

APPENDIX 6-1

AGRICULTURAL, NATURAL AND CULTURAL RESOURCE PROGRAMS AND CONSERVATION TECHNIQUES

Federal and State agencies have developed conservation and preservation programs to protect agricultural, natural, and cultural resources. Although there are numerous programs offered by a wide variety of public agencies, the most significant agencies that provide the majority of conservation and preservation programs include the Farm Service Agency (FSA) and Natural Resources Conservation Service (NRCS) (which are agencies of the United States Department of Agriculture (USDA)); the Wisconsin Department of Agriculture, Trade, and Consumer Protection (DATCP); the Wisconsin Department of Natural Resources (DNR); the National Parks Service (NPS), an agency of the U.S. Department of the Interior; and the Wisconsin State Historical Society (WSHS).

Programs that focus on agricultural and natural resources include the Wisconsin Farmland Preservation Program, Soil and Water Resource Management Program (SWRM), Conservation Reserve Program (CRP), Conservation Reserve Enhancement Program (CREP), Environmental Quality Incentives Program (EQIP), and the Wetland Reserve Program (WRP). Federal and State programs are also available to help County, Village and nonprofit conservation organizations (NCOs) acquire park and open space lands, and to help the County and the Village provide recreational facilities, including bicycle and pedestrian facilities.

Most programs that assist in cultural preservation primarily provide assistance for the restoration of historic buildings, districts, and landmarks through preservation tax credits, grants, loans, or restoration guidance. In Wisconsin, the WSHS provides assistance for properties designated as either State or Federal historic places, such as those listed on the State or National Registers of Historic Places. Also, the National Trust for Historic Preservation, a private non-profit organization, provides funding through tax credits and matching grants, and provides the Main Street Program that focuses on the historic preservation and revitalization of traditional commercial districts.

FARM SERVICE AGENCY AND NATURAL RESOURCES CONSERVATION SERVICE

The USDA Farm Service Agency (FSA) and the Natural Resources Conservation Service (NRCS) have several programs to help reduce erosion, protect wildlife habitat, restore wetlands, and improve water quality. All programs involve cost-share assistance from the Federal government, provided the landowner follows the prescribed practices of each program.

The NRCS administers a variety of incentive programs which indirectly may help prevent nonfarm development in agricultural areas. These programs include the Conservation Reserve Program (CRP), the Conservation Reserve Enhancement Program (CREP), Environmental Quality Incentives Program (EQIP), and the Wetland Reserve Program (WRP), among others. Under these programs, a landowner enters into an agreement to restore or protect lands for a 10-year or longer period in return for cash payments or assistance in making land conservation improvements.

Conservation Reserve Program

The USDA administers the Conservation Reserve Program (CRP) to help provide water quality protection, reduce soil erosion, protect the Nation's ability to produce food and fiber, reduce sedimentation in streams and lakes, improve water quality, establish wildlife habitat, and enhance forest and wetland resources. The CRP is a voluntary program for agricultural landowners that provide annual rental payments and cost-share assistance to establish long-



term, resource-conserving covers on eligible farmland.¹ It encourages farmers to convert highly erodible cropland or other environmentally sensitive acreage to vegetative cover, such as a prairie-compatible, noninvasive forage mix; wildlife plantings; trees; filter strips; or riparian buffers. Farmers receive an annual rental payment for the term of the multi-year contract based on the agriculture rental value of the land, and up to 50% Federal cost sharing is provided to establish vegetative cover. The program is administered by the FSA with technical assistance provided by NRCS. NRCS works with landowners to develop their application, and to plan, design, and install the conservation practices on the land.

Conservation Reserve Enhancement Program

Like CRP, CREP is administered by the FSA and contracts require a 10- to 15-year commitment to keep lands out of agricultural production. By combining CRP resources with State and private programs, CREP provides farmers and ranchers with a sound financial package for conserving and enhancing the natural resources of farms.

The program is intended to help protect water quality and wildlife habitat. Farmers enrolled in CREP remove land from agricultural production and plant native grasses, trees, and other vegetation to improve water quality, soil conditions, and wildlife habitat. CREP provides rental payments and other financial incentives to encourage producers to voluntarily enroll in 10- to 15-year contracts. Goals of CREP are to reduce fertilizer and sedimentation runoffs (non-point pollution runoff), and establish riparian buffers and grassland habitat. It can provide a viable option to supplement farm income as well. Such land usually contains poor soils for agricultural production including flooded areas (low-yielding land) and land along streams which usually yield less than in the center of fields. CREP is not currently available in Kenosha County, but eventually could be available.

Environmental Quality Incentives Program

The Environmental Quality Incentives Program (EQIP) is a voluntary conservation program that supports agriculture and environmental quality as compatible goals. Through EQIP, farmers may receive financial and technical help with structural and management conservation practices on agricultural land. EQIP offers contracts for practice implementation for periods ranging from one to 10 years, and it pays up to 50 to 75% of the costs of eligible conservation practices. Incentive payments and cost share payments may also be made to encourage a farmer to adopt land management practices such as nutrient management, manure management, integrated pest management, or wildlife habitat management.

Farm and Ranch Lands Protection Program

The NRCS helps to keep productive farmland in agricultural use by providing assistance in purchasing development rights from farmers and placing an agricultural or conservation easement on eligible farmlands through the Farm and Ranch Lands Protection Program (FRPP), commonly referred to as purchase of development rights (PDR). The FRPP provides State or local governments, or non-profit organizations, with up to 50% of the purchase price of such perpetual voluntary easements. In order to be eligible, the farmland must be prime or of statewide importance, unique, or other productive farmland, must meet highly erodible land provisions set forth in the Food Security Act, or include important historical or archaeological sites. Additionally, the farmland must have the location, size, and existing protections, including appropriated zoning, that support long-term agricultural use.

¹ The USDA adopted a policy in 2005 that prohibits the agency from releasing specific data regarding parcels enrolled in USDA programs, so information cannot be mapped.



Resource Conservation and Development

The Resource Conservation and Development (RC&D) program was established by the Federal Agricultural Act of 1962. This act directs the USDA to help units of government conserve and properly utilize all resources in solving local issues. Wisconsin has seven RC&Ds, covering all Wisconsin counties. In 2005, Kenosha County became a member of the Town and Country RC&D area which was organized to cover thirteen counties in southeastern Wisconsin. The Town and Country RC&D helps to facilitate the development and coordination of existing and innovative projects, and will assist in finding funding to implement them. Town and Country RC&D has helped promote agricultural, energy, water quality, and educational projects and programs throughout the Region.

Wetlands Reserve Program

The Wetlands Reserve Program (WRP) is another voluntary program designed to restore and protect wetlands on private property. It is an opportunity for landowners to receive financial incentives to restore wetlands that have been drained for agricultural purposes. Landowners who choose to participate in WRP may sell a conservation easement or enter into a cost-share restoration agreement with NRCS to restore and protect wetlands. The landowner voluntarily limits future use of the land, yet retains private ownership. The landowner and NRCS develop a plan for the restoration and maintenance of the wetland. This program offers landowners three options; permanent easements, 30-year easements, and restoration cost-share agreements of a minimum 10-year duration.

Wildlife Habitat Incentives Program

Administered by the NRCS, the Wildlife Habitat Incentives Program (WHIP) is a voluntary program to develop or improve wildlife habitat on private lands. It provides both technical assistance and up to 75% Federal cost sharing to help establish and improve wildlife habitat. Landowners agree to work with NRCS to prepare and implement a wildlife habitat development plan which describes the landowner's goals for improving wildlife habitat, includes a list of practices and a schedule for installing them, and details the steps necessary to maintain the habitat for the life of the cost-share agreement. WHIP emphasizes re-establishment of declining species and habitats, including prairie chickens, meadowlarks, sharp-tailed grouse, Karner blue butterfly, smallmouth bass, blue-winged teal, and many other species of grassland birds, reptiles, insects, and small mammals. Some of the opportunities that exist are installing in-stream structures to provide fish habitat, restore prairie and oak savannahs, and brush management and control of invasive species.

Cost shared practices include burning, seeding, and brush management of prairies, grasslands, and savannahs; installing instream structures and bank stabilization in streams; and improving timber stands and managing brush on woodlots. Federal or State wildlife agencies or private organizations may provide additional funding or expertise to help complete a project. Contracts normally last a minimum of five years from the date the contract is signed and cost sharing does not exceed \$10,000. Eligible lands must be a minimum of five acres of agricultural or nonagricultural land, woodlots, pasture land, streambanks, and shorelands. Lands currently enrolled in other conservation programs are not eligible to participate in WHIP.



U.S. DEPARTMENT OF TRANSPORTATION

Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) (Formerly the Federal Transportation Equity Act for the 21st Century (TEA-21))

SAFETEA-LU, which governs Federal surface transportation spending through the year 2010, continues the integration of bicycling and walking into the transportation mainstream. It enhances the ability of communities to invest in projects that can improve the safety and practicality of bicycling and walking for everyday travel. SAFETEA-LU provides funding, planning, and policy tools to create more walkable and bicycle-friendly communities.

SAFETEA-LU provides funding for bicycle and pedestrian facilities under a variety of programs. Bicycle projects must be principally for transportation, rather than recreational purposes, and must be designed and located pursuant to the transportation plans required of the State and Metropolitan Planning Organizations.² The following summarized programs are administered by the Wisconsin Department of Transportation:

Federal Recreational Trails Program (RTP)

The U.S. Department of Transportation's Federal Highway Administration (FHWA) provides funding to the DNR to develop and maintain recreational trails and trail-related facilities for non-motorized and motorized recreational uses. The DNR administers the funds as matching grants to acquire or develop land, facilities, or easements for public trails, parks, and outdoor recreation. Funding for the RTP is provided through federal gas excise taxes paid on fuel used by off-road vehicles. Eligible sponsors, which can include towns, villages, cities, counties, tribal governing bodies, school districts, State agencies, Federal agencies, and incorporated organizations, are eligible to receive reimbursement for up to 50% of the project costs.

Transportation Enhancement Program (part of the Statewide Multi-modal Improvement Program (SMIP))

Transportation Enhancements (TE) are transportation-related activities that are designed to strengthen the cultural, aesthetic, and environmental aspects of transportation systems. The TE program provides up to 80% matching grants for the implementation of a variety of non-traditional transportation projects, including the restoration of historic transportation facilities, bicycle and pedestrian facilities, landscaping and scenic beautification, and mitigation of water pollution from highway runoff. Most of the requests and projects awarded in Wisconsin have been for bicycle facilities. Examples of bicycle projects include multi-use trails (in greenways and former rail trails, for example), paved shoulders, bicycle lanes, bicycle route signage, bicycle parking, and overpasses or underpasses.

Transportation enhancement activities must relate to surface transportation. Federal regulations restrict the use of Federal funds on trails that allow motorized vehicles, except snowmobiles. SAFETEA-LU's predecessor, TEA-21, expanded the definition of transportation enhancement eligibility to specifically include the provision of safety and educational activities for pedestrians and bicyclists.

Surface Discretionary Grant Program (part of the Statewide Multi-modal Improvement Program (SMIP))

The Surface Discretionary Grant program provides up to 80% matching grants to local governments and transit commissions in communities with a population of 5,000 or more residents. Priority is given to projects that promote alternatives to single-occupancy vehicle trips. Funding has gone evenly to transit and bicycle/pedestrian projects in past years. Nearly every bicycle project eligible under the Transportation Enhancement program is also eligible for

² SEWRPC is the Metropolitan Planning Organization for the seven counties in Southeastern Wisconsin.



this program, unless the project will clearly not reduce single-occupant vehicle trips. Funding for bicycle and pedestrian planning is also eligible under this program.

Congestion Mitigation and Air Quality Improvement Program (CMAQ)

The purpose of the CMAQ program is to provide up to 80% matching grants for projects and programs that reduce motor vehicle travel and/or emissions in areas that have failed to meet air quality standards for ozone, carbon monoxide (CO), or small particulate matter. Bicycle and pedestrian projects are eligible for CMAQ if they reduce the number of vehicle trips and vehicle miles traveled. Almost all bicycle projects eligible for Transportation Enhancement and the Surface Discretionary grant programs are likely to be eligible, but a higher burden of proof that the project will reduce air pollution is required. Non-construction activities such as maps and brochures are also eligible for funding. All county and local governments in the Southeastern Wisconsin Region are eligible to apply for CMAQ funds.

Highway Safety Improvement Program (HSIP)

The Highway Safety Improvement Program, formerly the Hazard Elimination Program, provides up to 90% matching grants and focuses on projects to improve the safety of locations that have a documented history of crashes. Bicycle and pedestrian projects are eligible for this program.

Surface Transportation Funds-Urban(STP-U)

Surface Transportation funds provide up to 80% matching grants and can be used on a variety of improvement projects, including bicycle and pedestrian projects. These funds have generally been used to provide bicycle and pedestrian improvements when streets or highways are constructed or reconstructed.

Incidental Improvements

Bicycle and pedestrian projects are broadly eligible for funding from most of the major Federal-aid programs. One of the most cost-effective ways of accommodating bicycle and pedestrian improvements is to incorporate them as part of larger reconstruction, new construction, and some repaving projects. Generally, the same source of funding can be used for the bicycle and pedestrian accommodation as is used for the street or highway improvement, if the bicycle and pedestrian accommodation is "incidental" in scope and cost to the overall project. Most bicycle and pedestrian accommodations within Wisconsin are made as incidental improvements.

WISCONSIN DEPARTMENT OF REVENUE (WDOR)

Wisconsin Farmland Preservation Credit Program

The Wisconsin Farmland Preservation Program provides income tax credits to eligible farmland owners. The program is administered by County and local governments, but the Wisconsin Land and Water Conservation Board (LWCB) must first certify that the county farmland preservation plan meets the standards specified in Chapter 91 of the *Wisconsin Statutes*. Of the 72 counties in Wisconsin, 70 have certified farmland preservation plans. Kenosha County's farmland preservation plan was certified in 1981. To be eligible to enroll in the program, farmland must be designated as such in the County Farmland Preservation Plan, must be a minimum of 35 contiguous acres, and must produce a minimum of \$6,000 in gross farm receipts in the previous year or \$18,000 in the previous three years. Farmland owners may participate in one of two ways: through exclusive agricultural zoning or through Farmland Preservation Agreements. Participation through exclusive agricultural zoning may occur only when the local jurisdiction having zoning authority (city, village, town, or county) has a zoning ordinance that is certified by the LWCB as having met the standards of Chapter 91 of the *Statutes*. The only uses permitted in exclusive agricultural zoning districts are agricultural uses and uses consistent with agricultural use, which are specified in the *Statutes*. Kenosha County and the



Village have zoning ordinances that have been certified by the LWCB. Landowners in the Village are eligible to participate.

In addition to the Farmland Preservation program, landowners can also claim an income tax credit under the Wisconsin Farmland Tax Relief Credit Program. The acreage and production requirements of this separate program are the same as for the Wisconsin Farmland Preservation program indicated above; however, this is solely a tax relief program where the credit is not affected by the claimant's household income. In addition, there are no land use planning requirements or required compliance with county soil and water conservation standards.

WISCONSIN DEPARTMENT OF TRADE AND CONSUMER PROTECTION (DATCP)

Working Lands Initiative

In 2005, the DATCP launched the Working Lands Initiative and established a steering committee to develop a consensus vision on managing Wisconsin's farm and forest lands. The Working Lands Initiative Steering Committee in August 2006 issued a report with a set of recommendations intended to update and expand policies and programs affecting Wisconsin farmlands and forests. The report recommends an update to the Wisconsin Farmland Preservation Program, which would include setting a flat per-acre tax credit for landowners instead of basing the credit on household income; requiring all land in the program to be zoned for exclusive agricultural use; and streamlining the process of applying for the program and claiming the tax credits. Proposed changes to the Farmland Preservation Program were included in DATCP's 2007-09 budget request. The Committee's report also recommends establishing a number of programs, including a Working Lands Enterprise Areas program, a purchase of development rights program, and a beginning farmer/logger program.

Soil and Water Resource Management Program

DATCP administers Wisconsin's soil and water resource management program (SWRM) under the provisions of Chapter 92 of the *Wisconsin Statutes* and Chapter ATCP 50 of the *Wisconsin Administrative Code*. The SWRM grant program was developed to support locally-led conservation efforts. Counties are awarded grant funds to pay for conservation staff and provide landowner cost-sharing to develop and implement a Land and Water Resource Management Plan (LWRMP). The current version of Chapter ATCP 50, revised in October 2004, relates specifically to agricultural programs and it establishes requirements and/or standards for:

- Soil and water conservation on farms
- County soil and water programs, including land and water resource management plans
- Grants to counties to support county conservation staff
- Cost-share grants to landowners for implementation of conservation practices
- Design certifications by soil and water professionals
- Local regulations and ordinances
- Cost-share practice eligibility and design, construction, and maintenance

Eligible projects include grade stabilization structures, livestock fencing, riparian buffers, filter strips, streambank and shoreline protection, water and sediment control basins, well abandonment, and wetland restoration.³

³ The USDA adopted a policy in 2005 that prohibits the agency from releasing specific data regarding parcels enrolled in USDA programs, so information cannot be mapped.



WISCONSIN DEPARTMENT OF NATURAL RESOURCES (DNR)

Knowles-Nelson Stewardship Fund

The Knowles-Nelson Stewardship Fund program was established by the Wisconsin Legislature in 1989 for a ten-year period. The program was renewed for an additional ten years as part of the 1999-2001 Wisconsin State Budget. The goals of the Stewardship Program are to protect and restore nature-based outdoor recreation areas and areas having scenic or ecological value.⁴ The Stewardship Program is financed through the issuance of general obligation bonds and is expected to distribute about \$80 million annually Statewide for the ten-year period of the program. The DNR administers the Stewardship Program. The program is an umbrella for a number of subprograms, each with its own goals, priorities, and criteria, which are summarized below. Projects submitted for grants under the Stewardship Program must be included in a locally-adopted park plan.

Aids for the Acquisition and Development of Local Parks (ADLP)

The ADLP program is a regional allocation program which provides up to 50% matching grants to local and county units of government and nonprofit conservation organizations (NCOs) to provide assistance for the acquisition and development of local and county parks. NCOs can use these funds for the acquisition of land or easements only. County and local governments may use ADLP funds for the purchase of land and easements and the development of outdoor recreation areas for nature-based outdoor recreation purposes.

Acquisition of Development Rights

The Acquisition of Development Rights program is a Statewide program which provides up to 50% matching grants to local and county units of government and NCOs to acquire development rights (conservation easements) in areas where restrictions on residential, commercial, or industrial development would help protect natural, agricultural, or forestry values and enhance nature-based outdoor recreation.

Urban Green Space (UGS)

The Urban Green Space program is a Statewide program which provides up to 50% matching grants to local and county units of government and NCOs to acquire or protect scenic, ecological, or other natural features within or near urban areas and provide land for nature-based outdoor recreation, including noncommercial gardening. These funds can be used for the acquisition of land only.

Urban Rivers (URGP)

The Urban Rivers grant program is a Statewide program which provides up to 50% matching grants to local and county units of government and NCOs to purchase land or easements, or to develop shoreline enhancements on or adjacent to rivers that flow through urban or urbanizing areas. This program is intended to preserve or restore urban rivers or riverfronts for the purpose of revitalization and nature-based outdoor recreation activities. NCOs can use these funds for the acquisition of land or easements only.

Land and Water Conservation Fund (LAWCON or LWCF) Program

The Land and Water Conservation Fund (LAWCON) program was established by the U.S. Congress in 1964 to provide funding for the acquisition of land for park or open space preservation purposes and the development of outdoor recreation facilities. In Wisconsin,

⁴ The DNR defines "nature-based" outdoor recreation as activities where the primary focus or purpose is the appreciation or enjoyment of nature. Such activities include hiking, bicycling, wildlife or nature observation, camping, nature study, fishing, hunting, picnicking, cross-country skiing, canoeing, and multi-use trail activities. Playgrounds are also considered "nature-based" facilities. Support facilities such as access roads, parking, signs, utility and restroom buildings, and habitat restoration are also eligible for funding under the Stewardship program.



LAWCON funds are administered by the DNR. Up to 50% of project costs are eligible for funding under this program. A portion of the awarded amount is available to local and county units of government for the acquisition of land and the development of parks and trails. The “nature-based facilities” restriction in the Knowles-Nelson Stewardship Program does not apply to LAWCON funds.

River Protection Grant Program

The River Protection Grant Program, administered by the DNR, is intended to protect or improve rivers and natural river ecosystems, including water quality, fisheries habitat, and natural beauty. The program includes the following two subprograms:

River Planning Grants

This program provides grants of up to 75% to county and local units of government, nonprofit conservation organizations, and qualified river management organizations. Eligible activities include river organization development, educational efforts, assessments of water quality and aquatic life, and non-point source evaluations. Reimbursement is limited to \$10,000 per project.

River Management Grants

This program provides grants of up to 75% to county and local units of government, nonprofit conservation organizations, and qualified river management organizations. Eligible activities include purchase of land or easements, development of local ordinances, and restoration of in-stream or shoreland habitat. Reimbursement is limited to \$50,000 per project.

Urban and Community Forestry Grant Program

The Urban and Community Forestry Grant Program, administered by the DNR, provides grants of up to 50% to county and local units of government and nonprofit conservation organizations for urban forestry activities. Eligible activities include development of an urban forestry plan or urban open space program, development of a tree ordinance, development of a public awareness program, conducting street tree inventories, and tree planting and maintenance. Reimbursement is limited to \$25,000 per project.

Wisconsin Managed Forest Law Program

The Managed Forest Law (MFL) is an incentive program intended to encourage sustainable forestry on private woodlands in Wisconsin. Owners of at least 10 acres of contiguous wooded land that is used primarily for growing forest products are eligible to apply for the program through the DNR. Following approval of the application, the DNR prepares a management plan for the property, which will require some timber harvest at prescribed intervals and payment at that time of a “stumpage” tax. The program can provide significant property tax savings for participating landowners.

Under this program, lands enrolled in the “closed” category are not available to the public while the “open” lands are accessible for such recreation activities as hunting, fishing, and cross-country skiing. Enrollment is by contract between the DNR and the landowner; the landowner can choose a 25- or 50-year contract; landowners make payments in lieu of property taxes amounting to less than what the property tax would be; and must consist of at least 10 acres of contiguous forest land located in the same municipality. Landowners must agree to follow a forest management plan. The MFL Program was created in 1985, replacing similar programs—the Wisconsin Forest Crop Law program and Wisconsin Woodland Tax Law program. Some contracts under the Forest Crop Law program remain in effect in Wisconsin; all Woodland Tax Law program contracts have expired.



Managed Forest Law Public Access Grant Program

This public access grant program is available under the MFL program to award grants to local units of government, the DNR, and nonprofit conservation organizations for acquiring easements or purchasing land for public access to offset the impact of closed acreage under the MFL program.

Lake-Related Programs

The following lake-related programs are administered by the DNR.

Lake Protection Grants

The lake protection program provides grants of up to 75%, to a maximum of \$200,000, to protect or restore lakes and their ecosystems. Local and county units of government, tribal governments, lake and sanitary districts, nonprofit conservation organizations, and certain lake associations are eligible for this program. Eligible activities include the acquisition of land or conservation easements to protect lake water quality, the restoration of wetlands tributary to a lake, the development of ordinances to protect water quality, and lake improvement projects included in a DNR-approved lake management plan.

Lake Planning Grants

The lake planning program provides grants of up to 75%, to a maximum of \$10,000, for the preparation of lake management plans and for gathering and analyzing lake-related information. Local and county units of government, lake and sanitary districts, nonprofit conservation organizations, and certain lake associations are eligible for this program.

Recreational Boating and Facilities (RBF)

RBF is a State program intended to encourage the development of recreational motorized boating facilities. The program provides up to 50% matching grants to local and county units of government and lake districts for projects such as boat ramps and piers and support facilities such as parking lots and restrooms. Initial dredging and construction of bulkheads and breakwaters may also be eligible for funding. The Wisconsin Waterways Commission awards RBF grants.

Sport Fish Restoration Act (SFR)

SFR is a Federal program intended to support restoration of sport fishing habitat and to provide facilities for public access to sport fishing areas, including piers and boat landings. The program provides up to 75% matching grants to county and local units of government to develop fishing piers and public boating access sites.

Nonpoint Source Pollution Abatement Programs

Nonpoint source abatement programs⁵ are aimed at improving surface water quality (lakes and rivers) by abating pollution caused by stormwater runoff. In addition to the assistance provided by DATCP, the DNR may provide grants to governmental units and special purpose districts to assist the implementation of nonpoint source pollution abatement practices and projects, where pollution abatement cannot be achieved through the implementation of county soil and water resources activities funded under DATCP costshares. Funding is generally targeted to areas such as those listed on the State's list of impaired waters, public health threat situations, and areas considered high priority areas such as outstanding or exceptional resource waters. Programs include the following:

⁵ For the latest information regarding nonpoint source and water pollution abatement and soil conservation programs, refer to the Wisconsin Legislative Fiscal Bureau (*Informational Paper 66, January 2007*).



Targeted Runoff Management (TRM) Grant Program

To help control polluted runoff from both agricultural and urban sites, TRM grants are available to address high-priority resource problems. Eligibility is limited to local units of government, special-purpose districts (i.e., school or stormwater utility districts), tribal commissions, and regional planning agencies. Governmental units may be granted 70% of eligible costs for various (urban or rural) best management practices (BMPs), up to a cap of \$150,000. Property purchases (from willing sellers only) granted at 50% of DNR-approved appraised value can be included in the \$150,000 grant cap. Rural easements, funded at 75% of the DNR-appraised value, can also be included in the \$150,000 grant cap. For rural Best Management Practices (i.e. barnyard relocation and manure storage), units of government (county land conservation departments) hold contracts on behalf of county residents. Funds are disbursed on a reimbursement basis upon completion of the project according to a two-year grant contract terms.

Urban Nonpoint Source and Stormwater (UNPS&SW) Planning Program

UNPS&SW grant funds are used to control polluted runoff in urban project areas. Funds are typically awarded for either planning or construction projects. The grant period is two years. Projects funded by these grants are site-specific, serve areas generally smaller in size than a subwatershed, and are targeted to address high-priority problems. An “urban project area” must meet one of these criteria:

- Has a residential population density of at least 1,000 people per square mile,
- Has a commercial or industrial land use,
- Is a portion of a privately owned industrial site not covered by a WPDES permit issued under Chapter NR 216 of the *Wisconsin Administrative Code*, or
- Is a municipally-owned industrial site (regardless of Chapter NR 216 permit requirements)

Governmental units are eligible for a grant even if the governmental unit is covered by a stormwater permit under Chapter NR 216 of the *Wisconsin Administration Code*.

UNPS&SW planning grants can be used to pay for a variety of technical assistance activities. Eligible activities such as stormwater management planning, related information and education activities, ordinance and utility development and enforcement are cost shared at 70%. Eligible UNPS&SW construction grant costs may include such projects as stormwater detention ponds, filtration and infiltration practices, streambank stabilization, and shoreline stabilization. Those eligible costs are cost shared at 50% up to a maximum of \$150,000. Additional cost-share reimbursements may be available for project design, land acquisition, and permanent easements costs with approval by the DNR regional staff.

Additionally, a municipal flood control and riparian restoration program provides financial assistance for the collection and transmission of stormwater for flood control and riparian restoration under the urban nonpoint program. Grants may be used for developing flood control facilities and structures, purchasing conservation easements on land within a floodway, or flood proofing structures within the 100-year flood plain.

WISCONSIN DEPARTMENT OF TRANSPORTATION

Rustic Roads Program

The Rustic Roads program is used to help citizens and local governments preserve the remaining scenic country roads designated for the leisurely enjoyment of hikers, bikers, and motorists. To qualify for the Rustic Road program, the road should have outstanding natural features, native vegetation and wildlife, and open areas or agricultural vistas. The road should



be lightly traveled, and not scheduled for major improvements which would change its characteristics. Although the Wisconsin Department of Transportation pays the cost of furnishing and installing Rustic Road marking signs, officially designated rustic roads remain under local control and are eligible for state aid the same as any other public street.

HISTORIC PRESERVATION PROGRAMS

Historic Homeowners Income Tax Credit Program

The Wisconsin Historical Society administers a 25% tax credit program to assist in the repair and rehabilitation of private residences that are listed on the State or National Registers of Historic Places, listed as contributing properties to a State or National Historic District, or deemed eligible for listing on the State register through the tax credit application process. To qualify, a minimum expenditure of \$10,000 must be made over a two- to five-year period, and credits for the repair and rehabilitation are limited to structural work, such as roof replacement, painting, floor leveling, electrical wiring, plumbing, heating, and cooling.

Wisconsin Barn Preservation Program

The Wisconsin Historical Society, UW-Extension, and the Wisconsin Historic Trust have developed the Wisconsin Barn Preservation Program to help preserve old wood frame barns and other historically significant rural structures. Because farmsteads are often converted to residential subdivisions, the program sponsors workshops to explain how such structures could be converted into homes or carefully integrated with residential lots as accessory structures that may function as a garage, storage shed, workshop, studio, den, home occupation business, or simply remain as a reminder of our agrarian heritage. Iowa and New York have programs that help pay for structural repairs of barns, including beams, sills, cabling, and roof work, through grant programs. The Wisconsin Barn Preservation Program is working to establish a similar foundation that would make direct grants for repairs if owners contribute a matching amount.

Main Street Program

Developed by the non-profit National Trust for Historic Preservation, the Main Street Program is an approach adopted by numerous non-profit and governmental units to revitalize traditional "downtown" commercial districts through preservation and promotion. Main Street programs can be structured in a variety of ways, including as a freestanding nonprofit organization or as part of an existing organization such as a business improvement district (BID) or a community or economic development corporation (CDCs or EDCs). The Main Street Four-Point Approach addresses four distinct areas for commercial district revitalization: design, economic restructuring, promotion, and organization, and, as part of the approach, is generally accomplished on a grassroots or volunteer level. However, the organization, most likely will have at least one employee coordinating tasks. Local Main Street programs may coordinate with local units of government for assistance in preservation and revitalization efforts, or government units may adopt or incorporate the Main Street approach into existing historic preservation, economic development, city management, or community planning programs.

COUNTY AND LOCAL PROGRAMS

Kenosha County Land and Water Conservation Division (LWCD)

As part of the Kenosha County Department of Planning and Development, the LWCD manages most natural resource and agricultural conservation programs in Kenosha County, including development and implementation of recommendations contained in the County Land and Water Resource Management Plan.⁶

⁶ SEWRPC Community Assistance Planning Report No. 255 (2nd Edition) A Land and Water Resource Management Plan for Kenosha County: 2008-2012, October 2007.



Kenosha County Tree and Shrub Program

Kenosha County Tree & Shrub Program has been offered for over 25 years and has sold nearly one million trees. The purpose of the program is to encourage area residents to plant native trees and shrubs for the purpose of conservation and wildlife enhancement. The program offers a variety of pines, hardwoods, and shrubs. This sale is open to the interested public in the area. The tree program also offers an opportunity to introduce the community to Kenosha County conservation staff and programs.

Kenosha/Racine Land Trust

The Kenosha/Racine Land Trust may purchase lands containing significant natural resources or hold conservation easements for such lands in Kenosha and Racine Counties. This nonprofit conservation organization (NCO), established in 1993, holds conservation easements and monitors the conservation restrictions within these easements. Land trusts help protect land and water resources for the public benefit and are eligible to participate in State grant programs that fund land or conservation easement acquisitions.

OTHER CONSERVATION PROGRAMS AND TECHNIQUES⁷

In addition to zoning, other conservation programs and techniques that have proven successful in other communities in Wisconsin and across the nation experiencing development pressures may have relevance for the Village. These include:

Conservation Easements

A conservation easement is a legally recorded agreement of deed restrictions that landowners voluntarily place on their property to protect agricultural, natural, or cultural resources, such as farmland, water resources, open space, wildlife habitat, or historic sites, by prohibiting specified uses. For example, most agricultural easements restrict uses other than those associated with agricultural practices, such as residential, commercial, or industrial uses. Lands remain on the tax rolls, sometimes at a reduced rate. Landowners can sell⁸ or donate either a portion or the entire parcel to either a governmental unit or a qualified conservation organization such as a land trust (i.e. the Kenosha/Racine Land Trust) to monitor and enforce the restrictions set forth in the easement. In return, landowners can receive tax benefits for granting easements.

Usually, the terms of an easement are specific and include instructions on allowable uses on the property and the time period set for the easement. Although most conservation easements are permanent, some impose restrictions for a specified number of years. The easement also legally binds future landowners to the terms set forth in the legally recorded easement attached to the land.

Conservation Subdivisions

Conservation subdivision design, sometimes referred to as cluster development design, involves the grouping of dwellings on a portion of a development parcel in order to preserve the remainder of the parcel in open space. Management options for the open space areas include, among others, preservation of existing natural features, restoration of natural conditions, and continued agricultural use. The open space may be owned by a homeowners association, the local municipality or County, the State, a land trust or other private conservation organization, or the original landowner. Conservation easements and attendant deed restrictions should be used to protect the common open space from future conversion to more intensive uses.

⁷ Additional information relative to farmland preservation can be found in *Saving American Farmland: What Works*, American Farmland Trust, 1997.

⁸ Purchase of development rights (PDR) programs typically involve the placement of a conservation easement on a parcel in return for compensation to the property owner.

In comparison to conventional subdivision designs, conservation subdivisions afford greater opportunity for preserving open space and maintaining the natural resources of the parcel being developed. When properly designed, the visual impact of new residential development from surrounding streets and adjoining parcels can be minimized and significant natural features and agricultural lands can be protected from development. Infrastructure installation and maintenance costs may be reduced due to shortened street and utility lengths.

Lot Averaging

In some cases it may be determined that a cluster development is not appropriate for a particular parcel. In other cases, the Village may be uncomfortable with the idea of joint ownership of common open space. In such cases, the Village concerned could consider allowing lot averaging as a means of preserving rural areas. Maintaining an overall rural density, the lot sizes would be permitted to vary as long as the lot area that is taken from one lot is transferred to one or more other lots, so that a minimum “average” lot size required by the zoning ordinance is maintained within the development site concerned. Lots within the development larger than the minimum lot size required by the zoning ordinance would be deed restricted to prevent further division. Although no common open space is created, the advantage of lot averaging is flexibility of site design and the ability to concentrate some of the permitted dwellings on smaller lots in certain areas of the development parcel while the remaining dwellings would be located on a few larger lots. Alternatively, a large parcel could be maintained in agricultural use with smaller lots developed with homes. Features of the rural landscape or environmentally sensitive areas can be preserved, albeit on private lots.

Lot averaging is a development technique providing for great flexibility in the type of rural residential options accommodated, including historic farmsteads, retaining a rural flair and possibly use, as well as large nonfarm estates which are held in individual private ownership. Concomitantly, the balance of smaller than normal lots in a given development would be less expensive than their counterparts within conservation subdivisions, because no common open space is being leveraged.

Purchase of Development Rights (PDR)

Purchase-of-development-rights programs, or “PDR” programs, represent another potential means to ensure the preservation of agricultural lands as well as other natural areas and open space. Under a PDR program, landowners are compensated for permanently committing their land to agricultural and open space use. Deed restrictions or easements are used to ensure that the lands concerned remain in agricultural or other open space use. Such restrictions are attached to the land and remain in effect regardless of future sale or other transfer of the land.

PDR programs may be administered and funded by State, county, or local units of government, land trusts and other private organizations, or combinations of these. The amounts paid to farmland owners under PDR programs may be calculated on the basis of the number of dwelling units permitted under existing zoning, on the basis of the difference between the market value of the land and its value solely for agricultural purposes, or on some other basis.

PDR programs provide assurance that farmland will be permanently retained in open use. Landowners receive a potentially substantial cash payment while retaining all other rights to the land, including the right to continue farming. The money paid to the landowner may be used for any purpose, such as debt reduction, capital improvement to the farm, or retirement income. Lands included in a PDR program remain on the tax roll and continue to generate property taxes. Since the land remains in private ownership, the public sector does not incur any land management responsibilities.

PDR programs have not been widely embraced within the Region to this point. The primary drawback of PDR programs is the potentially high cost. Given the attendant costs, PDR programs should be strategically targeted toward agricultural lands where long-term

preservation is particularly important. A PDR program could, for example, be directed at existing farmland surrounding a public nature preserve or major park in order to ensure a permanent open space buffer around the park or nature preserve.

Transfer of Development Rights (TDR)

Under transfer-of-development-rights programs, or “TDR” programs, the right to develop a specified number of dwelling units under existing zoning may be transferred from one parcel, which would be maintained in open space use, to a different parcel, where the number of dwelling units permitted would be correspondingly increased. When the parcels are held by the same owner, the development rights are, in effect, simply transferred from one parcel to the other by the owner; when the parcels are held by different landowners, the transfer of development rights involves a sale of rights from one owner to another, at fair market value. In either case, the result is a shift in density away from areas proposed to be maintained in farming or other open use toward areas recommended for development. The transfer of development rights may be permanent or may be for a specific period of time or set of conditions.

The transfer of development rights may be implemented only if authorized under county or local zoning. To enable the transfer of development rights, the zoning ordinance must establish procedures by which the TDR technique will be administered, including the formula for calculating the number of residential dwelling units which may be transferred from the “sending” area to the “receiving” area. The zoning district map must identify the sending and receiving areas, or at least identify the districts within which development rights can be transferred from one parcel to another.

While the creation and administration of a TDR program is somewhat complicated, the technique remains a potentially effective means for preserving open space and maintaining rural densities, while directing development to areas where it may best be accommodated.