available to a wider range of farmers, especially from historically disadvantaged and marginalized communities
    - Time the process to allow for multi-year planning by farmers
    - Extend leases up to 15 years depending on future use factors
    - Prioritize leasing to food growers for local markets, especially those from historically disadvantaged and marginalized communities
- Continue to partner with local organizations to allow for multiple growers on a single site
- Consider ground leases to allow growers to build equity

- Adopt federal EPA Raised Bed Method for growing on potentially contaminated urban soils
- Direct SEED Grant funding toward new farm infrastructure costs, prioritizing historically disadvantaged and marginalized populations

Zoning & Land Use

- Review to identify impediments to locating urban agriculture near housing
- Incentivize development of agricommunities by providing bonuses for projects that combine housing with protection of farmland
- Amend the LandBanking Policy to “welcome urban agriculture”
- Define and illustrate requirements for building hoop houses, and publish this information in a brochure and on a website
- Study the feasibility of PACE/PDR and/or TDR and potential partnerships with the County
- Publish and utilize a list of incentives for developers to support urban agriculture in their projects
- Evaluate land added to the City through recent annexation and anticipated future annexation for potential urban agriculture preservation/protection

Task Force on Farmland Preservation Recommendations Implementation Matrix

Topic	#	Recommendation	Responsible Staff (BCC)	Timeframe
Land Use Planning	1	Revise the following sections in the 2023 Comp Plan Update:	Planning (Plan Commission)	Short 0-6 months
Land Use Planning	1.1	Introductory narrative of Chapter 2 should note contributions of agriculture in cities	Planning (Plan Commission)	Short 0-6 months
Land Use Planning	1.2	Address urban agriculture more broadly in Goal 4	Planning (Plan Commission)	Short 0-6 months
Land Use Planning	1.3	Introductory text of Chapter 8 should include market gardens and farmland so that readers and implementers recognize the role of urban agriculture in Goals 21, 23, and 24	Planning (Plan Commission)	Short 0-6 months
Land Use Planning	2	Parks Division should proactively plan for urban agriculture and add urban agriculture goals in the next Parks and Open Space Plan	Parks (Parks Commission)	Short 0-6 months
Land Use Planning	3	Area Planning Processes should include urban agriculture and food access issues when conducting public input sessions and developing the 12 city sector plans.	Planning (Plan Commission)	Ongoing
Land Use Planning	4	Implement food-related Comp Plan Goals & Strategies:		
Land Use Planning	4.1	Land Use: Strategy 6 - Facilitate compact growth to reduce the development of farmland.	Planning (Plan Commission)	Ongoing
Land Use Planning	4.2	Neighborhoods: Strategy 8 - Ensure access to food that is affordable, nutritious and culturally specific. Identify public and private spaces suitable for community gardens and explore expansion of existing gardens to meet demand.	Planning, Food Policy Director, Parks (Parks Commission, Madison Food Policy Council)	Ongoing
Land Use Planning	4.3	Economy & Opportunity: Strategy 7 - Support efforts for businesses and consumers to produce and buy local food, products and services. Foster a Northside Food Innovation District. Recognize the contribution of urban agriculture to the local economy.	Food Policy Director, Economic Development (Economic Development Committee, Madison Food Policy Council)	Ongoing
Land Use Planning	4.4	Culture & Character: Strategy 3 - Create safe and affirming community spaces that bring people together and provide social outlets for underrepresented groups. Identify existing underutilized spaces, both public and private, and help increase their usage and activation.	Planning, Community Development, Parks, Food Policy Director (Parks Commission, Madison Food Policy Council)	Ongoing
Land Use Planning	4.5	Green & Resilient: Strategy 9 - Support sustainable farming and gardening practices that protect the ecosystem and public health. Identify opportunities for local food production within the city. Recognize the contribution of farmland to climate resiliency goals.	Food Policy Director, Sustainability & Resilience Manager (Madison Food Policy Council, Sustainable Madison Committee)	Ongoing
Land Use Planning	4.6	Effective Government: Strategy 1 - Pursue regional solutions to regional issues.Work with Dane County and other municipalities to develop a regional food systems plan.	Food Policy Director, Planning, Public Health (Madison Food Policy Council)	Medium 6-24 months
Land Use Planning	5	Balance the desire for building development with the need for farmland preservation in the 2025-2028 Comp Plan update.	Planning (Plan Commission)	Long 24+ months
Land Use Planning	6	Revise the the following strategies in the City's Sustainability Plan to integrate and explicitly support agricommunity development:	Sustainability & Resilience Manager (Sustainable Madison Committee)	Short 0-6 months
Land Use Planning	6.1	Strategy 1: Agricommunity development strengthens local food systems.	Sustainability & Resilience Manager (Sustainable Madison Committee)	Short 0-6 months

Task Force on Farmland Preservation Recommendations Implementation Matrix

Topic	#	Recommendation	Responsible Staff (BCC)	Timeframe
Land Use Planning	6.2	Strategy 3: A working farm, as a development amenity, can be a community hub of interaction and belonging centered around food.	Sustainability & Resilience Manager (Sustainable Madison Committee)	Short 0-6 months
Land Use Planning	6.3	Strategy 6: By concentrating housing in pocket neighborhoods, agricommunities facilitate interaction between residents while also providing them with access to open spaces where community food growing is prioritized.	Sustainability & Resilience Manger (Sustainable Madison Committee)	Short 0-6 months
Land Use Planning	6.4	Strategy 7: Support new development of neighborhoods that integrate food growing businesses, including working farms, market gardens, small scale plant nurseries, etc.	Sustainability & Resilience Manager (Sustainable Madison Committee)	Short 0-6 months
Land Use Planning	6.5	Strategy 8: Encourage housing developments that integrate working farms and associated business infrastructure.	Sustainability & Resilience Manager (Sustainable Madison Committee)	Short 0-6 months
Land Use Planning	6.6	Strategy 9: Agricommunities are a key component of a robust urban agriculture policy that preserves farmland as development pressure continues.	Sustainability & Resilience Manager (Sustainable Madison Committee)	Short 0-6 months
Staffing & Task Forces	1	Restore funding for the Food Policy Director position to:	Mayor & Common Council	Medium 6-24 months
Staffing & Task Forces	1.1	Inform planning processes and city reports, and be responsible for liaising with other internal and external partners to implement recommendations that support urban agriculture, food access and food waste recovery activities.	Food Policy Director (Madison Food Policy Council)	Medium 6-24 months
Staffing & Task Forces	1.2	Represent Madison as one of the 14 US signatories to the Milan Urban Food Policy Pact, which the City of Madison signed in 2018.	Food Policy Director (Madison Food Policy Council)	Medium 6-24 months
Staffing & Task Forces	1.3	Serve as the point person in the city for potential urban market growers.	Food Policy Director (Madison Food Policy Council)	Medium 6-24 months
Staffing & Task Forces	1.4	Oversee the creation of a comprehensive website that provides public information about all aspects of food policy in the city, including information about agriculture land leases and city permissions needed for urban agriculture and associated activities.	Food Policy Director (Madison Food Policy Council)	Medium 6-24 months
Staffing & Task Forces	1.5	Coordinate implementation of food-related elements of the Comp Plan.	Food Policy Director (Madison Food Policy Council)	Medium 6-24 months
Staffing & Task Forces	2	Reconvene the Integrated Pest Management Policy Task Force to complete its work.	Food Policy Director, Engineering, Public Health, Parks, Water Utility, Community Development Authority (Madison Food Policy Council)	Short 0-6 months
Land Leasing & Soil Contamination	1	Create and adopt a resolution to implement the recommendations in the Ag Leases Policy memo	Mayor & Common Council	Short 0-6 months
Land Leasing & Soil Contamination	2	Revise standard agricultural land lease language to comply with Wis. Stat. Ch. 51 and extend leases for up to 15 yrs	Economic Development, Real Estate	Short 0-6 months
Land Leasing & Soil Contamination	3	Create an inventory of city-owned lands that can be reserved for urban agriculture	Economic Development, Real Estate	Short 0-6 months

Task Force on Farmland Preservation Recommendations Implementation Matrix

Topic	#	Recommendation	Responsible Staff (BCC)	Timeframe
Land Leasing & Soil Contamination	4	Develop and implement a transparent process for growers to become aware of and access city-owned land	Economic Development, Real Estate	Short 0-6 months
Land Leasing & Soil Contamination	4.1	Create an RFP to lease city-owned land with clear guidelines, timelines, and evaluation criteria. RFP should not be onerous for growers and should be advertised broadly, and made available in multiple languages and formats. Timing of RFP should be in September/October with decisions made by the end of the year so that growers have sufficient time to plan for upcoming season	Economic Development, Real Estate (Madison Food Policy Council)	Short 0-6 months
Land Leasing & Soil Contamination	4.2	Prioritize leasing land to farmers producing food for local markets	Economic Development, Real Estate	Short 0-6 months
Land Leasing & Soil Contamination	4.3	Provide publicly accessible evaluation of the land involved in each lease that takes into consideration location, future use, soils, slopes, and timing	Economic Development, Real Estate (Madison Food Policy Council)	Medium 6-24 months
Land Leasing & Soil Contamination	5	Continue to partner with local organizations to allow for multiple growers to utilize city-owned parcels. Sign long-term leases with farmer-oriented/conservation organization that could sublease plots to growers for producing food	Economic Development, Real Estate (Madison Food Policy Council)	Ongoing
Land Leasing & Soil Contamination	6	Consider ground leases on city-owned land to allow growers to build some equity through investment in and ownership of infrastructure.	Economic Development, Real Estate (Madison Food Policy Council)	Medium 6-24 months
Land Leasing & Soil Contamination	7	Adopt the USEPA Raised Bed Method as a required best practice for urban farming on City-owned land. Recommend, but do not require, this Best Practice Method for all growing in potentially contaminated urban soils.	Building Inspection, various departments that own land	Medium 6-24 months
Land Leasing & Soil Contamination	8	Direct SEED grant funding each year toward new farm start-up infrastructure costs, prioritizing Black, Hmong, Indigenous, Latinx, and other historically disadvantaged or marginalized urban farmers.	Economic Development, Real Estate (Madison Food Policy Council)	Ongoing
Zoning & Land Use	1	Review current zoning ordinances and rules to identify restrictions that would prevent or prohibit urban agriculture activities being located adjacent to housing.	Building Inspection & Zoning (Madison Food Policy Council)	Medium 6-24 months
Zoning & Land Use	2	Incentivize the development of agricommunities by creating density and other bonuses for projects that both cluster housing and protect farmland for urban agriculture.	Planning (Plan Commission)	Ongoing
Zoning & Land Use	3	Amend and adopt Land Banking Policy to include the following language under section 2. Priorities for Use of Land Banked Property: "The City welcomes urban agriculture as a secondary use alongside the priorities noted above. Urban agriculture could take the form of community and market gardens, greenhouses and hoop houses, vertical farming, and similar urban agriculture initiatives."	Economic Development, Mayor, Common Council	Short 0-6 months
Zoning & Land Use	4	Publish and utilize a list of incentives for developers to support urban agriculture in their projects	Planning (Plan Commission)	Medium 6-24 months
Zoning & Land Use	5	The City of Madison should study the feasibility of PACE/PDR and/or TDR and potential partnerships with the County.	(Madison Food Policy Council)	Medium 6-24 months

Task Force on Farmland Preservation Recommendations Implementation Matrix

Topic	#	Recommendation	Responsible Staff (BCC)	Timeframe
Zoning & Land Use	6	Evaluate land added to the City through recent annexation and anticipated future annexation for potential urban agriculture preservation/protection.	Planning (Plan Commission)	Medium 6-24 months
Zoning & Land Use	7	Create an edible landscapes-style brochure that explains to urban growers how to navigate the city hoop house regulation and permitting process.	Building Inspection, Zoning (Madison Food Policy Council)	Short 0-6 months
Zoning & Land Use	8	Allow hoop houses without a permit, if they meet the following guidelines: Structure is not permanent or located in the right of way; Materials storage is not allowed in the hoop house; Artificial heating sources are not allowed; Structure complies with applicable setback and driveway-vision requirements in the current code; Hoop house end walls are a combination of plastic and hard materials; Hoop house side wall plastic is rolled up and secured at the top of the hoop house walls during the growing season; Hoop house side wall plastic is rolled down and secured at the bottom of the hoop house frame for season extension during the cold weather months (or for 185 days).	Planning (Plan Commission)	Short 0-6 months

Appendices

A. Establishing and Extension Resolutions

File #: 72997, **Version:** 2

Fiscal Note

The proposed resolution establishes a Task Force on Farmland Preservation. No budget authority exists for the Task Force. Any costs associated with the Task Force that cannot be covered through existing budget authority would need to be included in a future budget request and subject to Council approval.

Title

SUBSTITUTE: Establishing the Task Force on Farmland Preservation

Body

WHEREAS, farmland preservation and increasing access to community gardens and agricultural land for underrepresented groups are highlighted in the 2018 City of Madison Comprehensive Plan (https://plan.imaginemadisonwi.com); and,

WHEREAS, farmland preservation provides economic and social benefits (https://conservationtools.org/guides/147-why-preserve-farmland) to a broad segment of the community while providing ecosystem services such as flood prevention; and,

WHEREAS, according to the land access survey administered by Rooted, since 2019, demand for farmland for community gardens and small-scale market gardeners within the City of Madison is continuing to increase; and,

WHEREAS, the opportunity to provide these land-based benefits diminishes with each acre of farmland that is used for development; and,

WHEREAS, the Dane County Farmland Preservation Plan is based on tax credits for owners of medium to large parcels of farmland outside of the City of Madison and therefore is not relevant to the needs of urban agricultural practitioners within city limits; and,

WHEREAS, the importance of farmland preservation has been raised numerous times by the Madison Food Policy Council, especially during the Comprehensive Plan Work Group's efforts during the city-wide Imagine Madison process in 2018, but it still has not been formally addressed at a policy level; and,

WHEREAS, City decision makers will benefit from policy guidelines to help them balance development interests with the strong community values that support local food production, local food businesses and the preservation of farmland as expressed in adopted plans;

NOW, THEREFORE, BE IT RESOLVED that the Task Force on Farmland Preservation is hereby created and charged with creating guidelines for land use decisions when farmland and open space within City limits are proposed for rezoning and development and writing a final report with supporting data, to be referred for review by the Madison Food Policy Council, Sustainable Madison Committee and Plan Commission prior to consideration of acceptance by the Common Council, and will be composed of seven (7) voting members and two (2) alternates:

Voting Members (7)

An Alder (1)

A member of the Plan Commission (1)
A member of the Sustainable Madison Committee (1)
A member of the Madison Food Policy Council (1)
A resident member with expertise in land use and planning (1)
A resident member with expertise in real estate (1)
A resident member with expertise in farmland preservation (1)

Alternate Members (2)

A member of the Dane County Food Council (1)
A member of a non-profit that supports small farmers (1)

BE IT FURTHER RESOLVED that the following members are hereby appointed:

Members

Alder member: Ald. Tag Evers
Plan Commission member: Ald. Erik Paulson
Sustainable Madison Committee member: Jeannette LeZaks
Madison Food Policy Council member: Rebecca Kemble
Land use and Planning expert: Nan Fey
Real Estate expert: Mark Voss, Latitude Real Estate
Farmland preservation expert: Alison Volk, American Farmland Trust

Alternate Members

Dane County Food Council member: Marcia Caton-Campbell, Rooted
Small farmer-supporting nonprofit member: Yimmuaj Yang, Groundswell Conservancy

BE IT FINALLY RESOLVED that the Task Force will be self-organized and self-managed and work will conclude by March 31, 2023.

The proposed resolution modifies RES-22-00635 (Legistar 72997) to extend the end date of the Task Force on Farmland Preservation from March 31, 2023 to June 30, 2023.The Task Force's final report is expected to be available by the end of April and then must be reviewed by the Madison Food Policy Council, the Sustainable Madison Committee, and the Plan Commission before being sent to the Common Council. The extension will allow sufficient time for the process to take place. No appropriation is required.

Title

Modifying RES-22-00635 (Legistar 72997) to extend the end date of the Task Force on Farmland Preservation from 3/31/23 to 6/30/23

Body

WHEREAS, RES-22-00635 was enacted on September 6, 2022, to create the Task Force on Farmland Preservation with a dissolution date of March 31, 2023; and,

WHEREAS, the substantive work of the Task Force on Farmland Preservation will be complete by March 31, 2023, but the final report won't be available until the end of April; and,

WHEREAS, per RES-22-00635, the final report must be reviewed by the Madison Food Policy Council, the Sustainable Madison Committee and the Plan Commission before being sent to the Common Council, a process which could take 6-8 weeks requiring the presence of Task Force members to address questions;

NOW, THEREFORE, BE IT RESOLVED that the end date of the Task Force on Farmland Preservation is changed to June 30, 2023.

B. Task Force roster, team composition and list of meeting dates

Roster (& Team Affiliation)

An Alder - Tag Evers (Policy Review Team)
A member of the Plan Commission - Erik Paulson (Land Characteristics Team - term ended 4/16/23)
A member of the Sustainable Madison Committee - Jeannette LeZaks (Land Characteristics Team)
A member of the Madison Food Policy Council - Rebecca Kemble (Policy Review Team)
A resident member with expertise in land use and planning - Nan Fey (Policy Review Team)
A resident member with expertise in real estate - Mark Voss (Land Access Team)
A resident member with expertise in farmland preservation - Alison Volk (Land Access Team)
A member of the Dane County Food Council - Marcia Caton Campbell (Land Characteristics Team)
A member of a non-profit that supports small farmers - Yimmuaj Yang (Land Access Team)

Task Force Meeting Dates

2022: October 26, November 9 and December 14
2023: January 25, February 8 and 22, March 8 and 22, April 12 and 26, May 10 and 24, June 14 and 28

C. Team Charters

Policy Review Team

TASK FORCE ON FARMLAND PRESERVATION
SMALL GROUP CHARTER

This document was prepared by Task Force leadership to facilitate direction and guidance; specific projects undertaken by the group can be further defined in separate documents. When completing this Charter, please keep in mind the "Big Questions" that need to be addressed by all groups and the need to complete research by the end of March.

1. Significance (and rate) of farmland loss in our community
2. Definition of Farmland Preservation for Task Force purposes
3. Definition of people-focused entrepreneurial, e.g. urban ag vs. monocropping ag
4. What metrics do we want to see in policy recommendations to measure progress
5. Can we quantify potential impacts of proposed policies?
6. How do we balance housing (or other developed uses) and food production?

Consider identifying a coordinator for the group, and assigning particular tasks to individual members. Feel free to clarify the phrasing of topics and questions in the final section, and update regularly as questions are answered; these notes could become the basis for submitting findings and recommendations to be used in the reporting stage of the process.

Here is a link to the form for reporting on issues, findings and recommendations. Fill out one form for each issue you researched. Information collected will be of great help to the report writing team.

OVERVIEW	**UPDATED: May 5, 2023**
NAME OF GROUP:	Policy Review
GOAL/FOCUS: What will this group be contributing to the Task Force's overall report and recommendations?	• staff liaison team • Madison, regional & national peer community policy scan • guidance on potential policy directions
APPROACH: How will you address the topics & questions identified? • Meeting schedule/frequency • Reporting back to Task Force	• Meetings were held on February 2,7,15 and 23; March 2,9, 20, 23, 28. Members then became part of the Report Drafting Team (joined by other Team Leaders Marcia Caton Campbell and Alison Volk) and met weekly from March 29 through May 3 (possibly into June if BCC feedback requires responses) • Provide regular updates at Task Force meetings
RESOURCES REQUIRED: e.g. staff, technology, consultant, etc.	Comprehensive Plan strategies, Sustainability Plan, Farmlandinfo.org, Food Innovation District memo, 12/14/22 staff presentation, TF Background doc

PARTICIPANTS	
MEMBERS	
NAME	ROLE/RESPONSIBILITY
1. Nan Fey	Team Contact & See issues to be addressed

2. Tag Evers	See issues to be addressed
3. Rebecca Kemble	Admin Coordinator & See issues to be addressed
EXTERNAL ADVISORS	
NAME	ROLE/RESPONSIBILITY
1. Brian Standing, Dane County Planning	Dane County Farmland Preservation map
2. Farmlandinfo.org	Model farmland preservation and farmland loss mitigation policies from other cities
3. Healthy Food Policy Project	Model policies from other cities
4. Kansas City Urban Agriculture Ordinance and the Cultivate KC guide to urban agriculture codes	Model policies from other cities

ISSUES TO BE ADDRESSED	
Topic/Question	**Clarifications/Resources/Answers**
Comprehensive Plan strategies **NF**	**DONE**: Report filed 3/26/23
CARPC Development Framework **NF**	RDF_Final-Report_July-2022.pdf **DONE:** Report filed 3/29/23
Review of Sustainability Plan food goals **NF**	Jessica Price, Sustainability Director presented on 2/22/23 Fey submitted feedback on current draft 2/23/23, **DONE**: Report filed 3/7/23
Review recently updated Dane County Farmland Preservation map **RK**	• Brian Standing, Dane County Planning • updated website info
Explore land banking **TE ;** transfer of development rights **(taken over by Volk)**	• EDD memo on land banking - Tag and Matt Mikolajewski discussed adding urban ag as a purpose to the city's land banking policy and add transfer of dev rights **DONE** • Real Estate Division practices • NF will request map of City of Madison land that is leased for farming and a map of land that is banked - **DONE** • Land Access team will take on the transfer of development rights topic - NF shared info with Volk • Dane County TDR framework • USDA Conservation Easement program
Model farmland preservation and farmland loss mitigation policies from other cities **RK & TE**	• Farmlandinfo.org • Kansas City Urban Agriculture Ordinance

	• RK will send Alison request for cities with farmland preservation and mitigation of farmland loss policies - received a few. **DONE**: Report filed 4/2/23
Map and data of farmland lost within city limits in the past 20 years **NF & RK**	• See Comp Plan Part C Appendix B pp 15-17 • Jeff Greger completed map - distributed to Task Force. **DONE** • Acres lost in Dane County and City are noted on map dated 3/7/23 (still marked as draft)
Food Innovation District memo review **RK & TE**	• Met with Matt Mikolajewski. No active work on the Food Innovation District but staff are aware and keeping it in mind. • Possible recommendation to update with more clarity and connection to food production • **DONE:** No report needed.
Review conditional use standards for ag/greenhouses including hoop house vs. greenhouse distinctions **NF**	• NF received response from city building code perspective, researched other cities (Racine, Fitchburg, Milwaukee) & shared summary memo with staff before 3/2/23 meeting • 3/2/23 team met with Bunnow, Tucker & Bannon • Next Step: staff description of process that could meet codes • Homegrown Milwaukee, and accessory structures • 4/24/23 staff response • **DONE:** recommend the City allow hoop houses without a permit if the structures meet certain criteria, and ask that an informational brochure (printable and online) be created to help residents comply.
How to create a one-stop shop or pathway through city regulatory processes to enable growers to access farmland and get to work more efficiently? **RK & TE**	• Edible Landscapes web page • Met with Matt Mikolajewski - based on their experience with the Business Development Team he said we should start to cultivate staff members within BI and Zoning who are interested in being point people in their departments for urban ag/greenhouse related things • **DONE:** Report filed 4/2/23
Explore revising Campus-Institutional zoning districts to allow urban ag **TE/RK**	• TE met with Matt Tucker who is willing to meet with us. Said Ag is already identified as a secondary use in CI districts which don't have a master plan as a conditional use • Tucker concluded during meeting on 3/2/23 that urban ag would be a conditional use in any CI district • **DONE:** No report needed.
Location and review of city-owned parcels: currently leased for ag purposes, not being used for food production, available for temporary food production -- temporarily and/or long-term **TE**	Jeff Greger, Planning - first draft shared Feb 14, final "Publically Owned Parcels" map 3/7/23 notes both Land Banked and Farmed City Parcels. Accompanying spreadsheet notes "agency ownership" of 1851 public owned properties. • **DONE:** No report needed.
Update community gardens map to specify which public agency	**DONE**: Jeff Greger, Planning - first draft shared Feb 14, updated (still marked draft) 3/7/23 notes parcels owned by 5 city entities, State of

controls city-owned land and which other public entity owns land with community gardens in the city. **NF**	WI and DOT right-of-way, University of Wisconsin, MMSD (school & sewer), and private properties. Total 38.1 acres
Review of and map privately owned ag land within the City of Madison **NF**	**DONE**: Jeff Greger, Planning - first draft shared Feb 14, updated (still marked draft) 3/7/23
Report on progress made incorporating Ag Leases Memo recommendations shared with staff in January 2011 **NF**	3/13/23 emailed Reistad for update (cc: Mikolajewski, Radlinger) **DONE**: Report filed 4/11/23
Consider referencing the SIFT consulting report once it's official **RK**	The report highlights the development pressure threatening agricultural land, and the need for better land access for BIPOC growers in both urban and rural areas due to the precarious nature of short-term leases and the high cost of land. It also recommends an audit of land use policies through the lens of encouraging and incentivizing small- to mid-sized food production in both rural and urban areas. See excerpts of the report in the uploaded document. **DONE**: Report filed 4/2/23
Review CARPC Development Framework **NF**	**DONE:** Report filed 3/29/23
City Area Planning Activities - urban ag/food access inclusion in the planning framework	Include a recommendation for this in the report. See CARPC & Sustainability reports for benefits of preserving growing space.

REPORTS FILED		
MEMBER	**ISSUE**	**DATE**
Nan Fey	Sustainability Plan	3/7/23
Nan Fey	Comprehensive Plan	3/26/23
Nan Fey	Ag Leases Memo	3/28/23
Nan Fey	Dane County Development Framework (CARPC)	3/29/23
Nan Fey	Hoop Houses -- building & zoning staff still working on it	4/23/23
Rebecca Kemble	Dane County Farmland Preservation Plan	4/1/23

Rebecca Kemble	Dane County Pandemic Food System Study	4/2/23
Rebecca Kemble	Model farmland preservation and farmland loss mitigation policies from other cities	4/2/23
Rebecca Kemble	One-stop shop or pathway through city regulatory processes to enable growers to access farmland	4/2/23
Tag Evers	Land Banking	4/5/23

Land Characteristics Team

TASK FORCE ON FARMLAND PRESERVATION
SMALL GROUP CHARTER

This document was prepared by Task Force leadership to facilitate direction and guidance; specific projects undertaken by the group can be further defined in separate documents. When completing this Charter, please keep in mind the "Big Questions" that need to be addressed by all groups and the need to complete research by the end of March.

1. Significance (and rate) of farmland loss in our community
2. Definition of Farmland Preservation for Task Force purposes
3. Definition of people-focused entrepreneurial, e.g. urban ag vs. monocropping ag
4. What metrics do we want to see in policy recommendations to measure progress?
5. Can we quantify potential impacts of proposed policies?
6. How do we balance housing (or other developed uses) and food production?

Consider identifying a coordinator for the group, and assigning particular tasks to individual members. Feel free to clarify the phrasing of topics and questions in the final section, and update regularly as questions are answered; these notes could become the basis for submitting findings and recommendations to be used in the reporting stage of the process.

Here is a link to the form for reporting on issues, findings and recommendations. Fill out one form for each issue you researched. Information collected will be of great help to the report writing team.

OVERVIEW	**UPDATED: April 28, 2023**
NAME OF GROUP:	Land Characteristics
GOAL/FOCUS: What will this group be contributing to the Task Force's overall report and recommendations?	This group will be reporting out on (1) soil characteristics for mapping agricultural land, and (2) how other cities have handled urban agriculture and brownfields issues, making a recommendation for future City policy.
APPROACH: How will you address the topics & questions identified? ● Meeting schedule/frequency ● Reporting back to Task Force	The group met four times, in weeks opposite regular Task Force meetings, on the following dates: February 3, February 13, March 1, March 29.
RESOURCES REQUIRED: e.g. staff, technology, consultant, etc.	Refer to characteristics already defined in terrace planting, edible landscapes and recommendations for ag leases on city-owned properties Refer to 2018 Comprehensive Plan USEPA, Turning Brownfields into Community-Supported and Urban Agriculture Wisconsin Remediation and Redevelopment Database (WRRD) - this is site-specific, but will give us an idea of areas of concern in Madison Refer to Staff generated maps of farmland lost in the City of Madison, city-owned parcels Farmland Preservation Task Force Background Doc

PARTICIPANTS	
MEMBERS	
NAME	ROLE/RESPONSIBILITY
1. Marcia Caton Campbell	Scribe / Secretary
2. Erik Paulson	
3. Jeannette LeZaks	
EXTERNAL ADVISORS	
NAME	ROLE/RESPONSIBILITY
1. Michael England, Assistant State Soil Scientist WI, Natural Resources Conservation Service, Office: 608-433-7433, michael.england@usda.gov	Question: How does NRCS identify/designate soil types? definitions/designations?

ISSUES TO BE ADDRESSED	
Topic/Question	**Clarifications/Resources/Answers**
Soil Characteristics - required quality for ag purposes	From an email exchange with Mike England, NRCS: "In general these [agricultural soils] are directly related to soil health which are comprised of both biotic and abiotic factors contributing to the soil functionality. High organic matter content, soil reaction levels (pH between 6.5 – 7.3), high cation exchangeable site availability (finer earth textures, excluding clays), high nutrient availability within acceptable levels, macro and micro element stability (no deficiencies), tortuosity (pores connectivity allowing infiltration/translocation), no root restrictive layers (bedrock, clay pan, fragipan, etc.) within 75-100cm/30-40"), adequate water table depths (usually below 75-100cm/30-40"), lower erosion potential (less sloping, high OM, low disturbance/tillage), and no overland flow (flooding and/or ponding) are all desirable fields for the potential of "good" agriculture.
What information went into the Comprehensive Plan map and how were their terms defined (e.g., Productive Agriculture Soils and Natural Limitations for Building Site Development)?	City staff confirmed for the FPTF that they used NRCS soil definitions for Productive Agriculture Soils and Natural Limitations for Building Site Development. These definitions are based on the characteristics of soils themselves, rather than being defined any other way. See above for the NRCS definition of good agricultural soils for the purposes of identifying Productive Agriculture Soils. With respect to Natural Limitations for Building Site Development, sites with clay soils, steep slopes, and/or areas prone to flooding have natural limitations for development. Generally speaking, the same flat and well-drained soils that are considered "good" for agriculture are also desirable for development.

Brownfields definition	Brownfields definition is set by USEPA and cleanup standards for Wisconsin are set by WI DNR. The type of policy we are considering is not site-specific, but is a clarification for growers about what level of testing is permissible on a site they want to farm but do not own (especially land owned by the City). The level of testing to determine whether a brownfield exists often requires landowner consent, because of the cleanup obligations imposed upon landowners by the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (commonly referred to as CERCLA or Superfund).
Need for remediation: How have other cities handled potential brownfields from a policy perspective?	Nationwide, some cities choose to impose requirements that growers engage in urban agriculture "from the ground up," e.g., in raised beds with landscape fabric barrier and 18-24" of clean soil, or with a clay cap 18-24" of clean soil, so that brownfields concerns are alleviated. This Raised Bed Method is also known as a USEPA's Best Practice Method. From an equity perspective, the time and money it takes to have Phase I and sometimes Phase II environmental assessments is prohibitive for community groups with small/no budgets. Similarly, when community gardeners or urban farmers want to establish their growing spaces, the time bioremediation takes can be prohibitive. Regenerative agriculture, while an excellent practice for rebuilding soil health, is not practically possible in cities because it requires significant animal husbandry (e.g., sheep, pigs, cows) at a scale that is typically not permitted in cities. USEPA Resources About Brownfields and Urban Agriculture City of Portland (OR) Kansas State University - Brownfields and Urban Agriculture USEPA, Brownfields and Urban Agriculture: Interim Guidelines for Safe Gardening Practices (PDF); USEPA, Reusing Potentially Contaminated Landscapes: Growing Gardens in Urban Soils (factsheet, PDF) City of Boston, Article 89 Made Easy: Urban Agriculture Zoning for the City of Boston (see, especially, pp. 24-25 on soil safety guidelines for commercial urban farming)(PDF)

REPORTS FILED		
MEMBER	**ISSUE**	**DATE**
Marcia Caton Campbell	Brownfields Report	04/05/23

Land Access Team

TASK FORCE ON FARMLAND PRESERVATION
SMALL GROUP CHARTER

This document was prepared by Task Force leadership to facilitate direction and guidance; specific projects undertaken by the group can be further defined in separate documents. When completing this Charter, please keep in mind the "Big Questions" that need to be addressed by all groups and the need to complete research by the end of March.

1. Significance (and rate) of farmland loss in our community
2. Definition of Farmland Preservation for Task Force purposes
3. Definition of people-focused entrepreneurial, e.g. urban ag vs. monocropping ag
4. What metrics do we want to see in policy recommendations to measure progress
5. Can we quantify potential impacts of proposed policies?
6. How do we balance housing (or other developed uses) and food production?

Consider identifying a coordinator for the group, and assigning particular tasks to individual members. Feel free to clarify the phrasing of topics and questions in the final section, and update regularly as questions are answered; these notes could become the basis for submitting findings and recommendations to be used in the reporting stage of the process.

Here is a link to the form for reporting on issues, findings and recommendations. Fill out one form for each issue you researched. Information collected will be of great help to the report writing team.

OVERVIEW	**UPDATED: 4/28/2023**
NAME OF GROUP:	Land Access & Tenure
GOAL/FOCUS: What will this group be contributing to the Task Force's overall report and recommendations?	Identify strategies for ensuring continuous and equitable access to farmland, particularly for growers from underserved communities seeking to generate an income from the production of food and fiber.
APPROACH: How will you address the topics & questions identified? ● Meeting schedule/frequency ● Reporting back to Task Force	● Meetings were held on February 1, 6, and 15, and March 1, 15, and 29. ● Provide regular updates at Task Force meetings
RESOURCES REQUIRED: e.g. staff, technology, consultant, etc.	**Yang memo**, **TF Background doc**

PARTICIPANTS	
MEMBERS	
NAME	ROLE/RESPONSIBILITY
1. Mark Voss	Member/ development examples that elevate farmland access. See issues to be addressed

2. Alison Volk	Scribe/ Team contact liaison/city owned ag lands access, permanent protection
3. Yimmuaj Yang	Member/ See issues to be addressed
EXTERNAL ADVISORS	
NAME	ROLE/RESPONSIBILITY
1. Daron Joffe	Agri-hood/Agri-Community consultant/ access policy advisor
2. Olivia Williams	Community Land Trust Advisor/Affordable Housing
3. Greg Rosenberg	Community Land Trust Advisor/Affordable Housing

ISSUES TO BE ADDRESSED	
Topic/Question	**Clarifications/Resources/Answers**
Who needs farmland preservation in the city? Why have farms in the city? Permanent protection as a pathway to access. **YY & AV**	● Beyond community gardens, many growers within the city, particularly growers of color, seek secure access to farmland for growing food to sell at local markets ● Preservation and continued availability of farmland benefits both growers and consumers ● Creating security for farmers on farmland within the city (i.e. preventing short-term access and land insecurity)
Equity issues for urban growers' access to farmland. **YY, AV, MV**	● **Issues:** Process in place to access city-owned farmland, what and how much is available, what needs to be done to access that land, what permit is required and where and how to apply for the permit(s), particularly where there are language barriers and there are limited technical resources available. ● **Solutions:** Improving opportunities for access to city-owned land
How to create affordable housing with land access - AgriCommunities Opportunities for those in affordable housing to access. **YY, MV**	● Spoke with Greg Rosenberg, former Executive Director of Madison Area Community Land Trust and a key player in creating the Troy Garden/Farm/Co-housing space (agricommunity) ● Spoke with Daron Joffe, conservation development consultant: Support public private partnerships between government, business, philanthropy.
Physical Accessibility (maps of City existing and planned housing, utility and transportation investments)size of plot is a barrier. **YY, AV, MV**	● Look at the current/future public transportation map provided by Jeff.

Assessment process for prospective land development.	• Community-based assessment model. What portion of land is aspirational to save in a new development that goes from ag-zoned to residentially/ commercially zoned? How to permanently protect the highest quality growing land within a given parcel on the development block for use of residents/ market farmers? More points toward an approval process…
Intersection of Core Four overlay **YY, AV, MV**	• When looking at long term land accessibility in the city for food production, recommend policy makers consider the intersection of the following circumstances: ○ 1. Location of Affordable Housing ○ 2. Public Transportation Routes ○ 3. Prioritize keeping Ag zoned land/ City owned Ag land/Production agriculture with quality soils in production agriculture ○ 4. Land Tenure for market growers (policy)
Intersectionality of need for housing and farmland preservation w/ Olivia Williams. **YY, AV, MV**	• Meeting with Olivia Williams

REPORTS FILED		
MEMBER	**ISSUE**	**DATE**
Yimmuaj Yang	Who needs larger scale farmland access in the city?	April 2, 2023
Yimmuaj Yang	How does low-income housing and land access co-exist?	April 2, 2023
Alison Volk	Access to city-owned land	March 30, 2023
Alison Volk	Options for permanent protection	March 30, 2023
Mark Voss	Highlights and Summary of Resources: Access to Urban Farmland via Agrihood Developments	March 30, 2023

D. Team Reports

Policy Review Team

FPTF REPORTING FORM

This is a form for Farmland Preservation Task Force Team members to record their findings in preparation for final report writing.

- Responses are required for all questions except for the final question and uploading sections.
- Please fill out one form for ***each issue*** your team has addressed.
- Answers are editable - once you submit the form you'll receive an email with a link to continue editing.
- Multiple forms can be filled out by the same person.

Email *

[redacted]

Name *

Nan Fey

Team *

- ○ Land Access
- ○ Land Characteristics
- ◉ Policy Review

What specific issue did you address? (clarify terms, submit one report for each issue) *

Review of Sustainability Plan food goals

Why did you focus on this issue? *

The Sustainability Plan is one of many documents "adopted" by elected officials that is intended to provide policy guidance to staff and decision-makers. Implementation of goals and strategies is expected. Community advocacy can be effective.

What particular question(s) were you trying to answer about this issue? *

How does the Sustainability Plan address food as an element of sustainability and community resilience?

What resources/data did you discover/rely on? (include weblinks, contacts, etc. You can upload documents in the next question) *

Jessica Price, the City's Sustainability & Resilience Manager in the Mayor's Office made a presentation to the Farmland Preservation Task Force on February 23, 2023. Draft 2 of the Sustainability Plan, which is being updated in 2023, was provided and is attached to this report. In the past, I participated in the drafting of the original plan in 2012 and spoke with the Sustainable Madison Committee's team about food and farming issues for the update process in 2021 in my role as a member of the Madison Food Policy Council's Regional Agriculture & Food Sovereignty Work Group.

Upload any resources documents you may have

Sustainability Pla...

Sustainability Pla...

What is the current status of this issue in the City of Madison, if known? *

The City's first Sustainability Plan, adopted in 2013, is being updated. The public input process is scheduled for the summer of 2023, with adoption anticipated by the end of the year.

Summarize your findings and upload other materials that support your findings, if available, in the next question. *

The original (2013) Sustainability Plan was part of a much broader engagement with these issues that led to the creation of a staff position (originally in the Engineering Department, currently in the Mayor's Office), and the re-focusing of the Sustainable Madison Committee. The 2023 update is scaled down, and intended for implementation by city staff with targeted goals and timelines.

The current Draft 2 of the Sustainability Plan would benefit from revisions to educate readers about the benefits of agriculture that go beyond producing food, e.g. ecosystem services and green jobs. Goal 4, which is explicitly focused on growing spaces in the City, should be revised to include a broader range of urban agriculture options. Task Force members have been invited to provide feedback at any time in the coming months; my thoughts can be found in the attached document.

Upload any documents that synthesize your work

Sustainability Pla...

Answer EACH ONE of the Big Questions: How does your research on this issue help to address the **significance (and rate) of farmland loss in our community?** *

It does not specifically address this issue, but I think it would be appropriate to provide maps of community gardens, ag zoned areas, and farmland loss to the update process.

Answer EACH ONE of the Big Questions: How does your research on this issue help to address the **definition of Farmland Preservation for Task Force purposes?** *

The definition could include references to the sustainability/resilience contributions of farmland preservation (and a broad range of growing spaces) including the following: green infrastructure, stormwater management (infiltration), ecosystem services (carbon capture, pollinators), and green jobs.

Answer EACH ONE of the Big Questions: How does your research on this issue help to address the **definition of people-focused entrepreneurial, e.g. urban ag vs. monocropping ag?** *

The addition of a market garden category to Goal 4 broadens the range of growing options that support the local food system contribute to sustainability and community resilience.

Answer EACH ONE of the Big Questions: How does your research on this issue help to address **the metrics we want to see in policy recommendations to measure progress?** *

Measuring the # of acres in any form of urban agriculture and farming could contribute to assessments of stormwater management capacity, green infrastructure and jobs.

Answer EACH ONE of the Big Questions: How does your research on this issue help to address **how we can quantify potential impacts of proposed policies?** *

To the extent that keeping land in plants rather than concrete reduces the known impacts of development (heat island, runoff, transportation emissions, energy demands, etc) some of the benefits should be measurable.

Answer EACH ONE of the Big Questions: How does your research on this issue help to address **how we balance housing (or other developed uses) and food production?** *

Recognizing the positive contributions of farmland (especially eco-system services that contribute to climate change resilience) could help tip the balance more in favor of food production when weighted against the negative impacts of development (heat island, runoff, transportation emissions, energy demands, etc).

What are your specific recommendations regarding this issue? *

1) Recommend revisions to Chapter 2 introductory narrative to note contributions of agriculture in cities.

2) Recommend revising Goal 4 to address urban agriculture more broadly.

3) Recommend re-convening the Integrated Pest Management Policy Task Force. (Goal 18)

4) Recommend revisions to Chapter 8 to include market gardens and farmland in the introductory text so that readers/implementers recognize the role of urban agriculture in Goals 21, 23 and 24.

What might be required for the City of Madison to implement these recommendations? (Check all that apply) *

- [ ] ordinance change
- [ ] zoning change
- [ ] budgetary investment
- [x] implementation of adopted plans
- [ ] administrative rule or process update
- [ ] map update
- [ ] inter-departmental collaboration
- [x] community collaboration
- [x] Other: Active feedback in the plan update public input process 2023

Do you have any concerns or observations that didn't seem to fit into any previous category or respond to a question? Is there anything you want to be sure is included in the Task Force Report in addition to your recommendations? (E.g. Important information captured in your research that you feel must be included in the final report in the form of text; or a map, table, chart, etc. for appendices.)

It is important for members of the Farmland Preservation Task Force to stay engaged with the public input phase of the Sustainability Plan update process through the rest of 2023.

Upload any additional information to be included in the final report.

This content is neither created nor endorsed by Google.

Google Forms

SUSTAINABILITY PLAN REVIEW Nan Fey 3/30/23

The City's first Sustainability Plan was adopted in 2012. Its Goals and Strategies came out of a broad engagement process, led to the creation of a Sustainability-focused staff position (originally in the Engineering Department, currently in the Mayor's Office) and a broader focus for the Sustainable Energy and Design Committee that was subsequently re-named the Sustainable Madison Committee.

In 2020, the Sustainable Madison Committee began an update process; the goal is a scaled-down document, intended for city staff implementation with targeted goals and timelines. The 10-page Draft 2, which is currently being reviewed by various city BCC's, was presented to the Task Force on 2/22/23 and reviewed for this summary, is not the complete report; introductory material and other narrative additions are expected to be included when Draft 3 is released for public input this summer, revisions in the fall, and adoption by the end of 2023. Members of the Task Force are encouraged to participate in the public engagement process.

Chapters, which are different from those in the 2012 plan, include: 1) Affordable Housing, 2) City Design & Infrastructure, 3) Renewable Energy & Decarbonization, 4) Sustainable Transportation, 5) Clean Water, 6) Zero Waste, 7) Healthy Ecosystems and 8) Green Economy.

The only references to agriculture in Draft 2 appear in Chapter 2, Goal 4, which reads: Protect and increase the access to infill, neighborhood-scale sustainable farming and community gardening. Two actions are proposed:

> **4.1. Develop and implement a mechanism for creating community gardens in partnership with community organizations following recommendations from the Madison Food Policy Council.**
> **4.2. Create guidelines to inform both community and City decision-makers regarding planning and permitting for the remaining farmland in our community and ensure community members, especially renters, have access to garden space.**

However, there are opportunities to broaden any reader's understanding of how food production contributes to the sustainability and resilience of our community, and provide options for implementation of goals and actions that do not, at first glance, suggest urban agriculture. Specific recommendations were submitted on 2/23/23 to Sustainability Manager Price in the "Draft 2 Feedback" document attached to this report.

SUSTAINABILITY PLAN – DRAFT 2 FEEDBACK Nan Fey 2/23/23

Consider revising Goal 4 statement to focus on "urban agriculture" broadly, something like this. The second phrase came from the farmland action but applies at all levels. Actions are expanded to reflect discussion at the Farmland Preservation Task Force on 2/22/23.

Goal 4: Preserve, protect, and increase access to land for urban agriculture, particularly for community members who live in rental properties.

1. **Facilitate the location of community gardens on city-owned land in collaboration with community organizations, e.g. proactively plan for gardens in parks & open space.**

2. **Support the location and development of market garden opportunities.**

3. **Support and implement the recommendations of the Farmland Preservation Task Force to plan for wise use of the remaining farmland in the community.**

In the introductory narrative to Chapter 2: Resilient City Design & Infrastructure suggest noting that gardens and well-managed agricultural areas contribute substantially to human resilience (locally grown food), stormwater management (improved infiltration) and eco-system services (carbon capture, pollinators etc). These benefits are reflected in Goals 4 and 6 in this chapter, and 14.4 in Chapter 5 (Clean Abundant Water).

Goal 18 – The IPM Task Force was suspended in March 2020 by the pandemic and, to the best of my knowledge, has not been re-started. It should be, and perhaps this should be a recommendation from the SMC. I was one of the co-chairs of the group, and we were at the stage of discussing recommendations to include in a report, i.e. nearly done 3 years ago.

Chapter 8: Vibrant Green Economy also needs to include market gardens and farmland in the introductory text; produce grown in community gardens is for personal use and not for sale. Readers of **Goal 21** should think of urban agriculture as quickly as they think of any other business that creates a product. **Goal 23** also would include urban agriculture; consider re-phrasing to read "Work with partners to attract and support the development of new businesses focused on green- and climate-friendly services or products, especially those owned by women and minorities." (if minorities is even the appropriate word) Agriculture can also be a very important sector for adding green jobs, see **Goal 24**.

SUSTAINABILITY PLAN – DRAFT 2 FEEDBACK

Consider revising Goal 4 statement to focus on "urban agriculture" broadly; the second phrase came from the farmland action but applies at all levels. Actions are expanded to reflect discussion at the Farmland Preservation Task Force on 2/22/23.

Goal 4: Preserve, protect, and increase access to land for urban agriculture, particularly for community members who live in rental properties.

1. **Facilitate the location of community gardens on city-owned land in collaboration with community organizations, e.g. proactively plan for gardens in parks & open spaces.**

2. **Support the location and development of market garden opportunities.**

3. **Support and implement the recommendations of the Farmland Preservation Task Force to plan for wise use of the remaining farmland in the community.**

In the introductory narrative to **Chapter 2: Resilient City Design & Infrastructure** suggest noting that gardens and well-managed agricultural areas contribute substantially to human resilience (locally grown food), stormwater management (improved infiltration) and eco-system services (carbon capture, pollinators etc). These benefits are reflected in Goals 4 and 6 in this chapter, and 14.4 in Chapter 5 (Clean Abundant Water).

Chapter 7: Healthy Ecosystems Goal 18 should reference more than just "minimizing the use of pesticides" because there are important choices to made about pest management options, and the statement should be broadened to "City activities and City-owned properties". **Action 18.1** appears to reflect the knowledge that the IPM Task Force was suspended in March 2020 by the pandemic and has not been re-started. I was one of the co-chairs of the group, and we were at the stage of discussing recommendations to include in a report, i.e. nearly done. SMC should recommend re-constituting the Task Force and, because it will likely take months to identify appropriate staff members and citizen representatives, the sooner the better.

Chapter 8: Vibrant Green Economy also needs to mention market gardens and farmland in the introductory text; produce grown in community gardens is for personal use and not for sale. Readers of **Goal 21** should think of urban agriculture as quickly as they think of any other business that creates a product. **Goal 23** also would include urban agriculture; consider re-phrasing to read "Work with partners to attract and support the development of new businesses focused on green- and climate-friendly services or products, especially those owned by women and minorities." (if minorities is even the appropriate word). Agriculture can also be a very important sector for adding green jobs , see **Goal 24**.

Fey 2-23-23

FPTF REPORTING FORM

This is a form for Farmland Preservation Task Force Team members to record their findings in preparation for final report writing.

- Responses are required for all questions except for the final question and uploading sections.
- Please fill out one form for ***each issue*** your team has addressed.
- Answers are editable - once you submit the form you'll receive an email with a link to continue editing.
- Multiple forms can be filled out by the same person.

Email *

(redacted)

Name *

Nan Fey

Team *

- ○ Land Access
- ○ Land Characteristics
- ◉ Policy Review

What specific issue did you address? (clarify terms, submit one report for each issue) *

Review of Comp Plan food-related elements

Why did you focus on this issue? *

The Madison Food Policy Council succeeded in adding food-related goals and/or strategies to every substantive chapter of the Comp Plan that can be leveraged to improve the availability of urban agriculture in the community. During this process, the Work Group provided clear feedback to the Plan Commission and Common Council on the need for balance between building development and farmland preservation that was largely ignored but is worth bringing back to the attention of policy-makers in the Task Force report.

What particular question(s) were you trying to answer about this issue? *

What elements of the 2018 Comp Plan, as adopted, can be cited in support of farmland preservation and urban agriculture.

What resources/data did you discover/rely on? (include weblinks, contacts, etc. You can upload documents in the next question) *

2018 Comprehensive Plan -- All Sections and Maps
2020-2022 Progress Updates on Planning Department's Website

Upload any resources documents you may have

What is the current status of this issue in the City of Madison, if known? *

It is difficult to tell from the update charts being provided by the Planning Division what specifically is happening when the status of Comp Plan element is noted as "ongoing" or "in progress". As for balancing the desire for building housing with the need to preserve farmland, the Voit and Raemisch Farm development projects as approved have both resulted in significant loss of farmland in the city.

Summarize your findings and upload other materials that support your findings, if available, in the next question. *

There are numerous recommendations in the Comp Plan that, if implemented, could make substantial contributions to urban agriculture opportunities in the City. Some questions:
1. Is there an ongoing effort to identify locations for community gardens?
2. Is RAFS "the joint city/county resident work group has also been formed to develop supportive policies for urban farms and community gardens across Madison and Dane County" referenced in the definition of Urban Ag (page 98)?

Upload any documents that synthesize your work

FPTF - Comp Pla...

Answer EACH ONE of the Big Questions: How does your research on this issue help to address the **significance (and rate) of farmland loss in our community?** *

The Land Demand Analysis and Urban FootPrint sections of the Comp Plan present helpful (if now a bit dated) information that can be used to support recommendations that propose a better balance between building development and land preservation.

Answer EACH ONE of the Big Questions: How does your research on this issue help to address the **definition of Farmland Preservation for Task Force purposes?** *

The Comp Plan plainly states "Dane County contains some of Wisconsin's most productive farmland" and recommends that "a map of existing agricultural operations should be developed, followed by a prioritization of properties where food production as a future land use could be encouraged." It also supports identifying "locations that would be suitable for agrihoods where development is integrated with a working farm." A definition of urban agriculture notes the range of practices "including market farms, community gardens, school gardens, full-year vegetable production in greenhouses, orchards, rooftop gardens, and the raising of chickens, fish, and bees."

Answer EACH ONE of the Big Questions: How does your research on this issue help to address the **definition of people-focused entrepreneurial, e.g. urban ag vs. monocropping ag?** *

The Comp Plan focuses on "urban agriculture" which is commonly understood as smaller scale, and the importance of local food and creating jobs in the local community. The only references to "monocropping" or more commercial agriculture are oblique; recommending "sustainable agriculture" and best practices that minimize the use of pesticides and manufactured fertilizers.

Answer EACH ONE of the Big Questions: How does your research on this issue help to address **the metrics we want to see in policy recommendations to measure progress?** *

The City is already required to keep track of how many acres are devoted to what uses, and its regulatory processes will record uses of land that require permits or zoning changes.

Answer EACH ONE of the Big Questions: How does your research on this issue help to address **how we can quantify potential impacts of proposed policies?** *

The Comp Plan does not address the value of ecosystem services that can be provided by areas of land that are sustainably managed to increase stormwater infiltration, carbon sequestration -- but these could be used to balance against the known negative impacts of pavement (heat island), energy use, and transportation corridors when land is used for building.

Answer EACH ONE of the Big Questions: How does your research on this issue help to address **how we balance housing (or other developed uses) and food production?** *

The Land Demand Analysis suggests the balance between single family and multi-family housing could be revisited to favor more efficient land use and, as manufacturing recedes in our community, the land once reserved for that purpose could be saved for agriculture.

What are your specific recommendations regarding this issue? *

1. Fill the (currently vacant) Food Policy Director staff position to inform, coordinate and motivate implementation of food-related elements in the Comp Plan.
2. Parks Division should pro-actively plan for areas in their properties that are suitable for agriculture at various scales and protect those areas for future use; consider adding goals for urban agriculture in the next Parks & Open Space Plan. (Land Demand Analysis, Table 8)
3. Complete a regional food systems plan by 2025. (Effective Government Strategy 1, Action c)
4. Implement other food related Comp Plan Goals & Strategies, especially those in the Economy & Opportunity and Green & Resilient Chapters.
5. Reconvene the Integrated Pest Management Task Force that was working on guidelines for the City that would also serve as a model for the community. (Green & Resilient Strategy 9, Action c)
6. When updating Comp Plan in 2025-2028, directly engage the issue of how to balance the desire for building development with the need for farmland preservation, because once farmland is converted, it is likely to never again be available for cultivation. Having acknowledged the importance of farmland preservation and growth of the local food economy as significant goals, any development proposed on property currently zoned agriculture (or possibly employment) should be consciously and carefully weighed against the long-term public value of preserving those areas identified as prime farmland.

What might be required for the City of Madison to implement these recommendations? (Check all that apply) *

- [ ] ordinance change
- [ ] zoning change
- [x] budgetary investment
- [x] implementation of adopted plans
- [ ] administrative rule or process update
- [ ] map update
- [x] inter-departmental collaboration
- [x] community collaboration
- [ ] Other: _____

Do you have any concerns or observations that didn't seem to fit into any previous category or respond to a question? Is there anything you want to be sure is included in the Task Force Report in addition to your recommendations? **(**E.g. Important information captured in your research that you feel must be included in the final report in the form of text; or a map, table, chart, etc. for appendices.)

_____

Upload any additional information to be included in the final report.

This content is neither created nor endorsed by Google.

Google Forms

FPTF – COMP PLAN REVIEW **Fey 3/27/23**

In January 2017, the Madison Food Policy Council and Food Policy Director, George Reistad, recognized a need to engage with the "Imagine Madison" process to ensure that food issues were represented in the Comprehensive Plan that was being developed to guide decision-making in the community for the next 10 years. A work group met dozens of times, submitted numerous strategies and actions for consideration, and advocated for them before many boards, commissions and committees on its way to approval in the fall of 2018.
The goals and strategies can be found here:
https://madison.legistar.com/View.ashx?M=F&ID=11416507&GUID=D9AD3A4E-8406-477B-B9FC-CE5A40170BA0
The maps are here:
https://madison.legistar.com/View.ashx?M=F&ID=11416584&GUID=D06C03A8-1CEC-417F-8148-C857ECE26301

Section 1: How do the food-related Goals and Strategies support issues identified by the Task Force, what agencies are tasked with implementation, and what has been done?

Land Use & Transportation Strategy 6 focus on compact growth does NOT adequately acknowledge the value of farmland despite efforts to highlight the issue. See Section 3 below for input provided during the Comp Plan process.

Lead Agency: Planning
2020-2022 updates note status as "ongoing"; highlights focus primarily on transportation improvements, but also note planning processes for Oscar Mayer, East & West Towne, and northeast side Nelson and Rattman Neighborhoods.

Neighborhoods & Housing Strategy 6 focuses on access to affordable, nutritious and culturally appropriate food includes and actionable statement: Identifying locations for additional community gardens and urban agriculture should be undertaken in a future citywide planning effort.

Lead Agencies: Economic Development, Parks, Planning, Public Health
2020-2022 updates note status as "ongoing"; highlights focus primarily on housing.
Q = What is "ongoing" about identifying space for community gardens?
Staff confirmed on 4/20/23 that no city-wide effort has been undertaken.

Economy & Opportunity Strategy 7 supports efforts for business and consumers to produce and buy local food, products and services. The second paragraph of the narrative reads as follows:

> As the climate changes, access to food grown in other states and countries becomes less certain. Dependence on other sources of food can be reduced by producing more local food. This also provides economic benefits to growers, suppliers, distributors, and retailers in the food system. A growing food sector can also benefit residents that face barriers to employment. Many jobs in the food industry do not require college degrees but some offer opportunities for advancement.

Lead Agency: Economic Development
2020-2022 updates note status as "ongoing"; highlights focus primarily on food carts.

Culture and Character Strategy 3 emphasizes the need to create safe and affirming spaces for under-represented groups. Growing spaces have always serve this function and bring in people from outside those under-represented groups, especially in public parks.

Lead agencies: Library, Planning
2020-2022 updates note status as "ongoing"; highlights focus on the arts

Green and Resilient Strategy 9 supports sustainable farming and gardening practices that protect the environment and public health. There are important statements (underlined) in each of the three Actions described for implementation.

a. **Support Community Gardens** Community gardens play a vital role in supplying residents with locally grown food. The City and partners should explore two measures to sustain and expand the use of community gardens. The leases of community gardens on City-owned property should be evaluated for extension. In addition, community partners should collaborate on identifying opportunities for new facilities in areas that would require little infrastructure to provide water and access to gardens.

b. **Food Production within the City** As Madison continues to grow it will be necessary to balance development with the use of land or buildings for urban agriculture and food production. Food security is enhanced through the preservation of agricultural lands and expanded support for local and regional food production. Properties owned by the City, currently undeveloped properties, or properties in commercial and industrial areas have potential to increase local, sustainable food production and encourage neighborhood interaction and increase social capital. A map of existing agricultural operations should be developed, followed by a prioritization of properties where food production as a future land use could be encouraged.

The City should also identify locations that would be suitable for agrihoods, where development is integrated with a working farm. Troy Gardens on Madison's north side is a good example. Agrihoods could be developed at a variety of scales but may be most appropriate on the edge of the city where they could serve as a transition to existing rural uses.

c. **Establish Guidelines** Madison must work to reduce the use of harmful fertilizers, pesticides, and herbicides. Pesticides have negative environmental and health impacts. Fertilizers contain high levels of phosphorus which negatively affects the lakes and waterways. Guidelines should be established for urban agriculture to promote best practices that support the natural environment and public health in the community. Pollinator Protection Task Force recommended a review of the city's Integrated Pest Management policy, and a staff/BCC member Task Force was nearing recommendations when the pandemic interrupted its work.

Lead agencies: Mayor's Office, "Community Partners", Parks, Planning
2020-2022 updates note status as "in progress"; highlights emphasize stormwater, mention expanding tree canopy.

Definition of Urban Agriculture (in a text box, page 98):

Urban agriculture involves the production of food for personal consumption, market sale, donation, or education, within cities and suburbs. Urban agriculture exists in multiple forms, including market farms, community gardens, school gardens, full-year vegetable production in greenhouses, orchards, rooftop gardens, and the raising of chickens, fish, and bees. Madison has supported a recent growth in urban agriculture through its Zoning Code, and other City ordinances permitting community gardens, fruit and nut trees, beehives, and backyard chickens. The Zoning Code allows the creation of Urban Agriculture Districts to encourage small-scale farming within the city, one example being the 4.5- acre Troy Community Farm on Madison's north side. A joint city/county resident work group has also been formed to develop supportive policies for urban farms and community gardens across Madison and Dane County. Staff has been assuming that the Regional Agriculture & Food Sovereignty Work Group is working on this.

Effective Government Strategy 1 is to pursue regional solutions to regional issues, and specifically identifies the need to "work with Dane County and other municipalities to develop a regional food systems plan". Action C is very specific:

> Work with Dane County and other municipalities to develop a regional food systems plan. Dane County has some of the most productive agricultural land in the world, as well as a strong food economy. The City should support Dane County and other entities in developing a regional food systems plan that identifies key improvements to the regional food supply chain. Strengthening the local supply chain will bring additional food security to the region, job opportunities for residents with a wide range of backgrounds, and support preservation of agricultural land.
>
> Lead agencies: Planning, Public Health
> 2020-2022 updates note status as "in progress"; highlights include collaboration with County on purchasing Moraine Park,

Section 2: Beyond its chapter strategies, there are three other sections to consider when analyzing the Comprehensive Plan with a goal of supporting farmland preservation:

1. Guiding Lenses (Introduction, page 6) The text maintains that they are the "driving force behind many of the Plan's recommendations" but they have not been applied to the issue of farmland preservation as they could be, e.g.
    a. Equity – growing space at market scale is not currently available on an equitable basis to under-represented groups who suffer from discrimination when looking for agricultural land (see Yang memo)
    b. Health – more land is needed for locally grown food, subject to guidelines like those in the Green & Resilient Strategy 9 Action C
    c. Sustainability – more land left green for growing food will contribute to stormwater management, carbon capture, ecosystem and public health.
    d. Adaptability – disruptions to the food supply chain will be mitigated by preserving more growing space for the community

2. Land Demand Analysis (Appendix B, pp 127-129) is required by the state's Comp Plan legislation, asking municipalities to provide 20 year land use projections in 5-year

increments; the information is presented in tables with narrative explanations. Here's what stands out:

Table 1 is general land demand projections for 2015-2040 in 8 categories. Single-family housing is expected to utilize 25-30% of total acres. Parks & Open Space are less than half of that amount.

Table 2 shows that from 2000-2016 the city annexed 13 square miles (1 square mile=640 acres). *Staff responses to these questions on 5/1:*
How many acres have been added since 2016? What type of land? How is it zoned? ***3,373 acres have been added to the City since 2016. There have been attachments from the Towns of Burke, Blooming Grove and Middleton. Those attachments have been largely undeveloped rural land. The most recent attachment at the end of 2022 was the Town of Madison, which was almost entirely developed land. Provided map for zoning of lands attached since 2016.***
Also what is expected to be added with future annexations. ***There are three future phased attachments planned (see Intergovernmental Agreement Map: https://www.cityofmadison.com/dpced/planning/documents/Intergovernmental%20Agreements_031623.pdf***
In 2027, the attachment of Town Blooming Grove will add 1,554 acres. In 2036, the attachment of Town Burke will add 7,030 acres (1,500+ acres will be the Cherokee Marsh, there are additional wetland and floodplain areas in the northern sections of the town that will be part of the attachment. Potential developable land is not 7,030 acres). In 2042, the attachment of the Town of Middleton will add 1,062 acres.

Table 3 shows the change in acres of land dedicated to current uses; the narrative notes that "between 2005 and 2017 the number of acres used for agriculture or sitting vacant declined by nearly 1700 acres, meaning that a large amount of land already within Madison city limits is being converted to other uses, primarily residential, commercial, and parks & open space" this appears to have been a decline of over 20% in agricultural uses.

Table 4 shows "parcel creation" but does not specify uses.

Table 5 shows Residential Land Demand 2015-2040 and suggests that single family residential will require nearly 1400 acres; multi-family closer to 400.
Potential Recommendation: Strike a different balance to conserve land

Table 6 deals with Employment Assumptions, and notes that "due to national trends in the decline of manufacturing jobs (including a 0.4% projected annual employment decline in Madison) no additional industrial land demand is projected in this analysis" Potential Recommendation: Allocate the % of land once reserved for manufacturing to agriculture in future plans.

Table 7 projects Commercial Land Demand, no narrative is offered.

Table 8 focuses on Recreational Land Demand based on the standard of providing 10 acres per 1000 population as set forth in the City's Parks and Open Space Plan (POSP), and projects an additional demand of 100-150 acres per 5-year increment

from 2015-2040. The City updates its POSP in 5-year increments, utilizing National Recreation and Park Association goals; the most recent available is 2018-2023 which suggests it may be in the update process now. If the City continues to support urban agriculture on publicly owned lands, consider recommending:

- The next POSP acknowledge this community need (provide survey)
- Require pro-active master planning of parks & open space to provide significant area (near the necessary infrastructure) for growing food

3. Urban Footprint Analysis (Appendix C, pp. 131-149) As part of the Comprehensive Plan process, the City used a growth scenario modeling tool called UrbanFootprint to help estimate the future impacts of land use and transportation decisions across seven major modules: energy use, water use, fiscal impacts (for both the City and for households), transportation, emissions, health, and land consumption. Three scenarios were explored, weighting different ratios of infill/redevelopment with new development on the edges of the city: 70% edge/30% infill, 50/50, and 30% edge/70% infill. While many of the results that favor Scenario #3 are transportation related, focusing on infill and redevelopment rather than on the edges of the city is projected to save 932 acres of farmland. Potential Recommendation: Set a goal for future building development to be accomplished with 70% infill and redevelopment to maximize preservation of farmland.

Section 3: While the group's efforts added a Strategy and Action to every chapter, and several key terms to the discussion of food-related issues in the Comprehensive Plan, its efforts to clearly identify the need to balance the need to preserve farmland with the desire for development were not adequately addressed. In a memo to the Plan Commission and Planning Staff on July 12, 2018, the following recommendation was made:

> **Adding language about "preserving farmland".** In its July 2nd spreadsheet (entry #109) staff's analysis suggested including this in the introduction to Land Use Strategy 6 on page 39. The actual text, however, was not intended to be written until after the adoption of the Comp Plan. The Work Group respectfully requests that the following text be added before voting on the plan:
>
> Dane County contains some of Wisconsin's most productive farmland, some of which lies inside and near Madison's boundaries. Once farmland is converted, it is likely to never again be available for cultivation. Because the City has acknowledged farmland preservation and growth of the local food economy as significant goals, any development proposed on Madison's periphery should be consciously and carefully weighed against the long-term public value of those areas identified as prime farmland.
>
> https://madison.legistar.com/View.ashx?M=F&ID=6361735&GUID=A987DD35-42EC-48A6-8132-6AE27084EC0B

While the underlined phrase appears at the beginning of the narrative describing Land Use Strategy 6 "Facilitate compact growth to reduce the development of farmland", none of the language acknowledging the need to actively preserve farmland was included. The next month, in a memo to the Common Council that noted its gratitude for including goals and strategies that focus on food, the group included the following paragraph:

> There is one issue, however, we believe the Comprehensive Plan should acknowledge more directly. While Planning Division staff has worked to accommodate our requests to include references to food-related policy, we are still concerned that the final document may not fully acknowledge the serious need to address continuing loss of productive farmland near our major urban area. A simple comparison of the Growth Priority Areas map (page 16) with the Productive Agricultural Soils and Natural Limitations for Building Site Development maps (pages 141 and 143) illustrates the challenge very well. We believe it will be important for staff and policy makers to balance the strong community values that support local food and the preservation of farmland, as expressed during the Imagine Madison process, with development interests as the city grows. As the Food Policy Council pursues the Effective Government action to create a future regional food systems plan, it will be important to face this issue and better balance the desire for development with an almost certain need for local food production.
>
> https://madison.legistar.com/View.ashx?M=F&ID=6430550&GUID=6E74580D-360F-4844-94A1-ECE582ECCBF2

The group's final statement on the farmland preservation issue in the context of the Comprehensive Plan came in its 9/28/18 memo to Madison Food Policy Council:

> One very important issue was not addressed to the Work Group's satisfaction, the direct conflict between preserving farmland and building development. A simple comparison of the plan's Growth Priority Areas map with the Productive Agricultural Soils and Natural Limitations for Building Site Development maps illustrates the challenge. Work Group memos to the Plan Commission and Common Council requested clear language directing staff and policy makers to balance the strong community values that support local food and the preservation of farmland with development interests as the city grows. However, staff and the ultimate decision-making bodies were not willing to confront this conflict directly in the final document. As the Food Policy Council pursues the Effective Government action to create a future regional food systems plan, it will be important to face this issue.

https://madison.legistar.com/LegislationDetail.aspx?ID=3689912&GUID=0AD40E48-9F67-4A88-BD0C-22C32E3CEE97&Options=ID|Text|&Search=53336#:~:text=Comp%20Plan%20WG%20Sunset%20Memo%20092818%20FINAL.pdf

Since the adoption of the Comprehensive Plan, two development projects have directly faced the issue of balancing farmland preservation with development at the Voit and Raemisch Farms; the latter received a great deal of public attention not only because of its proximity to the airport and concerns about adding housing units near the predictable noise impacts of F-35 fighter jets, but the potential loss of farmland that nearby residents had been working to preserve for two years. Both Dane County and Madison's food councils submitted comments to the Common Council citing provisions of the Comprehensive Plan, documenting the community demand for growing space and noting the value of farmland, in support of maintaining the agricultural zoning and uses or, if a re-zoning was approved, housing approaches that would maximize the amount of land remaining under cultivation.
https://madison.legistar.com/View.ashx?M=F&ID=10537498&GUID=B0BD21BC-0802-43FB-967B-53BD71A221B5 The cover letter of that memo, in its final paragraph, notes the Madison

Food Policy Council's "plans to develop policy recommendations about farmland preservation" which led the Common Council to authorize the Task Force on Farmland Preservation in September of 2022. Link enabling resolution and extension of time.
https://madison.legistar.com/View.ashx?M=F&ID=11175482&GUID=55EACF3F-FC98-44DF-97CB-9A0F8223E4D8

On April 24, 2023 staff initiated a discussion with the Plan Commission on an "interim update" of the Comp Plan at the half-way mark before its next decennial update to meet state statutory requirements. While this is intended to focus on the Generalized Future Land Use Map, with few text revisions, it may provide an opportunity for additional input in the remaining months of this year.

FPTF REPORTING FORM

This is a form for Farmland Preservation Task Force Team members to record their findings in preparation for final report writing.

- Responses are required for all questions except for the final question and uploading sections.
- Please fill out one form for ***each issue*** your team has addressed.
- Answers are editable - once you submit the form you'll receive an email with a link to continue editing.
- Multiple forms can be filled out by the same person.

Email *

(redacted)

Name *

Nan Fey

Team *

- ○ Land Access
- ○ Land Characteristics
- ◉ Policy Review

What specific issue did you address? (clarify terms, submit one report for each issue) *

Whether the Ag Lease Policy recommendations of January 2022 are being implemented.

Why did you focus on this issue? *

It appears there's been little progress.

What particular question(s) were you trying to answer about this issue? *

How can we increase access to city-owned agricultural land for members of our community who are looking for growing space?

What resources/data did you discover/rely on? (include weblinks, contacts, etc. You can upload documents in the next question) *

See 13 pages of References to the Ag Lease document uploaded below. During this process, members of the Madison Food Policy Council held meetings with city and county staff on numerous occasions.

Upload any resources documents you may have

Ag Lease Policy ...

What is the current status of this issue in the City of Madison, if known? *

Several small changes were made in a lease signed in 2021, adding glyphosate to the list of pesticides that are prohibited, a 2-year lease for mowing hay, requirements for no-till practices and appropriate ground conditions during harvest. Staff reported "no new leases" in 2022 which doesn't make sense given the usual term is for 1 year.

Summarize your findings and upload other materials that support your findings, if available, in the next question. *

Staff proposed an implementation process in January 2022, but efforts to determine to whether it has been followed have been hit-or-miss for over a year. It's clear from their communications that capacity has been a challenge, but there's no way to know whether or not they have reached out to the County for help in its areas of expertise. It does not appear that the lease language revisions (to comply with state law) have been made or the factors that might influence the duration of leases have been explored on the properties involved.

Upload any documents that synthesize your work

FPTF Ag Leases ...

Answer EACH ONE of the Big Questions: How does your research on this issue help to address the **significance (and rate) of farmland loss in our community?** *

Not directly. This issue encourages best practices on the farmland already owned by the city.

Answer EACH ONE of the Big Questions: How does your research on this issue help to address the **definition of Farmland Preservation for Task Force purposes?** *

Not directly, but it conveys the importance of sustainable stewardship to protect the environment and public health, and the need to make farmland available on a more equitable basis to growers in the community.

Answer EACH ONE of the Big Questions: How does your research on this issue help to address the **definition of people-focused entrepreneurial, e.g. urban ag vs. monocropping ag?** *

Not directly, but the recommendations envision sustainable farming practices on what are generally smaller parcels that could accommodate numerous growers, creating green jobs at many levels in the local economy.

Answer EACH ONE of the Big Questions: How does your research on this issue help to address **the metrics we want to see in policy recommendations to measure progress?** *

In addition to the number of acres kept in agriculture, see response below.

Answer EACH ONE of the Big Questions: How does your research on this issue help to address **how we can quantify potential impacts of proposed policies?** *

Review of agricultural leases on city-owned lands on an annual basis to explore:
1. How many leases were there?
2. What kind of crops were being grown?
3. Were the crops marketed locally?
4. How many people were employed to work the land?

Answer EACH ONE of the Big Questions: How does your research on this issue help to address **how we balance housing (or other developed uses) and food production?** *

Provides guidance on how land for food production should be managed.

What are your specific recommendations regarding this issue? *

1. Revise standard agricultural land lease language to comply with state law.
2. Develop a process for advertising the availability of city-owned land for agriculture.
3. Provide written evaluation of the land involved in each lease that takes into consideration the factors identified in the memo -- location, future use & timing.
4. Create an inventory of lands that can be reserved for urban agriculture.
5. Consider submitting the Staff Memo to the Common Council for formal Adoption

What might be required for the City of Madison to implement these recommendations? (Check all that apply) *

- [ ] ordinance change
- [ ] zoning change
- [ ] budgetary investment
- [x] implementation of adopted plans
- [x] administrative rule or process update
- [ ] map update
- [ ] inter-departmental collaboration
- [ ] community collaboration
- [x] Other: Implementation of the process outlined on 1/10/22

Do you have any concerns or observations that didn't seem to fit into any previous category or respond to a question? Is there anything you want to be sure is included in the Task Force Report in addition to your recommendations? **(**E.g. Important information captured in your research that you feel must be included in the final report in the form of text; or a map, table, chart, etc. for appendices.)

All of the work required to develop the recommendations in the Memo was done by volunteers; implementation has to be done by City Staff. What is the best mechanism for making that happen?

Upload any additional information to be included in the final report.

This content is neither created nor endorsed by Google.

Google Forms

AG LEASES POLICY REVIEW PROCESS

2021

December 15 – Memo to Mayor & Staff approved by Madison and Dane County Food Councils

Meeting Minutes

Memo with Proposed Lease Terms and References

2022

January 10 – Final Memo provided to Economic Development Division Staff

Director Matt Mikolajewski , George Reistad, Heidi Radlinger

Implementation steps laid out by Reistad as update for MFPC on 1/19:

- Determine which ag lease parcels to focus on in 2022/23
- Which parcels are slated for long-term holding?
- EDD then set meetings to discuss how to handle these parcels with appropriate City agency staff
- City staff reach out to current ag parcel lessees (farmers)
- Invite feedback on new provisions
- Modified provisions will vary from one property to another
- Analysis of these parcels would assist in providing nuance to lessees on specific, recommended changes
- County Land & Water Staff can help with analysis
- Jess Guffey-Caulkins can help make these connections with Dane Co staff
- We need to determine how much work can be handled by County and how much would fall to ORES/EDD staff, and then make a decision on how to best proceed based on City capacity
- Ask whether current farmers would want to continue leasing under recommended terms if adopted
- If current farmers don't want to continue leasing, need to discuss now to proceed based on viability and ease of enrolling different farmers and then managing ag leases for ORES staff
- The Gardens Network land access survey highlights that there is community demand for ag land (80 growers surveyed, ~5 interested in >5 acre parcels, the rest are interested in smaller parcels 0-4 acres)

January 11 – Memo provided to Mayor Satya Rhodes-Conway

July 21 – Update requested to share with RAFS, Reistad email response on 7/25 8am:

- Have not incorporated any of the recommendations into any lease renewals, because there weren't any renewals in the spring of 2022
  This is surprising because the leases are mostly for only one year. Renewals can be requested in writing; if ORES staff approves the renewal, maybe the lease doesn't have to go before the Common Council again?
- Staff can pull together on current properties being leased by late fall, but "stretched very thin with various projects, admin and ARPA management"
- Will schedule meeting with ORES staff in August

Fey reply 10am: When constructing a workplan, couple of things to keep in mind:

- When RAFS submitted its recommendations in January, we learned that some leases had already been signed for 2022.This was surprising, and suggests a need to calendar out when leases are due to be renewed for the next couple of years.
- Remember that County staff will be a big help in this process as the subject matter experts on agriculture and "enforcers" of standards. It would be good to let them know that the City will be looking for their support this fall. Jess will know who to contact, and may have already shared the RAFS criteria and recommendations document with them.
- Even if we only saw revisions to one lease in 2023, it would be an important step forward on an issue we've been working on for years.

August 15 – Reistad scheduled to meet with Staff – couldn't find any follow-up

November 11 – Update requested for RAFS Work Group, no response

November 29 – Update requested for Farmland Preservation Task Force and Madison Food Policy Council meetings on December 14

December 14 – Discussed at 2 meetings; nothing in official Minutes, Fey notes below.

FPTF meeting 3pm – Director of EDD Matt Mikolajewski discussion

- There are currently 8 or 9 leases, mostly on parks & water utility properties
- Will "ask" farmers whether they use nutrient management plans & other best practices
- An RFP process would take 6 months, but would use if a lessee became noncompliant
- How can someone else approach the city? unanswered

MFPC meeting 5:30pm – Former Food Policy Director George Reistad discussion

- Staff has been "bogged down with other stuff"
- Meeting on 12/15 with Office of Real Estate Services staff to discuss farmer follow-up
- Feb/March will be reaching out to current farmers
- Fey explained existing statutory requirements, new ideas (location, timing), noting that the "city is in charge, not lessees" – Reistad responded "it's a balancing act"

December 14 – Fey emailed both Reistad & Mikolajewski after the meetings to address their apparent concern that farmers might balk at having to provide Nutrient Management Plans; clarified that these are already required by state law and administered by the county.

2023

March 13 – Emailed Reistad with specific questions about implementation, reply requested before March 31st. Topics to be addressed were:

1. Has the language of ag leases on City-owned lands been revised for 2023, if so, how?
2. Have any new farmers been approached about renting these lands in the past year?
3. Has Dane County staff been engaged to support City staff and ensure that lessees are complying with state statutes (filing nutrient management plans, etc)?
4. Have Location factors been addressed in current leases?
    1. proximity to residential areas
    2. chemical farming methods
    3. steep slopes and runoff
    4. proximity to watersheds
5. Have future uses (and their timing) for these properties been considered?
6. Have "best management practices" been required of lessees?
7. Has any effort been made to "proactively find & reserve land for urban agriculture"?

April 11 -- Director Matt Mikolajewski responded "At this point, I think it would be fair to include a statement in the report that progress has not been made on Items #1, #4, and #6."

FPTF REPORTING FORM

This is a form for Farmland Preservation Task Force Team members to record their findings in preparation for final report writing.

- Responses are required for all questions except for the final question and uploading sections.
- Please fill out one form for ***each issue*** your team has addressed.
- Answers are editable - once you submit the form you'll receive an email with a link to continue editing.
- Multiple forms can be filled out by the same person.

Email *

(redacted)

Name *

Nan Fey

Team *

- ○ Land Access
- ○ Land Characteristics
- ◉ Policy Review

What specific issue did you address? (clarify terms, submit one report for each issue) *

CARPC 2020-2050 Regional Development Framework

Why did you focus on this issue? *

City is in Dane County, its Regional Planning Commission is called the "Capitol Area" (CARPC)

What particular question(s) were you trying to answer about this issue? *

What information, perspectives and recommendations could support farmland preservation in the City of Madison, the county's municipal center.

What resources/data did you discover/rely on? (include weblinks, contacts, etc. You can upload documents in the next question) *

The PDF of the 100 page report exceeds download limits -- here's a web link: https://drive.google.com/file/d/1VovZvkqDB1mfVQDvhh_6teSUVw3vannz/view

Also note Public Comment submitted to the Task Force by Bill Connors, representative of Smart Growth Madison, referencing this report.

Upload any resources documents you may have

What is the current status of this issue in the City of Madison, if known? *

The report was finalized in July 2022 and serves as a guide for decision-makers in the towns and municipalities of Dane County for the next 30 years. Implementation is described in Chapter 3.

Summarize your findings and upload other materials that support your findings, if available, in the next question. *

Focus on climate resilience notes lists contributions made by green infrastructure (which should include growing areas of any scale), but GHG analysis is all about transportation. Also notes that preserving ag areas support a key sector of the economy.

Upload any documents that synthesize your work

CARPC regional ...

Answer EACH ONE of the Big Questions: How does your research on this issue help to address the **significance (and rate) of farmland loss in our community?** *

While the phrase "farmland loss" does not appear in this report, "conserving farmland" is one of the 3 top priorities being addressed in this report. Reasons for farmland preservation include: improved resiliency to climate change and supporting a key sector of the regional economy. A majority of respondents to a survey expressed preserving "specifically smaller farms with diverse products, as opposed to encouraging expansion of larger farms/CAFOs"

Answer EACH ONE of the Big Questions: How does your research on this issue help to address the **definition of Farmland Preservation for Task Force purposes?** *

The county has a "Farmland Preservation Program" does not provide a definition of the term per se, but describes the program as designed to "protect working farmland, and preserve the farm economy."

Answer EACH ONE of the Big Questions: How does your research on this issue help to address the **definition of people-focused entrepreneurial, e.g. urban ag vs. monocropping ag?** *

As described above, the Greater Madison Vision process (2016-2018) included an extensive survey; a summary of results (included in Appendix A of the Framework) indicates that a majority of respondents to a survey expressed preserving "specifically smaller farms with diverse products, as opposed to encouraging expansion of larger farms/CAFOs".

Answer EACH ONE of the Big Questions: How does your research on this issue help to address **the metrics we want to see in policy recommendations to measure progress?** *

Acres preserved and lost when development is proposed.

Answer EACH ONE of the Big Questions: How does your research on this issue help to address **how we can quantify potential impacts of proposed policies?** *

Acres preserved and lost when development is proposed.

Answer EACH ONE of the Big Questions: How does your research on this issue help to address **how we balance housing (or other developed uses) and food production?** *

The Framework recommends "locating 40% of all future growth within centers and along corridors" on page 25. This particular reference doesn't specify how much of that development might be housing (or distinguish between single and multi-family).

What are your specific recommendations regarding this issue? *

The City should recognize the contribution of farmland to achieving climate resiliency goals and contributing to the local economy. Specifically, leaving land as growing space can impact the following: heat islands, rates of infiltrating precipitation, providing green (instead of grey) infrastructure, increased carbon sequestration, increased biodiversity, expanded eco-system services and reduced emissions of carbon dioxide, methane and nitrous oxide. (see pages 16-19, 36)

What might be required for the City of Madison to implement these recommendations? (Check all that apply) *

- [ ] ordinance change
- [ ] zoning change
- [ ] budgetary investment
- [x] implementation of adopted plans
- [x] administrative rule or process update
- [ ] map update
- [x] inter-departmental collaboration
- [ ] community collaboration
- [x] Other:

Adding language to city-wide planning documents that recognizes the benefits of preserving farmland when evaluating development proposals.

Do you have any concerns or observations that didn't seem to fit into any previous category or respond to a question? Is there anything you want to be sure is included in the Task Force Report in addition to your recommendations? **(**E.g. Important information captured in your research that you feel must be included in the final report in the form of text; or a map, table, chart, etc. for appendices.)

Upload any additional information to be included in the final report.

This content is neither created nor endorsed by Google.

Google Forms

CARPC 2020-2050 REGIONAL DEVELOPMENT FRAMEWORK REVIEW Fey 3/29/23

City Staff Participants: Zellers, Greger, Grady
Other Key Partners: Jess Guffey-Caulkins (UW Ext), Bill Connors (Smart Growth)

Background from the Report:

- 1973 Regional Land Use Plan focused development in areas with a full range of urban services and restricted development in environmentally sensitive areas.
- Subsequent state and federal legislation established 3 regional planning framework components: water quality, resource protection, and farmland preservation.
- 1990-2020 guided by the "Vision 2020: Dane County Land Use and Transportation Plan"
- 2050 Framework is the update to comply with state regional planning statute
- Based goals and objectives on future growth priorities established through input received during the 2016-2018 "A Greater Madison Vision" planning process; detailed summary of findings in Appendix A

Framework focuses on 3 key strategies to address region's top priorities:

1. Reduce greenhouse gas emissions and foster community resilience to climate change. (pp. 16-19) Objectives include:
   - reducing heat island effects
   - increasing infiltration of precipitation
   - reducing stormwater runoff
   - green infrastructure instead of grey
   - regenerative agriculture practices (p.18)
   - designate and protect regional farmland preservation areas
   - increase density and ensure good connectivity among developments

2. Increase access to jobs, housing, and services for all people (pp. 19–21)

3. Conserve farmland, water resources, natural areas (pp. 21-23)
   - Distinguishes "stewardship and natural resource areas" (pp. 33-34)
   - Allocates a greater portion of growth toward more compact urban areas versus low-density rural areas that require more land for each home
   - Encourages cooperative planning and boundary agreements among urban and rural communities to achieve orderly and planned expansion of urban areas and designation of long-term farmland preservation areas.
   - Acknowledges that preserving high quality farmland, particularly when combined with regenerative agriculture practices, will also improve our resiliency to climate change (assumes increased rainfall, storm conditions).

Relevant Recommendations:

- Locating about 40% of all future growth within centers and along corridors (p. 25)
  Why not more??

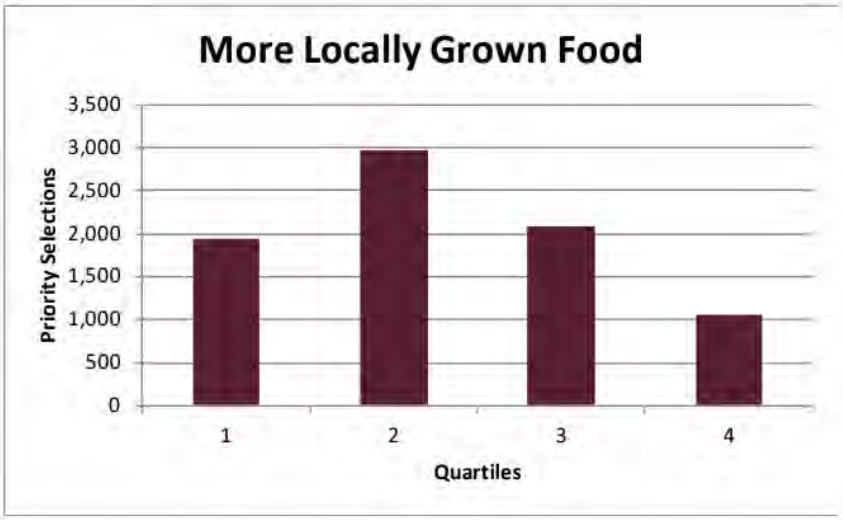
- Minimizing development in long-term farmland preservation areas and coordinating development within farmland transition areas at the local level (p. 35)
  - Notes that reserving agricultural areas is critical to supporting a key sector of our regional economy. (p.36)
  - Farmland preservation also presents an opportunity for expanding sustainable agricultural practices that reduce greenhouse gas emissions and increase climate resilience: benefits of adopting regenerative agricultural practices include increased carbon sequestration, reduced carbon dioxide, methane, and nitrous oxide emissions, improved water quality, increased biodiversity, and expanded ecosystem services. (p.36)

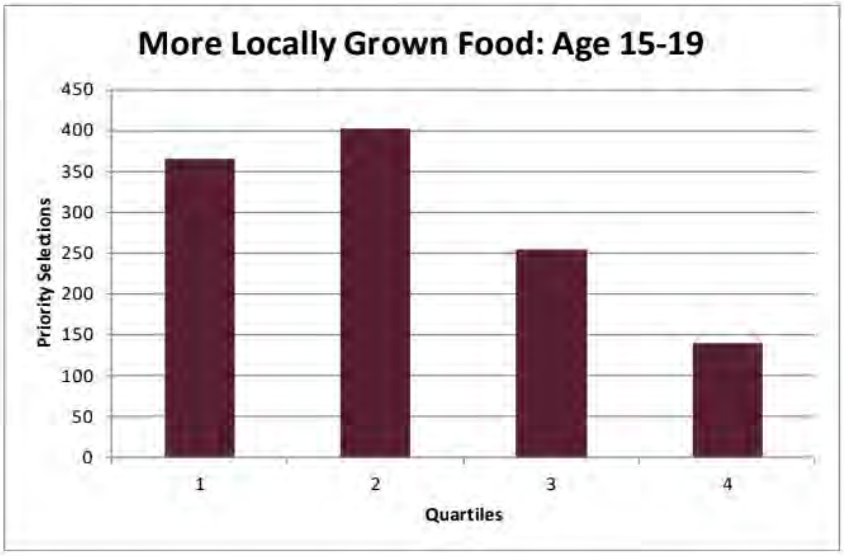
Appendix A: Greater Madison Vision feedback

- The majority of commenters favored preserving farmland; specifically smaller farms with diverse products, as opposed to encouraging expansion of larger factory farms/CAFOs. (p. 9)

- Comment box: "I think we need to re-localize our economy as much as possible since that means a greater multiplier effect and more local employment..." (p.11)

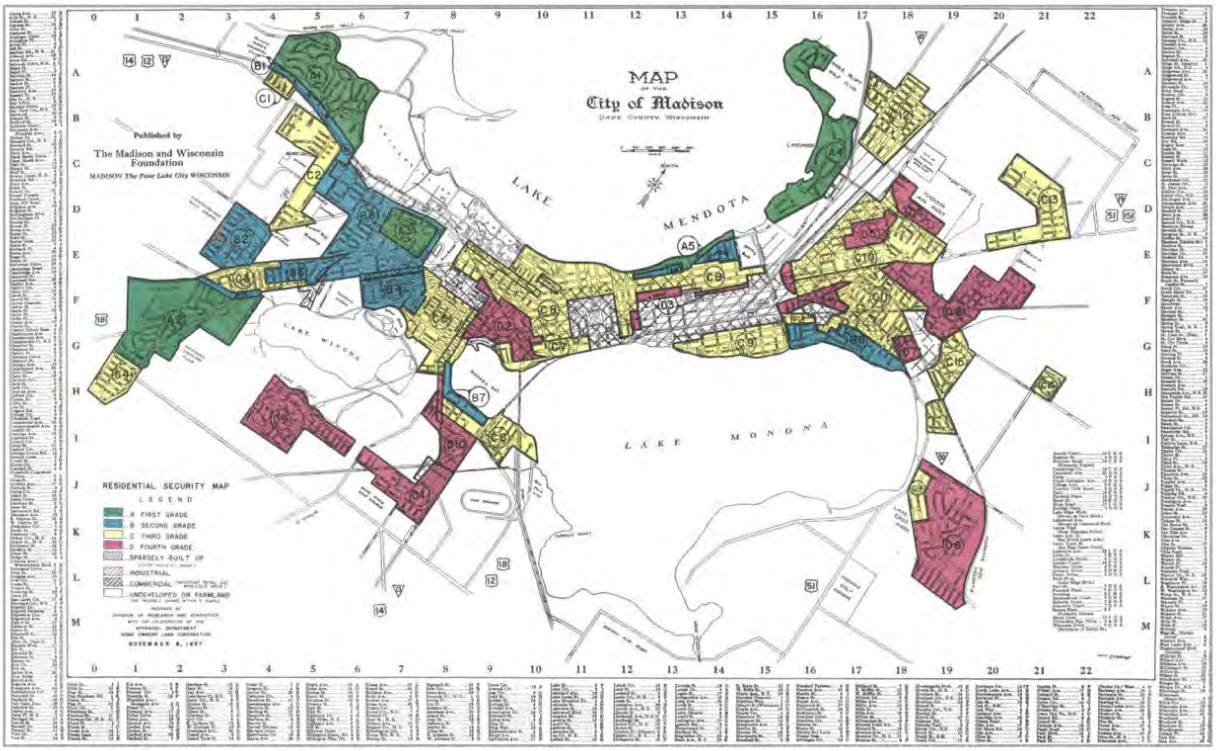
- Respondents, especially youth, want more locally grown food. (p.11)





Appendix D: Equity Analysis

Includes 1937 “red-lining map” of Madison (p. D-4)



“Residential Security Map” created by the Home Owners’ Loan Corporation in 1937 that color coded areas to indicate investment risk. Areas with higher concentrations of minority and low-income residents were shaded red and deemed high risk. Green areas were deemed the lowest risk. These maps reflect the widespread and legal practice of denying home and business loans in minority, and particularly African American neighborhoods, while excluding African Americans and other persons of color from living in areas considered “white-only” such as the green and blue areas above, for example through use of restrictive covenants in property deeds that explicitly stated only white people may occupy the property.

Several “environmental justice maps” are also presented, based on the Greater Madison MPO’s Environmental Justice Analysis (Appendix D of the 2022-2026 Transportation Improvement Program). (pp. D-5-7)

The City of Madison’s 2019 Equitable Development in Madison report prepared by the Planning Division is also referenced and linked. (p.D-6)

FPTF REPORTING FORM

This is a form for Farmland Preservation Task Force Team members to record their findings in preparation for final report writing.

- Responses are required for all questions except for the final question and uploading sections.
- Please fill out one form for ***each issue*** your team has addressed.
- Answers are editable - once you submit the form you'll receive an email with a link to continue editing.
- Multiple forms can be filled out by the same person.

Email *

(redacted)

Name *

Rebecca Kemble

Team *

- ○ Land Access
- ○ Land Characteristics
- ◉ Policy Review

What specific issue did you address? (clarify terms, submit one report for each issue) *

Dane County Farmland Preservation Plan

Why did you focus on this issue? *

To distinguish it from what we are trying to accomplish on the Task Force as it pertains to farmland within the Madison metropolitan service area.

What particular question(s) were you trying to answer about this issue? *

What is the relevance of the Dane County Farmland Preservation Plan to potential City of Madison farmland preservation efforts?

What resources/data did you discover/rely on? (include weblinks, contacts, etc. You can upload documents in the next question) *

Dane County Farmland Preservation Plan website, including updated plan with maps: https://www.danecountyplanning.com/planning/Farmland-Preservation-Plan

Upload any resources documents you may have

What is the current status of this issue in the City of Madison, if known? *

Madison is not participating in the plan because it is identified as an urban service area.

Summarize your findings and upload other materials that support your findings, if available, in the next question. *

On December 19, 2022, the Dane County Board of Supervisors adopted 2022 OA-30, which adopted the 2022 Dane County Farmland Preservation Plan as part of the Dane County Comprehensive Plan.

The Wisconsin Department of Agriculture, Trade and Consumer Protection certified the plan through December 31, 2032.

To be eligible for Farmland Preservation Tax Credits, farmland must:
1. Be in a Farmland Preservation Area in a DATCP-certified county Farmland Preservation Plan.
2. Be under DATCP-certified Farmland Preservation Zoning .
3. Comply with county soil and water conservation standards .

Since Madison is not in a Farmland Preservation Area, farmers within city limits are not eligible for the tax credits.

The 2022 Farmland Preservation Plan includes a new matching grant program to help local governments leverage state and federal funding to develop easement purchase programs.

Upload any documents that synthesize your work

Answer EACH ONE of the Big Questions: How does your research on this issue help to address the **significance (and rate) of farmland loss in our community?** *

By designating Madison as an urban service area, the Dane County Farmland Preservation plan does nothing to help the preservation of farmland within city limits and de facto designates such land as appropriate for development.

Answer EACH ONE of the Big Questions: How does your research on this issue help to address the **definition of Farmland Preservation for Task Force purposes?** *

It offers a very narrow and specific definition for legal and tax purposes.

Answer EACH ONE of the Big Questions: How does your research on this issue help to address the **definition of people-focused entrepreneurial, e.g. urban ag vs. monocropping ag?** *

It does nothing to address this question.

Answer EACH ONE of the Big Questions: How does your research on this issue help to address **the metrics we want to see in policy recommendations to measure progress?** *

It does not offer any helpful metrics.

Answer EACH ONE of the Big Questions: How does your research on this issue help to address **how we can quantify potential impacts of proposed policies?** *

It suggests that we need to be much more nuanced and specific about the metrics we choose to recommend.

Answer EACH ONE of the Big Questions: How does your research on this issue help to address **how we balance housing (or other developed uses) and food production?** *

It does not offer any helpful suggestions within city limits, but it contains good data and information about how that might be done in rural areas.

What are your specific recommendations regarding this issue? *

The Dane County Farmland Preservation Plan is focused on tax credits based on zoning outside of the City of Madison and therefore is not relevant other than as context.

What might be required for the City of Madison to implement these recommendations? (Check all that apply) *

- [ ] ordinance change
- [ ] zoning change
- [ ] budgetary investment
- [ ] implementation of adopted plans
- [ ] administrative rule or process update
- [ ] map update
- [ ] inter-departmental collaboration
- [ ] community collaboration
- [x] Other: the City is not part of the plan

Do you have any concerns or observations that didn't seem to fit into any previous category or respond to a question? Is there anything you want to be sure is included in the Task Force Report in addition to your recommendations? **(**E.g. Important information captured in your research that you feel must be included in the final report in the form of text; or a map, table, chart, etc. for appendices.)

The Dane County Farmland Preservation Plan is a blunt instrument created by state statute that excludes agricultural production within the City of Madison. This is why the City needs to develop it's own policies.

Upload any additional information to be included in the final report.

This content is neither created nor endorsed by Google.

Google Forms

FPTF REPORTING FORM

This is a form for Farmland Preservation Task Force Team members to record their findings in preparation for final report writing.

- Responses are required for all questions except for the final question and uploading sections.
- Please fill out one form for ***each issue*** your team has addressed.
- Answers are editable - once you submit the form you'll receive an email with a link to continue editing.
- Multiple forms can be filled out by the same person.

Email *

(redacted)

Name *

Rebecca Kemble

Team *

- ○ Land Access
- ○ Land Characteristics
- ◉ Policy Review

What specific issue did you address? (clarify terms, submit one report for each issue) *

Dane County Pandemic Food System Study

Why did you focus on this issue? *

Current study of the food system that touches on farmland access with policy recommendations.

What particular question(s) were you trying to answer about this issue? *

What is the role of farmland preservation in the City of Madison within the local food system?

What resources/data did you discover/rely on? (include weblinks, contacts, etc. You can upload documents in the next question) *

Dane County Pandemic Food System Study: https://foodcouncil.countyofdane.com/documents/Dane-County-Pandemic-Food-System-Study---Final-Report.pdf

Upload any resources documents you may have

What is the current status of this issue in the City of Madison, if known? *

It was shared with the Madison Food Policy Council on March 22, 2023. Not clear if it will be presented to the Madison Common Council and Mayor or other city agencies.

Summarize your findings and upload other materials that support your findings, if available, in the next question. *

The report highlights the development pressure threatening agricultural land, and the need for better land access for BIPOC growers in both urban and rural areas due to the precarious nature of short-term leases and the high cost of land. It also recommends an audit of land use policies through the lens of encouraging and incentivizing small- to mid-sized food production in both rural and urban areas. See excerpts of the report in the uploaded document.

Upload any documents that synthesize your work

Dane County Pan...

Answer EACH ONE of the Big Questions: How does your research on this issue help to address the **significance (and rate) of farmland loss in our community?** *

The report highlights the significance of farmland lost to development and commodity agriculture at the same time that demand is growing for small- and medium-sized food producers.

Answer EACH ONE of the Big Questions: How does your research on this issue help to address the **definition of Farmland Preservation for Task Force purposes?** *

It does not directly address it.

Answer EACH ONE of the Big Questions: How does your research on this issue help to address the **definition of people-focused entrepreneurial, e.g. urban ag vs. monocropping ag?** *

The report has strong recommendations to transition monocropping and commodity agriculture into more food production to increase resilience in the local food system.

Answer EACH ONE of the Big Questions: How does your research on this issue help to address **the metrics we want to see in policy recommendations to measure progress?** *

Number of acres devoted to food production, numbers of new BIPOC farmers

Answer EACH ONE of the Big Questions: How does your research on this issue help to address **how we can quantify potential impacts of proposed policies?** *

Increases in acres devoted to food production and numbers of new BIPOC farmers

Answer EACH ONE of the Big Questions: How does your research on this issue help to address **how we balance housing (or other developed uses) and food production?** *

It advocates for government support to make more land available for food production.

What are your specific recommendations regarding this issue? *

The City should restore the position of the Food Policy Director who can inform reports such as this and be responsible for liaising with other internal and external partners to implement recommendations.

What might be required for the City of Madison to implement these recommendations? (Check all that apply) *

- [ ] ordinance change
- [ ] zoning change
- [x] budgetary investment
- [x] implementation of adopted plans
- [x] administrative rule or process update
- [ ] map update
- [x] inter-departmental collaboration
- [ ] community collaboration
- [ ] Other: _____

Do you have any concerns or observations that didn't seem to fit into any previous category or respond to a question? Is there anything you want to be sure is included in the Task Force Report in addition to your recommendations? (E.g. Important information captured in your research that you feel must be included in the final report in the form of text; or a map, table, chart, etc. for appendices.)

See uploaded map of 2020 Agricultural Land Use - Human Consumption Focus

Upload any additional information to be included in the final report.

2020 Agricultural...

This content is neither created nor endorsed by Google.

Dane County Pandemic Food System Study Excerpts

State of the Space, pp. 14-15:

> "At best, approximately 17,000 acres (~4.5%) of the agricultural land in the County is producing food for human consumption. Additionally, while there is a long-standing demand for local food, only a small fraction of the food grown and raised in Dane County is also consumed within the County, and the County's foodshed far exceeds the political boundaries of the County."
>
> "These small- to mid-sized farms represent a number of different foodways, cultures, and agricultural practices, which adds to the diversity of knowledge, expertise, and foods in our foodshed. Despite their diversity, many small- and mid-sized farms experience similar challenges: stagnating wages, difficulty finding and retaining skilled employees, an aging farming population, land access barriers, land tenure instability, and financial insecurity. In the face of this, there is continued momentum among non-profit and community organizations to increase access to land and knowledge on food production, but without government support to make more land available their capabilities are limited."

Top Level Strategy #7: Audit County land use policies through the lens of encouraging and incentivizing small- to mid-sized food production in both rural and urban areas.

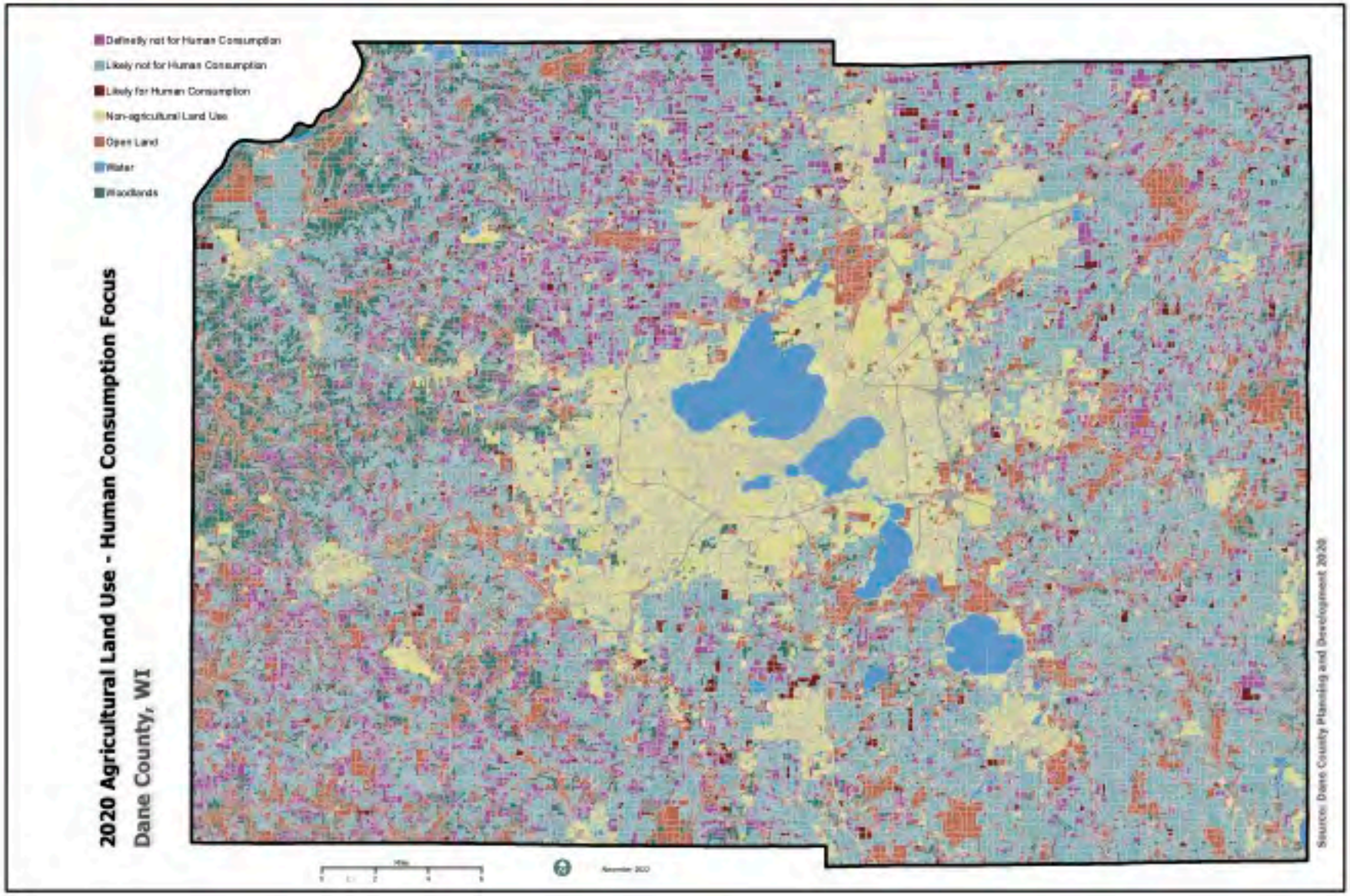
- Goal: Leverage County land use policies to increase land access, thereby increasing the economic viability of local farmers, community access to healthy foods, and overall food system resilience.
- Key Considerations: Abundant agricultural land threatened by aggressive development pressures requires the County to think creatively and radically on how land use policies could be leveraged to prioritize food production. Ideas brought up during data collection activities include developing a land banking program for small shareholders, prohibiting the conversion of agricultural land within a specific radius of Madison, and requiring that County-owned agricultural land may only be rented for production of food for human consumption. However, before any specific policies can be recommended it is necessary to fully audit and understand the current policy landscape.
- Funding Implications: This strategy could be coupled with the 10-Year Food Plan (see Strategy #2 above) and should take the existing Farmland Preservation Plan and CARPC Regional Development Framework into account. A comprehensive audit would require the participation and coordination of different stakeholders, agencies, and departments and would be most efficiently conducted by an outside consultant with a baseline investment of 200 hours of work.

Food Production SWOT analysis (pp. 52-55):

- Land access is a barrier for both urban and rural farmers in Dane County. Many farmers, especially new and BIPOC farmers, cannot afford to buy or rent agricultural land in rural Dane County.
- Within Madison city limits, there is a lack of community garden space, and the community garden space that does exist limits food production to personal use (cannot be sold at a farmers' market).
- Many of the small farmers in Dane County have informal or short term rental agreements which lack stability. This arrangement puts the farmers in a precarious position where, at best, they don't want to invest in perennial agriculture or equipment and, at worst, they can lose land access without any advance notice.
- Due to a rapidly growing population, there is continual development pressure threatening agricultural land in Dane County, which also destroys vital animal habitats that are essential to a healthy ecosystem. Conservative estimates suggest that Dane County has lost 5,000 acres of farmland to urban, suburban, or rural development between 2010 and 2020. Madison and other cities in Dane County continue to lead the state in population growth.

Appendix V: Farmland Map (p.63): to be attached in the report form

Appendix V: Farmland Map



FPTF REPORTING FORM

This is a form for Farmland Preservation Task Force Team members to record their findings in preparation for final report writing.

- Responses are required for all questions except for the final question and uploading sections.
- Please fill out one form for ***each issue*** your team has addressed.
- Answers are editable - once you submit the form you'll receive an email with a link to continue editing.
- Multiple forms can be filled out by the same person.

Email *

(redacted)

Name *

Rebecca Kemble

Team *

- ○ Land Access
- ○ Land Characteristics
- ◉ Policy Review

What specific issue did you address? (clarify terms, submit one report for each issue) *

One-stop shop or pathway through city regulatory processes to enable growers to access farmland

Why did you focus on this issue? *

To explore barriers potential food producers face when considering urban agriculture activities.

What particular question(s) were you trying to answer about this issue? *

Can the City provide easily accessible information and streamlined processes for supporting people to grow food in the city?

What resources/data did you discover/rely on? (include weblinks, contacts, etc. You can upload documents in the next question) *

City staff in Economic Development and Building Inspection and Zoning.

Upload any resources documents you may have

What is the current status of this issue in the City of Madison, if known? *

There is currently no clearinghouse of information on city regulations or availability of city-owned land available to lease for agricultural activities.

Summarize your findings and upload other materials that support your findings, if available, in the next question. *

In the absence of a Food Policy Director, there is no single or obvious place in city government for a potential urban farmer to go to get information about how and where to produce food for the market. We explored the model of the Business Assistance Team in the Economic Development department where staff supports business owners through the regulatory process. The first step would be to compile information from Real Estate about agriculture land leases, and from Building Inspection and Zoning about permissions needed for urban agriculture and associated activities, and then put the information up on a web page.

Upload any documents that synthesize your work

Answer EACH ONE of the Big Questions: How does your research on this issue help to address the **significance (and rate) of farmland loss in our community?** *

It doesn't.

Answer EACH ONE of the Big Questions: How does your research on this issue help to address the **definition of Farmland Preservation for Task Force purposes?** *

It doesn't.

Answer EACH ONE of the Big Questions: How does your research on this issue help to address the **definition of people-focused entrepreneurial, e.g. urban ag vs. monocropping ag?** *

It is focused on the particular needs of people who want to produce food in the city and the barriers they face to doing so.

Answer EACH ONE of the Big Questions: How does your research on this issue help to address **the metrics we want to see in policy recommendations to measure progress?** *

Could look at number of acres in agriculture and urban agriculture zoning areas.

Answer EACH ONE of the Big Questions: How does your research on this issue help to address **how we can quantify potential impacts of proposed policies?** *

Not sure.

Answer EACH ONE of the Big Questions: How does your research on this issue help to address **how we balance housing (or other developed uses) and food production?** *

It doesn't directly.

What are your specific recommendations regarding this issue? *

The City should restore the Food Policy Director to oversee the creation of a website that contains information from Real Estate about agriculture land leases, and from Building Inspection and Zoning about permissions needed for urban agriculture and associated activities, and to be the point person in the city for potential urban market growers. Can be modeled on and linked to the Edible Landscapes web page: https://www.cityofmadison.com/mayor/programs/food/edible-landscapes-permit-process

What might be required for the City of Madison to implement these recommendations? (Check all that apply) *

- [ ] ordinance change
- [ ] zoning change
- [x] budgetary investment
- [ ] implementation of adopted plans
- [x] administrative rule or process update
- [ ] map update
- [x] inter-departmental collaboration
- [ ] community collaboration
- [ ] Other: _____

Do you have any concerns or observations that didn't seem to fit into any previous category or respond to a question? Is there anything you want to be sure is included in the Task Force Report in addition to your recommendations? **(**E.g. Important information captured in your research that you feel must be included in the final report in the form of text; or a map, table, chart, etc. for appendices.)

_____

Upload any additional information to be included in the final report.

This content is neither created nor endorsed by Google.

Google Forms

FPTF REPORTING FORM

This is a form for Farmland Preservation Task Force Team members to record their findings in preparation for final report writing.

- Responses are required for all questions except for the final question and uploading sections.
- Please fill out one form for ***each issue*** your team has addressed.
- Answers are editable - once you submit the form you'll receive an email with a link to continue editing.
- Multiple forms can be filled out by the same person.

Email *

(redacted)

Name *

Rebecca Kemble

Team *

- ○ Land Access
- ○ Land Characteristics
- ◉ Policy Review

What specific issue did you address? (clarify terms, submit one report for each issue) *

Model farmland preservation and farmland loss mitigation policies from other cities

Why did you focus on this issue? *

To understand what other local governments are doing to preserve farmland

What particular question(s) were you trying to answer about this issue? *

What are other local governments doing to preserve farmland?

What resources/data did you discover/rely on? (include weblinks, contacts, etc. You can upload documents in the next question) *

Internet research, Farmland Preservation Trust website https://farmlandinfo.org/laws/?level_of_government=local

Upload any resources documents you may have

What is the current status of this issue in the City of Madison, if known? *

There is no farmland preservation policy.

Summarize your findings and upload other materials that support your findings, if available, in the next question. *

Though localities' needs and rationales for farmland preservation differ, the most common tools used by other cities and counties are zoning and conservation easements used in conjunction with purchase of development rights programs. In Wisconsin these are layered to create Agriculture Enterprise Areas. Vermont and Massachusetts have farmland preservation as priorities in their state-wide development permitting processes.

Upload any documents that synthesize your work

Farmland loss mi...

Answer EACH ONE of the Big Questions: How does your research on this issue help to address the **significance (and rate) of farmland loss in our community?** *

It is recognized throughout the country as a critical issue.

Answer EACH ONE of the Big Questions: How does your research on this issue help to address the **definition of Farmland Preservation for Task Force purposes?** *

There is no single definition of farmland preservation, but many descriptions of it.

Answer EACH ONE of the Big Questions: How does your research on this issue help to address the **definition of people-focused entrepreneurial, e.g. urban ag vs. monocropping ag?** *

It does not really inform this question.

Answer EACH ONE of the Big Questions: How does your research on this issue help to address **the metrics we want to see in policy recommendations to measure progress?** *

Number of acres preserved

Answer EACH ONE of the Big Questions: How does your research on this issue help to address **how we can quantify potential impacts of proposed policies?** *

Number of acres preserved

Answer EACH ONE of the Big Questions: How does your research on this issue help to address **how we balance housing (or other developed uses) and food production?** *

It prioritizes dense infill development and public investment in land with high quality ag soils either directly or by purchase of development rights.

What are your specific recommendations regarding this issue? *

The City should consider a comprehensive farmland preservation strategy that includes the use of land banking, purchase of development rights, permitting requirements on land with prime agricultural soils and zoning updates to encourage more food production in the city.

What might be required for the City of Madison to implement these recommendations? (Check all that apply) *

- [x] ordinance change
- [x] zoning change
- [x] budgetary investment
- [x] implementation of adopted plans
- [x] administrative rule or process update
- [x] map update
- [x] inter-departmental collaboration
- [x] community collaboration
- [ ] Other: _____

Do you have any concerns or observations that didn't seem to fit into any previous category or respond to a question? Is there anything you want to be sure is included in the Task Force Report in addition to your recommendations? **(**E.g. Important information captured in your research that you feel must be included in the final report in the form of text; or a map, table, chart, etc. for appendices.)

_____

Upload any additional information to be included in the final report.

This content is neither created nor endorsed by Google.

Google Forms

Location	Link to policy	Summary	Tools
Davis, CA	https://farmlandinfo.org/wp-content/uploads/sites/2/2019/09/Davis_CA_Ag._Mitigation_1.pdf	The city, since 1995 has required agricultural mitigation for development projects that would change the general plan designation or zoning from agricultural land to nonagricultural land and for discretionary land use approvals that would change an agricultural use to a nonagricultural use. The city council finds that this chapter and this article are necessary for the following reasons: California is losing farmland at a rapid rate; Yolo and Solano County farmland is of exceptional productive quality; loss of agricultural land is consistently a significant impact under CEQA in development projects; the Davis general plan has policies to preserve farmland; the city is surrounded by farmland; the Yolo and Solano County general plans clearly include policies to preserve farmland; the continuation of agricultural operations preserves the landscape and environmental resources; loss of farmland to development is irreparable and agriculture is an important component of the city's economy; and losing agricultural land will have a cumulatively negative impact on the economy of the city and the counties of Yolo and Solano.	Ordinance, easements and deed restrictions
San Joaquin County, CA	https://farmlandinfo.org/wp-content/uploads/sites/2/2021/09/San-Joaquin-County-CA-Agricultural-Mitigation-Ordinance.pdf	Mitigation is required in the form of an agricultural conservation easement that protects the same number of acres proposed to be changed to a non-agricultural use, or greater (1:1 ratio). If easement acquisition is determined to be infeasible after a good faith effort, a payment in lieu may be allowed.	Easements
Boulder, CO	https://bouldercolorado.gov/services/osmp-agriculture-program	The City of Boulder's charter specifically identifies the preservation of agricultural uses and lands suitable for agricultural production as a focus for open space and the work of the Open Space and Mountain Parks dept (OSMP). They have an interest form for applying for growing on city-owned ag land. When property becomes available, they notify applicants by email. Properties are assigned to new tenants through a competitive bid process. Bids are evaluated on their feasibility, compatibility with OSMP management goals, the bidder's ability and experience, and the bid amount. Preference is given to operations that produce and sell food locally.	Zoning, easements, planning
Southampton, NY	https://farmlandinfo.org/wp-content/uploads/sites/2/2019/09/Southampton-_N.Y._PACE_Ordinance_0.pdf	The town of Southampton developed "agricultural overlay districts" to encourage the business of farming and protect productive farmland. Parcels of at least 10 acres located within the overlay district are eligible for the program subject to a 10-year term agricultural easement during which the permitted development density remains fixed. The town also assists landowners of enrolled parcels in obtaining local, state and federal funds for agricultural or economic development. During the 10 year term, no development is permitted other than uses related to agricultural production. Prior to the termination date the town of Southampton has the option to purchase the development rights or fee title to the property.	Zoning and easements
Kansas City, MO	https://farmlandinfo.org/law/kansas-city-missouri-urban-agriculture-ordinance/	This enacted ordinance promotes residential neighborhood food production and creates urban agriculture zoning to develop fruit and vegetable production as well as small-scale animal husbandry on vacant land and lots within neighborhoods. Contains helpful definitions of different kinds of urban agricultural activities.	zoning
Lexington, KY	https://www.lexingtonky.gov/departments/purchase-development-rights	Purchase of Development Rights, or PDR as it is more commonly known, is Kentucky's first Agricultural Conservation Easement program facilitated by a local government. Through PDR, the Rural Land Management Board purchases farm owners' development rights (their right to ever develop the farm commercially), thereby preserving it as farmland forever. This program is important to Lexington and Fayette County because of the area's booming equine, cattle and tourism industry, which is all fueled by the area farmland's beauty and high-quality soils.	Easements, Urban Service Area Boundary zoning, Rural Land Management Plan
Policy Options from MA	https://farmlandinfo.org/wp-content/uploads/sites/2/2022/05/LAPP-Policy-Options-For-Strengthening-Farmland-Mitigation-in-Massachusetts-and-other-New-England-states.pdf	EO 193 directs "state agencies to mitigate against the conversion of state-owned agricultural land" and sets forth a series of policies intended to prevent against unnecessary conversion of agricultural land. The first relevant mitigation policy mandates that "State funds and federal grants administered by the state shall not be used to encourage the conversion of agricultural land to other uses when feasible alternatives are available." EO 193 defines "agricultural land" as "land classified Prime, Unique, or of State and Local Importance by the USDA Soil Conservation Service, as well as landcharacterized by active agricultural use." While EO 193 does not define "active agricultural use," this language is nonetheless significant because it allows MDAR to seek mitigation not only for the conversion of state-owned land, as EO 193 explicitly directs, but also provides authority for mitigating the conversion of private agricultural lands where there is state involvement in the project through permitting or funding.	Executive Order, spending policy

Vermont	https://agriculture.vermont.gov/land-use-renewable-energy/act-250-criterion-9b	Vermont's Act 250 regulates development through a statewide permitting system, and requires mitigation for conversion of farmland under certain circumstances. For new subdivisions or developments involving at least 10 acres or 10 units or more, a project must receive an Act 250 permit. Among other criteria, permits are granted to projects that will not result in reducing the potential of agricultural soils; if this is impossible, permits may require mitigation. Before mitigation of farmland loss is even considered as a condition for issuing a permit, the applicant must demonstrate that there are no feasible alternatives to the project' s impacts. When necessary, a formula is used to determine mitigation steps; this formula varies depending on the location of the project. In some cases developers must pay into the Vermont Housing and Conservation Board trust fund, which administers the state's farmland preservation program; the price per acre values are determined by the Agency of Agriculture and based on recent values of agricultural conservation easements. In other cases compact development may be required to maintain agricultural land.	Permitting process
CA Council of Land Trusts	https://farmlandinfo.org/wp-content/uploads/sites/2/2019/09/conserving-californias-harvest-web-version-6.26.14.pdf	Strategies include direct protection of farmland by acquisition of fee title or conservation easements, term protection via deed restrictions, in lieu fees for acquisition, and fees to fund agricultural supportive programs such as research stations, youth education programs and the like. There are serious questions if the funding of programs to support agricultural marketing, education and research, while laudable, fulfills the nexus requirements for mitigation of the loss of farmland.	Easements, deed restrictions, purchase.
Outagamie County & Village of Greenville, WI	https://datcp.wi.gov/Pages/News_Media/2022GreenvilleGreenbeltAEA.aspx	The AEA covers more than 6,100 acres in Outagamie County, spanning portions of the Village of Greenville. Greenville continues to work to preserve their natural resources and farmland, with many layers of protection including the greenbelt, AEA, and farmland preservation zoning. From AEA signs marking and promoting the area to increasing agritourism, subdivision restrictions, and the development of a Purchase of Devolvement Rights (PDR) program, the Greenville AEA committee has a wealth of future plans.	Zoning, easements
Agriculture Enterprise Areas in Wisconsin	https://datcp.wi.gov/Pages/Programs_Services/AgriculturalEnterpriseAreas.aspx	Agricultural enterprise areas, or AEAs, are community led efforts establishing designated areas important toWisconsin's agricultural future. More specifically, an AEA is an area of productive agriculture that has received designation from the state at the request of landowners and local governments. As a part of the state's Farmland Preservation Program, AEAs strive to support local farmland protection goals. Local communities can voluntarily pursue designation of an AEA by submitting a petition to the Department of Agriculture, Trade and Consumer Protection (DATCP). Through this designation, the community can encourage continued agricultural production and investment in the agricultural economy. Landowners within designated AEAs are eligible to enter into voluntary farmland preservation agreements.	Zoning https://datcp.wi.gov/Documents/FPZTalkingPointsARMPub255.pdf

FPTF REPORTING FORM

This is a form for Farmland Preservation Task Force Team members to record their findings in preparation for final report writing.

- Responses are required for all questions except for the final question and uploading sections.
- Please fill out one form for ***each issue*** your team has addressed.
- Answers are editable - once you submit the form you'll receive an email with a link to continue editing.
- Multiple forms can be filled out by the same person.

Email *

(redacted)

Name *

Tag Evers

Team *

- ○ Land Access
- ○ Land Characteristics
- ◉ Policy Review

What specific issue did you address? (clarify terms, submit one report for each issue) *

Land Banking

Why did you focus on this issue? *

Given the increased use of the land banking tool to take parcels out of the speculative real estate market, the Policy Group believes it's important to recognize urban ag as a valid end use and therefore an acceptable basis for the transfer of land-banked properties. This elevates urban ag as a secondary consideration, suggesting to policy makers that acquisition and disposition of properties by the City need not be limited to affordable housing and affordable retail.

What particular question(s) were you trying to answer about this issue? *

It's important to determine the Mayor's willingness, and the willingness of the PCED Director, to uphold urban ag as an acceptable policy goal with respect to the use of the City's land-banking tool. Matt Mikalowjewski seems to be on board. It remains to be seen if the Mayor and Matt Wachter will do so as well.

What resources/data did you discover/rely on? (include weblinks, contacts, etc. You can upload documents in the next question) *

This was resolved through one on one discussion with Matt Mikalojewksi.

Upload any resources documents you may have

Mikolajewski 3-2...

What is the current status of this issue in the City of Madison, if known? *

Matt M. is taking recommended addendum to the Mayor and Matt Wachter for their feedback. Next step would be to submit the amended resolution to Council for approval.

Summarize your findings and upload other materials that support your findings, if available, in the next question. *

Nothing to add here.

Upload any documents that synthesize your work

Answer EACH ONE of the Big Questions: How does your research on this issue help to address the **significance (and rate) of farmland loss in our community?** *

Broadening the land-banking tool to include urban ag would be a step forward in terms of recognizing UA's relative importance as a policy goal, one that would push back against the notion that open land within the City's boundaries should be destined only for housing.

Answer EACH ONE of the Big Questions: How does your research on this issue help to address the **definition of Farmland Preservation for Task Force purposes?** *

This addresses the primary focal point of the FPTF and that is to elevate Urban Ag as a valid policy goal, no longer in conflict with development goals for more housing, but appropriate and acceptable as a complementary goal.

Answer EACH ONE of the Big Questions: How does your research on this issue help to address the **definition of people-focused entrepreneurial, e.g. urban ag vs. monocropping ag?** *

Small parcels owned by the City, if this change goes through, could be allocated for the purposes of Urban Ag. It is assumed these parcels, by their very nature, would lend themselves to people-focused agricultural enterprises rather than corporate monoculture.

Answer EACH ONE of the Big Questions: How does your research on this issue help to address **the metrics we want to see in policy recommendations to measure progress?** *

While this doesn't have a metrics component per se, the outcomes of this change to the City's Land Banking policy could include measurable increases in Urban Ag projects.

Answer EACH ONE of the Big Questions: How does your research on this issue help to address **how we can quantify potential impacts of proposed policies?** *

This change would not so much address how we can quantify potential impacts but rather increase the possibility for an uptick of urban ag projects on land-banked parcels.

Answer EACH ONE of the Big Questions: How does your research on this issue help to address **how we balance housing (or other developed uses) and food production?** *

By elevating urban ag to be considered alongside the stated number one goal of more affordable housing, we will be allowing community-based food production to be included among the desirable outcomes to be pursued in affordable housing projects.

What are your specific recommendations regarding this issue? *

Adoption of the amended language drafted by Matt M.

What might be required for the City of Madison to implement these recommendations? (Check all that apply) *

- [ ] ordinance change
- [ ] zoning change
- [ ] budgetary investment
- [ ] implementation of adopted plans
- [ ] administrative rule or process update
- [ ] map update
- [x] inter-departmental collaboration
- [ ] community collaboration
- [x] Other: Amending the Land Banking Memo by Common Council resolution.

Do you have any concerns or observations that didn't seem to fit into any previous category or respond to a question? Is there anything you want to be sure is included in the Task Force Report in addition to your recommendations? **(**E.g. Important information captured in your research that you feel must be included in the final report in the form of text; or a map, table, chart, etc. for appendices.)

Upload any additional information to be included in the final report.

This content is neither created nor endorsed by Google.

Google Forms

Department of Planning & Community & Economic Development

Economic Development Division

Matthew B. Mikolajewski, Director

P.O. Box 2983
Madison, Wisconsin 53701-2983
Phone: (608) 266-4222
Fax (608) 261-6126
www.cityofmadison.com

Office of Business Resources
Office of Real Estate Services

CITY OF MADISON
LAND BANKING FUND POLICY
Adopted: June 1, 2021

The 2021 City of Madison Executive Capital Budget proposes $3 million for a land banking fund. The following policy was created by Housing Strategy Committee and approved by Common Council on June 1, 2021.

1. Program Objective

The objective of the land banking program is best described in the 2021 budget language adopted by the Common Council, which reads as follows:

This program is for the acquisition of land and buildings that could be used for future economic development, affordable housing projects, and other City uses. The goal of this program is to acquire strategic properties for future purposes that might include: assisting displaced businesses, reducing blight, stabilizing housing markets, improving the quality of life of residents and neighborhoods, and preserving land for City purposes.

The City of Madison Common Council will approve the purchase of property under this program. Projects that leverage additional Federal, State, or Local funding (including tax incremental financing or the Affordable Housing Fund) are eligible for land banking investment and shall be subject to these guidelines to the greatest extent practicable, so as to promote consistency with the Program Objective.

2. Priorities for Use of Land Banked Property

City staff shall consider the impact of any form of property transfer (acquisition or disposition) on short and long-term neighborhood and community development plans and vice versa. The Council may consider the following priorities:

- Affordable housing, including the preservation, production or rehabilitation of housing for persons with low or moderate incomes, and the creation or preservation of long-term affordability through community land trusts, or ownership by not-for-profit organizations or the CDA. This includes properties that currently serve as naturally-occurring affordable housing but are at risk of becoming unaffordable through forces of gentrification[1] and other real estate market conditions, and properties that are physically and financially amenable to affordable housing development. The definitions of affordable housing and related income targets utilized to implement this policy will be generally consistent with Madison General Ordinance 4.22.
- Neighborhood revitalization, including the return of vacant, abandoned or foreclosed property to productive status; land assemblage for housing, community or economic development purposes; opportunities for small-scale “missing middle” housing consistent

[1]Gentrification is defined as “a market-driven racial and socio-economic reconfiguration of urban communities that have suffered from a history of disinvestment.” Displacement occurs “when households are forced to move or are prevented from moving into a neighborhood due to conditions which are beyond their ability to control or prevent (e.g. rent increases).” *Equitable Development in Madison: An assessment of factors contributing to displacement and gentrification*. Accepted by the Madison Common Council, November 19, 2019.

with existing neighborhood character; long-term (over five years) “banking” of properties for future strategic uses; and provision of financial resources for City operating functions, i.e., property and asset management, etc.

- Economic development, to the extent related to the long-term sustainability of affordable housing and neighborhood revitalization projects described above. This includes mixed-use development and/or development of adjacent property that promotes job creation, improves resident quality of life, and generates revenue for City operations and capital investments.

3. Property Acquisition Criteria

City staff will use the following primary and secondary criteria as a guide for determining whether to purchase property using with land banking funds in order to meet the Program Objective.

A. Primary Criteria

- The property is located along a transportation corridor providing near-term transit-oriented development (TOD) opportunities. The sites should be proximate to major transit corridors or transfer stations.
- (Re)development of the property for affordable housing will assist in preventing potential gentrification in neighborhoods or counter where gentrification has already been identified.
- The anticipated use will be compatible with approved City plans and is anticipated to be compatible with planning processes in progress. Properties not explicitly identified in a City of Madison plan will be considered if the location and (re)development goals are aligned with the objectives of the applicable plan.
- The anticipated use of the property is clearly identified and primarily benefits low-income households, with emphasis on opportunities for homeownership and household equity/wealth building. Impacts on existing or prospective businesses owned and operated by low-income persons and/or persons of color will also be considered.

B. Secondary Criteria

- There is adequate budget authority for the purchase, maintenance and planning of the site.
- Acquisition of the property will prevent development incompatible with approved City plans and/or the displacement of low- and moderate-income residents.
- The City determines that the acquisition and subsequent (re)development of the land would not otherwise be undertaken or driven by the private market.
- Acquisition of tax foreclosed residential properties will ensure long-term affordability upon resale to eligible LMI buyers or eligible nonprofits.
- (Re)development of the property will enhance neighborhood stability, encourage economic development and/or stimulate additional (re)development in the surrounding area.
- Barriers to (re)development such as environmental remediation, market conditions, holding costs, demolition costs, etc., are more easily addressed if the property is owned by the City.
- (Re)development of the property could presumably occur within five (5) years of purchase by the City.

4. Property Disposition Criteria

Similar to the acquisition criteria in the previous section, the City will consider a combination of factors in property disposition decisions:

- The intended or planned use of the property;
- The nature and identity of the transferee of the property; and
- The impact of the property transfer on the short and long-term neighborhood and community development plans.

The disposition of any given parcel will be based upon an assessment of the most efficient, effective, and equitable way to maximize the aggregate policies and priorities. The City shall retain flexibility in evaluating the appropriate balancing of the priorities for the use of property, priorities as to the nature of the transferee of properties, and priorities concerning neighborhood and community development.

While in many instances a property may be acquired with the intention to reconvey to a third party within a relatively short time period (within five years), the City may, at its sole discretion, elect to hold said property indefinitely for purposes of property assemblage, consistency with long-range City plans, availability of sufficient development funding, and/or to develop and operate publicly-owned projects (e.g. public housing or community centers).

A. Property Marketing

City staff will typically market property purchased under this program through a competitive Request for Proposal (RFP) process, which shall be informed by the tools and analytical framework developed through the City's Racial Equity and Social Justice Initiative (RESJI). The RFP will present clear and detailed expectations for the future use of the property, with responses considered according to the following general guidelines.

The City will consider either selling the property, or conveying the site through a ground lease with attendant land use restriction agreements (LURAs) to ensure long-term housing affordability.

- The City will grant options to bona fide prospects for reasonable periods of time. The City will not grant indefinite options to purely speculative ventures.
- The City may consider joint venture and co-development proposals between the City and a private entity.
- The City will consider subdividing the property, and selling portions to multiple end-users in conformance with adopted City Plans or Planned Unit Developments (PUDs).
- The City, when applicable and feasible, expects applicants seeking to acquire land-banked property to demonstrate prior consultation with neighborhood associations; the alder in whose district the subject property is located; nearby alders whose districts lie within 500 feet of the subject property;, and nonprofit entities and other stakeholders in the geographical vicinity of the property (e.g. neighbors and/or property owners) who may benefit from its (re)development. The City shall solicit and consider public input in its decision making but reserves the final authority to acquire property deemed to be in accordance with these criteria.

B. Priorities as to the Nature of the Transferee

Except where limited by the terms of its acquisition, the City may, at its discretion, give priority to transferees of land banked properties including, but not limited to, non-profit or for-profit entities seeking to obtain the land for neighborhood revitalization, affordable housing, and/or limited economic development purposes described above. At its discretion, the City may also give priority to transferees including, but not limited to, the following:

- Qualified (as determined by RFQ or other competitive process) nonprofit corporations that will hold title to the property on a long-term basis (primarily rental properties) or hold title to the property for purposes of subsequent reconveyance to private third parties for homeownership.
- Entities that are a partnership, limited liability corporation, or joint venture comprised of a private nonprofit corporation and a private for-profit entity.
- Nonprofit institutions such as academic institutions and religious institutions.
- Individuals that intend to occupy a property as their primary residence that do not have any of the following:
    - outstanding blight or code violations;
    - outstanding discrimination complaints filed against them with the Department of Civil Rights
    - any property owned in the City of Madison that is in poor condition, including those with obvious signs of disrepair;
    - delinquent property taxes in the City of Madison or elsewhere in Dane County;
    - ownership interest in a property located in Dane County that has been tax foreclosed in the last five years; or
    - delinquency or default on repayment of any City of Madison loan program in the last five years.

C. Property Rehabilitation

The City may undertake rehabilitation of properties prior to the transfer to third parties. The nature and extent of any such rehabilitation shall be determined by the City at its sole discretion. The City may choose to engage a real estate agent, or Realtor, in accordance with City guidelines to assist in the marketing of a rehabilitated property. A listing agreement is to be signed with such agent prior to completion of the rehabilitation. Marketing of the property will normally commence at the completion of the rehabilitation. The City and/or transferees shall provide tenant relocation assistance and/or right to return, as appropriate.

D. Compensation

The following factors shall constitute general guidelines for determination of the compensation to be received by the City for the transfer of properties. For all transfers of real property, the City shall require good and valuable payment and/or other concessions to be determined by the City at its sole discretion.

The City will consider both the fair market value of the property and the Property Costs in its determination of compensation for each property. "Property Costs" shall mean the aggregate costs and expenses of the City attributable to the specific property in question, including costs of acquisition, maintenance, repair, demolition, marketing of the property and indirect costs of the operations of the City attributable to the property. Market value of land-banked properties to be acquired or sold by the City shall be determined through a standard third-party appraisal. Below-market sales and/or rights of first refusal may be considered for priority transferees (such as nonprofits) on a case-by-case basis.

The transferee may provide the agreed upon compensation to the City in the form of cash, deferred financing, performance of contractual obligations, imposition of restrictive covenants, community benefits agreement, other obligations and responsibilities of the transferee, or any combination thereof. This may include, for example, sale of property at no cost in exchange for a long-term Land Use Restriction Agreement to preserve the use of the property as affordable housing for a permanent or near-permanent period of affordability.

5. Staff Investigation

City staff will utilize all of the preceding criteria in developing recommendations for each property proposed for land banking funding. In the event that multiple properties are under simultaneous consideration for acquisition with land banking funds, staff shall apply a standardized set of qualitative and quantitative factors in a brief report for each property for review and action by the Common Council at its sole discretion. Such factors to be included in these staff reports may include, but are not limited to:

- Short-term development potential (within five years of City acquisition).
- Proximity to existing transit lines and planned bus rapid transit (BRT) corridors.
- Proportion of affordable housing currently available within vicinity of property (e.g. Neighborhood and within ½ mile radius).
- Extent to which (re)development of the property will enhance neighborhood viability and stability, and prevent and/or mitigate housing gentrification and displacement.
- Extent to which (re)development of the property will have a catalytic impact, stimulating additional (re)development within the surrounding area.
- Barriers to (re)development (holding costs, demolition costs, environmental remediation, etc.) that can be more easily eliminated if the property is owned by the City.
- Ability to leverage additional federal, state, and local funding through land banking investment.

FPTF REPORTING FORM

This is a form for Farmland Preservation Task Force Team members to record their findings in preparation for final report writing.

- Responses are required for all questions except for the final question and uploading sections.
- Please fill out one form for ***each issue*** your team has addressed.
- Answers are editable - once you submit the form you'll receive an email with a link to continue editing.
- Multiple forms can be filled out by the same person.

Email *

(redacted)

Name *

Nan Fey

Team *

- ○ Land Access
- ○ Land Characteristics
- ◉ Policy Review

What specific issue did you address? (clarify terms, submit one report for each issue) *

Facilitating the use of Hoop Houses in the City

Why did you focus on this issue? *

City regulations have long been perceived as a barrier to extending the growing season with "hoop house" structures.

What particular question(s) were you trying to answer about this issue? *

What can the City do to make it easier for residents to construct affordable, legal "structures" at a useful scale to extend the growing season that will not violate regulations if/when a neighbor complains.

What resources/data did you discover/rely on? (include weblinks, contacts, etc. You can upload documents in the next question) *

Contacted Yves LaPierre about Milwaukee's provisions.
Met with City of Madison staff (Tucker, Bunnow, Bannon) to discuss on 3/2/23, shared research summary linked below. 4/5/23 Bunnow "sent information and recommendations for a new formal departmental policy that would be publicly distributed" to Tucker for review and notation on 4/5. 4/12/23 Tucker will meet with Bunnow "in the next few weeks" to finalize and sign off. No update as of 4/23 when this report was submitted.

Upload any resources documents you may have

What is the current status of this issue in the City of Madison, if known? *

Zoning staff maintains there are no regulatory barriers to constructing "hoop houses".
Building Inspection staff cites state building code restrictions. At the conclusion of the meeting on 3/2/23, staff offered to describe a potential approach similar to Racine's. 4/5/23 Bunnow "sent information and recommendations for a new formal departmental policy that would be publicly distributed" to Tucker for review and notation. 4/12/23 Tucker emailed he will meet with Bunnow "in the next few weeks" to finalize and sign off. No update as of 4/23 when this report was submitted.

Summarize your findings and upload other materials that support your findings, if available, in the next question. *

City staff believes that hoop houses can be built under current regulations, but this assumes the structures are temporary and will/should be dis-assembled every season; this is a burden for residents, and a barrier to construction since enforcement is complaint based. Staff is reluctant to create a permit process and specific regulations, believing that "more rules generate less compliance". Staff is not persuaded by Milwaukee's approach, but interested in Racine's; has offered to describe, in lay person's terms, a "code pathway" that would permit hoop houses of a certain size.

Upload any documents that synthesize your work

FPTF Hoop Hous...

Answer EACH ONE of the Big Questions: How does your research on this issue help to address the **significance (and rate) of farmland loss in our community?** *

It doesn't.

Answer EACH ONE of the Big Questions: How does your research on this issue help to address the **definition of Farmland Preservation for Task Force purposes?** *

It doesn't.

Answer EACH ONE of the Big Questions: How does your research on this issue help to address the **definition of people-focused entrepreneurial, e.g. urban ag vs. monocropping ag?** *

Allowing residents to extend the growing season with hoop houses on their property supports small-scale urban agriculture in the city.

Answer EACH ONE of the Big Questions: How does your research on this issue help to address **the metrics we want to see in policy recommendations to measure progress?** *

Providing public information, similar to that provided for plantings on private property and public terraces, that explains the process for building an appropriate hoop house would be a big step in the right direction.

Answer EACH ONE of the Big Questions: How does your research on this issue help to address **how we can quantify potential impacts of proposed policies?** *

Difficult to quantify if permits are not required, but there is clearly a public perception that the City makes it difficult for residents to utilize hoop houses to extend the growing season that would likely change gradually if "how to" supporting information was provided.

Answer EACH ONE of the Big Questions: How does your research on this issue help to address **how we balance housing (or other developed uses) and food production?** *

It doesn't.

What are your specific recommendations regarding this issue? *

1. The City should develop and publicize a "code path" for building hoop houses at a functional size for urban agriculture in a variety of zoning districts.
2. Descriptive information should be circulated, in print and on a City website, to residents and appropriate organizations explaining where and how to build hoop houses. Terrace plantings information is a good example (link in Background Document 10/26/22.

What might be required for the City of Madison to implement these recommendations? (Check all that apply) *

- [ ] ordinance change
- [ ] zoning change
- [x] budgetary investment
- [ ] implementation of adopted plans
- [x] administrative rule or process update
- [ ] map update
- [ ] inter-departmental collaboration
- [x] community collaboration
- [x] Other: staff time to explain how this can work

Do you have any concerns or observations that didn't seem to fit into any previous category or respond to a question? Is there anything you want to be sure is included in the Task Force Report in addition to your recommendations? **(**E.g. Important information captured in your research that you feel must be included in the final report in the form of text; or a map, table, chart, etc. for appendices.)

This requires cooperation of staff to lay out a "code path" that allows for hoop houses of a reasonable size that do not have to be fully dismantled from one season to another.

Upload any additional information to be included in the final report.

This content is neither created nor endorsed by Google.

Google Forms

Farmland Preservation Task Force
Hoop House Research

Federal USDA funds "high tunnel" structures through EQIP program
https://www.nrcs.usda.gov/programs-initiatives/eqip-high-tunnel-initiative

State of Wisconsin adopted rules re: light transmitting plastics & greenhouses in 1983
https://docs.legis.wisconsin.gov/code/register/1984/336b/rules/cr_83_68_pdf
Building Code is statute section 15.04 (greenhouse is "residential accessory building"
https://www.codepublishing.com/WI/Brookfield/html/Brookfield15/Brookfield1504.html

Milwaukee
In 2012, the city initiated the Home Grown Milwaukee program to enable residents to utilize vacant lots to grow more of their own food. The program supports community gardens and creates the category of Commercial Farming Enterprise to enable for-profit urban agriculture.
Definition: maximum height of the sidewall of an agricultural accessory structure shall be 8 feet for a shed, 10 feet for a large agricultural structure and 14 feet for a hoop house.
Zoning: Hoophouses are allowed in both community gardens and CFEs as accessory structures and require a permit, but there is no fee.
https://city.milwaukee.gov/DCD/CityRealEstate/VacantLotHandbook/NeighborhoodGardens/Accessory-Structures
https://city.milwaukee.gov/homegrownmilwaukee/Healthy-Food-Access/Accessory-Structures
https://city.milwaukee.gov/ImageLibrary/Groups/ccClerk/Ordinances/Volume-2/CH295-sub5.pdf
https://city.milwaukee.gov/homegrownmilwaukee/Resources/CFES.htm
https://use.metropolis.org/case-studies/home-gr-own-milwaukee

Racine
Ordinances in Construction Standards §Sec. 18-386ff govern Hoop Houses (2012)
Definition: *Hoop house* means a structure with a poly-film roof and wall covering not exceeding six millimeters in thickness, installed over rounded structural members. This structure is used to grow vegetables and other plants. There shall be no storage of solvents, fertilizers, gases or other chemicals or flammable materials and/or liquids. The storage of any type of vehicle is strictly prohibited. Maximum height 15', max. area <1000 square feet (anything larger is considered a greenhouse and different standards apply)
Zoning: Allowed as accessory structures on most residential lots, with setback requirements from lot lines, zome districts may require conditional use permit
Building standards set for roof loads, wind loads, Type V construction under IBC §3102.2
Plumbing, electrical and/or HVAC allowed – follow appropriate codes, permit process
https://library.municode.com/wi/racine/codes/code_of_ordinances?nodeId=PTIIMUCO_CH18BUBURE_ARTIIBUCO_DIV5COST_SDXVHOHOAKGR

Fey Research 2/25/23

Fitchburg

Ordinance: Division 8: Conditional Uses Applicable to All Residential Districts (2010)
§22-218 - Urban agriculture may be allowed as a conditional use, provided that the following is reviewed and approved as part of the conditional use:

> (5) Greenhouses and/or hoop houses, which may be allowed as part of the operation, shall following the dimensional standards of the zoning district.

§22-6 - General provisions and exceptions
(d) Community gardens shall be allowed in all zoning districts subject to the following:

> (3) Greenhouses and/or hoop houses associated with a community garden require a conditional use permit (except within the R-D Rural Development and A-X/A-T Agricultural Districts where they are permitted) and those structures shall follow the dimensional standards of the zoning district.

https://library.municode.com/wi/fitchburg/codes/code_of_ordinances?nodeId=TIIILAUSDE_CH22ZO_ARTIIREDI_DIV8COUSAPALREDI_S22-218URAG

Madison

In general terms the City has no unique building code regulations related specifically to hoop houses or green houses; would look to enforce the building code as applicable. With that understanding the range of what people think of when discussing this topic is very wide and different standards apply to different situations. We address greenhouses on a case by case basis but would generally break things into three categories:

> 1. Small membrane coverings over a garden box, we would not take any action.
>
> 2. Small private greenhouses that are seasonal in nature use strictly for growing tend to be below the threshold for obtaining a permit. In these instances the greenhouses are put up in the spring and removed in the fall, they are small in nature (less than 150 sq feet and 8 feet or less in height). Storage of materials within the greenhouses is prohibited and, if the materials are in disrepair, we have ordered greenhouses to be removed.
>
> 3. Anything to be permanently constructed, open for public access, used for storage, or is heated we would need to review further. In these cases we find that large hoop structures tend to not be designed for the required snow and wind loading making them not feasible.

Ordinance references to greenhouse or hoop house in the MGO's relate to the zoning code and the permitted / conditional uses for these types of structures in various zoning districts, and are specific to commercial greenhouse or nursery businesses and are not reflective of small private homeowner configurations. (text above is from Fey email exchange with Bunnow 2/7/23)

History of Staff Discussions on Hoop Houses

2/7/23 Email Exchange:

Fey: I'm on the Policy Review team, and we'd like to know what current regulations the City of Madison considers on the topic of hoop houses, green houses, etc. I'm copying Matt Tucker because he's been involved in these discussions over the years and likely has some thoughts on the topic. If you would share the relevant state and municipal regulations, with some context on how they work together (or not) on this topic, that would be a good start.

Bunnow: In general terms the City has no unique building code regulations related specifically to hoop houses or green houses. We would look to enforce the building code as applicable. With that understanding the range of what people think of when discussing this topic is very wide and different standards apply to different situations. We address greenhouses on a case by case basis but generally I would break things in to three categories. (Fey added #s)

1. Small membrane coverings over a garden box, we would not take any action.

2. Small private greenhouses that are seasonal in nature use strictly for growing tend to be below the threshold for obtaining a permit. In these instances the greenhouses are put up in the spring and removed in the fall, they small in nature (less than 150 sq feet and 8 feet or less in height). Storage of materials within the greenhouses is prohibited and if the materials are in disrepair we have ordered greenhouses to be removed.

3. Anything to be permanently constructed, open for public access, used for storage, or is heated we would need to review further. In these cases we find that large hoop structures tend to not be designed for the required snow and wind loading making them not feasible.

2/7/23 Fey: Your note that "the City has no unique building code regulations related specifically to hoop houses or green houses" leads me to pose another question: *Are there any references to these structures in any City ordinances or regulations of any kind?*

2/7/23 Bunnow: That may be a question best directed to Heather and/or Jeff. (they were copied on the response, did not reply)

3/1/23 Fey sent Background Information document shared with Task Force and research on other WI communities (notably MKE & Racine)

3/2/23 Zoom Meeting: Evers, Kemble and Fey with Matt Tucker (department director), Katie Bannon (zoning administrator) and Kyle Bunnow (building inspection). Take aways:

- Staff believes there are no barriers to hoop houses in MSN codes
- Acknowledged there may need to be a category 2.5 added to the 3 categories Bunnow outlined on 2/7 to deal with urban ag
- Would not follow MKE path (believe it conflicts with statutes)
- Liked Racine approach
- Offered to figure out a "code path" like Racine's, maybe set a size standard that would be acceptable/ideal
- FPTF team suggested creating helpful public information

3/9/23 Shared "terrace plantings" public information example with Staff

3/30/23 Requested update on "code path" for the construction of reasonably sized hoop houses (all responses "out of office")

4/3/23 Re-sent request for update after MMSD Spring Break

4/12/23 Sent another reminder – Bunnow responded with "a notification" that he'd send information and recommendations (to Tucker) that would be a new formal departmental policy that is publicly distributed" and "Matt, as the Director, should make the final call on this". (Tucker also responded that day saying he was looking for time to meet with Kyle)

4/24/23 Bunnow met with Tucker sometime in the week of April 17-21. Sent the following Staff response:

After discussion, below are the guidelines we feel comfortable sharing to help direct policy around hoop houses. Please review and if you have any questions feel free to reach out. (Fey formatting for clarity)

For <u>membrane coverings over a garden box</u>, we do not take any action. • This type of configuration is inaccessible to a human and is considered as part of the garden no different than stakes or trellises. • Placement needs to ensure that no driveway vision obstructions are created and comply with the terrace treatment policy.

<u>Private hoop houses</u> that are seasonal in nature and used strictly for growing tend to be below the threshold for obtaining a permit. • In these instances, the hoop houses would have membrane coverings, and be constructed in the spring and removed in the fall. • This type of configuration would be restricted to residents of a property or renters of a garden plot and for personal gardening. • Storage of materials within the greenhouses is prohibited. • Similar to garden box covers, placement needs to ensure that no driveway vision obstructions are created. • Hoop houses should not be placed in the right of way and be set back

from the property lines at least 3 feet. This is regulated and enforced at the discretion of Building Inspection, spaces being used inappropriately, excessive in size and scope, placed to create a hazard or nuisance, or materials in disrepair can be ordered to be altered or removed.

Anything to be permanently constructed, open for public access, used for storage, or is heated needs to follow the regular permitting process. These structures are required to meet building code requirements, such as wind and snow load, and zoning code requirements, such as setbacks.

Analysis:
The April 24 email describes an approach that is very similar to the first response in February with the addition of setbacks. It does not:

- Address the category 2.5 we discussed for urban agriculture on 3/2/23
- Suggest a clear "code path" like Racine's
- Offer to clarify the process for the public

Recommendation:

Recommend that "hoop houses" be allowed without a permit, and that public information be developed to guide for residents who wish to construct them according to the following guidelines:

- Structure is not permanent, is not located in public right-of-way, is not heated or used for storage; location complies with all applicable setback and driveway-vision requirements.
- Hoop house ends may be a combination of plastic and hard materials.
- Hoop house side wall plastic is rolled up and secured at the top of the hoop house walls during the growing season.
- Hoop house side wall plastic is rolled down and secured at the bottom of the hoop house frame for season extension during the cold weather months [or for 185 days].

Land Characteristics Team

See also the following document:

Growing Gardens in Urban Soils

FPTF REPORTING FORM

This is a form for Farmland Preservation Task Force Team members to record their findings in preparation for final report writing.

- Responses are required for all questions except for the final question and uploading sections.
- Please fill out one form for ***each issue*** your team has addressed.
- Answers are editable - once you submit the form you'll receive an email with a link to continue editing.
- Multiple forms can be filled out by the same person.

Email *

(redacted)

Name *

Marcia Caton Campbell

Team *

- ○ Land Access
- ◉ Land Characteristics
- ○ Policy Review

What specific issue did you address? (clarify terms, submit one report for each issue) *

We addressed the issue of brownfields contamination of urban soils.

Why did you focus on this issue? *

Community gardeners and urban farmers need to have confidence that the land on which they are growing food is safe for them to do so and is not contaminated by lead, heavy metals, or groundwater contamination.

Growers need clear guidance from the City of Madison on whether they are allowed to test soils on city-owned property for contaminants, possibly necessitating remediation by the landowner, or the City prefers that urban agriculture on city-owned land be conducted “from the ground up” in raised beds with a barrier (e.g., landscape fabric or clay cap) between the ground and the growing medium to ensure safe growing of food.

What particular question(s) were you trying to answer about this issue? *

How are brownfields defined? How do other cities handle potential soil contamination? Do other cities prohibit soil testing on city-owned properties and/or use a “from the ground up” policy where possible brownfield contamination is suspected?

What resources/data did you discover/rely on? (include weblinks, contacts, etc. You can upload documents in the next question) *

USEPA Resources About Brownfields and Urban Agriculture, https://www.epa.gov/brownfields/resources-about-brownfields-and-urban-agriculture
City of Portland (OR), https://www.portlandoregon.gov/bes/article/355059
Kansas State University - Brownfields and Urban Agriculture, https://www.gardeningonbrownfields.org/brownfields-gardening/
City of Boston, Article 89 Made Easy: Urban Agriculture Zoning for the City of Boston (see, especially, pp. 24-25 on soil safety guidelines for commercial urban farming), https://www.boston.gov/departments/growboston/urban-farming-city#urban-farming-resources (PDF is too large to upload as a resource document)

USEPA, Brownfields and Urban Agriculture: Interim Guidelines for Safe Gardening Practices (PDF)
USEPA, Reusing Potentially Contaminated Landscapes: Growing Gardens in Urban Soils (factsheet, PDF)

We can continue to research the policies from other jurisdictions, if needed.

Upload any resources documents you may have

urban_gardening... urban_gardening...

What is the current status of this issue in the City of Madison, if known? *

The City of Madison does not have a brownfields policy with respect to urban agriculture.

Summarize your findings and upload other materials that support your findings, if available, in the next question. *

Brownfields definition is set by USEPA and cleanup standards for Wisconsin are set by WI DNR. The type of policy we are considering is not site-specific, but is a clarification for growers about what level of testing is permissible on a site they want to farm but do not own (especially land owned by the City). The level of testing to determine whether a brownfield exists often requires landowner consent, because of the cleanup obligations imposed upon landowners by the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (commonly referred to as CERCLA or Superfund). It is important to note that brownfield designations can include sites where there is a public perception of contamination, in addition to the actual finding of contamination based on testing.

Nationwide, some cities choose to impose requirements that growers engage in urban agriculture “from the ground up,” e.g., in raised beds with landscape fabric barrier and 18-24” of clean soil, or with a clay cap 18-24” of clean soil, so that brownfields concerns are alleviated. This Raised Bed Method is also known as a USEPA Best Practice Method (see, e.g., City of Boston, Article 89 Made Easy: Urban Agriculture Zoning for the City of Boston, pp. 24-25 on soil safety guidelines for commercial urban farming)(PDF).

From an equity perspective, the Raised Bed Method is not without cost, though it is far less expensive than testing and remediation. The time and money it takes to have Phase I and sometimes Phase II environmental assessments conducted by professional environmental engineers is prohibitive for community groups with small/no budgets, and the bureaucratic process of navigating such studies can be onerous. Similarly, when community gardeners or urban farmers want to establish their growing spaces, the time that bioremediation takes can be a deterrent. Bioremediation would be a useful practice if sites could be identified for remediation years in advance. Regenerative agriculture, while an excellent practice for rebuilding agricultural soil health, is not practically possible in urban areas because it requires significant animal husbandry (e.g., sheep, goat

Upload any documents that synthesize your work

Brownfields Rep…

Answer EACH ONE of the Big Questions: How does your research on this issue help to address the **significance (and rate) of farmland loss in our community?** *

N/A

Answer EACH ONE of the Big Questions: How does your research on this issue help to address the **definition of Farmland Preservation for Task Force purposes?** *

Our research doesn't inform the definition of farmland preservation, but treats an issue related to safe growing practices in urban soils.

Answer EACH ONE of the Big Questions: How does your research on this issue help to address the **definition of people-focused entrepreneurial, e.g. urban ag vs. monocropping ag?** *

Our research on this issue identifies a concern of significance for any food grown for people's consumption, but particularly for community gardeners and small scale growers in or near urban areas.

Answer EACH ONE of the Big Questions: How does your research on this issue help to address **the metrics we want to see in policy recommendations to measure progress?** *

N/A

Answer EACH ONE of the Big Questions: How does your research on this issue help to address **how we can quantify potential impacts of proposed policies?** *

N/A

Answer EACH ONE of the Big Questions: How does your research on this issue help to address **how we balance housing (or other developed uses) and food production?** *

Our research doesn't necessarily address how we balance housing (or other developed uses) and food production, but it does bring forward an issue of significant concern for urban growers.

What are your specific recommendations regarding this issue? *

We recommend that the City of Madison adopt a "from the ground up" Best Practice Method as a policy for dealing with potential soil contamination on City-owned land, based on the USEPA's Best Practice Methods. We do not believe that testing on City-owned land will be an effective approach regarding this issue.

What might be required for the City of Madison to implement these recommendations? (Check all that apply) *

- [x] ordinance change
- [ ] zoning change
- [ ] budgetary investment
- [ ] implementation of adopted plans
- [ ] administrative rule or process update
- [ ] map update
- [x] inter-departmental collaboration
- [x] community collaboration
- [ ] Other: _____

Do you have any concerns or observations that didn't seem to fit into any previous category or respond to a question? Is there anything you want to be sure is included in the Task Force Report in addition to your recommendations? **(**E.g. Important information captured in your research that you feel must be included in the final report in the form of text; or a map, table, chart, etc. for appendices.)

Upload any additional information to be included in the final report.

This content is neither created nor endorsed by Google.

Google Forms

Land Characteristics Team - Brownfields Report 20230331

Email: (redacted)

Name: Marcia Caton Campbell

Team: Land Characteristics

What specific issue did you address? (clarify terms, submit one report for each issue)

We addressed the issue of brownfields contamination of urban soils.

Why did you focus on this issue?

Community gardeners and urban farmers need to have confidence that the land on which they are growing food is safe for them to do so and is not contaminated by lead, heavy metals, or groundwater contamination.

Growers need clear guidance from the City of Madison on whether they are allowed to test soils on city-owned property for contaminants, possibly necessitating remediation by the landowner, or the City prefers that urban agriculture on city-owned land be conducted "from the ground up" in raised beds with a barrier (e.g., landscape fabric or clay cap) between the ground and the growing medium to ensure safe growing of food.

What particular question(s) were you trying to answer about this issue?

How are brownfields defined? How do other cities handle potential soil contamination? Do other cities prohibit soil testing on city-owned properties and/or use a "from the ground up" policy where possible brownfield contamination is suspected?

What resources/data did you discover/rely on? (include weblinks, contacts, etc. You can upload documents in the next question)

USEPA Resources About Brownfields and Urban Agriculture
City of Portland (OR)
Kansas State University - Brownfields and Urban Agriculture
City of Boston, Article 89

Upload any resources documents you may have (list of resource documents to upload)

USEPA, Brownfields and Urban Agriculture: Interim Guidelines for Safe Gardening Practices (PDF)
USEPA, Reusing Potentially Contaminated Landscapes: Growing Gardens in Urban Soils (factsheet, PDF)
City of Boston, Article 89 Made Easy: Urban Agriculture Zoning for the City of Boston (see, especially, pp. 24-25 on soil safety guidelines for commercial urban farming)(PDF)

What is the current status of this issue in the City of Madison, if known?

The City of Madison does not have a brownfields policy with respect to urban agriculture.

Summarize your findings and upload other materials that support your findings, if available, in the next question.

Brownfields definition is set by USEPA and cleanup standards for Wisconsin are set by WI DNR. The type of policy we are considering is not site-specific, but is a clarification for growers about what level of testing is permissible on a site they want to farm but do not own (especially land owned by the City). The level of testing to determine whether a brownfield exists often requires landowner consent, because of the cleanup obligations imposed upon landowners by the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (commonly referred to as CERCLA or Superfund). It is important to note that brownfield designations can include sites where there is a *public perception* of contamination, in addition to the actual finding of contamination based on testing.

Nationwide, some cities choose to impose requirements that growers engage in urban agriculture "from the ground up," e.g., in raised beds with landscape fabric barrier and 18-24" of clean soil, or with a clay cap 18-24" of clean soil, so that brownfields concerns are alleviated. This Raised Bed Method is also known as a USEPA Best Practice Method (see, e.g., City of Boston, Article 89 Made Easy: Urban Agriculture Zoning for the City of Boston, pp. 24-25 on soil safety guidelines for commercial urban farming)(PDF).

From an equity perspective, the Raised Bed Method is not without cost, though it is far less expensive than testing and remediation. The time and money it takes to have Phase I and sometimes Phase II environmental assessments conducted by professional environmental engineers is prohibitive for community groups with small/no budgets, and the bureaucratic process of navigating such studies can be onerous. Similarly, when community gardeners or urban farmers want to establish their growing spaces, the time that bioremediation takes can be a deterrent. Bioremediation would be a useful practice if sites could be identified for remediation years in advance. Regenerative agriculture, while an excellent practice for rebuilding agricultural soil health, is not practically possible in urban areas because it requires significant animal husbandry (e.g., sheep, goats, pigs, cows) at a scale that is typically not allowable under city zoning ordinances.

Upload any documents that synthesize your work (upload this Word doc)

Answer EACH ONE of the Big Questions: How does your research on this issue help to address the **significance (and rate) of farmland loss in our community?**

N/A

Answer EACH ONE of the Big Questions: How does your research on this issue help to address the **definition of Farmland Preservation for Task Force purposes?**

Our research doesn't inform the definition of farmland preservation, but treats an issue related to safe growing practices in urban soils.

Answer EACH ONE of the Big Questions: How does your research on this issue help to address the definition of people-focused entrepreneurial, e.g. urban ag vs. monocropping ag?

Our research on this issue identifies a concern of significance for any food grown for people's consumption, but particularly for community gardeners and small scale growers in or near urban areas.

Answer EACH ONE of the Big Questions: How does your research on this issue help to address the metrics we want to see in policy recommendations to measure progress?

N/A

Answer EACH ONE of the Big Questions: How does your research on this issue help to address how we can quantify potential impacts of proposed policies?

N/A

Answer EACH ONE of the Big Questions: How does your research on this issue help to address how we balance housing (or other developed uses) and food production?

Our research doesn't necessarily address how we balance housing (or other developed uses) and food production, but it does bring forward an issue of significant concern for urban growers.

What are your specific recommendations regarding this issue?

We recommend that the City of Madison adopt a "from the ground up" Best Practice Method as a policy for dealing with potential soil contamination on City-owned land, based on the USEPA's Best Practice Methods. We do not believe that testing on City-owned land will be an effective approach regarding this issue.

What might be required for the City of Madison to implement these recommendations? (Check all that apply)

- **ordinance change**
- **zoning change**
- **budgetary investment**
- **implementation of adopted plans**
- **administrative rule or process update**
- **map update**
- **inter-departmental collaboration**

- **community collaboration**
- **Other: _____**

Do you have any concerns or observations that didn't seem to fit into any previous category or respond to a question? Is there anything you want to be sure is included in the Task Force Report in addition to your recommendations? (E.g. Important information captured in your research that you feel must be included in the final report in the form of text; or a map, table, chart, etc. for appendices.)

Upload any additional information to be included in the final report.

Land Access Team

See also the following documents:

Agrihoods | ULI Americas

Cultivating Development: Trends and Opportunities at the Intersection of Food and Real Estate

Transfer of Development Rights in U.S. Communities: Evaluating Program Design, Implementation, and Outcomes

FPTF REPORTING FORM

This is a form for Farmland Preservation Task Force Team members to record their findings in preparation for final report writing.

- Responses are required for all questions except for the final question and uploading sections.
- Please fill out one form for ***each issue*** your team has addressed.
- Answers are editable - once you submit the form you'll receive an email with a link to continue editing.
- Multiple forms can be filled out by the same person.

Email *

(redacted)

Name *

Yimmuaj Yang

Team *

- (●) Land Access
- ( ) Land Characteristics
- ( ) Policy Review

What specific issue did you address? (clarify terms, submit one report for each issue) *

Who needs larger scale farmland access in the city.

Why did you focus on this issue? *

Currently there is no access to growing space larger than community garden (20'x20') in the city. BIPOC growers in need of larger plots have to go outside the city but face barriers to land access and are continuously land displaced. Land access provides food security, entrepreneurship, cultural relevant food, mental health and healing, connectedness to nature and cultural roots, and contributes to economic development in the city.

What particular question(s) were you trying to answer about this issue? *

How accessible are larger scale farmland in the city? How hard is it for renters and people of color; especially non-English speaking growers to lease farmland in a system that the majority of landowners are White?

What resources/data did you discover/rely on? (include weblinks, contacts, etc. You can upload documents in the next question) *

Rooted WI Land Access Survey, Yang's memo, Yang's 13 years of experience working with growers of color.

Upload any resources documents you may have

Land Access Ass...

Rooted WI Land ...

What is the current status of this issue in the City of Madison, if known? *

Regional Agriculture & Food Sovereignty Work Group of Madison Food Policy Council have been working to address land access issues.

Summarize your findings and upload other materials that support your findings, if available, in the next question. *

The people in need of land access are those with production knowledge and skills, are learning to grow food through education and training programs, or want to become growers. These people may self-identify as BIPOC, underserved, beginning, and/or historically excluded growers. The top three ethnic groups of growers in need of land access are: Hmong, Latinx, and Black.

Upload any documents that synthesize your work

Answer EACH ONE of the Big Questions: How does your research on this issue help to address the **significance (and rate) of farmland loss in our community?** *

No answer.

Answer EACH ONE of the Big Questions: How does your research on this issue help to address the **definition of Farmland Preservation for Task Force purposes?** *

The issue brings up inequity issues on farmland preservation. Historically, farmland preservation benefits the White community and excludes communities of color.

Answer EACH ONE of the Big Questions: How does your research on this issue help to address the **definition of people-focused entrepreneurial, e.g. urban ag vs. monocropping ag?** *

Growers in need of land access are vegetable and flower producers who can utilize urban agriculture spaces.

Answer EACH ONE of the Big Questions: How does your research on this issue help to address **the metrics we want to see in policy recommendations to measure progress?** *

Inclusivity on larger scale growing spaces.

Answer EACH ONE of the Big Questions: How does your research on this issue help to address **how we can quantify potential impacts of proposed policies?** *

Percentage of each ethnic group, purpose of food production (for family consumption or for market), number of people in the households which will tell how many total people benefit from food grown on the land, household income.

Answer EACH ONE of the Big Questions: How does your research on this issue help to address **how we balance housing (or other developed uses) and food production?** *

Can housing, land access, and access to resources (i.e. transportation) co-exist?

What are your specific recommendations regarding this issue? *

Protect and make current ag. zoned land for the exclusive ag. use.

What might be required for the City of Madison to implement these recommendations? (Check all that apply) *

- [ ] ordinance change
- [ ] zoning change
- [ ] budgetary investment
- [ ] implementation of adopted plans
- [ ] administrative rule or process update
- [ ] map update
- [ ] inter-departmental collaboration
- [ ] community collaboration
- [x] Other:

Work with a community land trust that has expertise in housing and agriculture land usage.

Do you have any concerns or observations that didn't seem to fit into any previous category or respond to a question? Is there anything you want to be sure is included in the Task Force Report in addition to your recommendations? **(**E.g. Important information captured in your research that you feel must be included in the final report in the form of text; or a map, table, chart, etc. for appendices.)

The City of Madison should provide funding to conduct an official study on land access needs to gather collective, formal data.

Upload any additional information to be included in the final report.

This content is neither created nor endorsed by Google.

Google Forms

City of Madison Agricultural Land Access Assessment

Land Access

The following assessment is based on more than a decade of relationship building, experience and engaging with farmers/growers, mainly BIPOC and underserved farmers/growers in urban communities, the majority of whom live in Madison. The assessment refers to land beyond community gardens. The assessment provides an overview and does not go into the specific, diverse needs of individuals and groups.

Who faces the biggest barriers to accessing land?
BIPOC and underserved farmers/growers.

There are 3-tiers of farmers/growers

1) Farmers growing food their own use/to feed their families
2) Market Farmers – farmers who produce vegetables and flowers to sell at farmers market; a few of them are able to tap into other market opportunities (i.e. wholesales)
3) BIPOC-led organizations – organizations in need of land access for programming purposes (agriculture program, holistic approach to wellness and health through land, entrepreneurial opportunity, etc)

Grower Ethnicity

1) The biggest group of farmers/growers in the Madison and Dane County area is Asian; the majority of them are Hmong. But there are also Laotian and Cambodian growers.
2) There are several Latino/Latina growers/farmers producing vegetables and flowers. Most of the Latino farmers are in the dairy industry and are living/working outside of Dane County.
3) The smallest group are Black farmers.

What are the barriers to land access through leasing?
-Institutional racism/discrimination: In and around Madison, private farmland is owned by Whites and public farmland is owned by the city or county. People of color usually aren't welcome in rural settings because of the long history of racism/discrimination. Because they aren't welcome, rural settings aren't safe spaces for them. As for city/county owned land, there isn't a process or transparency regarding accessing farmland. White, mono-crop farmers are usually the ones who can tap into public farmland.
-Lack of network/relationship with the White community/landowners: Farmers of color usually don't have a network of White landowners they can easily ask to lease land from. There hasn't been a big effort to bridge the gap/relationship between White landowners and farmers of color.
-Lack of access: Lack of access to people and service resources -- Groundswell and Rooted are the two organizations with staff working on land access. Groundswell and Rooted have staff who represent some of ethnic groups of growers in need of land access. Lack of access to transportation – land furthest away from residential housing lacks public transportation which means only those who can drive or have access to private transportation can get to the land.

Basic land-based infrastructural needs on temporary or long-term spaces:
-Access to restrooms. Porta potties are the easiest to arrange and likely the cheapest option.
-Access to water. If municipal water is available, the biggest expenses are the hookup and the annual usage cost. Based on the amount of acreage, digging a well may be more financially feasible. Rain capturing system is also possible but when it doesn't rain, how will growers get access to water?
-Access to season extension. USDA EQIP program is available to market farmers but if farmers must get permits/authorizations, is there support in place for the farmers to do so (aside from language translation and interpretation).
-Access to post-harvest handling facilities. The facilities do not have to be permanent structures.
-Access to refrigeration. Building coolbots is the easiest and requires the least financial investment.
-Access to storage for farming equipment and tools. Small handheld tools can be stored in tool sheds like the ones at community gardens, but tractors and bigger equipment will need to be stored under a more permanent structure.

Depending on the infrastructural investments, access to utilities will also be needed.

Other things to think about:
Is the City of Madison intentionally looking to preserve permanent farmland for the purpose of land access or is the city putting a band-aid on a need that has existed for a long time and is becoming a crisis because farmland is getting so expensive? Additionally, the most productive farmland are also the most attractive places for development. Once farmland is developed, it's gone forever.

If permanent farmland preservation is the goal, permanent land-based infrastructures is the best option and benefit many generations of farmers/growers.

Land access creates many benefits: food security, cultural inclusivity, therapeutic healing, welcoming spaces, and economic development. Land access creates community.

Rooted WI Land Access Survey - Summary 2022

In an ongoing effort beginning in February 2019, Rooted WI, Inc staff worked with other regional agricultural collaborators to collect information through an online survey from community members looking for access to agricultural land. Our goal was to assess the needs of growers throughout Dane County. This is an ongoing and growing list which will develop as we continue to share this survey with growers and agricultural partners.

Starting in 2019,we received land requests from 83 growers, requesting a total of 122 acres. Growers are generally interested in vegetable, fruit, and herb production. A small number are also interested in growing flowers, greenhouse production, and keeping animals, mostly poultry. When asked, most growers report multiple years of experience.

The majority of respondents are willing to travel, especially if other members of their community are growing at the same location. Larger acreage could be used to serve many of the respondents interested in communal growing, reducing cost by sharing space, infrastructure and other resources.

Key points:

- 5 growers are interested in 5 acres or more
    - Most have at least 5 years growing experience and are already growing somewhere in Dane County
    - All speak English, with one grower who speaks Hmong as well
    - These growers are mostly interested in production for market

- 26 growers are interested in between 1 and 4 acres
    - Most growers report multiple years of experience
    - 75% of these growers primarily speak only Hmong, 15% speak solely English, and the rest are bilingual.
    - Roughly half of the growers are interested in market sales, and half are interested in production for their families

- 52 growers are interested in less than 1 acre
    - Roughly half of these growers report multiple years of growing experience
    - 60% of these growers speak solely Hmong, most of the remaining 40% are native, single-language English speakers
    - These growers are mostly interested in growing for family production

Prepared Aug 15, 2022 by Nicholas Leete of Rooted WI

Survey link:
https://docs.google.com/forms/d/e/1FAIpQLSfo0cyVRweESPXZKit-8RKxfkhUnoe12eN5P51HdyQfVcofNg/viewform?usp=sf_link

FPTF REPORTING FORM

This is a form for Farmland Preservation Task Force Team members to record their findings in preparation for final report writing.

- Responses are required for all questions except for the final question and uploading sections.
- Please fill out one form for ***each issue*** your team has addressed.
- Answers are editable - once you submit the form you'll receive an email with a link to continue editing.
- Multiple forms can be filled out by the same person.

Email *

(redacted)

Name *

Mark Voss

Team *

- (●) Land Access
- ( ) Land Characteristics
- ( ) Policy Review

What specific issue did you address? (clarify terms, submit one report for each issue) *

Agri-hoods as a vehicle for access to farmland in the city.

Why did you focus on this issue? *

Agri-hoods are a solution to the question of how to address the need for more housing while providing ready access to farmland in the city. Agrihoods are a compelling development model that adds multiple layers of value to individuals, neighborhoods, and municipalities.

What particular question(s) were you trying to answer about this issue? *

How can farmland be preserved while attending to the need for housing, affordable, attainable, and otherwise, in Madison.

What resources/data did you discover/rely on? (include weblinks, contacts, etc. You can upload documents in the next question) *

Conversation and podcast with Daron Joffe, agrihood consultant, ULI reports (attached)
https://podcasts.apple.com/us/podcast/agrihoods-and-field-building-with-daron-farmer-d-joffe/id1500361677?i=1000597600756

Upload any resources documents you may have

AgrihoodsBestPr... Cultivating-Devel...

What is the current status of this issue in the City of Madison, if known? *

Developers have a lack of fluency in this trending model of development that serves the whole; housing, food production, and conservation in synergy together. Troy Gardens is an agrihood developed by MACLT and is a worthy non-profit model.

Summarize your findings and upload other materials that support your findings, if available, in the next question. *

For-profit and non-profit developers across the country have had success with agrihood developments and worked closely with local authorities willing to implement innovative policies that serve homeowners and renters while conserving natural spaces and food growing areas. Elevating food growing areas in the city enhances quality of life for residents.

Upload any documents that synthesize your work

Summary of Res...

Answer EACH ONE of the Big Questions: How does your research on this issue help to address the **significance (and rate) of farmland loss in our community?** *

Housing development has long been considered antithetical to farmland preservation. They are not mutually exclusive and can in fact enhance one another when properly planned. By clustering development in pocket neighborhoods or hamlets and conserving farmland permanently for urban farming, food security, and urban resilience, a given development can elevate any considered property to its highest and best use for all by protecting significant portions of farmland even as a parcel is developed.

Answer EACH ONE of the Big Questions: How does your research on this issue help to address the **definition of Farmland Preservation for Task Force purposes?** *

Farmland Preservation is the thoughtful consideration that land zoned for agriculture must be seen as a resilient resource for residents in the city; for food growing, for habitat, for resilience in the face of climate change. When considering a rezone of ag land to commercial or residential use, planners must consider safeguarding significant portions of the property for agriculture - for food production, employment on the land, greenspace in the city, and habitat for the nonhuman world.

Answer EACH ONE of the Big Questions: How does your research on this issue help to address the **definition of people-focused entrepreneurial, e.g. urban ag vs. monocropping ag?** *

People-focused, entrepreneurial, urban ag vs monocropping ag means that urban agricultural lands are farmed by small farmers using human scale technology (hand tools, small tractors) growing high value, highly nutritious, fresh fruits and vegetables for local citizen consumption made available through sale at local markets and restaurants. Such entrepreneurship can integrate educational programming and other community events to diversify income and services. Such uses are in stark contrast to commodity row crop fields (ie corn, soy beans) harvested for processing (ie high fructose corn syrup) and animal feed.

Answer EACH ONE of the Big Questions: How does your research on this issue help to address **the metrics we want to see in policy recommendations to measure progress?** *

With each new plan to convert ag land to housing, housing is clustered on X% of land and X% is converted to permanently people focused food growing.

Measure percentage of city owned ag zoned land converted to people focused farming per annum through new lease structure that facilitates more of such farming.

Answer EACH ONE of the Big Questions: How does your research on this issue help to address **how we can quantify potential impacts of proposed policies?** *

As agrihoods are developed,
Study:
Number of small farmers producing and earning on land in the city.
Level of production (pounds, units, $$) on urban farms in the city.
Number of citizens interacting with agricultural lands in the city.

Answer EACH ONE of the Big Questions: How does your research on this issue help to address **how we balance housing (or other developed uses) and food production?** *

The agrihood development model answers this search for balance precisely and elegantly. Farms as a permanently protected anchor amenity for densely clustered housing developments with access and connection to the associated farmland serves residents and citizens holistically.

From attached resources and summary document: "By including a working farm as a central project feature, developers can unlock special advantages, ranging from reduced amenity costs, increased project marketability, and faster sales for residential properties, to opportunities for enhanced community social ties and access to land for current and would-be farmers."

What are your specific recommendations regarding this issue? *

Examine current zoning, ordinances and rules for any restrictions that would conflict with an association of a working people-centered farming operation adjacent to housing.

Adjust such policy to encourage rather than discourage or prohibit such adjacency and association.

Incentivize the development of agrihoods through density and other bonuses for clustering housing and protecting farmland for urban ag.

Integrate explicit mention and support for agrihood development, when development is deemed advisable, as part of the city's sustainability plan, namely in Strategies 1,3,6,7,8,9.
Strategy 1: Agrihood development strengthens local food systems.
Strategy 3: A working farm, as a development amenity, can be a community hub of interaction and belonging around food.
Strategy 6: Bingo! By concentrating housing in pocket neighborhoods and hamlets, agrihoods facilitate residents to have more interaction while also having access to open spaces where community food growing is prioritized.
Strategy 7: Support new development of neighborhoods to integrate food growing businesses, including working farms, market gardens, small scale plant nurseries, etc that cluster around gathering spaces.
Strategy 8: Encourage housing developments that integrate working farms and associated business infrastructure that responds to resident interest and demand.
Strategy 9: Agrihoods are a key component of a robust Urban Agriculture policy to preserve farmland as development pressure continues.

What might be required for the City of Madison to implement these recommendations? (Check all that apply) *

- [x] ordinance change
- [x] zoning change
- [x] budgetary investment
- [ ] implementation of adopted plans
- [x] administrative rule or process update
- [ ] map update
- [x] inter-departmental collaboration
- [x] community collaboration
- [x] Other:

outreach to/collaboration with municipalities with successful agrihood development

Do you have any concerns or observations that didn't seem to fit into any previous category or respond to a question? Is there anything you want to be sure is included in the Task Force Report in addition to your recommendations? **(**E.g. Important information captured in your research that you feel must be included in the final report in the form of text; or a map, table, chart, etc. for appendices.)

No

Upload any additional information to be included in the final report.

This content is neither created nor endorsed by Google.

Google Forms

Highlights and Summary of Resources: Access to Urban Farmland via Agrihood Developments

Summary and Highlights 1

Summary of attached document in Google Form:
AgrihoodsBestPracticesULI

Definition:
Agrihood - master planned or residential communities built with a working farm as a focus.

People have long understood the fundamental role that food plays in health, well-being, and social interaction: most of life's great moments— holidays, weddings, birthdays, graduations— center around food.

The real estate industry plays a fundamental role in shaping how people access, purchase, and experience food. Agrihoods are part of a growing movement of food-centric development that is bringing consumers closer to the growers and producers of their food.

To build agrihoods, developers are forming innovative partnerships with landowners, farmers, nonprofit organizations, schools, public sector agencies, and other stakeholders, with positive implications for people and communities, as well as the bottom line for the development.

In many ways, planning, developing, and operating agrihoods is similar to planning, developing, and operating projects that are not built around food-production spaces. Agrihoods generally include a mix of homes, resident-focused amenities, and commercial spaces. Agrihoods are also underwritten by traditional lenders and rely on debt and equity financing—just like other projects.

By including a working farm as a central project feature, developers can unlock special advantag- es, ranging from reduced amenity costs, increased project marketability, and faster sales for residential properties, to opportunities for enhanced community social ties and access to land for current and would-be farmers.

Ten Reasons Food Production Is a Growing Trend in Real Estate

1. People may not want to be personally engaged in agriculture every day, but they want high-quality food and agriculture to be part of their lives.

2. Consumers have an increased desire to be part of the "story of their food. 3. Residents

often value farms and fresh food access over other development components. 4. Farms

bring people together to share in food growing and related events.

5. Community farmers have a unique ability to inspire and educate area residents. 6.

Farms can teach youth about food growing, nutrition, seasonality, and much more.

7. Health professionals increasingly promote the benefits of fresh, local produce to their patients.

8. Food-production spaces are less expensive to provide than certain other development amenities, such as golf courses.

9. Farms can serve as event spaces to offset the costs of food production.

10. Orienting development around farms can preserve the character of rural areas and make landscapes more productive and environmentally friendly.

BEST PRACTICES

Land

• Preserve natural lands and existing farmland by allocating space for agriculture, food production, and natural features in development.

• Create a land plan that optimizes farm productivity and opportunities for residents to engage with the farm.

Food

• Maximize food production and distribution methods.

• Align food production and distribution procedures with health, sustainability, social equity, and financial goals.

Finance

• Understand unique considerations related to agrihood financial models.

• Explore the agrihood “business case” at all stages of development.

Programming

• Position farms as community social hubs and settings for events.

• Engage residents and other stakeholders to ensure that on-site programs are inclusive and locally and culturally relevant.

Communications

• Focus on the farm in communications to generate broad community support and drive project success.

• Be intentional about crafting communications materials that include everyone and tell the "whole story."

Housing and Design

• Create housing and mixed-use development that leverage the advantages of farm-adjacent locations.

• Use innovative design and policy solutions to promote housing affordability and community social interaction.

People

• Understand the range of necessary skills for community farmers, and make decisions about hiring and management accordingly.

• Invest in homes for farmers and other farm employees.

Partnerships

• Collaborate with partners that share a common vision for agrihood development.

• Form partnerships to address health, sustainability, and social equity challenges through agrihood development and operations.

PUBLIC SECTOR GUIDELINES

Create land use and zoning policies to encourage the development of agrihoods.

CONSIDERATIONS

» Zoning policies are often not set up to encourage or often even allow the development of farm-centered communities.

» Most zoning standards separate or limit allowable uses and specify minimum lots for housing, thereby making clustering of development difficult.

» Stakeholders—including public sector officials—lack understanding of the benefits of having a farm in the community.

» Many suburban and exurban communities face significant development pressures, potentially resulting in loss of farmland and open space.

» Local governments may be challenged to maintain infrastructure (roads, sewers, etc.) when development follows “traditional” suburban models.

» Zoning may not allow on-site events, weddings, and the like.

› OPPORTUNITIES AND BEST PRACTICES

» Include farming and food access considerations in zoning codes and general plans.

» Allow mixed-use development and uses complementary to working farms (event spaces, wine tasting rooms, parking, etc.).

» Consider incentivizing farming—for example, by offering reduced property tax assessments on agricultural land.

» Implement programs that allow communities to hold easements to permanently protect farmland, and direct development to areas with existing infrastructure.

» Consider deed restrictions, deeding the land to a third party, and/or development agreements to govern the development of a property.

FAQs

Q: How do project leaders assure residents or homebuyers that farmland is not going to be developed in the future?

A: Methods for long-term farmland conservation include conservation easements, deed restrictions, development agreements, and deeding the land to a third party.

Q: How does the farm generate income? Will it have to be subsidized?

A: Farms will generally require subsidies at a project’s outset but can become break-even or profitable within a few years, depending on factors such as size, food-production capacity, and ability to host revenue-generating events.

Farm operational costs can be offset by food sales, but farms may need to rely on support from the development—especially during early project phases—in the form of free or subsidized land, contributions from transfer fees, homeowners association fees, and other mechanisms.

Each day, developers, investors, designers, and other real estate and land use professionals make decisions about their projects and set priorities based on current and anticipated market trends,

community needs, and financial constraints.

Each new project presents opportunities for developers and other project stakeholders to invest in a community's health, well-being, social cohesion, environmental sustainability, and overall quality of life.

Including food-production spaces in development projects can help ensure project success and achieve social and environmental goals. Agrihoods, individually and as a whole, have terrific potential to help address challenges in our existing food system and development models.

Summary and Highlights 2

Summary of attached document in Google Form:
Cultivating-Development-Trends-and-Opportunities-at-the-Intersection-of-Food-and-Real-Estate

- Investments in food-related enterprises within the context of development projects can support a developer's bottom line, while also addressing health and environmental goals. Such developments require innovation, creativity, new business models, and inventive partnerships to be successful.

- Farms can serve to create a sense of attachment to development projects, adding value and fostering stronger community social ties.

- Truly successful food-centric development relies on partnerships with established local institutions. By working with existing neighborhood groups, nonprofit organizations, anchor businesses, and small food purveyors, developers have the opportunity to create authentic, culturally relevant projects that support local priorities.

- Partnerships among developers, nonprofit organizations, and public and private sector institutions can support the stacking of services within the context of a larger project, allowing wellness clinics, food co-ops, and nutrition and cooking education programs to be included in food-centric and mixed-use developments, with the goal of improving local health outcomes.

- Community food-growing areas can be differentiating amenities that add value to residential and mixed-use developments at little cost.

- The development community has an essential role in ensuring that places where food is grown, produced, and distributed can adapt to the mounting challenges posed by climate change, high levels of food waste, and fossil fuel dependency.
- Partnerships among the private, public, and nonprofit sectors can support targeted investments in local food production and provision that mitigate negative externalities and allow food systems to absorb environmental stresses.

Case studies:

Aria Project: Denver - Farmland increases developers' bottom line and residents' experience

- Setting aside space for food production in residential mixed-use development supports increased access to fresh, healthy produce for residents while enhancing project marketability.

- Innovative partnerships among real estate developers, nonprofit organizations, private philanthropy, higher education, and community institutions can produce a development with a set of shared priorities focused on improving health outcomes including growing food.

- Food-growing space can be the centerpiece of a development; associated programming and job training services can facilitate community social ties and create a sense of ownership over food assets for community residents.

Refresh Project: New Orleans - Attracting Grocers by Protecting Farmland

- Assembling a group of like-minded tenants that are focused on providing locally grown food, job training, and youth and community outreach services can aid in attracting a retailer that offers a wide range of healthy food products.

- A market exists for high-quality grocers in low and moderate-income areas, provided that stores take advantage of opportunities to partner with others on community programming that increases local knowledge of health and nutrition.

FPTF REPORTING FORM

This is a form for Farmland Preservation Task Force Team members to record their findings in preparation for final report writing.

- Responses are required for all questions except for the final question and uploading sections.
- Please fill out one form for ***each issue*** your team has addressed.
- Answers are editable - once you submit the form you'll receive an email with a link to continue editing.
- Multiple forms can be filled out by the same person.

Email *

(redacted)

Name *

Alison Volk

Team *

- (●) Land Access
- ( ) Land Characteristics
- ( ) Policy Review

What specific issue did you address? (clarify terms, submit one report for each issue) *

Permanent Farmland Protection

Why did you focus on this issue? *

The land access group felt that one way to ensure the availability of agricultural within the city of Madison was if current farmland was permanently protected from conversion out of agricultural use.

What particular question(s) were you trying to answer about this issue? *

How can the city of Madison utilize agricultural conservation easements to protect current farmland acreage and ensure that the city has a permanent base of available farmland for future agricultural use?

What resources/data did you discover/rely on? (include weblinks, contacts, etc. You can upload documents in the next question) *

Contacts: Remy Long, Deputy Manager and Rosie Pahl Donaldson, Land Acquisition Supervisor Natural Area Preservation (NAP) & Land Acquisition (Greenbelt) City of Ann Arbor Parks and Recreation Services; Jennifer Dempsey, Director Farmland Information Center, American Farmland Trust; Brian Standing, Senior Planner, Dane County, Wisconsin

See also Buy, Protect, Sell policies for Scio Township, Michigan: https://legistarweb-production.s3.amazonaws.com/uploads/attachment/pdf/1178795/BPS_policy.pdf

Upload any resources documents you may have

AFT_FIC_ACEP-A...

Local_Purchase_...

PACE_Overview_...

TDR_04-2008_1 -...

http___www.rff_....

What is the current status of this issue in the City of Madison, if known? *

There is currently no funding available for the purchase of agricultural conservation easements in the City of Madison. Dane County has a Transfer of Development Rights (TDR) program, but it doesn't seem like the credits could be utilized within the city of Madison.

Summarize your findings and upload other materials that support your findings, if available, in the next question. *

Many communities utilize Purchase of Agricultural Conservation Easement (PACE) or Purchase of Development Rights (PDR) programs to ensure that there remains available agricultural land for farmers. These programs compensate willing landowners for permanently protecting their land with an Agricultural Conservation Easement (ACE). The easement removes the development and subdivision potential from the land and thus can reduce the future purchase price of the property. The reduction in purchase price can allow farmland within the municipality to be more affordable for future farmers.

Other programs such as the Transfer of Development Rights (TDR) and Buy, Protect, Sell (BPS) can also be utilized to help protect farmland, reduce the cost of available land, and facilitate the transfer of land to emerging farmers. See uploaded document for more details.

Upload any documents that synthesize your work

FPTF ACE Info - ...

Answer EACH ONE of the Big Questions: How does your research on this issue help to address the **significance (and rate) of farmland loss in our community?** *

Utilizing Agricultural Conservation Easements (ACEs) to permanently protect farmland will stem farmland loss within city. Permanent protection will ensure that the city always has an available supply of land for agricultural activity.

Answer EACH ONE of the Big Questions: How does your research on this issue help to address the **definition of Farmland Preservation for Task Force purposes?** *

The permanent protection of farmland ensures that farmland is preserved within the city of Madison for future generations of farmers. Funding the purchase of Agricultural Conservation Easements not only ensures the available land base, it also gives existing farmers alternatives to selling their land for development.

Answer EACH ONE of the Big Questions: How does your research on this issue help to address the **definition of people-focused entrepreneurial, e.g. urban ag vs. monocropping ag?** *

A publicly funded PACE (or PDR) program would allow the city to prioritize the protection of land in locations where that land is accessible and well-suited to active agricultural use. This can include a consideration of the quality of the soils and the land's proximity to housing or transportation. Although easements don't typically dictate the type of agriculture that occurs on a property, an easement often includes the requirement that the farmer follow a management plan, which ensures that the farmer stewards the land to further protect soil and water resources. Where easements are used in conjunction with a Buy, Protect, Sell program, in selecting resale buyers, the city could prioritize those projects where farmers intend to grow food for local markets.

Answer EACH ONE of the Big Questions: How does your research on this issue help to address **the metrics we want to see in policy recommendations to measure progress?** *

Number of acres permanently protected and thus permanently available for continued agricultural use

Answer EACH ONE of the Big Questions: How does your research on this issue help to address **how we can quantify potential impacts of proposed policies?** *

We can measure the number of acres of land protected and the number of farmers who access that land, particularly where the protected land is less expensive than it would be without restrictions

Answer EACH ONE of the Big Questions: How does your research on this issue help to address **how we balance housing (or other developed uses) and food production?** *

The use of easements in conjunction with a TDR program would accommodate growth while establishing a source of funding to purchase easements from willing landowners.

What are your specific recommendations regarding this issue? *

Recommend the city pursue some means of permanent protection of agricultural land. Funding a PACE program would allow landowners to receive some compensation for permanently restricting their land and would reduce the future purchase price of agricultural land for emerging farmers. Allowing those funds to be used for Buy, Protect, Sell transactions would enable landowners to sell their ag land and ensure that that land would be protected. Establishing a TDR program, though a bit more administratively demanding, might help in supporting the permanent protection of agricultural land without requiring the same public expenditure as a PACE program.

What might be required for the City of Madison to implement these recommendations? (Check all that apply) *

- [x] ordinance change
- [x] zoning change
- [x] budgetary investment
- [ ] implementation of adopted plans
- [x] administrative rule or process update
- [ ] map update
- [x] inter-departmental collaboration
- [x] community collaboration
- [ ] Other: _____

Do you have any concerns or observations that didn’t seem to fit into any previous category or respond to a question? Is there anything you want to be sure is included in the Task Force Report in addition to your recommendations? **(**E.g. Important information captured in your research that you feel must be included in the final report in the form of text; or a map, table, chart, etc. for appendices.)

The county is exploring a PACE program and currently has a TDR program on the books. In talking to the county, it wasn't clear whether there was any possibility for collaboration between the city and the county. The challenge might be that the county's definition of farmland preservation is really geared toward larger acreage commodity crops and doesn't necessarily encompass urban ag.

Upload any additional information to be included in the final report.

This content is neither created nor endorsed by Google.

Google Forms

Examples of Programs that Permanently Protect Agricultural Land

1. City of Boulder/Boulder County, Colorado

Open Space and Mountain Parks Land Acquisition and Water Rights Preservation

The Open Space and Mountain Parks (OSMP) system includes more than 46,000 acres of preserved land in and around Boulder, Colorado. The very first piece of land, 80 acres at the base of Flagstaff Mountain, was purchased by the city in 1898 to be used as one in a series of Chautauqua cultural centers around the country. Since then, the Open Space program (established in 1967) has acquired over 450 separate properties.

In addition to land acquisitions, the Open Space program acquires water rights to help support agricultural operations and preserve historical water rights. Approximately 6,000 acres of open space land are irrigated with these water rights. Whenever possible, mineral rights are also acquired during the land acquisition process.

How Are Decisions Made Regarding Acquisitions?

City of Boulder Open Space and Mountain Parks (OSMP) acquires properties based on the OSMP Master Plan PDF, adopted by the Boulder City Council in 2019. Recommendations for acquisitions are made by the Open Space Board of Trustees and approved by Boulder City Council pursuant to the City of Boulder Charter, Article XII, Open Space.

Methods to acquire properties:

- Property purchases: Fee interest acquisitions are typically based on fair market value.
- Bargain and sale agreements and land donations: Involve a donation of land as one of the components.
- Conservation Easements: The fee interest is retained by the property owner and the owner has agreed to permanently limit their use of the land to protect its conservation values.
- Joint acquisitions: Partner with other agencies, most notably Boulder County, on joint acquisitions.
- Dedications: Acquisition of property interests as part of a development or annexation process.

Funding

The Open Space and Mountain Parks program is about 90 percent funded by sales and use tax dollars. 0.77 cents of every dollar spent on retail products in the City of Boulder helps support the continued acquisition and maintenance of OSMP lands; protecting the land from development and preserving it for future generations.

https://bouldercolorado.gov/services/land-acquisition-and-real-estate-services-program

Boulder County Transferable Development Right (TDR) Conservation Easements Program

Defined Municipal Area

- A landowner whose property lies near a municipality and within an area defined in Boulder County's land use regulations and intergovernmental agreements may qualify to 'send' a transferable development right (TDR) to a designated receiving site.
- The landowner is required to grant a conservation easement to Boulder County over the sending property in exchange for the TDR, which the landowner sells to a developer who uses it to develop a residence on the receiving property.

Countywide

- Landowners may restrict the size of their residences or leave their property vacant in return for transferable development credits (TDCs) that can be sold to other landowners or developers directly or through Boulder County's Transferable Development Credit Marketplace.
- Properties with significant conservation value may qualify for bonus credits.

https://bouldercounty.gov/open-space/management/conservation-easements/#:~:text=Conservation%20easements%20are%20voluntary%20agreements,agreement%20remains%20with%20the%20property

2. City of Davis, California

The City carries out its open space protection goals by setting policy and acquiring conservation easements and ownership of land from willing sellers. The City is committed to an approach that maximizes preservation and enhancement of open space lands and resources. An effective, direct, and equitable method for doing so is to purchase protection (easements and fee-title) at a fair market price from willing sellers. Several fundamental principles will guide all acquisitions by the City:

1. **Acquire Land From Willing Sellers Only.** Acquire open space from willing sellers only.

2. **Acquire Land Within Davis Planning Area Only.** Lands or resources must be located within the Davis Planning Area to qualify for acquisition or management by the City.

3. **Stretch the Dollar.** Acquire and hold the least interest in a property necessary to carry out the City's General Plan goals for open space protection. This means the City will be limiting its fee title acquisitions and focusing on conservation easements.

4. **Favor Conservation Easements.** Use conservation easements as the primary method of open space protection. Purchasing only part of a property's rights (such as development rights) protects land at a fraction of the cost of purchasing all the rights (fee title interest), thereby maximizing the acreage that can be brought into the City's

Open Space Program. Easements shall be held in perpetuity. The City co-owns 21 conservation easements with the Yolo Land Trust and three conservation easements with the Solano Land Trust.

5. **Make Strategic Fee-Title Acquisitions.** Acquire and hold fee-title to properties where protection of unique resources, restoration, or public access is desired.

6. **Pay Fair Market Value.** Acquire land at no more than fair market value, based on a professional appraisal.

7. **Take a Balanced Approach.** Balance efforts to protect natural resources with efforts to maintain agricultural production in the Davis Planning Area.

8. **Seek Multiple Benefits.** Seek protection of open space lands that overlap multiple acquisition categories.

The City seeks to protect the greatest amount of high quality open space land and resources as possible within its funding constraints. However, despite remarkable community willingness to pay for open space protection, all undeveloped land and sensitive resources in the Davis Planning Area cannot be protected due to high land costs and multiple competing uses for the land. In order to maximize the effectiveness of available funding, the City will use the most cost-effective open space protection tools (e.g., conservation easements) and seek to acquire open space that serves to buffer other lands from threat of conversion.

Priority Acquisition Areas

Acquisition categories identify the various types of open space lands and resources identified by the City for protection. These categories help organize the City's acquisition priorities by identifying the land and resource values that are desirable to the community. They are (in no order of importance):

- **Urban Fringe**
  Protect land near the city limits to help define the urban limits of Davis and provide an adequate buffer between urban and rural land uses. The conservation purpose is to protect select lands and resources at greatest risk of conversion from urban expansion pressures. These lands are generally located in the historic path of development on the north and west edges of the City. This priority area is linked with the City's growth management policies encouraging infill development and coordination of university housing needs.

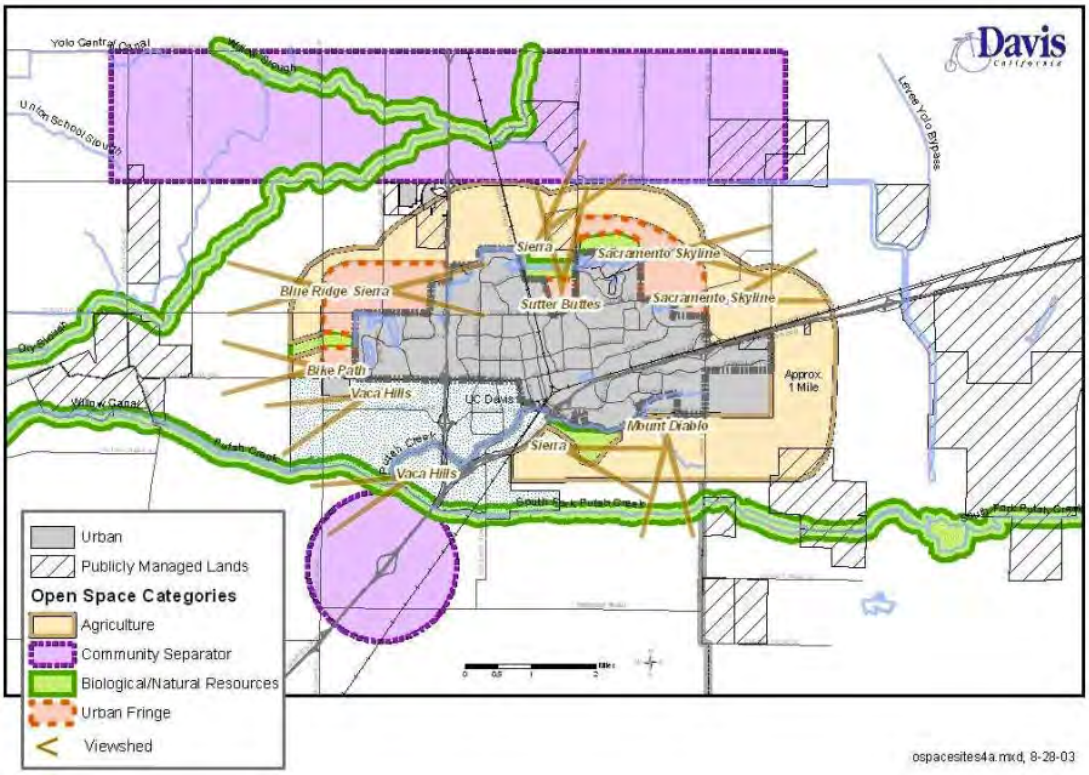
- **Community Separator**
  Protect land between Davis and neighboring cities to preserve the unique character of each community. The conservation purpose is to protect lands between cities to provide a functional limit to urban expansion pressures from adjoining cities/counties. Davis, Woodland, Dixon, and Yolo County have signed general agreements identifying separator areas and supporting land protection within the boundaries of these areas.

- **Agriculture**
  Protect prime agricultural lands and sustainable farming practices (e.g., organic agriculture) to maintain the long-term viability of agriculture in the Davis Planning Area. The conservation purpose is to protect the highest quality agricultural lands facing the greatest risk of conversion. These lands are generally located in the historic path of development to the north and west of the City.

- **Biological and Natural Resources**
  Protect important wildlife habitat, sensitive species, and other significant natural resources. The conservation purpose is to protect and enhance biologically unique areas that contribute to the viability and stability of natural communities. These lands generally contain riparian corridors, remnant oak woodlands, wetlands, or remnant grasslands. This category includes lands that can be enhanced/restored to provide additional wildlife habitat.

- **Scenic Resources**
  Protect land providing views and scenic vistas of significant landmarks, such as nearby and distant mountain ranges. The conservation purpose is to preserve community identity through the protection of views of significant local and regional landmarks. These lands generally overlap the Urban Fringe and Community Separator areas.

A map showing the City's priority acquisition areas can be found below. If you want to learn more about the City's decision-making process when it comes to open space land acquisitions, please read [Decision-Making Process for Land Acquisitions](#).



Goals for 2022-23 -- Acquisitions

- Complete the purchase of an agricultural conservation easement on 120 acres of farmland east of the city limits (i.e., Gill Orchard #2 easement).
- Complete the purchase of an agricultural conservation easement on 217 acres of farmland south of the city limits (i.e., El Molino Farm easement).
- Focus on acquiring property rights between the levees along the South Fork of Putah Creek for habitat restoration and public recreation.

Recent Accomplishments -- Acquisitions

Gill Orchard Agricultural Conservation Easement

In May 2022, the City purchased a 124-acre agricultural conservation easement located less than a mile from the city limits, northeast of the Wildhorse residential development. It is owned by the Gill Family Trust who recently planted it with almond and pistachio trees. Most of the western edge and all of the northern edge of the site abuts the Covell drainage channel (Channel A), which runs along Covell Boulevard in west Davis, under Highway 113, through North Davis and the Wildhorse golf course, and out to the Willow Slough bypass. The acquisition included a limited public trail easement along this channel. The Yolo Land Trust co-owns the easement with the City and will monitor it for the City in perpetuity.

The Gill Orchard property satisfies four of the City's priority acquisition areas identified in the City's Strategic Plan for the Open Space Program:

1. **Urban Fringe** -- It's partly within the "urban fringe" priority acquisition area.
2. **Agriculture** -- It's almost completely within the "agriculture" priority acquisition area. About 98% of the land is classified as having Class II soils and about half the site is classified as "prime farmland if irrigated" while the other half is "farmland of statewide importance."
3. **Biological and Natural Resources** -- It abuts a stormwater conveyance channel that carries stormwater through the City of Davis out to the Willow Slough Bypass. This channel serves as a wildlife corridor and habitat area. The Strategic Plan calls out acquisitions along riparian corridor "fragments" including this channel. These facts make this land moderately consistent with the "biological and natural resources" priority acquisition area.
4. **Scenic Resources** -- It is located within the Sacramento skyline viewshed, making the property moderately consistent with the "scenic resources" priority acquisition area.

In addition, the Gill family generously donated a limited public trail easement that runs along the channel and adjacent to the orchard north to County Road 29. This easement will be activated when the City secures legal public access from the Wildhorse agricultural buffer.

The easement cost a total of $925,000. About 26% of the purchase price was paid with the City's special open space protection parcel taxes (Measure O) and open space development impact fees. The balance was paid with grant funds from the State of California through the Sustainable Agricultural Lands Conservation ("SALC") program, a component of the Strategic

Growth Council's Affordable Housing and Sustainable Communities program. The SALC program is administered by the California Department of Conservation.

Martin Agricultural Conservation Easement (Bretton Woods Ag Mitigation Land)
In October 2021, the City purchased the second of two agricultural conservation easements related to the agriculture mitigation requirements for the Bretton Woods project. The "Martin Easement" is 27.5 acres and is located just east of County Road 104. The City co-holds this easement with the Yolo Land Trust, and the Bretton Woods developer paid for it as required under the City's agriculture mitigation ordinance. Bretton Woods was required to provide 135 acres of agriculture mitigation land to the City. In addition to the Martin Easement, Bretton Woods also purchased an agricultural conservation easement on 135 acres west of the City, known as the Schuler Easement. Some of those acres also satisfied Yolo County's agriculture mitigation requirements, since some of the Bretton Woods project is located outside the City limits.

The Martin Easement is completely within the "**agriculture**" priority acquisition area, as identified in the City's Strategic Plan for the Open Space Program. The soil in the entire easement area is classified as Class 1, prime farmland if irrigated.

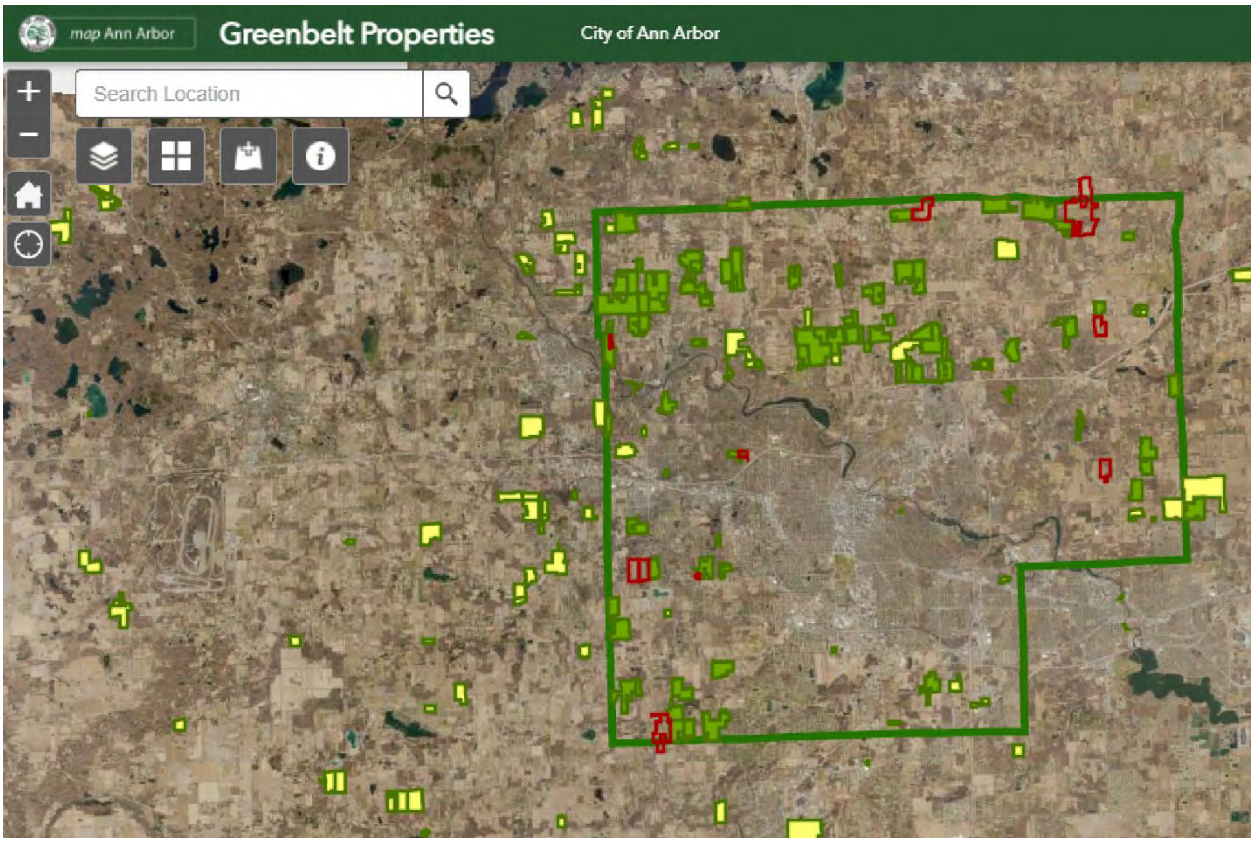
Schuler Agricultural Conservation Easement (Bretton Woods Ag Mitigation Land)

In December 2020, the City and the Yolo Land Trust completed the purchase of an agricultural conservation easement related to the agriculture mitigation requirements for the Bretton Woods residential development. The developer of Bretton Woods paid for the easement as required by the City's agricultural mitigation ordinance. The easement is about 135 acres and is located west of Davis on property owned by the Schuler and Wantz families. It currently is planted in nut trees. About 15 acres directly adjacent to the City's western edge is not part of the easement, along with a five-acre homestead area. The Bretton Woods developer was required to provide a total of 169.12 mitigation acres. The balance of the developer's requirement will be satisfied by a second agricultural conservation easement on another property south of Davis (the Martin Easement) and in-lieu fees to Yolo County.

The Schuler Easement satisfies two of the City's priority acquisition areas identified in the City's Strategic Plan for the Open Space Program. It is completely within the "**urban fringe**" priority acquisition area and the "**agriculture**" priority acquisition area. The soil in the entire easement area is classified as Class 2, prime farmland if irrigated.

https://www.cityofdavis.org/city-hall/community-development-and-sustainability/open-space-program/acquisitions

3. City of Ann Arbor, Michigan Greenbelt Program



The Greenbelt program is an innovative land preservation program that has protected thousands of acres of farmland and open space around the city of Ann Arbor. The program makes use of millions of dollars from grants, landowner donations, and other locally funded programs. Click here to view an interactive map of the Greenbelt properties.

Greenbelt District Application 2023 (PDF)
Download a map of the Greenbelt District (PDF)
2022 Annual Greenbelt Report (PDF)
Greenbelt Strategic Plan (PDF)

https://www.a2gov.org/greenbelt/Pages/greenbelthome.aspx

1. Agricultural Conservation Easements

Agricultural Conservation Easements (ACEs) are voluntary deed restrictions placed on farmland that limit the future development of the land and ensure that the land remains permanently available for future agricultural use. Landowners ("grantors") authorize a qualified organization or public agency ("grantee") to monitor and enforce the restrictions in the agreement. Conservation easements are flexible documents tailored to each property and the needs of individual landowners. Typically, the documents are drafted to limit subdivision, nonfarm development and other land uses incompatible with farming. At the same time, ACEs are purposefully crafted to allow landowners to make productive use of the land. Although ACEs do not typically mandate the type of agriculture that may occur on the land, the documents may require the landowner to follow a conservation plan, which ensures that the land is farmed to protect soil health and water quality. Land protected with an ACE remains on the tax rolls and landowners retain all other rights, including the right to limit public access, sell, rent, or bequeath the land.

2. Purchase of Agricultural Conservation Easement (PACE) or Purchase of Development Rights (PDR) Programs

Across the country, many counties, cities, towns, and villages operate Purchase of Agricultural Conservation Easement (PACE) or Purchase of Development Right (PDR) programs. These programs purchase ACEs from participating landowners. A local government can determine its goals for protecting agricultural land, prioritizing land with high quality soils and in particular locations well-suited for viable agricultural operations. Typically, a program will pay a landowner the difference between the fair market value of the land without any restrictions (generally the land's development potential) and the value of the land as restricted for agricultural use. The price is usually determined by an appraisal. Local governments sometimes cap the amount of funding they will contribute toward an easement purchase or will require a participating landowner to donate a certain percentage of the easement value as part of the transaction. If qualified, the landowner can deduct the value of any donation that meets IRS criteria up to 50% of their adjusted gross income.

Payment for an agricultural conservation easement can provide farmers additional options besides selling their land for development. Farmers can cash in a percentage of the equity in their land without selling the property in its entirety and can use that additional funding to pay down debt, reinvest in their operation, or support the overall viability of their farm business.

Because the ACE permanently removes the development potential of the property, the restriction can reduce the future price of agricultural land. This reduction in purchase price can increase farmland access opportunities for next generation and emerging farmers.

Local governments can serve as easement holders themselves, serving as the grantee and retaining the responsibility for monitoring and enforcing the terms of the easement over time. Programs can also partner with local land trusts. The local government may co-hold the easement with the land trust and share in monitoring responsibilities or may provide grant funds to the land trust to purchase the easement directly. The land trust then has the sole responsibility for ensuring that the terms of the easement are followed in perpetuity.

Local sources of funding can be stretched even further by leveraging available federal funding. The USDA-NRCS provides match funding (up to 50% of easement value) for the purchase of agricultural conservation easements. Often, local programs will provide funding that can be used as match against federal funding for easement purchase. In the City of Ann Arbor, for example, in the past 20 years the city has been able to protect over $64 million in land value (over 30,000 acres) for almost 1/3 of the cost of that land by matching city funds with federal grants and partnerships. The leveraging of federal funding brings a significant influx of additional money into the local community and can further support the viability of local agricultural production.

Local PACE or PDR programs can be funded by several mechanisms. Funding sources include real estate transfer taxes, appropriations, recording fees, bonds, private contributions, landfill fees, and property tax revenues.

3. Buy, Protect, Sell

Where agricultural landowners may be interested in selling their land in its entirety, a local government can utilize PACE funding to support buy, protect, sell (BPS) transactions. In a BPS transaction, the local government or a land trust may purchase agricultural land from a willing landowner, protect the land with a conservation easement, and sell the protected land to an emerging farmer. A BPS transaction can provide retiring farmers an alternative to selling their land for development. When a farmer does not have heirs or know of other farmers interested in purchasing their land, they may think their only option is to sell their land for any use. BPS allows the farmer to receive compensation for the sale of their land with the understanding that the land will be permanently protected for agricultural use. At the same time, BPS can facilitate farmland access for emerging producers. Farmland purchased through a BPS program will be protected with an ACE. The ACE permanently protects the land for agricultural use by restricting future development, thus reducing the resale price for purchasing farmers. This can have the effect of making land more affordable for emerging producers, particularly in urbanizing areas. Funding from the USDA-NRCS Agricultural Conservation Easement Program – Agricultural Land Easements (ACEP-ALE) can be used for these transactions.

4. Transfer of Development Rights (TDR)

Local governments can also utilize ACEs through Transfer of Development Rights (TDR) programs to channel development away from agricultural land. A TDR program transfers the development potential from one parcel of land (sending parcel) to another parcel (receiving parcel). For example, if a farmland owner can build 5 housing units on his land, a developer may purchase those density credits from the farmer and utilize those credits in a location that the city has determined may be appropriate for increased housing. The farmer receives payment for those density credits in exchange for protecting his land with an ACE. TDR thus shifts development from agricultural land to designated growth zones where development can be more easily accommodated. TDR enables a municipality to ensure a permanent supply of farmland within its boundaries without the public expenditures required by a PDR program. The landowner is still compensated for the decrease in land value and the land is permanently protected with ACE for future agricultural activity.

TDR programs can be tricky to administer and depend heavily on the supply of and demand for development rights. Some programs rely on the transfer of density credits as described above, allowing certain areas to be developed more intensely. For a TDR program to work, however, there needs to be an incentive for developers to purchase those density credits and there should be a demand for higher density housing in order to encourage the purchase of credits. Some municipalities have utilized other incentives instead of density credits, such as increased building height allowances or increased number of parking structures. The credits used typically rely on determining the types of variances that developers seek within preferred receiving zones.

Some localities have addressed this challenge by allowing developers to make payments in lieu of actual transfers. The local government can then aggregate these payments and eventually buy conservation easements on land within the sending area. This method can help compensate landowners for permanently protecting their agricultural land, accommodate development demands, and decrease the allocation of public dollars for these efforts.

Purchase of Agricultural Conservation Easements

What Are PACE Programs?

Purchase of agricultural conservation easement (PACE) programs (also known as purchase of development rights or PDR programs) compensate property owners for keeping their land available for agriculture. Typically, PACE programs consider soil quality, threat of development and future agricultural viability when selecting farms for protection. They are usually administered by state or local governments but may also be operated by private conservation organizations.

Rights and Restrictions

PACE programs buy agricultural conservation easements (ACEs) from participating landowners. ACEs are deed restrictions that protect agricultural resources and prohibit activities that could interfere with farming and ranching. ACEs permit agriculture and typically allow farm structures. Most do not restrict farming practices but may require implementation of a conservation plan. Landowners retain all other rights, including the right to limit public access, sell, rent or bequeath the land. Easements "run with the land," binding all future owners.

Compensation

Programs generally pay landowners the difference between the value of the land as restricted and the value of the land for its "highest and best use," which may be residential or commercial development. The easement price is established by appraisals or a local easement valuation point system.

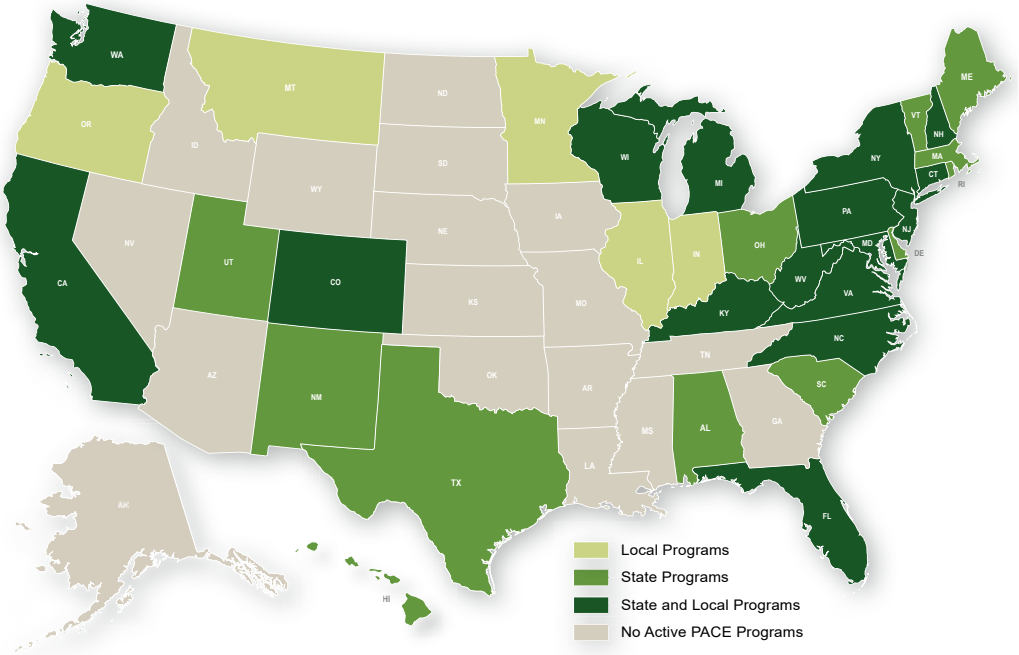
Tax Considerations

An easement is a capital asset—property expected to increase in value over time. Therefore, the sale of an easement may be subject to federal and state capital gains taxes. Landowners have used the like-kind exchange provision in the federal tax code to defer capital gains taxes, applying proceeds from the sale of an easement to acquire additional land.

Landowners who sell agricultural conservation easements for less than their full appraised value—bargain sales—may qualify for tax incentives. Landowners can deduct the value of donations that meet Internal Revenue Code section 170(h) criteria up to 50 percent of their adjusted gross income (AGI) in the year of the gift. Corporations are limited to a 10 percent deduction. Donors can apply any excess easement donation value toward federal income taxes for the next 15 years, subject to the same percentage limitations. "Qualified farmers and ranchers"—defined as individuals or corporations who earn more than 50 percent of their gross income from farming in the taxable year in which the gift is made—can deduct the value of the agricultural conservation easement on property used in agriculture or livestock production up to 100 percent of their AGI with a 15-year carryover.

In addition to the federal income tax incentives, most state income tax laws provide for charitable deductions of conservation easements. At least 14 states offer income tax credits for easement donations on agricultural land. Florida exempts up to 100 percent of state property taxes on permanently protected land.

PACE Programs as of 2020



Tax codes in some states direct local tax assessors to consider the restrictions imposed by a conservation easement. This provision generally lowers property taxes on restricted parcels if the land is not already enrolled in a differential assessment program, which directs local tax assessors to assess farm and ranch land at its value for agriculture, rather than for residential, commercial or industrial development. Local units of government also may have the authority to provide additional tax incentives. Pennsylvania school districts, for instance, are able to exempt protected farm parcels from future millage rate increases; some Maryland counties offer property tax credits for permanently protected farms.

The sale or donation or of an agricultural conservation easement usually reduces the value of land for estate tax purposes. To the extent that the restricted value is lower than fair market value, the estate will be subject to a lower tax. In some cases, an easement can reduce the value of an estate below the level that is taxable, effectively eliminating any estate tax liability.

History

Suffolk County, New York, created the nation's first PACE program in 1974. Following Suffolk County's lead, Maryland and Massachusetts authorized PACE programs in 1977, Connecticut in 1978 and New Hampshire in 1979. Concern about regional food security and the loss of open space were motivating forces behind these early PACE programs. The number of state-level programs continued to grow during the 1980s with the addition of Rhode Island in 1981, New Jersey in 1983, Vermont in 1987 and Pennsylvania in 1988.

The creation in 1996 of a federal farmland protection program, which provided matching funds to tribal, state and local governments to buy easements on agricultural land, spurred additional activity. The Agricultural Land Easements component of the federal Agricultural Conservation Easement Program continues to encourage state and local efforts. As of January 2020, 28 states currently have state-level PACE programs. Of these, 16 also have local PACE programs. Five additional states (Illinois, Indiana, Minnesota, Montana, and Oregon) only have PACE programs at the local level. In 2017, Oregon authorized a state-level program but has not yet funded any acquisitions. Georgia and Missouri have authorized PACE but do not yet have programs. Montana's state program expired in 2003 and is not an active program.

Functions and Purposes

PACE compensates landowners for permanently limiting nonagricultural land uses. Selling an easement allows farmers to cash in a percentage of the equity in their land, thus creating a financially competitive alternative to development. Permanent easements prevent development that would effectively foreclose the possibility of farming. Because non-agricultural development on one farm can cause problems for neighboring agricultural operations, PACE may help protect their economic viability as well.

Removing the development potential from farmland generally reduces its future market value. This may help facilitate farm transfer to the children of farmers and make the land more affordable to beginning farmers and others who want to buy it for agricultural purposes. The reduction in market value may also reduce property taxes.

PACE provides landowners with liquid capital that can enhance the economic viability of individual farming operations and help perpetuate family tenure on the land. For example, the proceeds from selling agricultural conservation easements may be used to reduce debt, expand or modernize farm operations, invest for retirement or settle estates. The reinvestment of PACE funds in equipment, livestock and other farm inputs may also stimulate local agricultural economies.

Lastly, PACE gives communities a way to share the costs of protecting farmland with landowners. Non-farmers have a stake in the future of agriculture for a variety of reasons, including keeping land available for local food production and maintaining scenic and historic landscapes, open space, watersheds and wildlife habitat. PACE allows them to "buy into" the protection of farming and be assured that they are receiving something of lasting value.

© November 2020

For more information see the resources about PACE programs and policies on the Farmland Information Center (FIC) website. The FIC is a clearinghouse for information about farmland protection and stewardship and is a public/private partnership between the USDA Natural Resources Conservation Service and American Farmland Trust.

ACEP-ALE BUY-PROTECT-SELL TRANSACTIONS

REBECCA DROBIS

WHAT ARE BPS TRANSACTIONS?

Buy-protect-sell (BPS) transactions enable *certain* eligible entities to participate in ACEP-ALE as transitional landowners, protect eligible land with an agricultural land easement (ALE), and transfer ownership to a ***qualified farmer or rancher***. BPS transactions provide a mechanism for entities to protect threatened agricultural land and grasslands in cases where the landowner is unwilling or unable to sell an ALE. These projects also aim to help farmers and ranchers, especially underserved producers, gain access to land.

There are two types of BPS transactions:

- ***Pre-closing Transfer:*** Projects in which the eligible entity transfers ownership to a ***qualified farmer or rancher*** prior to or at closing on the agricultural land easement.
- ***Post-closing Transfer:*** Projects in which the eligible entity transfers ownership of the land to a ***qualified farmer or rancher*** after closing on the ALE.

Because of the complexity of BPS transactions, it may make sense to complete a few standard ALE transactions before attempting to undertake this type of project.

Terms in green italics are defined in the glossary on page 4.

COMPLETING A BPS TRANSACTION

1 Check Your Eligibility

To undertake BPS projects, your organization must be an Indian tribe, or a non-profit organization like a land trust that protects farmland and ranchland and must own or be in the process of buying at risk agricultural land (see the Entity Eligibility Checklist). As the ***BPS-eligible entity***, you will be the point of contact and will shepherd the project from application to closing on the ALE and transfer of ownership to a ***qualified farmer or rancher***. Your organization will be responsible for the stewardship of the easement in perpetuity.

2 Confirm Land Criteria and Conditions

The land being offered for enrollment needs to meet the standard ALE eligibility criteria and you will need to demonstrate the need for a BPS transaction (see the Land Eligibility Checklist).

3 Plan Your Scenario

Coordinate your transaction scenario and describe how it will be completed on the supplemental BPS application form that accompanies the standard ALE parcel sheet application. See the Instruction Sheets for NRCS Forms CPA-41 and CPA-41A for information about the application forms. You will describe the roles played by partners related to the acquisition, holding, transfer, monitoring, and enforcement of the agricultural land easement and

timing of the transfer of ownership. Once NRCS receives the application and supporting information, staff will review the proposed arrangement for approval. The terms of the transaction will be included in the Parcel Contract for the project.

The timing of the transfer of ownership is critical.

- For a ***pre-closing transfer***, identify a ***qualified farmer or rancher*** and confirm their eligibility to participate in ALE (see Landowner Eligibility Checklist). Your organization can hold the ALE and will not need another organization to act as an ***interim easement holder*** or ***interim landowner***.

- For a ***post-closing transfer***, you may act as the landowner for the purposes of ACEP-ALE participation and must meet the program's landowner eligibility requirements. You cannot simultaneously own and hold an ALE on the same parcel. Therefore, you may need to partner with an entity who can serve as an ***interim landowner*** or an ***interim easement holder***.

  - An ***interim landowner*** needs to be a legal, nongovernmental entity that is independent from your organization so there is no merger of title or conflict when monitoring and enforcing the terms of the ALE. If you use an ***interim landowner,*** then that entity will need to meet the landowner eligibility requirements. The ***interim landowner*** is not required to meet the criteria for an ALE eligible entity.

  - An ***interim easement holder***, in contrast, must be an independent ALE eligible entity (see the Entity Eligibility Checklist).

4 Time the Transactions

- For ***pre-closing transfers***, you must transfer ownership of the parcel to the ***qualified farmer or rancher*** prior to or at the closing on the ALE and you must be a holder of the ALE prior to requesting reimbursement of the federal share.

- For ***post-closing transfers***, you must close the ALE within two fiscal years following the fiscal year in which the Parcel Contract is executed. Then, the ownership of the parcel must be transferred to the ***qualified farmer or rancher*** within three years after the ALE closing. NRCS *may* grant an extension of up to 12 months to complete the transfer. You must provide regular updates to NRCS until the transfer is complete.

  For both types of transfer, ***the BPS-eligible entity*** must be a holder of the ALE prior to receiving the federal share of funds.

5 Steward the ALE

After you transfer ownership, the agricultural land easement will be held by your organization. You will monitor the parcel each year to ensure landowners are following the terms set forth in the agricultural land easement deed.

ELIGIBILITY AND KEY CONSIDERATIONS

Answer the following questions to help determine your eligibility and to identify key BPS expectations and potential costs. If you do not know the answers, that is okay. You can direct questions about eligibility to your state's ACEP-ALE program contact, usually located in the NRCS state office. Staff may forward BPS-specific questions to the national NRCS office.

☐ **Are you a nongovernmental organization or Indian Tribe?**

Only private, nonprofit land conservation organizations and federally recognized Tribal entities can apply for buy-protect-sell transactions. State and local governments are not eligible, and land owned by state and local government agencies cannot be subject to buy-protect-sell transactions. If you act as the ***BPS-eligible entity***, you must oversee the application process, serve as the lead on the parcel contract, and hold the easement. During execution of the project, you cannot be both the holder of the agricultural land easement and the landowner.

☐ **Do you currently own, or are you in the process of purchasing, the parcel?**

If you are in the process of purchasing fee title you must provide evidence of the purchase, which could be a purchase and sale agreement. You must complete the purchase within 12 months of the execution of the ALE parcel contract and provide NRCS with a copy of the recorded deed and final purchase price paid. If you currently own the parcel, you must provide evidence of ownership and the purchase price paid at the time of application. You must have owned the parcel for no more than three years prior to submitting the ACEP-ALE application. If you have owned the parcel for more than three years, NRCS *may* grant a waiver if certain circumstances are present.

Can you verify that the land satisfies *at least one* of the following conditions, which demonstrate the need for a BPS transaction?

- Threat of development or fragmentation into parcels smaller than the median size of farms or ranches in the county or parish where it is located
- Planned or approved conversion of agricultural land to developed, nonagricultural uses or grasslands to more intensive agricultural uses
- Part of a documented program to transition ownership of agricultural lands to historically underserved farmers or ranchers
- Meets the requirements of a state-specific transitional ownership condition category

Have you determined who will be the landowner at the ALE closing?

BPS transactions authorize transitional ownership by certain eligible entities. The timing of the transfer of ownership determines who is considered the landowner for the purposes of the ACEP-ALE participation. The landowner must meet the landowner eligibility criteria for standard ALE transactions, including having records established with Farm Service Agency (FSA) and meeting conservation requirements and income limits (see Landowner Eligibility Checklist). For ***pre-closing transactions***, the landowner is the ***qualified farmer or rancher***. For ***post-closing transactions***, the landowner may be either the ***BPS-eligible entity*** or the ***interim landowner***, which therefore must meet the landowner eligibility criteria for standard ALE transactions to participate.

Do you know who can be considered a qualified farmer or rancher?

Qualified farmers or ranchers are people, legal entities, or Indian tribes who can verify that they are producers, have records established with FSA, and meet conservation and income requirements (see Landowner Eligibility Checklist). Proof that individuals or entities are farmers or ranchers can include a filed Schedule F to IRS Form 1040 for one of the three most recent tax years, certification from FSA they are actively engaged in farming, or certification from FSA that they currently meet the requirements of a beginning farmer or rancher. If ownership will be held by multiple people, legal entities, or Indian Tribes, then farmers and ranchers must hold at least a 50% share of ownership in the parcel.

Are you aware of the cap on the sales price of the restricted land?

The initial sale of the parcel that will be subject to an ALE must be for a purchase price *not exceeding the lesser of* the original purchase price paid by the ***BPS-eligible entity*** or the agricultural value of the parcel. The agricultural value of the parcel must be determined by an appraisal that conforms to applicable industry standards and the terms as specified in the ALE-agreement and Parcel Contract. The approach for determining the "agricultural value" of the parcel must be specified in the ALE agreement and parcel contract. Agricultural value may be determined by appraisal methods specified in the National Instruction for buy-protect-sell transactions, 300-308-NI, 1st Ed., April 2021.

Can you identify acceptable holding and transaction costs?

Holding and transaction costs that will be included in the sale of the parcel to a ***qualified farmer or rancher*** may not exceed 10% of the agricultural value of the parcel and may only include the ***BPS-eligible entity***'s actual costs. The costs are limited to amounts incurred after the ***BPS-eligible entity*** took ownership of the parcel and must be paid to a third-party for certain goods, services, and fees, including:

- Mortgage interest
- Property taxes
- Property insurance
- Title commitments and reports
- Title insurance
- Appraisal costs to determine FMV and agricultural value
- Survey (if required)
- Closing and transaction costs for the easement closing and the transfer to the qualified buyer
- Phase-I environmental assessment
- Easement baseline documentation report
- Easement mineral assessment report
- Costs for a holding company or other third-party for post-closing transactions
- Recording costs for ***post-closing transactions***
- Other relevant costs approved by NRCS

If easement acquisition costs are included in the sale to the *qualified farmer or rancher*, then these costs cannot be included in the calculation of the non-federal share of the easement match.

ROLE OF PUBLIC PARTNERS

State and local governments are not eligible to complete BPS transactions and land owned by state and local government agencies cannot be subject to buy-protect-sell transactions. Public entities, however, can act as an easement holder (grantee) to facilitate a transaction or may be a co-holder or third-party right holder of an agricultural land easement acquired under a buy-protect-sell transaction. You may also contribute financial support toward a project that is helping to advance your program's goals.

USDA

GLOSSARY OF TERMS

BPS-eligible entity: The nonprofit organization or Indian tribe that completes the initial purchase of the parcel being offered for protection. This entity serves as the BPS transaction applicant. This entity will likely be the holder of the ALE once the BPS transaction is finished, depending on the structure of the approved arrangement. It will be considered the landowner under a post-closing transaction.

Qualified farmer or rancher: Persons, legal entities, or Indian tribes to whom the ownership of a parcel will be transferred by the BPS-eligible entity.

Interim landowner: In a post-closing transfer, the entity that holds title to the land on a temporary basis in order to facilitate transfer of the land to avoid merger of title issues.

Interim easement holder: In a post-closing transfer, the ACEP-ALE eligible entity that holds title to the ALE on a temporary basis in order to facilitate transfer of the land to avoid merger of title issues.

Post-closing Transfer: Projects in which the eligible entity transfers ownership of the land to a qualified farmer or rancher after closing on the ALE.

Pre-closing Transfer: Projects in which the eligible entity transfers ownership to a qualified farmer or rancher prior to or at closing on the agricultural land easement.

Status of Local PACE Programs

OVERVIEW

As of January 2020, at least 98 independently funded, local purchase of agricultural conservation easement (PACE) programs in 20 states had acquired funding and/or easements. This table displays the status and summarizes important information about these local farm and ranch land protection programs. For a program to be included, the protection of agricultural lands must be one of its core purposes, accomplished primarily by compensating landowners for the value of the easement.

EXPLANATION OF COLUMN HEADINGS

Locality

Name of the locality the program serves. When a land trust or soil and water conservation district administers the program, it is listed next to the locality.

Year of Inception/Year of First Acquisition

Year of Inception is the year in which the ordinance creating the PACE program was passed. Year of First Acquisition is the year in which the program acquired its first easement.

Total Easements/ Restrictions Acquired

Number of agricultural conservation easements or conservation restrictions acquired to date. This number includes joint projects with state and/or county programs and independent projects completed by the local program. This number does not necessarily reflect the total number of farms/ranches protected.

Total Acres Protected

Number of acres protected by the program through independent and joint projects to date.

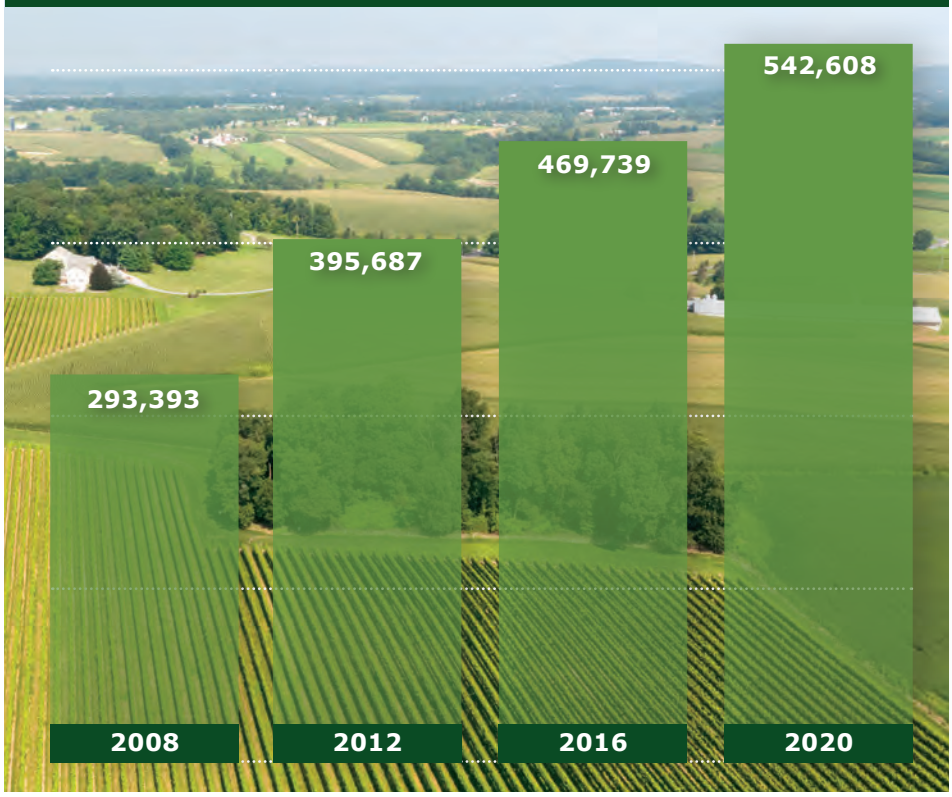
Independent Easements/Restrictions Acquired

Number of agricultural conservation easements or conservation restrictions acquired through independent projects to date. This number excludes easements/ restrictions acquired through joint projects with county and/ or state programs, which may represent the majority of local activity, to avoid double counting easements acquired. This number does not necessarily reflect the total number of farms/ranches protected.

Independent Acres Protected

Number of acres protected through independent projects. This number excludes acres protected through joint projects with county and/or state programs, which may represent the majority of local activity, to avoid double counting protected acres.

Acres Protected by Local PACE Programs



USAD/LANCE CHEUNG

PURCHASE OF AGRICULTURAL CONSERVATION EASEMENTS

Locality	Year of Inception/ Year of First Acquisition	Total Easements/ Restrictions Acquired	Total Acres Protected	Independent Easements/ Restrictions Acquired	Independent Acres Protected	Independent Program Funds Spent to Date
California						
Davis, City of	1988/1988	**16**	**3,449**	8	983	$3,819,000
Sonoma Co.	1990/1992	**85**	**36,161**	85	36,161	$96,371,250
San Diego Co.	2011/2013	**30**	**2,334**	30	2,334	$6,000,000
Colorado						
Boulder, City of	1967/1984	**92**	**7,737**	92	7,737	N/A
Douglas Co.[v.]	1994/1995	**32**	**40,232**	23	10,018	$21,718,827
Routt Co.	1996/2000	**65**	**48,227**	43	31,105	$18,089,608
Connecticut						
Lebanon, Town of	2006/2007	**15**	**1,642**	15	1,642	$9,486,521
Shelton, Town of [v.]	1996/1998	**8**	**395**	2	5	N/A
Tolland, Town of	2006/2006	**1**	**155**	1	155	$365,000
Florida						
Broward Co.[iv.]	2000/2000	**5**	**64**	5	64	$7,853,997
Indian River Co.[iv.]	2004/2007	**3**	**2,047**	3	2,047	$23,256,728
Pasco Co.	2005/2009	**2**	**1,083**	1	466	$2,225,000
Sarasota Co.[v.]	1999/2002	**5**	**17,321**	2	2,287	$7,330,271
Volusia Co.[v.]	2000/2003	**6**	**3,905**	1	163	$1,165,173
Illinois						
Kane Co.	2001/2002	**48**	**5,897**	48	5,897	$18,478,262
Kentucky						
Lexington-Fayette Co.	2000/2002	**277**	**30,395**	277	30,395	$35,000,000
Maryland						
Anne Arundel Co.[vi.]	1991/1992	**153**	**14,000**	79	6,553	$30,000,000
Baltimore Co.[vi.]	1979/1981	**481**	**67,051**	103	8,427	$22,294,107 [v.]
Calvert Co.[vi.]	1992/1993	**399**	**30,886**	345	23,980	$11,661,560
Carroll Co.[vi., viii.]	1979/1980	**638**	**71,649**	203 [v.]	22,261 [v.]	$86,602,704
Frederick Co.[vi., viii.]	1991/1993	**446**	**62,186**	130	20,318	$80,872,480
Harford Co.[vi.]	1977/1977	**458**	**51,461**	270	32,350	$129,373,440
Howard Co.[vi.]	1978/1984	**278**	**22,814**	238	18,687	$175,450,873
Montgomery Co.	1986/1989	**138**	**21,738**	84	9,758	$52,727,000
Prince George's Soil Conservation District	2007/2008	**69**	**6,444**	44	3,876	$27,762,510
Washington Co.[vi.]	1980/1981	**425**	**34,373**	11	1,507	$654,780
Wicomico Co.[vi.]	1986/2004	**63**	**7,717**	7	780	$1,619,027
Michigan						
Acme Township	2004/2009	**7**	**811**	5	500	$1,749,444
Ann Arbor Charter Township[vi.]	2003/2006	**12**	**1,128**	12	1,128	$3,735,544
Ingham Co.	2004/2006	**42**	**5,726**	24	3,147	$5,500,000
Kent Co.	2002/2005	**19**	**2,256**	17	1,966	$494,800

Notes: For explanation of column headings, please see factsheet text.

i. Independent Program Funds Spent to Date includes incidental land acquisition costs and/or personnel costs.
ii. Total program activity includes fee simple acquisitions.
iii. Program Funds Available includes money for other land conservation purposes.
iv. Program has terminated or is no longer acquiring agricultural conservation easements.
v. Figure carried forward from previous PACE tables.

STATUS OF SELECTED LOCAL PROGRAMS AS OF JANUARY 2020

Program Funds Available	Funding Sources Used to Date **Primary local funding sources are in green**
	California
$7,900,000	Appropriations, mitigation fees, local government contributions, property tax revenue, **restricted parcel tax funds,** FRPP/ACEP-ALE
$12,110,000	Bonds, local government contributions, sales tax, FRPP/ACEP-ALE
$4,445,100	**Appropriations,** mitigation fees
	Colorado
$0	Appropriations, bonds, local government contributions, private contributions, sales tax
$5,000,000	Bonds, local government contributions, private contributions, sales and use tax
N/A	Property tax revenue, FRPP/ACEP-ALE
	Connecticut
$300,000	Appropriations, local government contributions, private contributions
N/A	Appropriations, bonds, local government contributions, FRPP/ACEP-ALE
$1,334,918	Bonds, FRPP/ACEP-ALE
	Florida
$0	Bonds
$0	Bonds, property tax revenue
N/A	**Sales tax**
N/A	Bonds, local government contributions, property tax revenue
N/A	Property tax revenue
	Illinois
$300,000	Gaming revenue, FRPP/ACEP-ALE
	Kentucky
$0	Appropriations, **bonds,** local government contributions, private contributions, state tobacco settlement funding, FRPP/ACEP-ALE
	Maryland
$4,500,000	Agricultural transfer tax, **appropriations,** bonds, local government contributions, FRPP/ACEP-ALE
$1,960,000	Agricultural transfer tax, appropriations, **bonds,** local government contributions, private contributions, real estate transfer tax, transportation funding, FRPP/ACEP-ALE
N/A	Agricultural transfer tax, appropriations, **local government contributions,** private contributions, property tax revenue, real estate transfer tax, recording fees, transportation funding, FRPP/ACEP-ALE
N/A	Agricultural transfer tax, appropriations, bonds, **local government contributions,** property tax revenue, real estate transfer tax, FRPP/ACEP-ALE
$12,800,000	Agricultural transfer tax, appropriations, bonds, local government contributions, property tax revenue, real estate transfer tax, recording fees, federal transportation funding, FRPP/ACEP-ALE
$20,000,000	Agricultural transfer tax, local government contributions, **real estate transfer tax,** FRPP/ACEP-ALE
$21,666,000	Agricultural transfer tax, bonds, **real estate transfer tax,** use value assessment withdrawal penalties, FRPP/ACEP-ALE
$1,100,000	Agricultural transfer tax, appropriations, bonds, investment income, local government contributions, real estate transfer tax, FRPP/ACEP-ALE
$3,900,000	**Local government contributions,** real estate transfer tax, appropriations
$207,227	Agricultural transfer tax, appropriations, local government contributions, private contributions, **real estate transfer tax,** recording fees, ransportation funding, FRPP/ACEP-ALE
$0	Local government contributions, real estate transfer tax, FRPP/ACEP-ALE
	Michigan
$1,217,371	Private contributions, **property tax revenue,** FRPP/ACEP-ALE
$1,013,000	Local government contributions, private contributions, **property tax revenue,** FRPP/ACEP-ALE
$3,000,000	Private contributions, **property tax revenue,** FRPP/ACEP-ALE
N/A	Appropriations, local government contributions, private contributions, **property tax revenue,** FRPP/ACEP-ALE

vi. Programs offer installment purchase agreements (IPAs). IPAs spread out payments so that landowners receive semi-annual, tax-exempt interest over a term of years. The principal is due at the end of the contract term.
vii. Total and Independent Easements/Restrictions Acquired represents the number of parcels protected. Program staff track individual parcels, rather than number of easements or restrictions acquired.
viii. Maryland's Carroll and Frederick Counties offer "critical farms" programs. The programs allow landowners to sell to the county options to buy their easements for up to 52.5 and 75 percent of the appraised easement value, respectively.
ix. Lancaster County's independent totals do not reflect 35,551 acres acquired by the county where the state PACE program has funded the transaction costs.

PURCHASE OF AGRICULTURAL CONSERVATION EASEMENTS

Locality	Year of Inception/ Year of First Acquisition	Total Easements/ Restrictions Acquired	Total Acres Protected	Independent Easements/ Restrictions Acquired	Independent Acres Protected	Independent Program Funds Spent to Date
Michigan (continued)						
Scio Township[vi.]	2004/2008	**12**	**731**	12	731	$4,932,552
Ottowa Co.	2008/NA	**2**	**91**	2	91	$41,400
Peninsula Township[vi.]	1994/1996	**113**	**3,347**	113	3,347	$15,173,800 [v.]
Washtenaw Co.	1998/NA	**15**	**2,275**	15	2,275	$3,617,812
Webster Township[vi.]	2005/2009	**15**	**897**	15	897	$1,466,485
Minnesota						
Dakota Co.[vi.]	2003/2005	**68**	**7,772**	68	7,772	$27,813,561
Montana						
Gallatin Co.[v.]	2000/2000	**22**	**29,694**	21	29,107	$9,300,000
New Hampshire						
Londonderry, Town of [v.]	1996/1996	**40**	**786**	20	372	$13,029,600
New Jersey						
Burlington Co.[ii., vi.]	1985/1985	**252**	**33,203**	36	4,584	$25,618,396
Cape May Co.[vi.]	1989/1991	**67**	**3,325**	18	690	$26,384,562
Gloucester Co.	2000/1989	**322**	**18,888**	84 [v.]	3,720 [v.]	$46,140,000 [v.]
Mercer Co.	1983/1988	**89**	**5,443**	10	700	N/A
Monmouth Co.[vi.]	1981/1987	**215**	**15,447**	2	46	$876,985
Morris Co.	1983/1996	**136**	**8,026**	22	658	$9,107,019
Sussex Co.	1985/1990	**190**	**18,498**	39	2,477	$15,943,101
New York						
East Hampton, Town of	1982/1982	**21**	**382**	18	233	N/A
Pittsford, Town of [iv.]	1995/1996	**9**	**1,060**	7	653	$6,259,248
Southampton, Town of	1998/1999	**82**	**1,539**	82	1,539	$250,447,541
Southold, Town of	1984/1986	**132**	**2,802**	113	2,312	$67,441,924
Suffolk Co.[vii.]	1974/1976	**384**	**10,943**	370	9,880	$259,166,936
Warwick, Town of [vi.]	2001/1997	**37**	**4,142**	29	2,449	$1,164,446
Watershed Agricultural Council	1998/2001	**196**	**27,895**	196	27,895	$41,149,000
North Carolina						
Buncombe Co.	2001/2005	**49**	**6,316**	39	4,785	$4,826,103
Forsyth Co. Soil and Water Conservation District	1984/1987	**25**	**1,237**	19	894	$1,623,058
Orange Co.	2000/2001	**24**	**2,077**	14	1,814	$3,615,313
Oregon						
Yamhill Co. - Soil and Water Conservation District[v.]	2003/2003	**4**	**1,242**	4	1,242	$0
Pennsylvania						
Buckingham Township	1991/1991	**56**	**2,766**	42	1,680	$858,075
Bucks Co.[vi.]	1989/1990	**222**	**17,404**	44	5,568	$31,607,738
Chester Co.[vi.]	1989/1990	**521**	**41,284**	322	22,353	$106,121,134
Lancaster Co.[vi., ix.]	1980/1984	**1022**	**83,086**	147	11,052	$13,513,453
Plumstead Township	1996/1997	**62**	**2,906**	45	1,709	$9,466,707
Solebury Township[v.]	1996/1998	**34**	**1,941**	28	1,298	$17,400,000

Notes: For explanation of column headings, please see factsheet text.

i. Independent Program Funds Spent to Date includes incidental land acquisition costs and/or personnel costs.
ii. Total program activity includes fee simple acquisitions.
iii. Program Funds Available includes money for other land conservation purposes.
iv. Program has terminated or is no longer acquiring agricultural conservation easements.
v. Figure carried forward from previous PACE tables.

STATUS OF SELECTED LOCAL PROGRAMS AS OF JANUARY 2020

Program Funds Available	Funding Sources Used to Date **Primary local funding sources are in green**
	Michigan
$900,000	Local government contributions, private contributions, **property tax revenue,** FRPP/ACEP-ALE
$31,000	Private contributions, **FRPP/ACEP-ALE**
$0	Appropriations, bonds, private contributions, property tax revenue, transportation funding, FRPP/ACEP-ALE
$2,254,666	Private contributions, **property tax revenue,** FRPP/ACEP-ALE
$200,000	Local government contributions, private contributions, property tax revenue, FRPP/ACEP-ALE
	Minnesota
$0	Bonds, landfill fees, local government contributions, property tax revenue, state grants, tax revenue, FRPP/ACEP-ALE
	Montana
N/A	Appropriations, bonds, private contributions, property tax revenue, FRPP/ACEP-ALE
	New Hampshire
N/A	Appropriations, bonds, use value assessment withdrawal penalty, property tax revenue
	New Jersey
$1,400,000	Appropriations, bonds, local government contributions, private contributions, **property tax revenue,** FRPP/ACEP-ALE, ACUB
N/A	Property tax revenue, transient lodging tax
N/A	Appropriations, bonds, local government contributions, property tax revenue, FRPP/ACEP-ALE
N/A	Appropriations, local government contribution
$9,000,000	Appropriations, bonds, local government contributions, Open Space Revenue fund, private contributions, property tax revenue, FRPP/ACEP-ALE
$0	Appropriations, bonds, property tax revenue
$1,940,343	Local government contributions, **Preservation Trust Fund tax,** private contributions, property tax revenue, FRPP/ACEP-ALE
	New York
	Bonds, real estate transfer tax
$0	Appropriations, bonds, FRPP/ACEP-ALE
$0	Bonds, real estate transfer tax, property tax revenue
$12,000,000	Bonds, private contributions
$9,000,000	Appropriations, bonds
$1,163,055	Bonds, local government contributions, private contributions
$1,000,000	**Bonds** (NYC DEP)
	North Carolina
N/A	Appropriations, **local government contributions,** private contributions, FRPP/ACEP-ALE
$0	Appropriations, FRPP/ACEP-ALE
$3,000,000	**Appropriations,** bonds, local government contributions, private contributions, property tax revenue, real estate transfer tax, sales tax, FRPP/ACEP-ALE
	Oregon
N/A	District funds, private contributions
	Pennsylvania
N/A	Bonds, private contributions, property tax revenue, real estate transfer tax, FRPP/ACEP-ALE
$1,571,796	Appropriations, bonds, **local government contributions,** private contributions, FRPP/ACEP-ALE
$6,234,602	Appropriations, **bonds,** local government contributions, private contributions, use value assessment withdrawal penalties, FRPP/ACEP-ALE
N/A	Appropriations, bonds, local government contributions, use value assessment withdrawal penalties, FRPP/ACEP-ALE
N/A	Bonds, property tax revenue, FRPP/ACEP-ALE
N/A	Appropriations, bonds, private contributions, property tax revenue, FRPP/ACEP-ALE

vi. Programs offer installment purchase agreements (IPAs). IPAs spread out payments so that landowners receive semi-annual, tax-exempt interest over a term of years. The principal is due at the end of the contract term.
vii. Total and Independent Easements/Restrictions Acquired represents the number of parcels protected. Program staff track individual parcels, rather than number of easements or restrictions acquired.
viii. Maryland's Carroll and Frederick Counties offer "critical farms" programs. The programs allow landowners to sell to the county options to buy their easements for up to 52.5 and 75 percent of the appraised easement value, respectively.
ix. Lancaster County's independent totals do not reflect 35,551 acres acquired by the county where the state PACE program has funded the transaction costs.

PURCHASE OF AGRICULTURAL CONSERVATION EASEMENTS

Locality	Year of Inception/ Year of First Acquisition	Total Easements/ Restrictions Acquired	Total Acres Protected	Independent Easements/ Restrictions Acquired	Independent Acres Protected	Independent Program Funds Spent to Date
Virginia						
Albemarle Co.[vi.]	2000/2002	**51**	**9,621**	51	9,621	$11,063,053
Chesapeake, City of [vi.]	2003/2006	**6**	**405**	3	221	$1,342,284
Clarke Co.	2002/2003	**139**	**8,353**	100	5,336	$751,280
Fauquier Co.	2002/2004	**167**	**22,104**	157	19,657	$10,713,673
Frederick Co.	2005/NA	**1**	**89**	1	89	$395,000
Goochland Co.[v.]	2007/2007	**6**	**935**	5	435	$0
James City Co.[v.]	2001/2003	**7**	**543**	6	440	$1,687,000
Loudoun Co.[iv.]	2000/2002	**5**	**1,007**	5	1,007	$2,670,000
New Kent Co.[iv.]	2006/2009	**1**	**96**	1	96	$0
Virginia Beach, City of [vi., vii.]	1995/1997	**182**	**9,986**	174	9,564	$59,163,128
Washington						
King Co.[v.]	1979/1984	**207**	**13,371**	206	13,230	$60,728,211
San Juan Co.[ii., v.]	1990/1994	**14**	**1,276**	14	1,276	$2,219,752
Skagit Co.	1996/1998	**266**	**11,662**	240	9,445	$16,376,836
Thurston Co.[iv.]	1996/1998	**18**	**942**	18	942	$2,241,122
Whatcom Co.[vi.]	2001/2002	**23**	**1,200**	20	992	$2,922,600
West Virginia						
Berkeley Co.	2000/2004	**56**	**5,526**	43[v.]	4,405[v.]	$13,300,093[v.]
Fayette Co.	2005/2007	**7**	**467**	7	467	$833,610
Grant Co.	2003/2007	**5**	**969**	2[v.]	158[v.]	$430,250[v.]
Greenbrier Co.	2004/2007	**12**	**3,032**	7[v.]	2,098[v.]	$2,631,526[v.]
Hampshire Co.	2004/2006	**19**	**4,340**	12[v.]	2,061[v.]	$1,700,553[v.]
Hardy Co.	2003/2003	**9**	**1,611**	3[v.]	442[v.]	$791,330[v.]
Jefferson Co.	2000/2003	**45**	**4,701**	40[v.]	3,873[v.]	$8,598,835[v.]
Lincoln Co.	NA/2018	**1**	**258**	1	258	$154,200
Mineral Co.	2010/2011	**8**	**1,030**	6[v.]	743[v.]	$848,554[v.]
Monroe Co.	2002/2005	**22**	**4,622**	10[v.]	1,795[v.]	$617,579[v.]
Morgan Co.	2000/2005	**21**	**1,522**	21	1,522	$1,496,540
Nicholas Co.	2004/2007	**6**	**856**	6	856	$1,059,300
Pocahontas Co.	2004/2008	**17**	**2,660**	9[v.]	629[v.]	$1,063,870[v.]
Preston Co.	2004/2007	**6**	**767**	6	767	$1,121,600
Summers Co.	2004/2007	**4**	**900**	4	900	$567,250
Upshur Co.		**1**	**175**	1	175	$170,250
Wisconsin						
Landmark Conservancy (formerly known as Bayfield Regional Conservancy)	2002/2003	**4**	**193**	4	193	$274,160
Dane Co.[v.]	1996/1997	**17**	**1,693**	17	1,693	$928,481
Dunn, Town of	1996/1997	**38**	**3,763**	38	3,763	$4,309,870
Rock Co.		**13**	**1,939**	13	1,939	$1,246,163
LOCAL TOTALS		**10,160**	**1,081,323**	**5,455**	**542,608**	**$2,110,181,808**

Notes: For explanation of column headings, please see factsheet text.

i. Independent Program Funds Spent to Date includes incidental land acquisition costs and/or personnel costs.
ii. Total program activity includes fee simple acquisitions.
iii. Program Funds Available includes money for other land conservation purposes.
iv. Program has terminated or is no longer acquiring agricultural conservation easements.
v. Figure carried forward from previous PACE tables.

STATUS OF SELECTED LOCAL PROGRAMS AS OF JANUARY 2020

Program Funds Available	Funding Sources Used to Date Primary local funding sources are in green
	Virginia
$12,071,000	**Appropriations,** local government contributions, private contributions, transient lodging tax, FRPP/ACEP-ALE
$2,865,067	**Appropriations,** farm lease revenue, local government contributions, private contributions, street closure revenue, transient lodging tax, use value assessment withdrawal penalties
$150,000	**Appropriations,** local government contributions, private contributions, real estate transfer tax, transient lodging tax, use value assessment withdrawal penalties, FRPP/ACEP-ALE
$2,075,000	Appropriations, local government contributions, private contributions
$0	
N/A	Local government contributions
N/A	Bonds, local government contributions, FRPP/ACEP-ALE
$0	Appropriations, transient lodging tax, FRPP/ACEP-ALE
N/A	Local government contributions, private contributions
$5,133,253	Appropriations, property tax revenue, Special Revenue fund
	Washington
N/A	Appropriations, bonds, local government contributions, private contributions, property tax revenue, FRPP/ACEP-ALE
N/A	Bonds, property tax revenue, real estate transfer tax, timber excise tax
$4,437,866	Local government contributions, private contributions, **property tax revenue,** real estate transfer tax, timber excise tax, FRPP/ACEP-ALE
$0	Property tax revenue
$4,991,000	Private contributions, **property tax revenue,** real estate transfer tax, FRPP/ACEP-ALE
	West Virginia
N/A	Real estate transfer tax, FRPP/ACEP-ALE
N/A	Real estate transfer tax, FRPP/ACEP-ALE
N/A	Real estate transfer tax, FRPP/ACEP-ALE
N/A	Real estate transfer tax, FRPP/ACEP-ALE
N/A	Real estate transfer tax, FRPP/ACEP-ALE
N/A	Real estate transfer tax, FRPP/ACEP-ALE
N/A	Real estate transfer tax, FRPP/ACEP-ALE
N/A	Real estate transfer tax, FRPP/ACEP-ALE
N/A	Real estate transfer tax, FRPP/ACEP-ALE
N/A	Real estate transfer tax, FRPP/ACEP-ALE
N/A	Real estate transfer tax, FRPP/ACEP-ALE
N/A	Real estate transfer tax, FRPP/ACEP-ALE
N/A	Real estate transfer tax, FRPP/ACEP-ALE
N/A	Real estate transfer tax, FRPP/ACEP-ALE
N/A	Real estate transfer tax, FRPP/ACEP-ALE
	Wisconsin
$0	Local government contributions, private contributions, property tax revenue, FRPP/ACEP-ALE
N/A	Property tax revenue, FRPP/ACEP-ALE
$856,179	Appropriations, bonds, local government contributions, private contributions, **property tax revenue,** FRPP/ACEP-ALE
$949,280	Sales tax, ATC Environmental Impact Fee, Sale Proceeds of County Property, FRPP/ACEP-ALE
$191,177,723	

vi. Programs offer installment purchase agreements (IPAs). IPAs spread out payments so that landowners receive semi-annual, tax-exempt interest over a term of years. The principal is due at the end of the contract term.
vii. Total and Independent Easements/Restrictions Acquired represents the number of parcels protected. Program staff track individual parcels, rather than number of easements or restrictions acquired.
viii. Maryland's Carroll and Frederick Counties offer "critical farms" programs. The programs allow landowners to sell to the county options to buy their easements for up to 52.5 and 75 percent of the appraised easement value, respectively.
ix. Lancaster County's independent totals do not reflect 35,551 acres acquired by the county where the state PACE program has funded the transaction costs.

Independent Program Funds Spent to Date

Dollars spent by each program to acquire easements/restrictions on farms/ranches through independent projects. This number excludes dollars spent on joint projects with county and/or state programs. Amounts may include unspent funds that are encumbered for installment payments on completed projects. Unless otherwise noted, this figure does not include incidental land acquisition costs—such as appraisals, insurance and recording fees—or the administrative cost of running the program. These figures do not include additional funds contributed by federal programs, other localities, private land trusts, foundations and/or individuals.

Program Funds Available

Program funds available for the current fiscal year to acquire easements on agricultural land.

Funding Sources Used to Date

Sources of funding for each program. Funding sources in green indicate primary funding source for 2019. "Transportation funding" refers to federal money disbursed under The Moving Ahead for Progress in the 21st Century Act and its predecessors for "transportation enhancements." Easement acquisitions that protect scenic views and historic sites along transportation routes were eligible for these funds prior to 2012.

The Army Compatible Use Buffer (ACUB) Program, authorized by the Department of Defense's Readiness and Environmental Protection Integration (REPI) program, provides funds to establish easement-protected buffer areas around military installations.

The Agricultural Conservation Easement Program (ACEP) protects agricultural land and conserves wetlands. It consolidates the Farm and Ranch Lands Protection Program (FRPP), the Grassland Reserve Program (GRP) and the Wetlands Reserve Program (WRP). The Agricultural Land Easements (ALE) component of ACEP provides matching funds to eligible entities to buy conservation easements on farm and ranch land. In the table, ACEP-ALE includes FRPP.

Leading Local PACE Programs as of January 2020

LOCALITY	EASEMENTS	ACRES PROTECTED
Lancaster County, Pennsylvania	1,022	83,086
Carroll County, Maryland	638	71,649
Baltimore County, Maryland	481	67,051
Frederick County, Maryland	446	62,186
Harford County, Maryland	458	51,461
Routt County, Colorado	65	48,227
Chester County, Pennsylvania	521	41,284
Douglas County, Colorado	32	40,232
Sonoma County, California	85	36,161
Washington County, Maryland	425	34,373
Burlington County, New Jersey	252	33,203
Lexington-Fayette County, Kentucky	277	30,395

© 2021 American Farmland Trust

For more information on Purchase of Agricultural Conservation Easements (PACE), see the PACE fact sheet and other PACE resources on the Farmland Information Center (FIC) website. Our Farmland Protection Directory features a listing of public programs and land trusts that protect agricultural land. The FIC is a clearinghouse for information about farmland protection and stewardship and is a public/private partnership between the USDA Natural Resources Conservation Service and American Farmland Trust.

FARMLAND INFORMATION CENTER

FACT SHEET

TRANSFER OF DEVELOPMENT RIGHTS

American Farmland Trust

FARMLAND INFORMATION CENTER
One Short Street, Suite 2
Northampton, MA 01060
Tel: (413) 586-4593
Fax: (413) 586-9332
Web: www.farmlandinfo.org

NATIONAL OFFICE
1200 18th Street, NW, Suite 800
Washington, DC 20036
Tel: (202) 331-7300
Fax: (202) 659-8339
Web: www.farmland.org

DESCRIPTION

Transfer of development rights (TDR) programs enable the transfer of development potential from one parcel of land to another. TDR programs are typically established by local zoning ordinances. In the context of farmland protection, TDR is often used to shift development from agricultural land to designated growth zones located closer to municipal services. TDR is also known as transfer of development credits (TDC) and transferable development units (TDU).

TDR programs are based on the concept that landowners have a bundle of different property rights, including the right to use the land; lease, sell and bequeath it; borrow money using it as security; construct buildings on it; and mine it; subject to reasonable local land use regulations. When a landowner sells property, generally all the rights transfer to the buyer. TDR programs allow landowners to separate from their other property rights, and to sell, the right to develop land.

The parcel of land where the development rights originate is called the "sending" parcel. When the rights are transferred from the sending parcel, the land is typically protected with a permanent conservation easement. A few localities record transfer documents to track the number of rights transferred and to notify buyers and local officials of limited future development potential. This approach, however, offers less protection than a conservation easement because changes in local land use regulations—even if such changes require a comprehensive plan update—could alter the rules for determining the remaining development potential on sites in sending areas.

The parcel of land to which the rights are transferred is called the "receiving" parcel. Transferred rights generally allow the purchaser of the rights to build at a higher density than ordinarily permitted by the base zoning on the receiving parcel.

TDR is most suitable in places where large blocks of land remain in agricultural use. In communities with a fragmented agricultural land base, it may be difficult to find viable sending areas. Communities also must be able to identify receiving areas that can accommodate the development potential to be transferred. Well-planned receiving areas have the infrastructure needed to absorb additional density. They also respond to residents' concerns about increased residential density while taking advantage of market conditions.

Local officials in Chesterfield Township, New Jersey, for example, designed a mixed-use community, Old York Village, *outside* of previously developed areas to accommodate transferred development potential. Other communities have authorized, or are considering, alternate applications of development potential such as increases in non-residential floor area, impervious surface area, decreases in parking requirements and even *decreases* in residential density.

The most effective TDR programs help facilitate transactions between private landowners and developers. A few programs allow developers to make payments in lieu of actual transfers. The locality then buys conservation easements on land in the sending area, sometimes in partnership with established purchase of agricultural conservation easement (PACE) programs and/or local land trusts. Other programs maintain public lists of TDR sellers and buyers. Some buy and retire rights to stimulate the market and/or reduce overall building potential. Lastly, at least a dozen communities have established TDR banks that buy development rights with public funds and sell the rights to developers. Some banks finance loans using the rights as collateral.

Some states have enacted legislation explicitly authorizing local governments to create TDR programs. For example in 2004, the New Jersey Legislature enacted the State Transfer of Development Rights Act. The State TDR Act authorizes municipalities to develop and participate in intra-municipal and inter-municipal programs. This law also established a formal planning process to enact a TDR ordinance and authorized the State TDR Bank Board to provide planning grants to communities.

TDR programs are distinct from PACE programs because TDR programs harness private dollars to achieve permanent land protection. TDR programs also differ from PACE programs in that they permit development potential to be transferred to a more appropriate location while PACE programs permanently retire development potential.

© April 2008

TRANSFER OF DEVELOPMENT RIGHTS

HISTORY

TDR is used predominantly by counties, towns and townships. The 1981 National Agricultural Lands Study reported that 12 localities had enacted TDR programs to protect farmland and open space, but very few of these programs had been implemented. In the 1980s and 1990s, many local governments adopted TDR ordinances. An American Farmland Trust (AFT) Farmland Information Center (FIC) survey in 2000 identified 50 jurisdictions with TDR ordinances on the books.

In 2007, the FIC identified 99 TDR programs that protect agricultural land. We collected information from 64 programs. Of these, 38 had protected land or received payments in lieu of transfers. This activity is summarized in the accompanying table. Seventeen programs had not protected any agricultural land to date. Nine programs had been discontinued.

As of January 2008, 12 programs had each protected more than 1,000 acres of agricultural land, compared to eight programs during our previous survey. Since 1980, Montgomery County, Maryland, has protected 51,489 acres using TDR, or 40 percent of the agricultural land protected by the programs that responded to our survey (129,810 acres). The county's share of protected agricultural land via TDR dropped significantly, down from 60 percent of the national total at the time of the 2000 survey. Two programs that permit payments in lieu of transfers have received a combined total of more than $1.4 million for agricultural land protection.

FUNCTIONS & PURPOSES

TDR programs can be designed to accomplish multiple goals including farmland protection, conservation of environmentally sensitive areas and preservation of historic landmarks. In the context of farmland protection, TDR programs prevent non-agricultural development of farmland, help keep farmland affordable and provide farmland owners with liquid capital that can be used to enhance farm viability.

TDR programs also offer a potential solution to the political and legal problems that many communities face when they try to restrict development of farmland. Landowners may oppose agricultural protection zoning (APZ) and other land use regulations because of their concern that such controls will reduce the value of their land. When more restrictive land use regulations are enacted in conjunction with a TDR program, communities can retain equity for landowners. For example, development rights for transfer may be allocated based on the "underlying" or prior zoning. Selling development rights enables landowners to recapture the equity available under the previous zoning.

When downzoning is combined with a TDR program, however, landowners can retain their equity by selling development rights.

ISSUES TO ADDRESS

In developing a TDR program, planners must address a variety of technical issues. These issues include:

- Which agricultural areas should be protected?
- What type of transfers should be permitted?
- How should development rights be allocated?
- Where should development potential be transferred, how should rights be applied, and at what densities?
- Should the zoning in the sending area be changed to create more of an incentive for landowners to sell development rights?
- Should the zoning in the receiving area be changed to create more of an incentive for developers to buy development rights?
- Should the local government buy and sell development rights through a TDR bank?

One of the most difficult aspects of implementing TDR is developing the right mix of incentives. Farmers must have incentives to sell development rights instead of building lots. Developers must benefit from buying development rights instead of building according to existing standards. Thus, local governments must predict the likely supply of, and demand for, development rights in the real estate market, which determines the price. TDR programs are sometimes created in conjunction with

APZ: New construction is restricted in the agricultural zone, and farmers are compensated with the opportunity to sell development rights.

Because the issues are so complex, TDR programs are usually the result of a comprehensive planning process. Comprehensive planning helps a community envision its future and generally involves extensive public participation. The process of developing a community vision may help build understanding of TDR and support for farmland protection.

BENEFITS OF TDR

- Most TDR programs protect farmland permanently, while keeping it in private ownership.
- Participation in TDR programs is voluntary—landowners are never required to sell their development rights.
- TDR can promote orderly growth by concentrating development in areas with adequate public services.
- TDR programs allow landowners in agricultural protection zones to retain their equity without developing their land.
- TDR programs are market-driven—private parties pay to protect farmland, and more land is protected when development pressure is high.
- TDR programs can accomplish multiple goals, including farmland protection, protection of environmentally sensitive areas, the development of compact urban areas, the promotion of downtown commercial growth and the preservation of historic landmarks.

DRAWBACKS

- TDR programs are technically complicated and require a significant investment of time and staff resources to implement.
- TDR is an unfamiliar concept. A lengthy and extensive public education campaign is generally required to explain TDR to citizens.
- The pace of transactions depends on the private market for development rights. If the real estate market is depressed, few rights will be sold, and little land will be protected.

TRANSFER OF DEVELOPMENT RIGHTS

For additional information on farmland protection and stewardship, contact the Farmland Information Center. The FIC offers a staffed answer service, online library, program monitoring, fact sheets and other educational materials.

www.farmlandinfo.org

(800) 370-4879

LOCAL GOVERNMENTS WITH TDR PROGRAMS FOR FARMLAND, 2008

Locality	Year of Inception	Rights Transferred	Agricultural Acres Protected	How Rights Are Used	Notes
California					
City of Livermore	2003	56 payments	$1,200,000	Increase residential density	Allows payments in lieu of transfers
Marin County	1981	11	660	Increase residential density	Multi-purpose program
Colorado					
Larimer County	1994	721	503	Increase residential density	Multi-purpose program
Mesa County	2003	10	50	Increase residential density	Multi-purpose program
Delaware					
Kent County	2004	157	157	Increase residential density Change permitted land use	Multi-purpose program
New Castle County	1998	93	300	Increase residential density	Multi-purpose program
Georgia					
City of Chattahoochee Hill Country	2003	21	21	Increase residential density Increase commercial square footage	Multi-purpose program Chattahoochee Hill Conservancy operates TDR bank
Idaho					
Payette County	1982	154	4,000	Permit development on substandard lots	Multi-purpose program
Maryland					
Calvert County	1978	UNK	13,260	Increase residential density	Multi-purpose program Purchases and retires rights
Caroline County	2006	136	1,500	Increase residential density	Multi-purpose program Maintains registry of interested buyers/sellers
Charles County	1992	1,110	3,330	Increase residential density	Multi-purpose program
Howard County	1993	NR	2,045	Increase residential density	Multi-purpose program Purchases and retires rights
Montgomery County	1987	9,630	51,489	Increase residential density	Operated bank but discontinued in 1990
Queen Anne's County	1987	UNK	8,032	Increase residential density Increase commercial square footage Increase impervious surface area	Multipurpose program Non-Contiguous Development activity included in county figures
St. Mary's County	1990	155	465	Increase residential density	
Massachusetts					
Town of Groton	1980	25	100	Increase residential density Increase rate of development	Multi-purpose program
Town of Hadley	2000	3 payments	$206,772	Increase commercial or industrial floor area Reduce parking requirements	Allows payments in lieu of transfers
Town of Plymouth	2004	13	118	Increase residential density	Multi-purpose program
Minnesota					
Blue Earth County	1996	150	6,000	Increase residential density	Multi-purpose program
Chisago County	2001	11	290	Increase residential density	Multi-purpose program
Rice County	2004	102	3,252	Increase residential density	Multi-purpose program
Nevada					
Churchill County	2006	200	688	Increase residential density	Multi-purpose program Operates TDR bank
Douglas County	1997	3,518	3,727	Increase residential density Increase commercial square footage	
New Jersey					
Chesterfield Twp., Burlington Co.	1998	652	2,231	Increase residential density Increase commercial square footage	Burlington County operates bank used by township
New Jersey Pinelands	1981	4,000	25,000	Increase residential density Permit development on substandard lots	Multi-purpose program Operates TDR bank Maintains registry of interested buyers/sellers

LOCAL GOVERNMENTS WITH TDR PROGRAMS FOR FARMLAND, 2008

Locality	Year of Inception	Rights Transferred	Agricultural Acres Protected	How Rights Are Used	Notes
New York					
Central Pine Barrens	1995	48	48	Increase residential density Increase commercial or industrial density/intensity All permitted increases in density or intensity relate to, and are capped by, increases in sewage flow	Multi-purpose program Commission operates bank Maintains registry of interested buyers/sellers
Town of Perinton	1993	68	174	Increase residential density	Multi-purpose program Purchases and retires rights
Pennsylvania					
Honey Brook Twp., Chester Co.	2003	18	50	Increase residential density Increase non residential square footage Increase impervious surface area	
Manheim Twp., Lancaster Co.	1991	422	476	Increase residential density Increase commercial square footage Increase impervious surface area	Operates TDR bank Purchases and retires rights
Shrewsbury Twp., York Co.	1976	30	60	Increase residential density Allowance of certain non-residential uses	Operates TDR bank
South Middleton Twp., Cumberland Co.	1999	8	135	Increase residential density	Multi-purpose program
Warrington Twp., Bucks Co.	1985	187	UNK	Increase residential density Increase commercial square footage Increase impervious surface area	Multi-purpose program
Warwick Twp., Lancaster Co.	1993	447	897	Increase commercial and light industrial square footage	Operates TDR bank Partners with Lancaster Farmland Trust
West Vincent Twp., Chester Co.	1998	162	NR	Increase residential density Increase commercial square footage	Multi-purpose program
Vermont					
South Burlington	1992	414	497	Increase residential density	Operates TDR bank
Washington					
King County	2000	8	80	Increase residential density	Multi-purpose program Operates TDR bank
Snohomish County	2004	49	70	Increase residential density Increase commercial square footage	Operates TDR bank
Wisconsin					
Cottage Grove Twp., Dane Co.	2000	3	105	Increase residential density	
TOTALS		**22,733**	**129,810**		

Most of the programs listed in this table protect multiple resources including agricultural land. For the purposes of this table, we only included transfers from agricultural land and acres of agricultural land protected by each program.

Two programs included in this table—Livermore, Calif., and Hadley, Mass.—allow payments in lieu of transfers. For these programs, the figure in "Rights Transferred" column represents the number of payments received to date and the figure in the "Agricultural Acres Protected" column equals the funds received to date. These numbers are not included in the totals at the bottom.

UNK means the program manager did not know. NR indicates that the program manager did not respond.

Surveys were sent to programs identified by staff and profiled in publications and reports about TDR programs, including *Transfer of Development Rights in U.S. Communities:Evaluating Program Design, Implementation, and Outcomes* by Margaret Wells and Virginia McConnell and *Beyond Takings and Givings: Saving Natural Areas, Farmland, and Historic Landmarks with Transfer of Development Rights and Density Transfer Charges* by Rick Pruetz.

Figures for St. Mary's County, Md., are from the Wells/McConnell report. Figures for Queen Anne's County, Md., are from a presentation posted on the county's Department of Land Use, Growth Management and Environment Web site.

FPTF REPORTING FORM

This is a form for Farmland Preservation Task Force Team members to record their findings in preparation for final report writing.

- Responses are required for all questions except for the final question and uploading sections.
- Please fill out one form for ***each issue*** your team has addressed.
- Answers are editable - once you submit the form you'll receive an email with a link to continue editing.
- Multiple forms can be filled out by the same person.

Email *

(redacted)

Name *

Alison Volk

Team *

- (●) Land Access
- ( ) Land Characteristics
- ( ) Policy Review

What specific issue did you address? (clarify terms, submit one report for each issue) *

Equity issues for urban growers in accessing farmland

Why did you focus on this issue? *

Creating transparent and reliable access to city-owned farmland can be a means for the City of Madison to ensure that growers interested in food production within city limits have reliable access to land.

What particular question(s) were you trying to answer about this issue? *

How can the city improve opportunities for access to city-owned land?

What resources/data did you discover/rely on? (include weblinks, contacts, etc. You can upload documents in the next question) *

https://landforgood.org/wp-content/uploads/LFG-Leasing-Land-To-Farmers-For-Land-Trusts-Municipalities-Handbook.pdf; Rooted Land Access Survey; Ag Lease Memo January 2022

Upload any resources documents you may have

What is the current status of this issue in the City of Madison, if known? *

According to the Memo regarding leasing of city-owned agricultural lands dated January 2022, approximately 200 acres comprising 7 parcels were being leased to local farmers by the City of Madison. The process for leasing farmland does not appear to be very transparent and public and farmers are not provided an opportunity to bid on available leases. Leases are not long-term and appear to renew every 1-2 years.

Summarize your findings and upload other materials that support your findings, if available, in the next question. *

City-owned agricultural land provides an excellent opportunity to provide farmland access for growers who may not have the resources to purchase land yet wish to produce food for urban markets. In order to create meaningful access to farmland, growers need to have equal opportunity to available land. They need to know that the land is available and when it is available. They also need reliable, continuous access to that land in order to plan for their business and recoup investments in the land itself.

Upload any documents that synthesize your work

Access to City-O...

Answer EACH ONE of the Big Questions: How does your research on this issue help to address the **significance (and rate) of farmland loss in our community?** *

The City can enable continued access to farmland by making agricultural land within its control continuously available to farmers seeking to grow local foods on that land. By fostering long-term access to city-owned land and keeping that land available for farming, the city can prevent some amount of farmland loss within the community.

Answer EACH ONE of the Big Questions: How does your research on this issue help to address the **definition of Farmland Preservation for Task Force purposes?** *

Transparent and secure access to city-owned land provides opportunities for growers who seek to generate an income from the production of local foods

Answer EACH ONE of the Big Questions: How does your research on this issue help to address the **definition of people-focused entrepreneurial, e.g. urban ag vs. monocropping ag?** *

Opening up city-land to market growers facilitates people-focused, entrepreneurial enterprises. Growers can access land more affordably and with the certainty that allows them to plan their farming business. Growers producing local foods are often looking for less acreage than commodity growers. If the city opens up land to these growers, more individuals can make productive use of the same acreage, supporting more entrepreneurial efforts.

Answer EACH ONE of the Big Questions: How does your research on this issue help to address **the metrics we want to see in policy recommendations to measure progress?** *

Number of farmers able to make productive use of available agricultural land

Answer EACH ONE of the Big Questions: How does your research on this issue help to address **how we can quantify potential impacts of proposed policies?** *

Number of growers, acreage being grown, length of leases

Answer EACH ONE of the Big Questions: How does your research on this issue help to address **how we balance housing (or other developed uses) and food production?** *

Land that is city-controlled and already in agricultural use could be converted out of commodity crops. Particularly where those parcels are near residential areas, providing transparent and reliable access to market growers could allow for greater local food production.

What are your specific recommendations regarding this issue? *

Create a transparent RFP process that allows growers to access city-owned land. Ensure that the RFP process is not onerous for potential growers, is advertised broadly, and is translated into multiple languages and formats. Prioritize leasing land to farmers producing food for local markets. Create longer term leases that offer certainty for growers. Partner with local organizations to facilitate multiple growers on city-owned parcels (i.e sign long-term lease a conservation organization that can sublease plots to growers for producing food). Consider ground leases to allow growers to build some equity through investment in and ownership of infrastructure.

What might be required for the City of Madison to implement these recommendations? (Check all that apply) *

- [ ] ordinance change
- [ ] zoning change
- [ ] budgetary investment
- [x] implementation of adopted plans
- [x] administrative rule or process update
- [ ] map update
- [ ] inter-departmental collaboration
- [x] community collaboration
- [ ] Other:

Do you have any concerns or observations that didn't seem to fit into any previous category or respond to a question? Is there anything you want to be sure is included in the Task Force Report in addition to your recommendations? **(**E.g. Important information captured in your research that you feel must be included in the final report in the form of text; or a map, table, chart, etc. for appendices.)

Upload any additional information to be included in the final report.

This content is neither created nor endorsed by Google.

Google Forms

Access to City-Owned Land

1. Create a more transparent process for accessing available land
    a. City-owned agricultural land provides an excellent opportunity to provide farmland access for growers who may not be able to purchase land yet wish to produce food for urban markets.
    b. The city currently leases approximately 200 acres of farmland. Considering numerous growers are looking for acreage upwards of 1 acre, the city could facilitate access to numerous growers interested in food production within the city limits.
    c. There currently isn't a transparent process for farmers to bid on land or become aware that the agricultural land is available for leasing. This land could be made available to producers interested in growing food for local markets who could implement conservation practices and follow state soil and water conservation practices. Having a request for proposal process, though time consuming, would ensure that the lease process is fair and provides clarity to potential lessors.
        i. The RFP process should include clear guidelines on how applications would be selected and should identify the lease terms, rental rates, and responsibility for improvements/repairs. There should also be sufficient time allowed for farmers to submit an application, ideally no later than January so that farmers have time to negotiate and plan for the upcoming rowing season.
        ii. To help new farmers, the city could consider charging a graduated rent so that the farmer pays a bit more over time as their business grows. The city may also consider renting smaller acreages to farmers, which could be more affordable
    d. The City of Boulder may have a good model to follow. Interested farmers fill out an interest form online. When property becomes available, farmers are notified via email and are allowed to bid on the property. Bids are evaluated based on a number of criteria, but preference is given to producers who grow and sell food locally: https://bouldercolorado.gov/services/osmp-agriculture-program
2. Create longer-term leases on some available agricultural land
    a. Longer-term leases allow farmers to make investments in the health of their land. Growers are more likely to invest in conservation practices, such as improving the soils' organic matter, if they know that they will continue having access to that land for multiple years. In addition, the benefits to the farmer to implementing these practices are often not realized for several years.
    b. Annual leases can be cumbersome for both the City and the farmer because they require renegotiation. This can also create uncertainty for the farmer, which makes business planning and investment difficult. Multiple-year leases can be helpful because it gives the farmer a longer planning timeframe.
3. Consider ground leasing or other approaches to supporting emerging farmers
    a. Ground leasing can encourage farmers to invest in their business. The grower rents land with a long-term lease and then either purchases existing buildings or builds their structures on the land during those lease periods. The farmer retains the ownership of those structures, helping to build equity. Value of the buildings can be purchased by future lessees.
        i. In Cuyahoga, Ohio, the city-owned land leased to incoming farmers. The leases contain sustainable agricultural and stewardship requirements and allow

farmers to sign 60-year leases. The rent payments are a flat fee plus a percentage of gross production (maxing out at 10%). The lease also contains a provision that enabling the farmers to recoup investments made on the land: for example, if farmer planted $30,000 worth of blueberries and built a $10,000 greenhouse, could ask next lessee to pay $40,000 to take over lease

b. Partnering with a land trust can remove some of the administrative burden of identifying and working with farmers.
    i. In Providence, Rhode Island, the Urban Edge Farm was a partnership between the land trust and the city where the land trust was granted a long-term lease for $1 and then subleased multiple plots to farmers for five years at a time.

FPTF REPORTING FORM

This is a form for Farmland Preservation Task Force Team members to record their findings in preparation for final report writing.

- Responses are required for all questions except for the final question and uploading sections.
- Please fill out one form for ***each issue*** your team has addressed.
- Answers are editable - once you submit the form you'll receive an email with a link to continue editing.
- Multiple forms can be filled out by the same person.

Email *

(redacted)

Name *

Yimmuaj Yang

Team *

- (●) Land Access
- ( ) Land Characteristics
- ( ) Policy Review

What specific issue did you address? (clarify terms, submit one report for each issue) *

How does low-income housing and land access co-exist?

Why did you focus on this issue? *

As much as there is a need for housing; especially low-income housing, there is demand for land access to grow culturally relevant/appropriate food, food security, and agricultural entrepreneurship.

What particular question(s) were you trying to answer about this issue? *

How to create and protect permanent affordable housing? How to protect permanent farmland and create land tenure on currently zoned agriculture land? Current City of Madison owned farmland are on the outskirts of the city; how can residents without personal vehicles or those without reliable transportation access such farmland?

What resources/data did you discover/rely on? (include weblinks, contacts, etc. You can upload documents in the next question) *

Executive Director Olivia Williams of Madison Community Land Trust, Former Executive Director Greg Rosenberg of Madison Community Land Trust, Athens Land Trust in Athens, Georgia.

Upload any resources documents you may have

What is the current status of this issue in the City of Madison, if known? *

The only existing project where affordable housing and land access co-exist is Troy Gardens/Farm/Co-housing owned by Madison Area Community Land Trust. Based on conversations with Greg Rosenberg and Olivia Williams, the City of Madison is verbally supportive of the community land trust model; however, there aren't very much funding available to do the work. From the City of Madison operational side, very little is known.

Summarize your findings and upload other materials that support your findings, if available, in the next question. *

Troy Gardens/Farm/Co-housing has demonstrated the success of affordable housing and land access co-existing in one place. It's possible to replicate the same model in other areas of Madison through partnerships between community land trust, conservation land trust, and community organizations already invested in food and agriculture. Athens Land Trust is already working on affordable housing, conservation, and community agriculture.

Upload any documents that synthesize your work

Answer EACH ONE of the Big Questions: How does your research on this issue help to address the **significance (and rate) of farmland loss in our community?** *

It's inevitable that farmland will be loss to housing development but if land access and affordable housing is community-centered, it's possible to lose one third to half of currently zoned agriculture land.

Answer EACH ONE of the Big Questions: How does your research on this issue help to address the **definition of Farmland Preservation for Task Force purposes?** *

There is a correlation between people living in affordable and low-income housings and the need for land access.

Answer EACH ONE of the Big Questions: How does your research on this issue help to address the **definition of people-focused entrepreneurial, e.g. urban ag vs. monocropping ag?** *

Creating community-centered spaces where low-income and affordable housing exist in harmony with land access make agricultural entrepreneurship in urban setting feasible and sustainable.

Answer EACH ONE of the Big Questions: How does your research on this issue help to address **the metrics we want to see in policy recommendations to measure progress?** *

Not sure. But the ones facing housing insecurity are usually the extremely low income people and are also the most food insecure.

Answer EACH ONE of the Big Questions: How does your research on this issue help to address **how we can quantify potential impacts of proposed policies?** *

Not sure.

Answer EACH ONE of the Big Questions: How does your research on this issue help to address **how we balance housing (or other developed uses) and food production?** *

There are local organizations working to meet the need of the community on housing and land. Lean on their expertise and create spaces for them to meet the needs.

What are your specific recommendations regarding this issue? *

Community land trusts and conservation land trusts are already having conversation about the potential to collaborate. When current public zoned agriculture land are being considered for development, local community land trust like Madison Community Land Trust and conservation land trust like Groundswell Conservancy should be the first to be made aware of such consideration. The two can collaborate on affordable housing, conservation, and land access.

What might be required for the City of Madison to implement these recommendations? (Check all that apply) *

- [ ] ordinance change
- [ ] zoning change
- [ ] budgetary investment
- [ ] implementation of adopted plans
- [x] administrative rule or process update
- [ ] map update
- [x] inter-departmental collaboration
- [x] community collaboration
- [x] Other:

Is there already a zoning code where affordable housing, land access, and conservation already exist (Troy)? Can there be a better zoning code update?

Do you have any concerns or observations that didn’t seem to fit into any previous category or respond to a question? Is there anything you want to be sure is included in the Task Force Report in addition to your recommendations? **(**E.g. Important information captured in your research that you feel must be included in the final report in the form of text; or a map, table, chart, etc. for appendices.)

The ones facing housing insecurity are very low income people but there aren't a lot of investment or incentives to build more housing for very low income people. The City of Madison pride itself on affordable housing which is only accessible to people of a certain average median income. The City of Madison will make more money from developers than working with community-based organizations. City of Madison staff play a very vital role in supporting community-based ideas on housing and land access, it's important to identify those people.

Upload any additional information to be included in the final report.

This content is neither created nor endorsed by Google.

Google Forms

E. Resource Materials

Agricultural Leases Policy Memo - 2022

BT Farms Agri-Community article

Comprehensive Plan Maps

Comprehensive Plan Work Group Sunset Memo

Dane County Pandemic Food System Study

Edible Landscapes Permit Process

Food Access Improvement Maps - 2022

Food & Farmland Comp Plan Strategies

Food Innovation District Memo

Guide to planting edible, native and pollinator friendly landscapes in your yard and terrace

Madison Food Policy Council input on Voit Farm re: Milwaukee Street Neighborhood Plan

Madison Food Policy Council Memo on loss of productive farmland - 2018

Madison Food Policy Council Memo on Raemisch Farm - 2022

Ordinance to allow edible landscaping on City-owned land

Planning Staff Presentation

Sustainability Plan Update Presentation

Sustainability Plan - Goals & Actions for TFFP

Terrace Treatment Policy

TFFP Background Memo

TFFP Topics and Questions - Categorized w Teams

2050 Regional Development Framework Final Report July, 2022

F. Maps

Ag Soils with Transit and Affordable Housing

City Owned Properties Food Access Improvement Areas

Community Gardens with Hosts

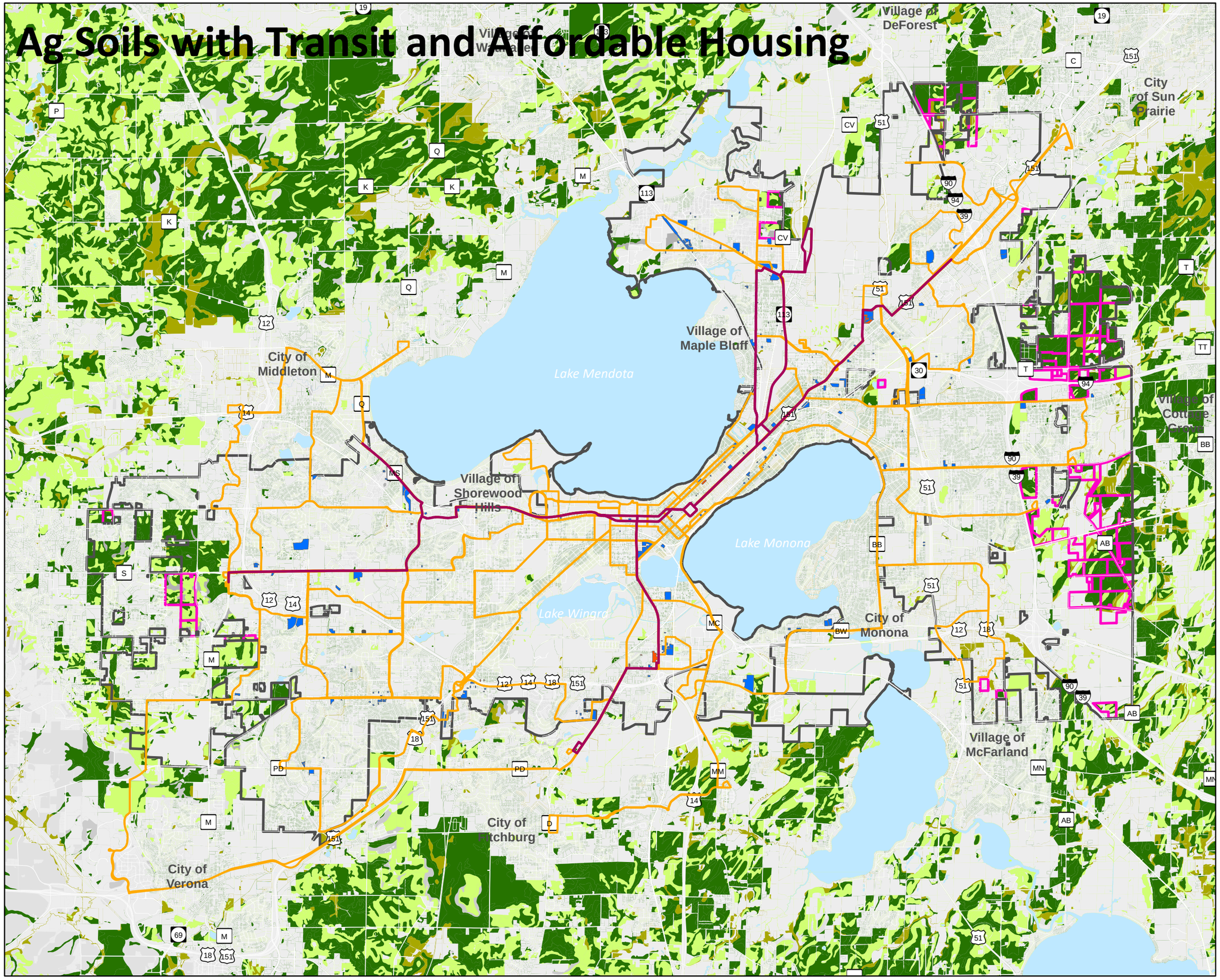
Farmland Loss

Growth Priority Areas with Productive Ag Soils

Privately Owned Ag Zoned Properties with Food Access Improvement Areas

Ag Soils with Transit and Affordable Housing

Ag Soils with Transit and Affordable Housing



Prime Farmland

- Metro BRT Routes
- Metro Routes (June 2023)
- City Financed Affordable Housing
- CDA Housing
- Privately Owned Parcels Zoned for

Soils

- All areas are prime farmland
- Prime farmland if drained; Prime farmland if drained and not flooded; Prime farmland if not flooded
- Farmland of statewide importance; Not prime farmland

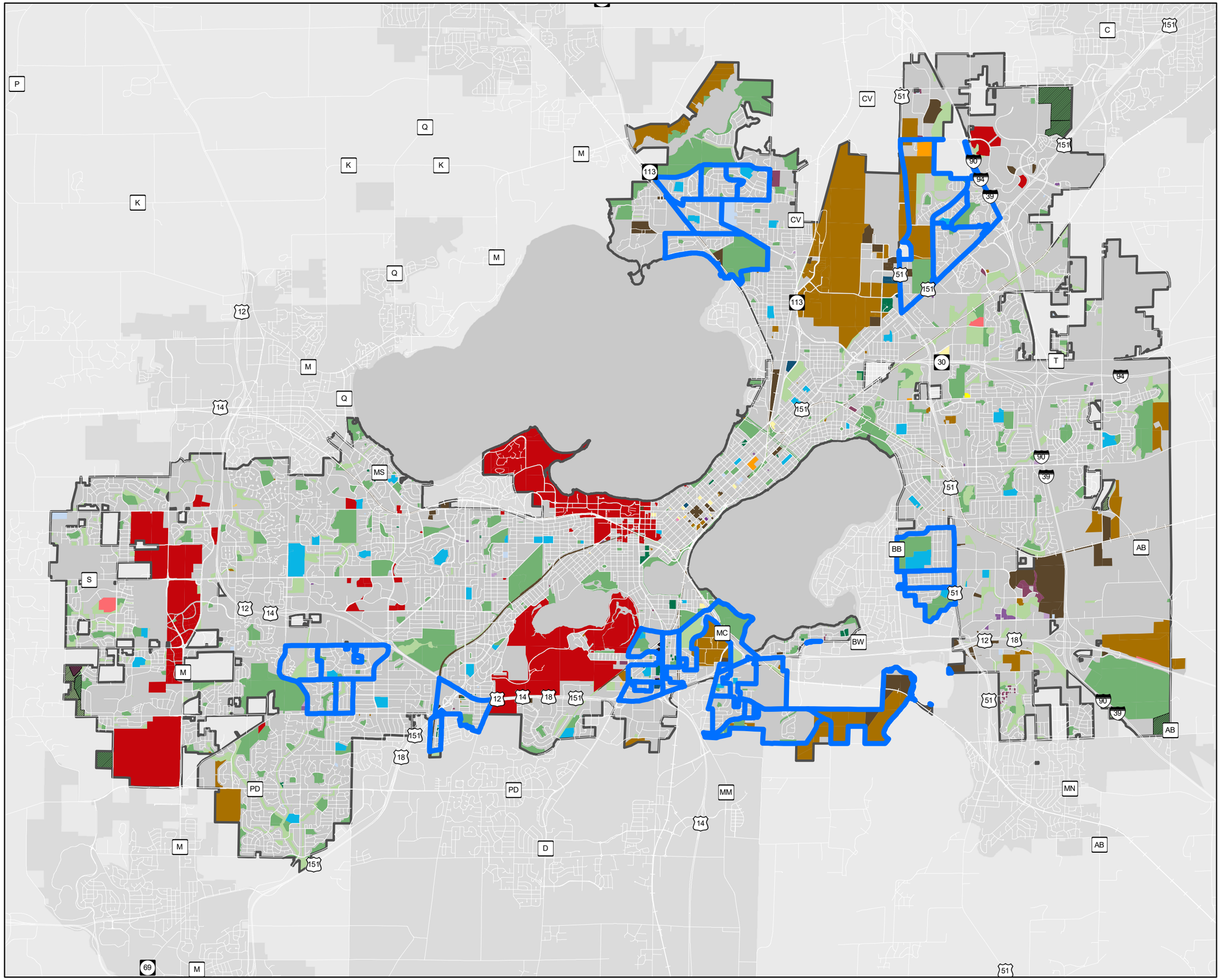
0 7,000 14,000 Feet

N

April 12, 2023

Data: City of Madison Planning Division, Dane County

City Owned Properties Food Access Improvement Areas



Publically Owned Parcels

- 2022 Food Access Improvement Areas
- Land Banked Parcel
- Farmed City Parcels
- City of Madison EDD
- City of Madison CDA
- City of Madison CDD
- City of Madison Engineering
- City of Madison Fire
- City of Madison Library
- City of Madison Transportation
- City of Madison Parks
- City of Madison Planning
- City of Madison Police
- City of Madison Sr Center
- City of Madison Streets
- City of Madison Metro Transit
- City of Madison Water Utility
- Dane County
- State of Wisconsin
- Madison College
- MMSD
- University of Wisconsin - Madison

0 7,000 14,000 Feet

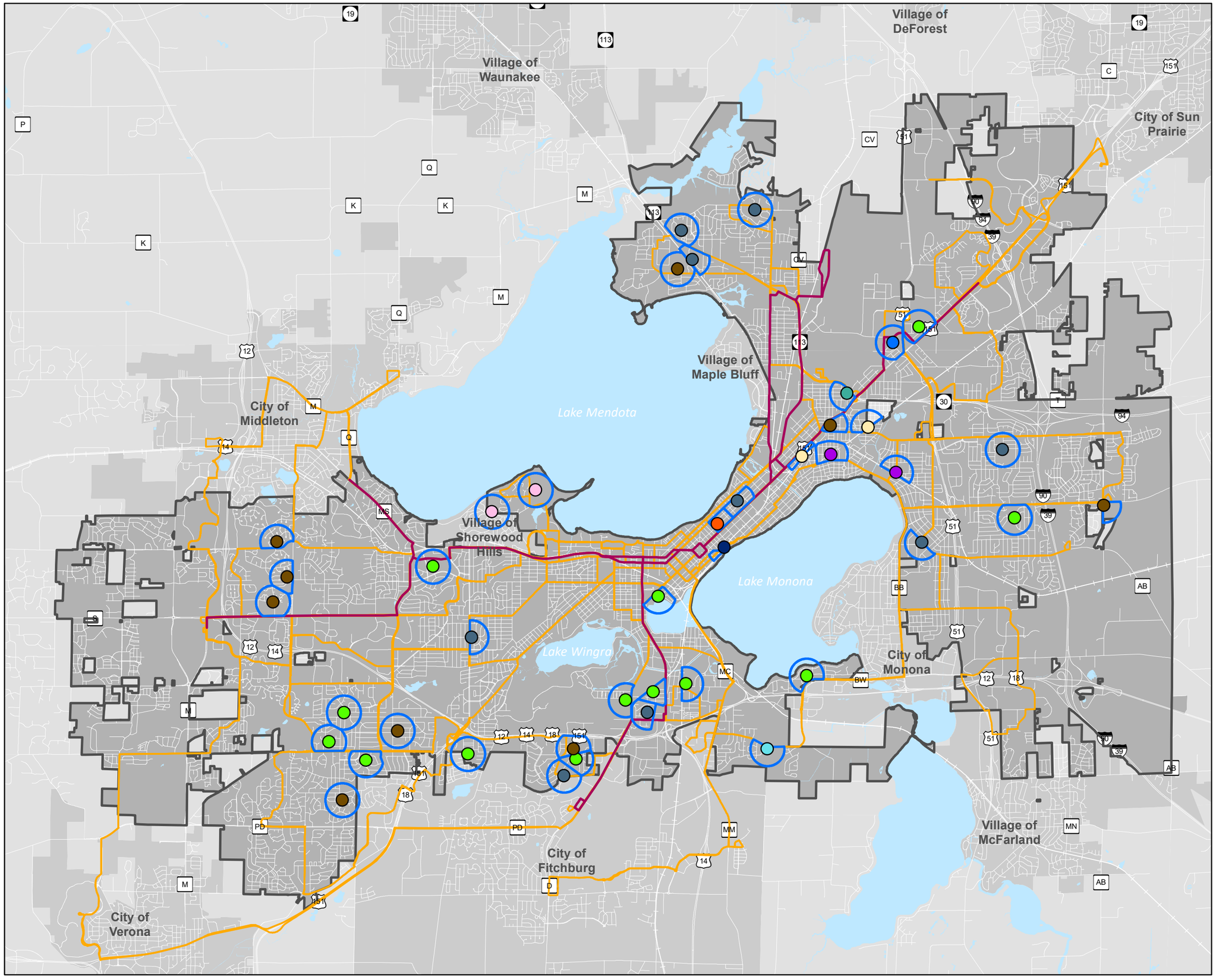
N

May 1, 2023

Data: City of Madison Planning Division, Dane County

Community Gardens with Hosts

Community Gardens within City of Madison



Community Garden Hosts

- CDA
- City of Madison EDD
- City of Madison Park/Right-of-Way
- City of Madison Park
- City of Madison Water Utility
- Mad Met Sewer District
- State of Wisconsin
- UW Madison
- MMSD
- Private Property
- WISDOT RR Right-of-Way
- Right-of-Way
- 5 minute walk
- Metro BRT Routes
- Metro Routes (June 2023)

38.1 acres of community gardens within City of Madison

+/- 3,285 households served by community gardens

Population* (2020) within a 5 minute walk of a community garden - 96,112

Households* (2020) within a 5 minute walk of a community garden - 44,735

*2020 Cencus Block Group data

0 7,000 14,000 Feet

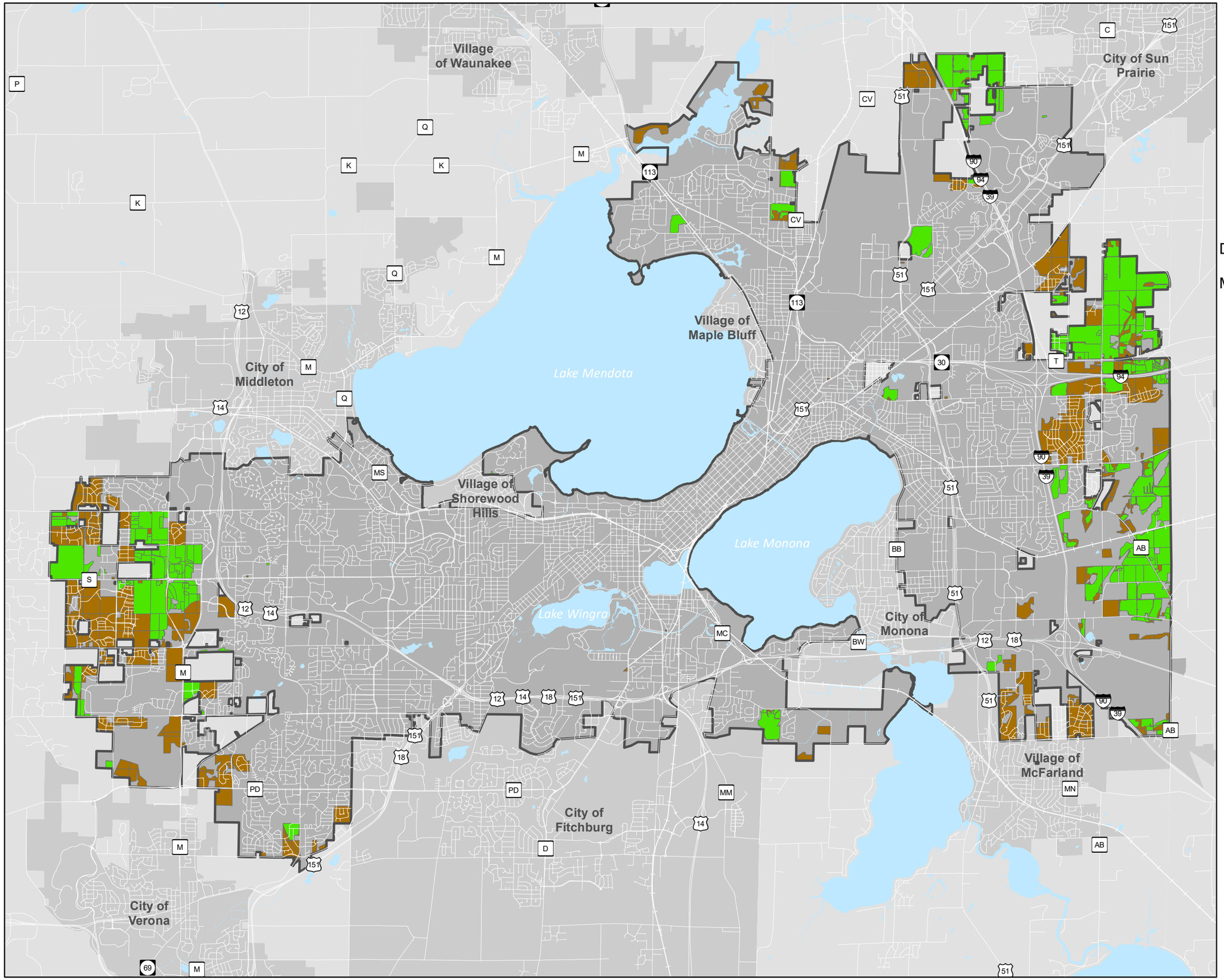
N

April 13, 2023

Data: City of Madison Planning Division, Dane County

Farmland Loss

Farmland Loss
2000 - 2020



Legend

- 2020 Landuse - Agriculture
- 2000 Landuse - Agriculture

	Farmland Acres 2000	Farmland Acres 2020	Loss
Dane County	451,369 ac	377,919 ac	-73,450 ac
Madison	6,643 ac	3,529 ac	-3,114 ac

0 7,000 14,000 Feet

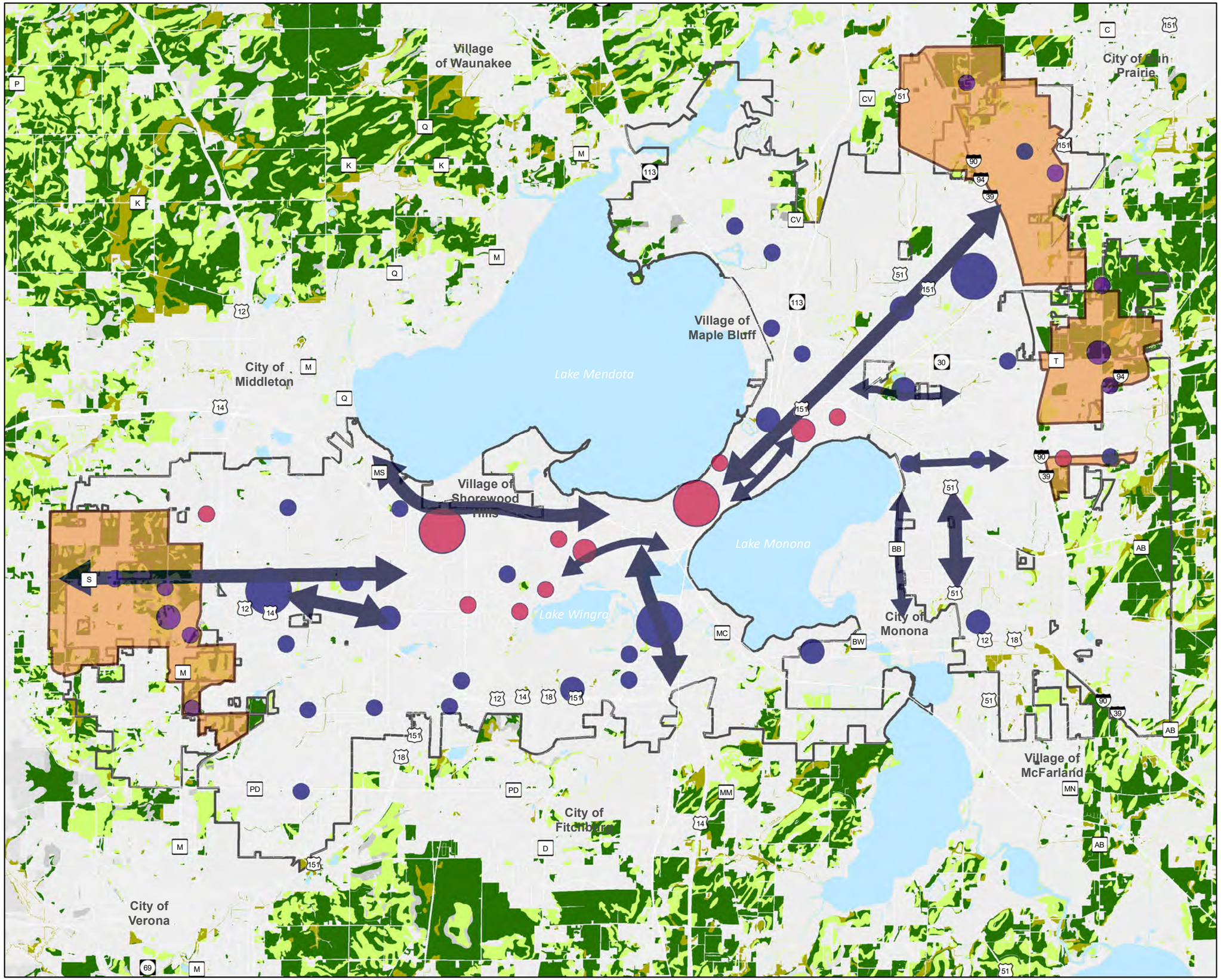
N

April 13, 2023

Data: City of Madison Planning Division, Dane County

Growth Priority Areas with Productive Ag Soils

Growth Priority Areas/ Productive Agriculture Soils



Legend

Soils

- All areas are prime farmland
- Prime farmland if drained; Prime farmland if drained and not flooded; Prime farmland if not flooded
- Farmland of statewide importance; Not prime farmland

Growth Priority Areas

- Neighborhood Activity Centers
- Community Activity Centers
- Regional Activity Centers
- Established Centers
- Transitioning Centers
- Future Centers
- Community Corridor
- Regional Corridor
- Peripheral Growth Area

0 7,000 14,000 Feet

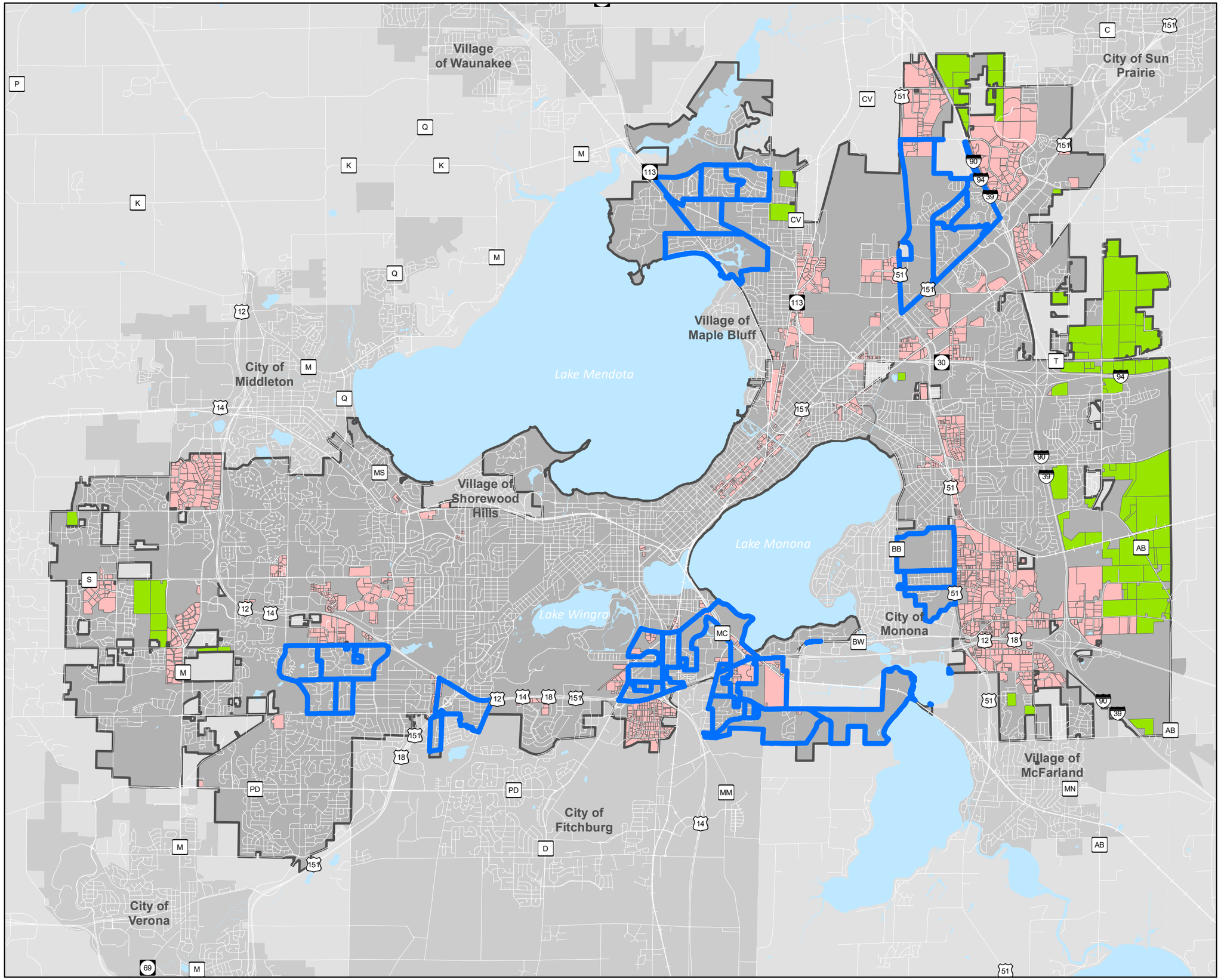
N

May 1, 2023

Data: City of Madison Planning Division, Dane County

Privately Owned Ag Zoned Properties with Food Access Improvement Areas

Privately Owned Parcels Zoned for Agriculture



Legend

- 2022 Food Access Improvement Areas
- Zoned for Employment - 5,809 acres
- Privately Owned Parcels Zoned for Agriculture - 3,248 acres

0 7,000 14,000 Feet

N

May 1, 2023

Data: City of Madison Planning Division, Dane County

G. Definition of Terms

From the Task Force on Farmland Preservation

Farmland Preservation – A land use term typically encountered in rural areas, where programs offer tax credits to incentivize keeping farmland in production and protected from development. Wisconsin has a state Farmland Preservation Program that is implemented at the county level, Dane County excludes land from its Farmland Preservation Plan if that land is within an Urban Service Area. As a result, land within the City of Madison is not currently eligible for the Farmland Preservation Programs. In an urban context like the City of Madison, it should be thought of as protecting from development a variety of growing spaces that may range from a community garden plot to a multi-acre field.

From the City of Madison 2018 Comprehensive Plan

https://imaginemadisonwi.com/document/comprehensive-plan-adopted
(See Appendix E, Glossary pp. 175-180)

Agrihood (also referred to as an agri-community) – A neighborhood with a working farm integrated into its urban or suburban surroundings that provides or sells its crops and other agricultural products to neighborhood residents and the surrounding community through farm stands, CSA shares, local retailers, and farmers' markets. (p. 176)

Green Infrastructure – A method of treating, infiltrating, and/or reducing stormwater through the use of permeable pavement, bioswales, rain gardens, green roofs, and other methods that retain or infiltrate water on-site, rather than send it into the storm sewer and on to streams and lakes. (p.177)

Sustainable Agriculture – An integrated system of plant and animal production practices having a site-specific application that will, over the long term: satisfy human food and fiber needs; enhance environmental quality and the natural resource base upon which the agricultural economy depends; make the most efficient use of nonrenewable resources and on-farm resources and integrate, where appropriate, natural biological cycles and controls; sustain the economic viability of farm operations; and enhance the quality of life for farmers and society as a whole. (p. 179, Source: USDA)

Underrepresented Groups – Groups of people with a common race, ethnicity, immigration status, age, income level, gender identity, or sexual orientation who have not typically

participated in City decision-making processes commensurate with the proportion of the population they comprise. These groups have often experienced discrimination or marginalization based on their identity. (p. 180)

Urban Agriculture – The production of food for personal consumption, market sale, donation, or educational purposes within cities and suburbs. Includes a range of practices "including market farms, community gardens, school gardens, full-year vegetable production in greenhouses, orchards, rooftop gardens, and the raising of chickens, fish, and bees." (p.180)

Urban Biodiversity – The variety and variability among living organisms found in a city and the ecological systems in which they occur. (Source: “Urban Biodiversity and Climate Change” by Jose Antonio Puppim de Oliveira, Christopher N. H. Doll, Raquel Moreno-Peñaranda, and Osman Balaban) (p. 180)

From the Zoning Code

https://library.municode.com/wi/madison/codes/code_of_ordinances

28.092 - AGRICULTURAL DISTRICT

Statement of Purpose: Rural agricultural areas designated as such in the Comprehensive Plan are located beyond the current extent of planned City development. These areas are outside the Central Urban Service Area and without current access to municipal sanitary sewer and water service. They are characterized by active farming operations and associated fields, meadows, woodlots and other natural features. Agriculture and other rural land uses also continue to predominate within many areas planned, but not yet developed, for urban uses. These may include relatively large areas that are recommended in adopted City plans to continue in long-term agriculture uses, while urban areas grow around them.

The purpose of this district is to support the continuance of agriculture and rural character within outlying agricultural areas. In addition, the Agricultural district is intended to support local food production and community health by encouraging community and market gardens and other small-scale agricultural operations within city limits.

28.093 - URBAN AGRICULTURAL DISTRICT

Statement of Purpose: The purpose of this district is to ensure that urban garden and farm areas are appropriately located and protected to meet needs for local food production, and to enhance community health, community education, garden-related job training, natural resource protection, preservation of green space, and community enjoyment. Because urban agriculture will typically exist in close proximity to residential and other uses, concern will be given to ensuring compatibility between uses.

Table 28G-1 Notes for special districts Agriculture and Urban Agriculture whether a use is Permitted, Permitted, or Conditional, depending on specific requirements. Relevant uses listed include:

- Animal husbandry
- Agriculture: Cultivation
- Agriculture: Intensive
- Community Garden
- Market Garden
- Farmers' Market
- Greenhouse/nursery
- Accessory building or structure
- Keeping of chickens, bees
- On-site agricultural retail, farm stand

28.211 – DEFINITIONS

Accessory Building or Structure A subordinate building or structure, the use of which is clearly incidental to that of the main building and which is located on the same lot as the principal building, and is subordinate to the principal building in height and floor area. An Accessory Dwelling Unit does not need to be subordinate to the principal building in regard to height and floor area.

Agriculture, Animal Husbandry All operations primarily oriented to the on-site raising and/or use of animals, at an intensity of less than one animal unit per acre. Fish farms are considered animal husbandry land uses.

Agriculture, Cultivation The use of land for growing or producing field crops, including field crops for consumption by animals located off-site or for tree farming or nursery operations.

Agriculture, Intensive All operations primarily oriented to the on-site raising and/or use of animals at an intensity equal to or exceeding one (1) animal unit per acre, or agricultural activities requiring large investments in permanent structures.

Community Garden An area of land or space managed and maintained by a group of individuals to grow and harvest food crops and/or non-food, ornamental crops, such as flowers, for personal or group use, consumption or donation. Community gardens may be divided into separate plots for cultivation by one or more individuals or may be farmed collectively by members of the group and may include common areas maintained and used by group members.

Farm Stand An open air stand for the seasonal sale of agricultural produce produced on the same property.

Farmers Market An indoor or outdoor establishment involving sale of farm products, personally prepared food and handcrafted goods as defined in Sec. 9.13(6)(e), MGO. May include

concurrent special events, including cooking demonstrations, activities for children, and small scale theatrical, musical and educational presentations.

Greenhouse, Nursery An establishment whose principal activity is the sale of plants grown on the site, which may include outdoor storage, growing or display, and may include sales of lawn furniture and garden supplies. (There is no reference to, or definition of hoop house)

Market Garden An area of land managed and maintained by an individual or group of individuals to grow and harvest food crops and/or non-food, ornamental crops, such as flowers, to be sold for profit

Structure A structure is anything constructed or erected, the use of which requires more or less permanent location on the ground, or attached to something having permanent location on the ground, and in the case of flood plain areas, in the stream bed or lake bed.

Use The use of property is the purpose or activity for which the land or building thereon is occupied or maintained.

Use, Accessory A use on the same lot with, and of a nature customarily subordinate to, the principal use or structure, and serving the occupants of the principal use or structure.

Use, Conditional A conditional use is a use which, because of its unique or varying characteristics, cannot be properly classified as a permitted use in a particular district.

Use, Incidental A use that is affiliated with but subordinate to a principal use of land or structure.

Use, Land In floodplains, any nonstructural use made of unimproved or improved real estate.

Use, Permitted A permitted use is a use which may be lawfully established in a particular district or districts, provided it conforms with all requirements and regulations of the district in which such use is located.

Use, Principal A principal use is the main use of land or buildings as distinguished from a subordinate, incidental, or accessory use.