

**AGRICULTURAL CONSERVATION EASEMENT
AND
FARMLAND PROTECTION COMMISSION
September 19, 2007
7:00 p.m.**

PRESENT

Harry Alten, Jr.
Rob LaPorta
Leonore Beyer-Clow
Virginia Peschke
Ken Bauman
Dan Ziller, MCFB
Brian Jenkner

ABSENT

Ken Koehler
Barb Wheeler

OTHERS PRESENT

Dave LaGue, MCCD
Maryanne Wanaski
SuzAnne Ehardt
Dave Brandt, USDA-NRCS

OTHERS ABSENT

CALL TO ORDER

Chairman Alten called to meeting to order at 7:10 p.m.

APPROVAL OF MINUTES

Minutes will be considered at the next meeting of the Commission in order to allow a complete discussion with the representative from Kane County.

PUBLIC PARTICIPATION

None.

OLD BUSINESS

None

NEW BUSINESS

A. Kane County Presentation:

Janice Hill, a Kane County Planner for twenty-four years, involved with the Kane County Farmland Protection Ordinance since the Year 2000 and who also consults with Open Lands, appeared before the Commission at their request to discuss the Kane County Farmland Protection Ordinance and its use.

Generally speaking, Ms. Hill noted that a regional approach to farmland protection is the best approach as County lines are not an issue. Since 1977, the Kane County Plan has referred to purchase of development easements and more recently Smart Growth Principles where growth has been directed into and around municipalities as opposed to

out in the more agricultural areas of the county. As of this date, 4,263 acres in 30 farms are authorized for protection in Kane County and have either been closed or are in the process of closing. At this time, there are \$25.1 million in funds that have been set aside for farmland protection of which \$15.9 million of riverboat funds have been budgeted in the County budget with \$9.2 million obtained through the Federal Farm and Ranch Program (FRPP). Presently, there is a waiting list of approximately 1500 acres valued at \$10.5 million.

Discussion then followed regarding the recording of a “Deed of Agricultural Conservation Easement” whereby development rights are extinguished on the property. In addition, the factors for consideration in determining whether to purchase the development rights on property were discussed and included: productivity of farm operation; existence of infrastructure for a commercial agricultural enterprise; existence of soil & water conservation plans; whether the property is adjacent to other farmland; what the land use designation of the property is; is the property farmed; etc. It was noted that there is no minimum acreage established, that soil quality (productivity and values) is one of the primary values reviewed when considering what property to protect as well as the use of Best Management Practices and conservation plans to maintain productivity. Once a “Deed of Agricultural Conservation Easement” is recorded, there are no amendments allowed.

Discussion then ensued regarding the 2002 Farm Bill which requires a 50% match in local dollars and the need to have matching dollars in place in order to apply for the FRPP. Information was handed out regarding the FY 2007 FRPP program funding noting that the Commission would need to be prepared to make the application whenever it becomes available. Ms. Hill also noted that the Kane County Commission pays for all associated costs for the purchase and recording and that at present, they are paying approximately \$8,500/acre.

At present, the Kane County Farm Bureau is attempting to put forth legislation to allow a referendum to obtain the authority to tax for farmland preservation. Pennsylvania uses a real estate transfer tax.

After discussion, it was the consensus of the members that it would be helpful to request the attendance of a representative from the State’s Attorney’s Office at the next meeting to discuss funding mechanisms and options, including: referendum and real estate transfer tax. It was also determined that discussion of the “Criteria” should also be included on the agenda.

The meeting adjourned by consensus of the members present at 9:00 p.m.

Next Meeting: October 17, 2007 at 7:00 p.m.