

A Multi-Jurisdictional Comprehensive Plan for Winnebago County: 2016-2035

Volume 3 Farmland Preservation Plan

- Draft -

Adopted by the Winnebago County Board of Supervisors on _____, 2017

Foreword

Winnebago County adopted a farmland preservation plan in 1982 under the state requirements for farmland preservation in effect at the time. As a result of the statewide Working Lands Initiative, the Wisconsin Legislature passed a new farmland preservation law in 2009 (2009 Wisconsin Act 28), which made significant changes to the state's program and established a timetable for when counties must adopt a new farmland preservation plan. To help with that planning effort, Winnebago County established a steering committee consisting of local representatives to guide the preparation review, and adoption of this plan.

This plan was adopted in 2012 as a part of the county's comprehensive plan, which now consists of three separate documents. This plan is based on data and information that is contained in the other two documents. When appropriate, additional data or more up to date data is provided in this plan.

This plan includes four chapters and a map series. The first chapter provides an overview of the project and describes the farmland preservation the county first adopted in 1982 and the requirements of the Working Lands Initiative. A description is also included to document the process used in the preparation, review, and adoption of the plan. The second chapter presents background information about Winnebago County including population characteristics, land use patterns and trends, and intergovernmental agreements. Chapter 3 identifies those tools that are being used or that could be used to protect farmland in the county. In Chapter 4, goals, objectives, and policies are identified that are intended to guide local government activities and short- and long-term implementation strategies. Supplemental maps are included in the final section of the plan.

Data and trends specifically related to agriculture are discussed in Chapter 5 of Volume 1 (Background Document). Chapter 6 of Volume 1 (Background Document) looks at the local food system with special emphasis on the demand side of agriculture.

This plan is intended to guide local efforts related to farmland protection and the promotion of the agricultural sector in Winnebago County. It is anticipated that the county will revise this plan as needed to address new issues and opportunities that will likely arise in the future.

Acknowledgments

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Tom Tuschl – Town of Omro David Weiss – Town of Neenah Tom Wrchota – Town of Poygan

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Chapter One Introduction

1. Overview

Agriculture is a vital part of Wisconsin's economy and cultural identity. In 2010, agriculture constituted a \$59 billion industry in Wisconsin. Despite its importance, agriculture faces many challenges. Farmland around the country is being lost at an alarming rate, and once it is gone we cannot get it back. As documented in Farming on the Edge, published by the American Farmland Trust, it is estimated that one acre of farmland in the United States is lost every minute. In Wisconsin, this translates into the loss of approximately 22,500 acres of productive farmland a year to development. Because of the economic importance of agriculture in Wisconsin and the potential for the continued loss of our agricultural land base, farmland preservation planning is crucial to preserve the remaining agricultural land in the State. Although well crafted farmland preservation plans may not necessarily restrict the rate of land development, they can help to redirect development towards more appropriate areas, preserve

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prime farmlands, promote balanced growth, and keep infrastructure costs low, while strengthening local economies and protecting the environment.

This chapter will define farmland preservation planning activities in Winnebago County, past and present, and provide a menu of activities and priorities to accomplish farmland preservation in earnest. The first, and current, farmland preservation plan was adopted in 1982, and like many farmland preservation plans has become outdated. With the adoption of the Winnebago County Comprehensive Plan in 2009, another step towards updating land use policies and preserving farmland in Winnebago County was completed. Another important step occurred June 29, 2009 when the Wisconsin Working Lands Initiative was adopted as part of the 2009-2011 State budget. This statute became effective July 1, 2009. One of the first priorities of the Working Lands Initiative is a requirement for every county in the state to update their farmland preservation plan. Under the new law, the Winnebago County farmland preservation plan must be updated by December 31, 2017. This plan is meant to fulfill that requirement.

2. Purpose and Scope

The purpose for drafting, adopting, and implementing a farmland preservation plan is to gather and document the public's input, document an appropriate process for mapping areas for preservation, and identify tools to implement a holistic approach to farmland preservation. Upon completion of the initial portions of public input, the steering committee will develop plan goals, objectives, and criteria for mapping farmland preservation areas.

In the past, agricultural land has been treated in many land use plans as a holding area for eventual developed uses. Where planning has occurred for local agriculture, too frequently the plan treats the farm economy as an interim use, eventually making way for other uses. Agricultural land often lacks a legal underpinning to protect it, even relative to wetlands and other natural areas, which are often explicitly protected under federal or state law. The mapping of appropriate farmland preservation areas will place a significantly higher emphasis on the preservation of these areas. County farmland preservation plans are not intended to prevent non-agricultural development. Rather, planning and

farmland preservation activities are used to limit non-agricultural development in areas with favorable conditions for agricultural enterprises, and target other areas for non-agricultural development. Planning for long-term farmland preservation and for the economic development of agriculture can help identify and preserve a sufficient land and infrastructure base needed to support agriculture. A plan that understands and addresses the needs of farm owners and agriculture-related businesses can ensure predictability and security for these business owners. Well thought out plans also help minimize conflict from incompatible land uses, while protecting the rural heritage that has long defined Wisconsin. Planning for agriculture can also contribute to other goals, such as preserving wildlife habitat areas and maintaining groundwater recharge areas.

3. 1982 Farmland Preservation Plan

The original Winnebago County farmland preservation plan was adopted in 1982 to:

- protect agricultural land by describing policies necessary for its preservation;
- reduce the cost of suburban and urban growth by directing it towards existing population and infrastructure;
- augment other land use tools designed to protect other significant natural and cultural resources;
- increase the farmland preservation tax credits for eligible farmers (up to 100 percent for those under County zoning, and up to 70 percent for those under Town zoning); and
- serve as a model for towns that sought to further preserve their agricultural resources.

The Winnebago County Planning Department started the development of the plan in 1979 with funding from the Wisconsin Department of Agriculture. Public meetings provided the opportunity to introduce the farmland preservation program and to understand the needs and future visions of County citizens. A citizen advisory committee containing at least one representative from each town provided regular commentary. A technical advisory group with staff from county, regional, and state agencies provided general assistance in preparing the report. In addition to the primary document, the Planning Department prepared separate elements for each town. As a result, the County received certification from the Department of Agriculture for their zoning ordinances, which became the major tool for preserving farmland in Winnebago County.

4. 2009 Working Lands Initiative

After years of program planning and input from stakeholders around the state, the Wisconsin Legislature passed landmark legislation in 2009, Wisconsin Act 28 (2009-2011 Budget Bill), to create what is known as the "Working Lands Initiative."

This new law made significant revisions to Chapter 91 Wisconsin Statutes, which had been home to Wisconsin's farmland preservation law since 1977. The new law continues a long history of relying on local governments to lead program implementation efforts, and attempts to improve on the success of these efforts by:

expanding and modernizing the state's existing farmland preservation program, and

 creating new tools to assist in local program implementation, including Agricultural Enterprise Areas (AEAs) and a Purchase of Agricultural Conservation Easement (PACE) matching grant program.

One of the first steps in modernizing the existing program is a requirement for every county in the state to update their farmland preservation plan. Under the new law, the Winnebago County farmland preservation plan must be updated by December 31, 2017.

The farmland preservation planning effort at the state level was coordinated through a steering committee made up of farmers, local plan commissioners, town planners, local and county elected officials, and staff. During this process, DATCP staff provided technical assistance and provided feedback on the draft plan when so requested.

Created by Wisconsin Act 28, the 2009 Biennial Budget Bill, the Working Lands Initiative (WLI) is an effort by government institutions, non-government organizations, and private businesses to preserve Wisconsin farmland, promote agriculture, enhance the natural environment, and minimize conflicts in land use.

Using current agricultural practices and land-use realities, the WLI establishes more modern, flexible farmland preservation policies with less state oversight, which helps local governments plan and preserve agricultural land as well as create compact, focused suburban, and urban development. WLI helps farmers keep land in agricultural use, employ good conservation practices, and develop agricultural enterprise areas.

The new WLI consolidates and enhances tax credits, maintains the use value assessment program, establishes a state working lands trust fund, and creates a new program (PACE) for targeted purchases of agricultural conservation easements from willing landowners.

One of the first steps in modernizing the existing program is a requirement for every county in the state to update their farmland preservation plan. Under the new law, the Winnebago County farmland preservation plan must be updated by December 31, 2017.

5. Plan Preparation, Review, and Adoption

2012 Plan

The Winnebago County Zoning and Planning office applied for and received a grant in 2010 to prepare a farmland preservation plan under the new Working Lands Initiative. Winnebago County contracted with Civitek Consulting for this project.

The Winnebago County Board of Supervisors next adopted a public participation plan on August 17, 2010 that describes the ways in which the public and local units of government would be involved in the preparation, review, and approval of the plan update. The plan sought to:

- protect agricultural land by describing policies necessary for its preservation;
- reduce the cost of suburban and urban

Regional Meeting Held at the Wolf River Town Hall on November 9, 2010



growth by directing it towards existing population and infrastructure;

- augment other land use tools designed to protect other significant natural and cultural resources;
- make available the farmland preservation tax credits for eligible farmers, specifically \$7.50 per acre for landowners subject to certified farmland preservation zoning;
- serve as a model for towns that sought to further preserve their agricultural resources;
- create criteria for mapping of farmland preservation areas; and
- incorporate the hard work completed in the Winnebago County Comprehensive Plan.

The Winnebago County Planning Department started the development of the plan in 2011 with funding from the Wisconsin Department of Agriculture. Public meetings provided the opportunity to introduce the farmland preservation program and to understand the needs and future

A Steering Committee Meeting



visions of County citizens. A steering committee containing at least one representative from each town provided regular commentary. Staff from county, regional, and state agencies and Civitek Consulting provided general assistance in preparing the report. In addition to the primary document, the Planning Department updated its certified zoning ordinance. As a result, the County received certification from DATCP for this plan and for their zoning ordinances, which became the major tool for preserving farmland in Winnebago County.

As set forth in DATCP's approval, the plan was certified for 5 years, through December 31, 2017 (Appendix E).

2016-17 Plan Update

Due to the 5-year certification of the 2012 plan, Winnebago County initiated a 10-year update to the farmland preservation plan in May of 2016. Winnebago County contracted with Civi Tek Consulting for the plan update.

As an initial step in the process, the Winnebago County Board of Supervisors adopted a public participation plan in May of 2016 that describes the ways in which the public and local units of government would be involved in the preparation, review, and approval of the plan update. A copy of the public participation plan is included as Appendix A.

Municipalities in the county were involved in the drafting of this plan in a number of ways and were kept abreast of the plan's progress. Initially, letters were sent to each municipality inviting them to designate an individual who would serve as a point of contact and a liaison. Many of the local point of contacts also agreed to serve on a Farmland Preservation Steering Committee. The membership of this advisory committee included local farmers, elected and appointed officials, and local administrative staff. The committee structure was very similar to that of the 2012 plan. The committee consisted of 15 members and met on a regular basis to provide the staff and consultant direction, and act as a conduit to direct information back to the Towns for their consideration as this plan was being drafted. A list of public meetings is included in Appendix B.

With staff, public, and consultant assistance, the steering committee prepared numerous plan drafts which were presented to the public, Towns and County, along with submittal to the Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP) for certification.

A final draft of the plan was prepared based on the local government input that was received. The steering committee voted to send the plan update to the Planning and Zoning Committee of the County Board. The Committed reviewed the recommended plan at their meeting on ______, 2017. The committee then adopted a resolution recommending the plan update to the County Board.

The Board conducted a public hearing on _____, 2017, and adopted the plan update by ordinance (Appendix C) as required under Section 66.1001, Wisconsin Statutes.

DATCP's most recent certification letter is included as Appendix F.

Every effort has been made to use the best available data for the update. Because the plan uses data from the 2010 census of population and housing, along with data from the American Community Survey and the Census of Agriculture of 2012, the demographic information is the most recent data available and should be appropriate for years to come.

6. Plan Consistency

This farmland preservation plan must be consistent with the County's comprehensive plan with respect to the certified zoning ordinance (text and map) and the mapped farmland preservation areas. The comprehensive plan, farmland preservation zoning ordinance, and the County farmland preservation plan must be certified by DATCP in order for any landowner in Winnebago County to be eligible for Farmland Preservation Program Incentives.

Recognizing that land use plans should not be static documents, the Winnebago County comprehensive plan provides for an amendment process, which allows for consideration of amendments to the adopted plan on an annual basis. While the majority of amendments over time are anticipated to be property-specific, some amendments take a more comprehensive form. The incorporation of the farmland preservation plan is the first such comprehensive amendment to the 2016 Plan. The future land use map of the comprehensive plan depicted the County's recommended land use plan map as of the date of plan adoption in 2016 has also been amended by the adoption of this farmland preservation plan amendment. This future land use map, which is maintained and updated as a digital mapping layer on the County's online information mapping site has been updated to reflect the land use category designations that are set forth by the new County farmland preservation plan.

7. Plan Maintenance and Amendment

Section 66.1001, Wisconsin Statutes requires that an adopted plan be reviewed and updated at least once every ten years. However, to ensure that the plan remains a viable planning tool, it should be reviewed every five years and following a significant change in land use in Winnebago County. County staff and members of the Planning and Zoning Committee should review statistics related to land use and review any major shifts in land use policy, or economic shifts in how the land is utilized to prepare for necessary plan amendment activities.

Each November, the Zoning and Planning Department should review and monitor this plan and suggest amendments to the Planning and Zoning Committee.

As part of this review, the staff should contact each of the participating municipalities to give them the opportunity to suggest changes. During this annual review, most of the focus should be on Chapter 4, which lists the goals, objectives, polices, and activities, and in the analysis of demographic shifts that are occurring in Winnebago County.

To determine whether amendments are needed, the following considerations should be reviewed:

- General development trends
- Farmland conversion rates
- Farmland preservation goals and objectives
- Completed implementation activities and their effectiveness
- Implementation strategies
- Available resources for future projects
- Public input
- Input from other stakeholders

A history of adoption and amendment is included as Appendix D. It lists when this comprehensive plan element was first adopted and the various amendments which have taken place since then.

Without periodic review and assessment, this plan has the potential to lose its relevance as conditions change and new opportunities and priorities emerge.

Chapter Two Background Conditions

1. Overview

This chapter provides a brief overview of Winnebago County to provide the general context for farmland preservation planning. Due to very recent efforts by Winnebago County there is significant data regarding existing conditions in both the comprehensive plan, updated in 2016, and the land and water resource management plan, also updated in 2016. The information in this chapter is intended to supplement those sources or to update relevant data.

2. Population

There were 169,004 county residents in 2015, which represents a 20 percent increase over 1990 (Table $\frac{1}{2}$). By 2040, the county population is anticipated to reach 193,130 (Table $\frac{2}{2}$).

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- 2. Population
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Table 1. Population Counts and Estimates; Winnebago County and Civil Divisions; 1970-2015

Civil Division	1970 Count	1980 Count	1990 Count	2000 Count	2010 Count	2015 Estimate
Town						
Algoma	3,158	3,249	3,492	5,702	6,822	7,007
Black Wolf	2,127	2,318	2,154	2,330	2,410	2,435
Clayton	1,771	2,353	2,264	2,974	3,951	4,045
Menasha	8,682	12,307	13,975	15,858	18,498	18,832
Neenah	2,942	2,864	2,691	2,657	3,237	3,323
Nekimi	1,193	1,516	1,475	1,419	1,429	1,450
Nepeuskun	743	682	647	689	710	708
Omro	1,444	1,684	1,616	1,875	2,116	2,525
Oshkosh	4,943	4,420	4,655	3,234	2,475	2,523
Poygan	734	898	824	1,037	1,301	1,328
Rushford	1,415	1,420	1,361	1,471	1,561	1,736
Utica	1,029	1,038	1,046	1,168	1,299	1,402
Vinland	1,472	1,632	1,688	1,849	1,765	1,850
Winchester	1,209	1,261	1,433	1,676	1,763	1,667
Winneconne	1,408	1,595	1,761	2,145	2,350	2,145
Wolf River	904	1,052	1,037	1,223	1,189	1,217
Village						
Winneconne	1,611	1,935	2,059	2,401	2,383	2,487
City						
Appleton [1]	0	5	443	812	1,490	1,540
Menasha [1]	14,836	14,728	14,638	15,643	15,144	15,110
Neenah	22,902	22,432	23,219	24,507	25,501	25,781
Omro	2,341	2,763	2,836	3,177	3,517	3,543
Oshkosh	53,082	49,620	55,006	62,916	66,083	66,582
Winnebago County	129,946	131,772	140,320	156,763	166,994	169,004

Sources: U.S. Census Bureau (counts) and American Community Survey (estimate)

Notes:

Municipality located in Winnebago County and another county

Table 2. Population Projections; Winnebago County and Civil Divisions: 2020-2040

Civil Division	2020	2025	2030	2035	2040
Town					
Algoma	7,770	8,360	8,925	9,375	9,730
Black Wolf	2,535	2,605	2,670	2,695	2,700
Clayton	4,510	4,855	5,200	5,470	5,685
Neenah	3,810	4,110	4,400	4,635	4,820
Nekimi	1,445	1,460	1,470	1,460	1,435
Nepeuskun	775	805	835	855	865
Omro	2,300	2,415	2,520	2,595	2,645
Oshkosh	2,475	2,475	2,465	2,415	2,355
Poygan	1,435	1,530	1,615	1,680	1,735
Rushford	1,497	1,715	1,765	1,790	1,805
Utica	1,400	1,460	1,515	1,550	1,575
Vinland	1,755	1,755	1,750	1,720	1,680
Winchester	1,870	1,940	2,000	2,030	2,050
Winneconne	2,540	2,650	2,760	2,830	2,875
Wolf River	1,220	1,240	1,260	1,255	1,245
Village					
Fox Crossing	20,070	21,080	22,020	22,680	23,140
Winneconne	2,495	2,550	2,600	2,620	2,615
City					
Appleton [1]	1,680	1,820	1,950	2,055	2,145
Menasha [1]	15,330	15,460	15,520	15,380	15,120
Neenah	26,990	27,810	28,520	28,870	28,970
Omro	3,740	3,885	4,020	4,100	4,140
Oshkosh	69,250	71,250	72,900	73,650	73,800
Winnebago County	177,050	183,230	188,680	191,710	193,130

Sources: Wisconsin Department of Administration

Notes

3. Land Use Patterns and Development Trends

When the county was first settled in the 1800s, communities primarily were established close to lakes, rivers, and railroad lines. Proximity to transportation routes and commerce were the primary locational criteria and little thought was given to environmental constraints such as floodplains. The major communities in the county (Oshkosh, Neenah, Menasha, Omro, and Winneconne) were established in such areas. Map 35 (Volume 1) shows the parcel density from 2014.

Municipality located in Winnebago County and another county

Winnebago County has about 312,704 acres of land and water. Wetlands and water account for 71,000 acres, or about 23 percent of the County. The predominant land use in the county continues to be agriculture. About one-half of the County's total area is in agricultural uses, although this total is continuing to decline. It is anticipated that more than 7,300 acres of agricultural land will be converted to non-agricultural land uses from 2000 to 2020. Approximately 132 acres will be converted per year to residential use, and 177 acres per year to other non-agricultural uses. Residential land uses account for half of all developed land in the County. The other half of the developed acreage is attributed to a mix of uses including commercial, industrial, roadway, utilities, public facilities, and recreation/conservation.

Table 3. Land Use by Type; Unincorporated Winnebago County: 1995-2020

Land Use	1995 [1]	2000 [1]	2003 [1]	2010 [2]	2015 [2]	2020 [2]
Residential	15,344	16,990	15,293	15,445	15,600	15,756
Agricultural	183,516	179,764	177.649	175,890	174,148	172,423
Commercial	914	1,128	1,242	1,255	1,268	1,281
Industrial	1,211	1,214	1,353	1,367	1,382	1,397

Source: Winnebago County GIS Department

Notes:

Actual

2. Estimate

Land use density is highest in areas closest to the urban areas as well as along the various lakeshores and some of the major road corridors. Pockets of higher density development exist in the older rural communities of Fisk, Pickett, Waukau, Eureka, Winchester, and Larsen. In addition, isolated pockets of higher density development are appearing in rural areas experiencing newer subdivision development. This is particularly evident in the Town of Clayton. Lower density development on parcels more than 20 acres in size are typically found in agricultural areas and in or within environmentally sensitive areas.

Residential development is spreading westward, especially in the sewer service areas in the towns of Algoma and Menasha. Additional residential development is also spreading into the Town of Clayton as a result of its proximity and access to the Fox Cities urbanized area. Industrial and commercial activity has also expanded in the urbanized areas of Winnebago County.

City of Oshkosh

Over the next 20 years, it is anticipated that more than 2,400 acres will be annexed into the city. Of that amount, nearly three quarters will likely be vacant and available for development. Over the next 16 years, the city anticipates that about 7,300 acres will be developed for residential purposes, 60 acres for commercial purposes, and 1,800 acres for industrial purposes.

City of Menasha

Over the next 20 years, the city's comprehensive plan suggests that the city will add about 280 acres of residential development, 90 acres of commercial and industrial development, and 115 acres of institutional development. Much of the anticipated growth will likely occur in Calumet County, rather than in Winnebago County.

City of Neenah

A significant amount of new development in the City of Neenah will occur as infill and redevelopment of areas within its corporate limits.

City of Omro

Omro's comprehensive plan which was adopted in 2005 shows an outward expansion of the city on the north primarily for residential purposes and on the east along STH 21 for commercial and industrial purposes. A significant amount of future growth will occur on vacant lands within the city's corporate limits.

Village of Fox Crossing

The Village of Fox Crossing is a new municipality consisting of former Town of Menasha land that was incorporated on April 20, 2016. Since the most recent comprehensive plan was adapted by the Town of Menasha in 2003, Fox Crossing is currently working on their first Comprehensive Plan as a new municipality. The 2003 plan places a maximum lot size on single lot rural developments as well as prohibiting platted developments outside the sewer service area in order to preserve productive agricultural land.

Village of Winneconne

The Village of Winneconne's comprehensive plan, most recently updated in 2008, shows expansion of its corporate limits on the east along STH 116 for residential, commercial, and industrial purposes and to the west along STH 116 for residential purposes.

Key Terms

Drainage district – A drainage district is a special district formed for the purpose of draining land, primarily for agriculture purpose and is subject to Chapter 88, Stats. Regardless of whether or not the drainage district was formed under ch. 88 Wis. Stats. (Formerly ch. 89) or any other law.

Intergovernmental boundary agreement – An agreement between local communities created pursuant to Section 66.0307, 66.0301 or 66.0225, Wis. Stats typically dealing with annexation, incorporation, consolidation, land use, revenue, service provision and other intergovernmental issues.

Planned urban development – The area designated in local land use planning for urban densities and the provision of municipal services such as municipal water and sanitary sewer services.

Civil division – The geographic area represented by an individual government entity.

4. Planned Urban Development

As further described in Chapter 8 of Volume 1, urban development is planned largely around existing urban centers and existing areas of dense development in order to preserve the existing urban and rural development patterns of the County. The plan also acknowledges the fiscal advantages of this urban development policy in efficient and economical use of existing infrastructure investment.

The plan also identifies urbanizing districts in the County based on the adjacencies to urbanized areas with transportation arterials and services.

Areas of the county within a sewer service area are depicted in Map 11 of Chapter 10, Volume 1.

5. Intergovernmental Boundary Agreements

The City of Oshkosh and Town of Algoma are municipalities in Winnebago County subject to a boundary agreement that controls annexations to the city. The Town of Nekimi has also entered a boundary agreement and utilizes its comprehensive plan to delineate activities subject to this agreement.

6. Drainage Districts

According to the Wisconsin Department of Agriculture, Trade and Consumer Protection, there is one drainage district in the county. Larsen Drainage District is generally located along the Arrowhead River in the Town of Winneconne and includes 4,289 acres.

Chapter Three Farmland Protection Tools

1. Overview

This chapter describes those tools that are intended to help protect farmland from incompatible land development. Some of the tools are unique to Wisconsin, while others have been used in various parts of the United States.

The tools are grouped into broad categories for organizational purposes. The last section of this chapter presents a summary of those tools that the towns and Winnebago can use to help protect farmland. Benefits and limitations are described along with funding requirements' and availability and status of current implementation.

Chapter Contents

- 1. Overview
- 2. Educational Tools
- 3. Financing Tools
- 4. Planning Tools
- 5. Regulatory Tools
- 6. Right- to-Farm Laws
- 7. Voluntary Tools
- Summary of Tools Available for Town/County Implementation

2. Educational Tools

"Options" Review for Developers

The County could request (or require) property owners who wish to develop their property to meet with government institutions or non-government (conservation) organizations to discuss farmland and open space preservation alternatives. This may require additional government resources to manage such as design consultants, design review committees or a landscape architect who can advise property owners on land development scenarios.

Educational Workshops

University Extension Agents, conservation organization representatives, experienced land owners, tax advisors and others can be invited to give presentations to local land owners in order to educate local officials and interested land owners. UW Extension can also be a resource for statewide 'webinar' events that offer statewide sharing of information and question and answer sessions at very reasonable costs.

3. Financing Tools

Use Value Assessment

In 1974 the Wisconsin Legislature amended the Rule of Uniform Taxation (Article VIII, Section 1) in the Wisconsin Constitution to permit the preferential treatment of agricultural land. The 199 5-1997 Budget Act changed the standard for assessing agricultural land in Wisconsin from market value to use value. The goal of this legislation, known as 'use value assessment', was to protect Wisconsin's farm economy and curb urban sprawl by assessing farmland based upon its agricultural productivity, rather than its potential for development. Specifically, the value of agricultural land for assessment purposes was changed from market value to use value.

In a use value assessment system, the use of the land is the most important factor in determining its assessed value. Use value in Wisconsin is specific to land only. The use value legislation passed in 1995 requires that the assessed value of farmland be based on the income that could be generated from

its rental for agricultural use. Income and rental from farming are a function of agricultural capability. Because any land could theoretically be used for agricultural purposes, statutes and administrative rules limit the benefit of use value assessment to only those lands that qualify as 'land devoted primarily to agricultural use.'

The implementation of use-value assessment in Wisconsin has helped farmers maintain lower property taxes on their agricultural land. As an example, equalized values for agricultural lands in Winnebago County were \$21,116,150 in 2004, or 1.15 percent of total equalized value. The equalized values rose to \$23,549,850 in 2008, but the percentage fell to 0.98 percent of the total equalized value. The impact of use value assessment is the logical explanation for the decreasing percentage. This example shows that "Use Value" is working as a tool to preserve farmland in Winnebago County.

Key Terms

Use Value Assessment - The assessment of farmland based on agricultural production rather than on its potential for development.

Transfer of Development Rights (TDR) – The transmission of a parcel's bundle of development rights to another parcel slated for development in order to preserve an intended use such as agriculture on the transferring parcel.

Conservation Easement – a legal restriction recorded on a parcel intended to preserve the parcel from certain levels of development.

Urban Growth Boundary – A regional boundary placed to control urban sprawl and mandate certain levels of development density in and out of the boundary.

Conservation Subdivision -Wisconsin's 'Smart Growth' Law defines a conservation subdivision as "a housing development in a rural setting characterized by compact lots and common open space, where the natural features of the land are maintained to the greatest extent possible."

Table 4. Acres Assessed as Agricultural Use: 2000-2006

Civil Division	2000	2001	2002	2003	2004	2005	2006	Net Change 2000 to 2006
Town of Algoma	2,894	2690	2,585	2,420	2,427	2,435	2,357	-537
Town of Black Wolf	5,976	5893	5,859	5,756	5,796	5,749	5,777	-199
Town of Clayton	15,042	14,860	13,988	13,789	13,140	12,986	12,767	-2,275
Town of Menasha	885	885	920	922	995	999	977	92
Town of Neenah	2,239	2234	1,760	1,794	1,711	1,523	1,564	-675
Town of Nekimi	14,209	14,125	13,989	13,886	13,759	13,697	13,681	-528
Town of Nepeuskun	13,941	13,928	13,810	13,700	13,668	10,350	10,363	-3,578
Town of Omro	14,689	14,586	14,589	14,551	14,567	14,468	14,370	-319
Town of Oshkosh	3,767	3,440	3,240	3,136	3,121	3,117	3,088	-679
Town of Poygan	9,937	9,209	9,185	9,075	9,076	8,779	8,717	-1,220
Town of Rushford	13,993	13,930	13,980	13,767	13,734	13,751	13,719	-274
Town of Utica	15,684	15,612	15,532	15,414	13,441	13,511	13,571	-2,113
Town of Vinland	14,087	14,045	13,993	13,931	13,943	13,449	13,428	-659
Town of Winchester	12,677	12,490	8,714	8,809	8,996	9,003	8,985	-3,692
Town of Winneconne	8,351	8,347	8,298	8,131	8,081	7,941	6,560	-1,791
Town of Wolf River	9,676	9,653	9,667	9,602	9,626	9,579	9,520	-156
Village of Winneconne	53	53	53	53	49	49	46	-7
City of Appleton	0	0	0	0	0	0	0	0
City of Menasha	0	0	0	0	0	0	0	0
City of Neenah	0	0	0	0	0	0	0	0
City of Omro	320	320	322	327	318	325	307	-13
City of Oshkosh	403	505	564	569	557	589	550	147
Total	158,823	156,805	151,048	149,632	147,005	14,2300	14,0347	-18,476

Source: University of Wisconsin-Madison, College of Agricultural and Life Sciences, Program on Agricultural Technology Studies

Managed Forest Law

Wisconsin's Managed Forest Law (MFL) promotes sustainable forestry practices on private property by providing significant tax savings to property owners. Parcels with at least 10 acres of forestland used for wood products are eligible.

The goal of the MFL program is to encourage long-term sound forest management. MFL is a tax incentive program for industrial and non-industrial private woodland owners who manage their woodlands for forest products while also managing for water quality protection, wildlife habitat, and public recreation. In return for following an approved management plan, property taxes are set at a lower rate than normal.

4. Planning Tools

Comprehensive Plans

Comprehensive Planning is an essential method of defining a long range, citizen driven vision for land use planning. Although the planning process is involved and can take a year or more to complete, depending on the size of the jurisdiction, a comprehensive, citizen driven plan that articulates a vision and the objectives required to implement the vision can be a very effective tool in shaping local land use policy and regulation. In addition, comprehensive plans can serve to assure granting agencies, conservation organizations and other potential partners in a publicly supported vision, resulting in a greater likelihood of participation by potential partners in farmland preservation. Comprehensive plans can also provide support to local decision making bodies when difficult land use decisions need to be made.

Under Wisconsin's Comprehensive Planning Law, Wisconsin Statute Section 66.1001, nine elements must be included in a comprehensive plan: (issues and opportunities; housing; economic development; transportation; utilities and community facilities; agriculture, natural and cultural resources; land use; intergovernmental cooperation; and implementation. These nine elements offer an organized method of comprehensively addressing and analyzing farmland preservation impacts on the community.

The Wisconsin Department of Administration commissioned the creation of element guides after the comprehensive planning legislation was passed in order to provide guidance on each section of the comprehensive plan. The 'Guide to Planning for Agriculture in Wisconsin, 2002' is available online at the Department of Administration's website. This element guide provides excellent guidance on farmland preservation inventory techniques and implementation strategies.

The land use element of a comprehensive plan typically includes an inventory of the planning area's resources. Modern Geographic Information Systems (GIS) provide a valuable tool for analyzing land information data in layers to best understand where valuable agricultural resources exist.

Typically the implementation element of a comprehensive plan will offer short, medium and long range objectives and an action plan to accomplish each objective which can articulate the tools needed by community officials to accomplish the objective. This section is particularly helpful in setting annual priorities for the community and a quick reference for officials to understand the tools available to accomplish planning objectives.

Sewer Service Plans

Chapter NR 121, Wisconsin Administrative Code, establishes the requirements for sewer service area (SSA) planning in order to provide structure to wastewater treatment for both individual communities and communities sharing wastewater treatment facilities. The Wisconsin DNR is responsible for working with local agencies to develop Sewer Service Area plans that guide publicly sewered growth to protect water quality.

Sewer service area planning helps protect communities from adverse water quality impacts by anticipating growth patterns in the planning area and making recommendations on growth patterns that best serve water quality goals. A sewer service area plan identifies land most suitable for new development and land use planning options that can mitigate adverse water quality impacts on the community. Plans typically identify environmentally sensitive areas where development would have an adverse impact upon water quality that may be considered for farmland preservation initiatives.

Geographic information systems can be a useful tool in analyzing layers of geographic data that can serve both farmland preservation initiatives and water quality preservation goals.

Table 5. Status of Sewer Service Plans: 2017

	•		
SSA Plan	Municipalities In Winnebago County	Last Update	Next Scheduled Update
Butte des Morts	Towns of Oshkosh, Vinland, Winneconne	1/29/2002	None scheduled (plant capacity issues)
Fond du Lac	Town of Black Wolf	6/5/2001	In progress (expected completion in 2017)
Fox Cities–Grand Chute/Menasha West	Towns of Clayton, Neenah, Menasha; cites of Appleton, Neenah	2/13/2006	None scheduled (probably 2018 initiation)
Fox Cities–Neenah/Menasha	Towns of Clayton, Neenah, Menasha, Vinland; cities of Appleton, Neenah, Menasha	2/13/2006	None scheduled (probably 2018 initiation)
Larsen/Winchester	Towns of Clayton, Winchester	3/1/2002	None scheduled (prior to 2020)
Omro	C. Omro; Towns of Omro, Winneconne	11/30/2009	None scheduled
Oshkosh	Towns of Algoma, Black Wolf, Nekimi, Oshkosh	11/06/2007	None scheduled (probably 2019 initiation)
Winneconne	T. Winneconne, V. Winneconne	9/22/2003	None scheduled (possible 2018/19 in conjunction with comprehensive plan update)

Source: East Central Wisconsin Regional Planning Commission

5. Regulatory Tools

Urban Growth Boundaries

According to the Farmland Preservation Center, Wisconsin has seen the conversion of over 500,000 acres of agricultural land to urbanization since 1982 prompting debate over whether or not regulatory control over urban sprawl is necessary to protect prime agricultural lands around urban centers.

Urban growth boundaries are defined as a regional regulatory boundary that is set in place in an attempt to control urban sprawl and mandate certain land use densities in and out of the boundary. Urban growth boundaries are a planning tool that can serve to promote urbanization while protecting valuable agricultural assets in a region.

Arguments for urban growth boundaries cite the importance of promoting urban infill, utilizing existing infrastructure investment to its highest and best use and discouraging costly sprawl and protecting the rural aesthetic. Cons include the potential for higher real estate prices within the urban area and the removal of market options for land owners outside the boundary.

Urban growth boundaries must be considered carefully due to these factors and may be considered along with other tools such as the purchase of development rights (PDR) or conservation easements.

Urban growth boundaries are commonplace around the world from the 'greenbelt' cities of Europe and Canada to Scandinavian countries which have a more abrupt transition from urban to rural land use patterns.

Infill Development and Increased Densities in Urban Areas

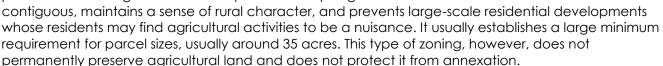
Local units of government may use density bonuses as part of their development review and/or subdivision approval process. This approach assumes that if specified criteria are met, then a proposed development would be approved with more use of a site (such as more dwelling units per acre) than would otherwise be permitted by the community. That is, greater development density would be allowed if certain conditions are met. These "density bonuses" are a form of incentive that a community can offer to a developer who does the kind of development that a community seeks. Thus, a local government can legally and equitably say to each developer: if you do what we would like in your development, then you can increase the amount of development and thereby pay for more of the improvements we request.

Density bonuses may be used to achieve a wide array of community objectives, such as preservation of agriculture land, open space, and view sheds, and conservation of wetlands, water bodies, forests, meadows and other natural features that the community values. A list of density bonus criteria is not a freestanding document, but would need to be incorporated into a community's subdivision, zoning, or other development review regulations.

- Allows for the protection of environmentally sensitive areas while providing development to occur on the property
- Does not impose any direct costs on landowners and developers
- Neighbors may oppose due to concerns of increased density of development
- May not be mandatory tool; thus there is little assurance that desired project designs will be implemented by developers
- Can be difficult for local officials to enforce unless bonus criteria are clearly spelled out in an ordinance or policy document

Traditional Agricultural Zoning

Agricultural protection zoning designates agriculture as the preferred primary land use. Its defining characteristic is the extent to which it permits new non-agricultural development. It keeps agricultural land



- Helps prevent agricultural land from becoming fragmented by residential development
- Clearly identifies agriculture as primary land use
- Easily implemented by municipalities
- Able to protect large areas of agricultural land



- Does not permanently preserve agricultural land
- Does not protect agricultural land from annexation

Large lot zoning, also known as low-density residential zoning, is a zoning technique creating lot sizes 40 acres or more. The perceived effectiveness of large lot zoning is based on the theory that limiting development density will preserve the open space and agricultural character of an area. The premise of

large lot zoning is to select a minimum lot size that is large enough to prevent fragmentation of agriculture and to discourage non-farm homebuyers from purchasing land to build on in the country. Lot sizes ranging from three to ten acre-lots have proven ineffective in preventing non-farm homebuyers from purchasing agricultural land for residential development. In areas where farmland preservation is particularly important to the community, individual lot sizes of 40 to 160 acres may be applicable. Minimum lot sizes in this range may be utilized by niche agricultural industries such as gardening and greenhouses.

Large lot zoning, however, is generally not considered to be an effective farmland preservation tool since low density development patterns create parcel sizes which are "too big to mow, but too little to plow." In areas of marginal farming production, this technique can have a detrimental effect by requiring large lots for individual homes and taking large parcels out of production for that purpose. This technique may be effective in maintaining rural character, but not farmland. Maintenance of rural character is enhanced if low residential densities are combined with conservation subdivision design in communities that wish to accommodate residential development.

Conservation Subdivision Design

Conservation or cluster development is a development pattern for residential, commercial, industrial, or institutional uses, or a combination of these uses, in which buildings are grouped together rather

than evenly spread over the land as in a conventional development. The intent of conservation development is to concentrate structures in those areas most suitable for building while preserving natural or cultural features. Residential conservation subdivisions cluster houses on smaller parcels of land while additional land that would have been allocated to individual lots is preserved as open space.

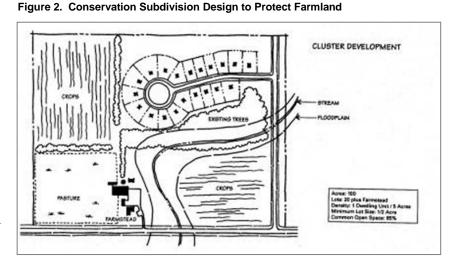
Conservation developments can keep land available for agricultural use, but generally the land is kept as open space. In a typical conservation subdivision, each homeowner has access to all of the open space areas, which may be permanently preserved by a conservation easement. To provide maximum protection of subdivision open space, the conservation

Figure 1. Conservation Subdivision Design to Protect Farmland

easement should be assigned to organizations such as a homeowner's association, a government agency, or a land trust. This tool can achieve a variety of comprehensive planning objectives such as reducing the visual impacts of development, preserving rural character, natural features, environmentally sensitive lands, permanent open space or agricultural land, creating opportunities for nonpublic ownership of open space, and increasing the efficiency of infrastructure development.

Figure 1 illustrates how conservation/cluster zoning can accommodate development and conserve natural resources and open space. Although not commonly done in eastern Wisconsin to date, conservation subdivisions can also reserve areas for farming within the subdivision as shown in Figure 2.

It is important that when implementing a conservation/cluster ordinance that a community incorporates design principles for rural character



preservation such as preserving open space adjacent to existing perimeter roadways, clustering houses, separating cluster groups and providing open space adjacent to each lot. If design principles are not taken into account, developments may look more like a conventional subdivision layout and will not likely achieve the goal of preserving rural character.

The Town of Caledonia in Racine County provides a good example of a conservation subdivision ordinance. Conservation subdivisions can also be accommodated through a local zoning ordinance.

Benefits and Limitations

- Helps maintain a rural character of an area
- Provides permanent open space protection for a community
- Protects best natural resources of an area
- Developers may experience greater profits by selling parcels next to open space
- Reduces impact of development on watersheds
- Less expensive to provide municipal public services to development depending on how clustering can be accomplished
- Maintenance costs of created open space
- Limited accessibility to low-income households
- Protected land is typically owned by homeowners association little to no public access
- Improper implementation of tool may create conventional subdivisions

- Minimum lot sizes may not be small enough to offset costs of land preservation
- Limits, but does not stop residential development in agricultural areas

State-Certified Farmland Zoning

Local governments may choose to adopt and have certified a farmland preservation zoning ordinance to ensure that landowners covered by the ordinance are eligible to claim farmland preservation tax credits (ch. 91, Wis. Stats.). Certification of a local farmland preservation zoning ordinance must be obtained through application to the department. A farmland preservation zoning ordinance does not qualify for certification under s. 91.36, if the farmland preservation zoning ordinance allows a land use in a farmland preservation zoning district other than the following:

- Agricultural uses.
- Accessory uses.
- Agriculture-related uses.
- Nonfarm residences constructed in a rural residential cluster.
- Undeveloped natural resource and open space areas.
- A transportation, utility, communication, or other use.
- Other uses identified by the department by rule.

Transfer of Development Rights

The County could establish a program that allows individuals to shift a "bundle" of development rights from a parcel in a defined "sending" area to a parcel in a defined "receiving" area, an area designated as appropriate for development. This allows a community to preserve natural features and agricultural land, while at the same time, helps it to concentrate development around existing population centers and infrastructure. The process is managed through dual zoning that provides property owners a choice whether or not to participate. Owners who sell development rights are properly compensated without having to endure complications of actually developing the site. They can also continue to generate income from agricultural, forestry, or other natural land uses. The County should note that this requires additional government resources to manage, can be complex, and is only feasible in areas where there is pressure for more urban development.

The Transfer of Development Rights (TDR) is a tool that establishes areas within a community, called zones, that define areas for preservation (sending zones), and areas for more growth (receiving zones). Sending zones can be areas of agricultural land, open space, historic properties or any other properties that are important to the community.

Receiving zones are areas that the community has designated as appropriate for development. Often these areas are selected because they are located close to existing development, jobs, shopping, schools, transportation, infrastructure and other urban services.

In a traditional TDR program, sending area properties are rezoned to a form of dual zoning that gives the property owners a choice. The owners can choose not to participate in the TDR program and instead use and develop their land as allowed under the baseline zoning. Alternatively, they can voluntarily elect to use the TDR option. Under the TDR option, the sending site owner enters into a deed

restriction that spells out the amount of future development and the types of land use activities that can occur on the property. When that deed restriction is recorded, the sending site owner is able to sell a commodity created by the community's TDR ordinance called a transferable development right or a "TDR". By selling their TDRs, sending site owners often are fully compensated for the development potential of their property without having to endure the expense and uncertainty of actually trying to develop it. Also, when the sending sites have income-producing potential from non-urban uses, such as farming or forestry, the owners can continue to receive that income.

A traditional TDR ordinance creates a form of dual zoning for receiving areas as well. Developers can elect not to use the TDR option provided under this dual zoning. Under the baseline option, they do not have to acquire TDR's, but they also are limited to a lower, less-profitable level of development. Under the TDR option, developers buy and retire a specified number of TDRs in order to achieve a higher, more-profitable level of development. The price of TDRs is typically freely negotiated between willing buyers and sellers. The TDR ordinance can influence the price through the number of TDRs that the sending site owners are allowed to sell. When TDRs remain affordable, developers are able to achieve higher profits through the extra development allowed under the TDR option despite the additional cost of the TDRs.

- Permanently protects land from development pressures
- Landowner is paid to protect their land
- Local government can target locations effectively
- Low cost to local unit of government
- Utilizes free market mechanisms
- Land remains in private ownership and on tax roll
- Can be complex to manage
- Receiving area must be willing to accept higher densities
- Difficult program to establish, especially in areas without County zoning
- Program will not work in rural areas where there is little to no development pressure on the area to be preserved
- Limited to Cities/Villages/Towns, no statutory authorization in Wisconsin for countywide program
- May require cooperative agreements among several local governments to establish sending and receiving zones

6. Right-to-Farm Laws

The County should be proactive in distributing information on policies that protect agricultural activities from overly restrictive land-use regulations. These state laws protect agricultural activities from threat of nuisance-based lawsuits. The County may consider requiring those selling property near farms to disclose information about these laws.

Right-to-farm laws are a state policy that states commercial agriculture is an important activity. The statutes help support the economic viability of farming by discouraging neighbors from filing lawsuits against agricultural operations. Twenty-three right-to-farm laws also prohibit local governments from enacting ordinances that would impose unreasonable restrictions on agriculture.

Wisconsin's "Right-to-Farm Law" (Sec. 823.08 Wis. Stats.) was enacted in 1981 to protect farmers from lawsuits, or the threat of lawsuits, where a plaintiff alleges that a normal farming practice poses a nuisance. The law was designed to protect farm operations, which use good management practices from nuisance lawsuits that challenge acceptable farming practices and the ability of farmers to responsibly continue producing food and fiber. The "Right-to-Farm Law" was strengthened in 1995 to provide recourse for farmers to collect on expenses they incurred from frivolous nuisance lawsuits brought against their operations.

Local communities may supplement the protection provided by the State with their own, more protective ordinance. Local ordinances may require that buyers of land in agricultural areas be provided with an Agricultural Nuisance Notice. Such notices inform buyers of agricultural land that agriculture is the primary economic activity of the area and that the buyer may experience inconvenience or discomfort arising from accepted agricultural practices. In some cases, the notice may be recorded on the deeds to new homes. Such notices may help to ensure that people who purchase houses in agricultural areas will recognize, and be more tolerant of, the sometimes inconvenient impacts of agricultural activities.

7. Voluntary Tools

PACE Program

As part of the 2009 Working Lands Initiative, the state of Wisconsin established the Purchase of Agricultural Conservation Easement (PACE) program to help fund the acquisition of farmland in the state to permanently protect it from development.

This program is a voluntary program, compensating landowners for their willingness to limit future non-farm development. The compensation is based on a professional appraisal, which determines the value of the easement. That appraised value is estimated as the difference between the value of the land for development, and its value for farming. This voluntary incentive program is primarily financed by a grant from the state of Wisconsin. A local agency, usually a local unit of government or a non-profit conservation organization, assists the landowner in applying for a grant award from the state. This award can be matched by a federal grant award, local grant dollars, or even the landowner. The local agency then uses these grant dollars to negotiate an offer to purchase the easement. A real estate transaction then occurs between the landowner and the local agency. This easement purchase is then recorded and placed on the deed of the property; the easement is to go with the deed in perpetuity. There are typically no stipulations for public access, hunting rights or other activities, which the landowner may consider to be invasive. Because this is a voluntary program, negotiated between two willing parties, the terms must be acceptable to both.

Benefits of Purchasing Agricultural Conservations Easements include:

- Perpetual protection of farmland for agricultural production
- Confidence by Ag landowners that conflicting development and land uses will not occur in the future.

- The agriculture economy is bolstered by an infusion of capital.
- A landowner is compensated for the benefits the public receives in open space and rural character.
- Minimizes urban sprawl and increases urban density levels.
- Increases the efficiency of delivery of government services.
- Minimizes public investment in additional development driven infrastructure.

What are some criteria for delineation areas that qualify for PACE Grants?

- Productive, prime, or unique soils.
- Farmland faced with development pressure.
- Preserved farmland that will compliment and be part of a comprehensive plan.
- Agricultural land that compliments other preservation efforts by creating a block of agricultural land.
- Agricultural land that utilizes other programs, which help keep the land in active production.
- Agricultural land that has matching funds from other sources to assist in the easement purchase.
- Land with important conservation features/ natural resources.

Agricultural Enterprise Areas

An agricultural enterprise area (AEA) is a significant prong of the 2009 Working Lands Initiation. By definition, an AEA is a contiguous land area devoted primarily to agricultural use and locally targeted for agricultural preservation and agri-business development. In 2009 a pilot program was authorized to establish 15 AEAs in the state of no more than 200,000 acres. The pilot program is to run two years.

If successful, the state will allow up to 1,000,000 acres to be placed in AEAs statewide. If land is in an AEA, subject to a farmland preservation agreement, and meets eligibility and conservation requirements, the farmer can receive a tax credit of \$5 per acre. Land in an AEA is not required to be within a certified farmland preservation zoning district. However, if it is, the tax credit can go up to \$10 per acre. The designation of an AEA is voluntary and can be initiated by land owners by filing a petition with the Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP). Petitions filed with DATCP must meet minimum criteria, but additional evaluation criteria may be used to review competing petitions. As a minimum, the land subject of the petition must be identified as being in a farmland preservation area in the county's farmland preservation plan, be a contiguous land area, and primarily be used for agriculture. There must be a minimum of five separate landowners who sign the petition. Petitioners must also gain support from the local political sub-divisions, (towns/ villages.) Once an AEA is accepted and established, the landowners will sign a farmland preservation agreement, in order to collect the tax credits, and continue to promote agricultural land use within the AEA.

Purposes

- The preservation of valuable agricultural land use
- Promotion of agri-business
- Cooperation between the AEA landowners
- Additional tax credits to landowners to infuse capital into the local agricultural economy

Federal Programs

The Farm and Ranch Land Protection Program (FRPP) provides matching funds to help purchase development rights to keep productive farm and ranchland in agricultural uses. Working through existing programs, USDA partners with State, tribal, or local governments and non-governmental organizations to acquire conservation easements or other interests in land from landowners. USDA provides up to 50 percent of the fair market easement value of the conservation easement.

To qualify, farmland must: be part of a pending offer from a State, tribe, or local farmland protection program; be privately owned; have a conservation plan for highly erodible land; be large enough to sustain agricultural production; be accessible to markets for what the land produces; have adequate infrastructure and agricultural support services; and have surrounding parcels of land that can support long-term agricultural production. Depending on funding availability, proposals must be submitted by the eligible entities to the appropriate NRCS State Office during the application window.

Sale or Donation of Conservation Easements

Conservation easements are legally-binding (recorded on the property deed), voluntary agreements between a property owner and government institution that places restrictions on the use and development of that property. They are usually structured in perpetuity, but may be for a predefined term. Easements may also only include parts of property instead of the entire parcel. Property owners may benefit from tax incentives.

Bargain Sales and Property Donations

If there is a willing seller, a government institution or non-government (conservation) organization may consider permanent protection by purchasing full title to property, which includes the full "bundle of development rights" that come with it. The parties may also structure transaction as a "bargain sale" where owner sells at a below-market price, and contributes the remaining value as a charitable gift, which the owner can claim as an income tax deduction. The buyer can also consider leasing land back to previous owner to generate rent. Fee-simple purchase work best in time-sensitive situations or where there is a vision of community use for the land. The buyer should consider the increased costs of owning land and government institutions should note that a purchase may lower value of parcel, thereby reducing tax revenues. This loss may be offset, however, as it may increase the property values of adjoining parcels.

There may be instances where a property owner seeks to transfer his/her land title to government institution or non-government (conservation) organization as a charitable gift (or to benefit from tax incentives). This donation may take place immediately, or be a reserved life estate, where owner continues to own and live on property until death. The recipient should consider that more resources may be needed for continued operation and maintenance of the property.

8. Summary of Tools Available for Town/County Implementation

Table 6 provides a summary of those tools that the towns and the county can use to protect farmland from development.

Table 6. Summary of Farmland Protection Tools for Town/County Implementation

Tool	Benefits	Limitations	Funding Requirements and Availability	Status of Current Implementation
"Options" Review for Developers	Provides opportunity to incorporate farmland and open space preservation into a development project Voluntary	Voluntary nature does not ensure protection of farmland Even with clustering, farmland can be developed and the protected remnant may be too small to use for traditional agriculture The desired lot design may not be permitted by local zoning or land division regulations, or both	Aside from potentially revising local regulations, no additional funding would be required if able to manage with existing staff	Currently not a required step in the development review process
Sewer Service Plans	Restrains urban/suburban development from encroaching on agricultural and other natural lands	Does not ensure long- term protection Only defines those areas which may be developed at a higher density – land may still be developed at a lower density	Current cost is an on- going expense	Already in practice
Urban Growth Boundaries	 Establish clear designation between growth and preservation areas Promote more efficient use of existing transportation and utility infrastructure 	May be quite difficult to reach agreement on official boundaries Require additional regulations to uphold intent Would need to amend comprehensive plans	Funding for amending comprehensive plans and implementation would be required	Not being done
Infill Development and Increased Densities in Urban Areas	Permits urban and suburban development while preserving farmland and other natural resources Does not impose any direct costs on property owners or developers	Nearby residents may oppose increased density Does not help to ensure preservation if density bonuses are not mandatory	Aside from potentially revising local regulations, no additional funding would be required	Some municipalities encourage infill in their comprehensive plans
Purchase of Development Rights (PDR)	Permanently protects farmland	Lands most needing protection are often the most costly to protect Requires two willing parties Permanent funding source required for most consistent results	Requires on-going funding from county and/or municipalities Costly	Will be encouraged to be completed by local conservation organizations

Table (Summar	/ of Farmland Protection To	ools Available for	Town/County Im	plementation - co	ntinued
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Table <mark>6</mark> . Summ	ary of Farmland Protection 1			
Tool	Benefits	Limitations	Funding Requirements and Availability	Status of Current Implementation
Transfer of Development Rights (TDR)	Permanently protects farmland or other natural areas Farmers get "development value" for their land Able to target specific areas for protection Land remains in private ownership and on tax rolls	Implementation can be complex and an ongoing commitment May be difficult to craft a countywide program including cities and villages Nearby residents may oppose increased density	Cost involved with revising local regulations Would likely require additional institutional resources to manage	Not being done – there are a few examples elsewhere in Wisconsin
Conservation Subdivision Design	Permanently protects farmland or other natural areas Promotes more efficient use of new transportation and utility infrastructure May increase values of adjacent residential properties	Maintaining the farmland and/or open space would be an ongoing obligation of homeowners association May be limited access to open space May limit home ownership opportunities for some households	Aside from potentially revising local regulations, no additional funding would be required	Allowed as a PUD
Traditional Zoning – Minimum Lot Size	Can slow the rate of fragmentation of larger agricultural parcels Institutionally feasible for local governments to implement	May encourage low-density development and conversion of farmland Does not ensure permanent preservation May increase costs of constructing transportation and utility infrastructure	No additional funding required	Already in practice
State-Certified Farmland Zoning	 Property owners are eligible to receive state income tax benefit Allows non-farm land divisions based on certain criteria Allows certain commercial activities as a conditional use 	Does not ensure permanent protection Conversion fee required if rezoning is approved by the jurisdiction	Land development regulations would need to be revised to meet state requirements and certification process	Already in practice
PACE Program	Property owner is eligible to receive income tax benefit Permanently protects farmland Can reduce future landuse conflicts Land remains in private ownership and on tax rolls Voluntary involvement	Requires two willing parties Negotiations may be complex A competitive process is used to only fund the top-rated applications – state funding is not guaranteed	Petitioner needs to secure 50 percent of the cost of the easement cost from a participating entity such as a local or statewide land trust or a governmental jurisdiction	This is a new state program
Designation of an Agricultural Enterprise Area (AEA)	 Property owner is eligible to receive income tax benefit Promotes agricultural businesses Voluntary involvement 	Does not ensure permanent protection Must include at least 5 separate land owners and at least 1,000 acres Agreement is for 15 years A competitive process is used to only fund the top-rated applications – state approval is not guaranteed	No governmental expenditure required other than the adoption of a resolution of County Board supporting the petitioner's application for designation as an AEA	Voluntary by landowners, County to support petitions.

Chapter Four Implementation

1. Overview

Of all of the chapters in this plan, this chapter is by far the most important. It lists key issues that were identified by the steering committee and through the regional meetings that were conducted. Goals, objectives, and policies intended to protect farmland from development are provided. Criteria used to map the farmland preservation areas in the county are described and the maps are presented. Finally, an action plan describes various activities that will need to be initiated over the next 5 years following plan adoption.

Chapter Contents

- 1. Overview
- 2. Goals Analysis
- 3. Issues and Opportunities
- 4. Goals, Objectives, and Policies
- Designation of Farmland Preservation Areas
- 6. Action Plan

2. Goals Analysis

At its meeting of June 9, 2016, the Steering Committee reviewed the goals of the existing 2012 Farmland Preservation Plan. We also carried out a Visioning activity at the first round of public input sessions to assist in this goals analysis. Near the end of the planning process, the committee reviewed the initial results and made revisions based on public input that was obtained over the course of the project. These are listed in Section 4 of this chapter. We also utilized a SWOT analysis that was completed in 2011 and had a significant number of appropriate issues that affected the drafting and adoption of this current plan as listed below.

3. Issues and Opportunities

Throughout the planning process a range of issues and opportunities were identified and are described in this section. Most of these relate specifically to agriculture, while some relate to the state's farmland preservation program and its implementation.

- Organic food In recent years, the demand for organic food has been steadily increasing. While some consumers have always been interested in eating a healthy diet, the number has been growing. In recent years, commercial food stores have begun stocking and promoting a growing variety of organic foods.
- **Eat local** Eating locally grown food is also a relatively new trend. While consumer motives vary from person to person, many believe eating locally grown food strengthens the local economy and reduces transportation costs. Others simply like to know where their food comes from and others believe locally grown food is fresher and more nutritious than store bought food. Food services of some school districts are often quite supportive of buying locally. (See inset box.)

Case Study - NuGenesis Farm

ProHealth Care, with hospitals in Waukesha and Oconomowoc, partnered with local businesses, educational institutions, and a non-profit to establish an organic farm on 37 acres in Waukesha County – but with a twist. The farm will produce vegetables, fruits, nuts, herbs, and spices that have been scientifically proven to prevent and fight disease while promoting excellent health. In addition to growing these healthy foods, the center will be involved in research and education. Waukesha Memorial Hospital plans on purchasing food produced on the farm for its kitchen.

Buying local or directly from a farmer helps to keep money in the community. More than 90¢ of every dollar you spend goes to the farmer, thus preserving farming as a livelihood and farmland. This is important because as mergers in the food industry have increased, the portion of your food dollar paid to farmers has decreased. Vegetable farmers, for example, earn only 21¢ of your dollar; the other 79¢ goes to pay for marketing, distribution, and other costs.

Exhibit 7. SWOT (Strength, Weakness, Opportunities, Threat) Analysis

Internal Factors			
Strength	Weakness		
1. Broad farm base	1. Minimal return on investment		
2. Productive ag land without irrigation	2. Farmers don't like the state telling them what to do		
3. Recognize the importance of ag future	3. Perception of slippery slope (e.g., state changes the law		
4. Dedicated farmers	down the road, new requirements, reduce incentives)		
5. County land use plan shows land for agriculture (grassroots	4. Distrust of government		
effort)	5. If land is not included in a farmland preservation area, you		
6. Staff works well together	don't qualify for tax credits		
7. Committee members all wear different "hats"	6. Lack of knowledge of exact criteria		
	7. Difficulty in communicating with residents		
	8. Incentives too low		
	9. Short timeline to complete the plan		
	10. No guarantee of future funding		
	11. Consumers and agribusiness interests not represented on		
	committee (See Strength #7)		

External Factors Opportunities Threats

- 1. Dovetail zoning code rewrite
- 2. Older landowners may be more receptive
- 3. Bigger farm operations will require land for waste disposal
- 4. There is a "window of opportunity" to get out of A-1 zoning with this process
- 5. Enables younger farmers to continue
- Give existing participants an opportunity to continue (i.e., those currently in like it and want to continue)
- 7. Accomplish some of the goals in comprehensive plan
- 8. Draft a plan that is voluntary
- 9. Responsibility as elected officials
- 10. Some farmers may take "wait and see" approach and want to get in later (also seen as a threat #9)
- 11. Comprehensive plan was a bottom up effort it shows local control is working
- 12. Necessary land base for agribusiness (e.g., creameries, ethanol plant, large livestock operations, implement dealers although none in the county)

- 1. Current piecemeal development
- 2. More paperwork and regulations
- 3. Existing boundary agreement
- 4. Extraterritorial jurisdiction of cities and villages
- 5. Conservation compliance standards and costs
- Bigger farm operations will require land for waste disposal (some may opt out because of conservation compliance to dispose of waste)
- 7. Conversion fee penalty [1]
- 8. Some properties are too close to urban cities
- 9. Some farmers may take "wait and see" approach and want to get in later (also seen as an opportunity #10)
- 10. History of old program (i.e., negative perception)
- 11. The whole Working Lands Initiative is complicated
- 12. County Board could reject what steering committee recommends start over or miss deadline of December 31, 2011

Notes

1. The conversion fee penalty was removed by the Wisconsin Legislature in 2011.

- Food as medicine Although we all eat food for sustenance, research is showing that certain foods have exceptional medicinal health benefits. For example, the efforts of one hospital are described in the inset box.
- Distrust of state programs Some farmers in the county harbor a strong distrust of state programs and regulator controls. In order to overcome this and ensure participation, this plan will need to fully and transparently inform landowners of the programs components. Even then, some landowners will remain distrustful.
- Conservation compliance Under the Working Lands
 Program, farmers who claim a farmland preservation tax
 credit must comply with state soil and water conservation
 standards. These include the preparation and
 implementation of a nutrient management plan and a
 conservation plan and implementation of appropriate
 conservation practices. Some farmers view conservation
 compliance as cost prohibitive and an unwelcomed
 intrusion in how they run their farming operation.
- Incentives too low Many landowners believe the incentive to
 participate in these programs is not sufficient to offset
 compliance costs and perceived risks. This will continue to be
 a difficult discussion, due to the current economic conditions and the resulting lack of political support for increased incentive levels.
- Wait and see attitude Some farmers providing input regarding the designation of farmland preservation areas indicated that they would prefer to wait to see how farmland preservation is implemented at the county level and how state requirements actually work out in practice. During the meetings, county staff and the consultant reiterated that

 Case Study Rock County Jail Inmates
- Extraterritorial jurisdiction of cities and villages Once a positive tool for planning development in Wisconsin, extraterritorial review authority of cities and villages has increasingly become a divisive wedge creating animosity between towns and incorporated municipalities. Under Wisconsin's comprehensive planning legislation, cities and villages can "plan" beyond their borders and potentially

getting in after the plan is adopted is not necessarily that easy. The mapped farmland preservation areas will need

to be redrawn based on revised criteria, the drafting of

which is no small task.

undermine any plans that surrounding towns may have prepared and adopted for the same area. In addition, proposed sudivisions that lie within the extraterritorial area of a city or village must be authorized by that jurisdiction. The farmland preservation planning process should encourage additional boundary agreement discussions, and the importance of mutual respect

Case Study – La Crosse Farm to School

This program is a collaboration of the four largest school districts and the La Crosse County Health Department. Local produce from small- and medium-scale growers is purchased and sent to a local, small-scale food processing facility where it is processed, frozen, and shipped to the schools via a traditional vendor. Exploiting economies of scale, coordinating ordering and deliveries, and minimizing school district labor, the program is delivering minimally-processed local produce at competitive prices. It also provides nutrition education to the schools, including chef-led cooking classes using local ingredients, lesson plans for elementary teachers, parent handouts and monthly taste testing in school cafeterias. All educational activities

Case Study – Rock County Jail Inmates Growing Food for Local Food Pantries

Rock County UW Extension and the master gardener program partnered with the Rock County Community Corrections Bureau to establish a gardening program for inmates. More than 4,300 pounds of food was grown in 2008 which was donated to local food pantries.

between municipalities and the importance of continued farmland preservation, even in extraterritorial jurisdictions.

- **Local control**. Throughout the preparation, review, and adoption of this plan, there was one common theme retain local control and input. The county's comprehensive plan was built on the direct input from the towns and the future land use maps were prepared at the local level from the bottom up.
- **Declining numbers of farmers and farm workers**. Since the industrial revolution in the United States, the proportion of those earning their livelihood from agriculture has been declining. In the past 40 years, the United States has lost 800,000 farmers and ranchers.
- Aging of farm operators. The average age of farms is increasing older than the overall population. From 2002 to 2007, the average age of a farmer increased from age 55 to 57. And the number of farmers aged 75 years or older increased by 20 percent over the same period; meanwhile, the number of operators under 25 years of age decreased by 30 percent.
- Size of operations. As is true in many economic sectors, farm operations are growing in scale as expressed in acres in an operation. Farm consolidation has been an ongoing trend. Many operations have expanded in size to take advantage of economies of scale. Although there is a clear trend for operations to get larger, there have been an increasing number of small operations that do not require a large land base. Those growing a specialty crop are prime examples.
- **Specialization**. Farming operations in Wisconsin have historically been diversified. It was not uncommon for a farming to raise a variety of crops and animals. Increasingly the norm is to specialize in a particular area. For example, those in the dairy industry may specialize as a calving operation. Mega dairies and milk processing facilities have also seen a strong increase over the past 10 years.
- Commodity prices. In the past two years, cash receipts for crops statewide rose 34 percent with corn up 46 percent and soybeans up 24 percent. This significant rise in crop prices has resulted in a slowing of the number of acres being diverted from agriculture to development. In 2008, there were only 36 acres diverted from agriculture countywide. Statewide, the number of acres being diverted from agriculture decreased 43 percent and the value of agricultural land rose 12 percent. However, we cannot expect this trend to continue and should use this short reprieve to put in place appropriate measures to protect farmland.
- On-farm energy production. Production of energy from farm resources such as ethanol is making news, but another source of energy is sometimes forgotten. USEMCO is a company located in Tomah that builds anaerobic digesters that are able to generate electricity from manure from an average size dairy farm. Wisconsin has nearly 13,000 dairy farms, with an average herd size of fewer than 100 cows. By bringing the economy of scale down for manure digesters, many more farms will have the ability to take a potential disposal cost and turn it into a source of homegrown, renewable energy.
- International trading policies. Agricultural export opportunities are hindered by daunting MRL challenges due to confusing and burdensome import regulations on pesticide residue levels for U.S. ag exports. Agricultural trade operates in a global market and is subject to the capricious nature of governments, weather, and evolving trade agreements. Economic development policies for agriculture in Winnebago County should explore the ever-changing landscape of commodity markets and offer insight in ways to take advantage of international trade.

• Perceived decline in agriculture's role in economic structure of Winnebago County. As the importance of other economic sectors have grown in scale and influence in the county and region, the role of the agricultural sector in the local economy has diminished. Although somewhat declining, agriculture is still a significant component of the local and regional economy and it needs to play an important role in the county's overall economic strategy.

4. Goals, Objectives, and Policies

Under Section 91.01 of the Working Lands Initiative (Wis. Statutes), a farmland preservation plan must include (1) goals for agricultural development in the county, including goals related to the development of enterprise related to agriculture; (2) actions that the county will take to preserve farmland and to promote agricultural development; (3) policies, goals, strategies, and proposed actions to increase housing density in areas that are not designated as farmland preservation areas; (4) key land use issues related to preserving farmland and to promoting agricultural development and plans for addressing those issues; and (5) programs and actions that the county and local government units within the county may use to preserve farmland preservation areas.

Given the strong emphasis placed on agriculture and preservation of the rural character of the county in the 2016 Comprehensive Plan, many of the required components have already been addressed countywide. A listing of the goals, objectives, and policies in the existing comprehensive plan that address agriculture are included in Appendix F.

Goals, objectives, policies, and strategies in a comprehensive plan are intended to form a blue-print for action. Sometimes that action occurs in a proactive manner, and other times it is reactive, for example, when a project is proposed. They are intended to guide decision makers and those county officials, committees, and departments charged with implementing the vision of the plan.

The goals, objectives, and policies listed below are intended to supplement the 2016 Comprehensive Plan. They were initially developed by the steering committee with input of town officials and residents and county staff.

Goal 1. Protect farmland in Winnebago County, while balancing landowner rights and community benefit.

Objectives

- 1. Minimize encroachment of development and the fragmentation of farm areas.
- 2. Increase development efficiency and density in urban areas.
- 3. Educate all residents of the importance of these programs.
- 4. Increase the number of acres permanently protected by land trusts or through the PACE program at the state level.

Policies

- 1. Support the continued use of use value assessment in Wisconsin.
- 2. Develop and enforce zoning and subdivision ordinances that accomplish these goals.
- 3. Consider providing development incentives (e.g., density bonuses) in urban areas to help lessen the demand for housing in more rural areas.
- 4. Consider providing incentives to preserve farmland and open space.

- 5. Support the efforts of local and regional land trusts to protect farmland in the county from development.
- 6. Provide technical assistance to property owners that submit applications for PACE funding.
- 7. Provide letters of support for those submitting applications for PACE funding.

Goal 2. Maintain a strong agricultural economy.

Objectives

- 1. Promote economically sound tax policy.
- 2. Promote resilient farming practices (e.g. organic foods, local foods, farm markets, community supported agriculture, and conventional agriculture) that prioritize the conservation of soil and water

Policies

- 1. Support efforts to raise public awareness of the importance of the food sector to the local and regional economy.
- 2. Ensure that agriculture (e.g., production, processing and distribution) is a key component in local or regional economic development strategies and promotional efforts.
- 3. Support the continued operation of bio-fuel production in the county.

Goal 3. Support agriculture-related businesses and support systems.

Objectives

- 1. Increase the number of agriculture-related businesses operating in the county.
- 2. Engage and support agribusiness industry clusters (e.g., agri-tourism industries like wineries, pizza/wedding farms, etc)
- 3. Promote economic Development support, resources and incentives to agribusiness

Policies

- 1. Evaluate the potential of allowing individual farms in the unincorporated areas of the county to operate anaerobic digesters as a means of producing energy.
- 2. Ensure that county zoning regulations allow agribusinesses in agricultural zoning districts as may be appropriate.
- 3. Support initiatives intended to sustain existing processing facilities or develop new processing facilities.
- 4. Support efforts intended to compost or otherwise utilize food waste from restaurants and other large generators such as hospitals and schools.
- 5. Support initiatives that enhance the capacity of small and large farm operations.
- 6. Support initiatives that work to diversify the types of food produced in the county and surrounding region.

Goal 4. Promote urban agriculture.

Objectives

- 1. Increase opportunities for residents to produce food on their own property or at nearby community facilities.
- 2. Increase opportunities for residents to purchase locally grown food near their homes and places of employment.
- 3. Increase the number of Farm to School/ hospital/ restaurant Programs in the county.
- 4. Increase the number of community gardens and the number of gardeners.

Policies

- 1. Conduct an analysis of vacant publically-owned properties to determine if the property can be used as a community garden. Factors to be considered include potential interest from the public, short-and long-term use of the property, location, and potential partners for managing the site.
- 2. Evaluate the potential of allowing backyard chickens with appropriate controls in residential areas. Regulations may prohibit roosters, limit the number of hens, and control the placement of chicken runs and coops.
- 3. Allow community gardens in appropriate areas.
- 4. Evaluate the potential of allowing farmers to sell locally grown products at off-site locations (e.g., road-side stands) near consumers.
- 5. Evaluate the potential of allowing farm markets in suitable areas, including parking lots of churches, schools, and other compatible civic and cultural uses.
- 6. Evaluate the potential of allowing the keeping of apiaries in residential areas while protecting the public health.
- 7. Evaluate the potential of allowing food banks, community kitchens, and similar uses are allowed in more densely populated areas of the county.
- 8. Support efforts to establish a local or regional food council/coalition that operates in the county.
- 9. Support efforts to develop a food resource guide for Winnebago County that promotes locally-grown food, organic food, and community supported agriculture.
- 10. Support the establishment of a business network for the agricultural sector, including farmers, processors, and purchasers of locally grown food.
- 11. Support programs that introduce and engage youth and citizens in on-farm experiences.

Goal 5. Promote and protect the historical importance of agriculture in Winnebago County

Policies

- 1. Support Family Farm Heritage
- 2. Promote programs such as "Century Farms"
- 3. Establish a list of culturally and historically important farm operations in the County

5. Designation of Farmland Preservation Areas

One of the central objectives of a farmland preservation plan is the designation of farmland preservation areas. Farmland preservation zoning districts (exclusive agriculture zoning), or Purchase of Agriculture Conservation Easements (PACE), and agricultural enterprise areas (AEAs) may only be located within certified farmland preservation areas.

As required by state statutes, farmland preservation areas need to be based on fact-based criteria that are consistently applied to the entire planning area. Lands identified in the farmland preservation area must either be devoted to primarily agricultural use, and/or primarily agriculture-related uses. However, natural resource and open space areas may also be included.

Development of the mapping criteria in Winnebago County occurred over a six-month period. The steering committee identified key considerations and through a series of iterative mapping sessions developed a set of criteria to meet the needs of the County and the requirements in the Working Lands Initiative. In developing the criteria, the committee evaluated criteria from other counties that had adopted a farmland preservation plan or were in the process of doing so.

Below are the criteria used to designate the Farmland Preservation Areas in the County. These criteria are unique to Winnebago County, and are based on public input collected during three rounds of regional meetings and the unique needs of the County.

Criteria for Designation of Farmland Preservation Areas

- 1. Landowner Issues
 - a. Current participation is an important factor
 - b. Future participation could be anticipated
 - c. Landowners with existing Farmland Preservation Zoning are a high priority
- 2. Future land use Areas designated for development during the next 15-year period on a future land use map area excluded
- 3. There is no minimum size for a farmland preservation area
- 4. Soils productivity (Map 6)
 - a. Goes to the economic viability of farming
 - b. More sustainable to farm in good soils, less inputs and less labor
- 5. Historic/ existing land Use The property must currently be used for agriculture. Historic participation in this program is an important criteria
- 6. Natural resources Contiguous natural resources and open space areas may be included provided the entire parcel is so designated on the future land use map

Designating the Farmland Preservation Areas

Upon determination of the above six criteria, it became evident that the committee needed a method to evaluate the importance of each individual criteria, and utilize a weighted decision making method for designating the farmland preservation areas. We met several times to discuss this mapping process. In the end we settled on the process of utilizing maps, spreadsheets with data, staff expertise and further research and surveys of landowners. The committee had some concerns for the accuracy of the map which provided information regarding who had participated in farmland preservation program in the past, and therefore we completed an extensive survey of landowners

within each township to assist in the accuracy of this mapping the criteria. This process was by far the most time consuming and difficult process of completing this farmland preservation plan. Once the map was completed, however, it was also the most rewarding process. Following is a brief description of the steps taken to designate the map.

First, the committee felt it very important to show early success with the program, and so it felt that giving a significant weight to the criteria of landowner interest was important. It was very significant to the committee that certain landowner were past participants, and therefore very likely to continue the program in the future. This seemed to be low hanging fruit which would indicate future participation. These areas became potential Tier 1, or Tier 2 areas. The separation of these tiers would come later in the plan delineation process when we got to the zoning maps.

Second, we looked at the future land use map to find areas that were not planned for development. These areas not planned for development became potential Tier 1, or 2 areas. Again, further separation will occur as we get to other criteria. We then determined where the areas resided that may be planned, in the longer term for development, and where they would not develop for at a minimum of 15 years. These areas quickly became potential Tier 3 areas as shown in the following paragraphs. The committee removed those areas that were planned for development in the near future.

Third, the committee determined that it was important for the soils to be productive for successful farming. Therefore the committee removed areas that were of very poor soil types. Since Winnebago County does not have any class one soils, the committee felt that there was little preference for high quality soils, only to remove very low quality soils. Also that drainage of wet soils had seen significant success in the past in Winnebago County, that if the property was protected, (wetland or floodplain) it could continue as open space, if it was not protected, the soil could be amended to become successful farmland. The soils map was used, only to remove areas from the farmland preservation maps.

Fourth, we removed any areas that were not currently used as farmland or open space.

Fifth, we utilized our high quality GIS mapping information to assist us in finding those areas of contiguous natural resource or open space that were in public control and contiguous to mapped farmland preservation areas. These contiguous open space areas were added as Potential Tier 1 Areas.

Sixth, we determined that some landowners, even if they did not currently have the appropriate zoning to participate in the farmland preservation program, would have a significant likelihood of participating in the future. These areas were assumed to be pursuing a future farmland preservation zoning district, and to minimize a significant amount of amendments to the farmland preservation plan over the next few years, the committee decided to include these likely areas within the mapped farmland preservation areas.

Seventh, we looked at the minimum standards in the Wisconsin State Statutes and determined if the areas that were delineated for a farmland preservation area met with these minimum statutory standards. We utilized the following three tier approach to separate the farmland preservation areas to clearly delineate the programs available, both at the local and state level to assist in preserving the farmland.

With respect to certified farmland zoning, there are three farmland preservation areas mapped in Winnebago County. These mapped "Tiers" are administered by providing program incentives, and enforcing certified zoning ordinances. The Farmland Preservation Area Tiers are described below.

Farmland Preservation Area Tier I

Land Uses in Tier 1 include All agricultural uses, including farmsteads, agri-business, agricultural buildings, primary residences, limited additional residential uses, wetlands, open water, open space and all other areas not planned for any type of development other than agriculture and agri-business. This area was delineated using the criteria adopted by the Farmland Preservation Steering Committee. All available farmland preservation program incentives, including income tax credits should be made available on a voluntary basis to landowners within Tier I areas.

Farmland Preservation Area Tier II

Land Uses in the Tier II category mimic the uses in Tier I above. Due to the fact that the local municipality has not adopted a certified Farmland Preservation Zoning Ordinance, the program incentive of income tax credits is not available to landowners within the Tier II area, unless they are designated as a statewide Agricultural Enterprise area. Of note, if there are Tier II areas within a Municipality, there are no Tier I areas within that municipality.

Farmland Preservation Area Tier III

Land Uses within Tier III include all of the land uses as in the Tier I area. The only exception is that the vacant land in the Tier III category has been identified by the County Future Land Use Map as planned for future non-agricultural development. This development, however is not projected to occur within the next 15-years. Therefore these Tier III areas can benefit from short term farmland preservation program incentives. These Tier III areas must also remain within a certified farmland preservation zoning district while they receive program incentives. Periodically, when the County Farmland Preservation Plan is updated, portions of this Tier III area must be remapped, based on the 15-year forecasted land use demand. Only short term farmland preservation program incentives should be made available on a voluntary basis to landowners within this Tier III area.

Farmland preservation areas are depicted on the map on the following page. Table 8 documents the number of acres and parcels in each of the tiers.

Farmland Preservation Areas: 2017-2027		
Acres		

Source: Winnebago County GIS Department

Insert farmland preservation plan map

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6. Action Plan

Exhibit 1 lists the various implementation activities that will need to be accomplished in the coming years.

Exhibit 1. Action Plan: 2017-2027

	•	•
Activity	Responsible Party	Schedule
Update certified zoning ordinance	County or Town Board	December 31, 2021
Update certified farmland preservation plan	County Board	December 31, 2027
Develop a PACE education program	County Land Conservation and Planning staff	2020
Assist in the development of cooperative boundary agreements	County, City, Village and Town Planning staff	Ongoing
Update County subdivision regulations	County Planning and Zoning Committee	2019
Develop standards to review plan implementation progress	County staff	Annually starting in 2018
Develop standards to judge consistency of land use decisions with adopted comprehensive plan	County staff	Annually starting in 2018
Local Farmland Planned Areas	Town and County staff	2018
Develop a model petition for establishment of an agriculture enterprise area	Civitek and County staff	2018
Update and certification of Town zoning ordinances	Town staff	Annually starting in 2018

Appendix A Public Participation Plan - 2017 Plan Update

Winnebago County Resolution No. 277-32016

Adopt a Public Participation Plan for the Preparation, Review, and Adoption of a Farmland Preservation Plan for Winnebago County

WHEREAS, Winnebago County is involved in amending an existing countywide farmland preservation plan pursuant to the requirements of Chapter 91, Wis Stats; and

WHEREAS, such plan is to be included in Winnebago County's Comprehensive Plan, which was adopted on March 21, 2006, and updated and newly adopted on February 9, 2016; and

WHEREAS, the procedures outlined in § 66.1001(4), Wis Stats, must be followed regarding the adoption of a comprehensive plan or subsequent amendments thereto; and

WHEREAS, a provision in § 66.1001(4), Wis Stats, requires, "The governing body of a local governmental unit (town, city, village, county) shall adopt written procedures ("public participation plan") that are designed to foster public participation, including open discussion, communication programs, information services, and public meetings for which advance notice has been provided, in every stage of the preparation of a comprehensive plan"; and

WHEREAS, on September 23, 2003, the Winnebago County Board of Supervisors adopted a public participation plan that was used in the preparation of the county-wide comprehensive plan, and on June 17, 2014, the Winnebago County Board of Supervisors adopted a public participation plan that was used in the required 10-year update of the county-wide comprehensive plan; and

WHEREAS, the Winnebago County Planning & Zoning Committee has recommended the adoption of a subsequent public participation plan that specifically relates to the preparation, review, and adoption of an amended farmland preservation plan for Winnebago County; and

WHEREAS, such plan is entitled "Public Participation Plan for the Preparation, Review, and Adoption of a Farmland Preservation Plan for Winnebago County" and is attached hereto and incorporated herein by reference.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors, in accordance with § 66.1001(4), Wis. Stats, that it hereby adopts the public participation plan entitled "Public Participation Plan for the Preparation, Review, and Adoption of a Farmland Preservation Plan for Winnebago County," attached hereto and incorporated herein by reference.

(Adopted March 15, 2016)



INTRODUCTION

The concept of citizens participating in government decision-making is fundamental to our system of governance. While it is true that our government officials are elected to represent citizens, it is also true that elected officials need to inform, be informed by, and interact with the public on an ongoing basis if their representation is to be meaningful. Regular and continuing involvement in government decision-making is the very basis for the idea of citizenship. Citizen participation is likely to produce better decisions by utilizing the knowledge of the populace and by allocating part of the responsibility for formulating and implementing decisions to the citizens.

The Wisconsin Working Lands Initiative was passed as part of the 2009-2011 State budget, and created a new framework for farmland preservation in Wisconsin. This law requires Winnebago County, and other fast-growing counties, to adopt a new farmland preservation plan by December 31, 2011. After requesting and receiving a one year extension of this requirement by the Department of Agriculture, Trade and Consumer Protection (DATCP) the Winnebago County Board of Supervisors adopted a farmland preservation plan in August of 2012, which was subsequently certified by DATCP for five years (expires on December 31st, 2017).

In an effort to ensure Winnebago County's farmland preservation plan represents the needs of county residents and property owners, citizen input will be encouraged throughout the preparation, review, and adoption of the plan. This public participation plan forms the basic framework for achieving an interactive dialogue between local decision makers, county staff, and the citizens of Winnebago County. This plan outlines the public participation strategy for soliciting public review and input, and its adoption is the first step in meeting the requirements of Wisconsin's Farmland Preservation Planning and "Smart Growth" legislation.

OBJECTIVES FOR PUBLIC INVOLVEMENT

Public participation is intended to achieve the following objectives:

- The process engages people of all races, ethnic backgrounds, and income levels.
- The public has opportunities to provide input (both formally and informally) to the County.
- The public has access to technical information and analyses performed during the process.
- Members of the County Board of Supervisors have input from a broad range of perspectives and interests in the community.
- Public input is elicited through a variety of means (electronic, printed, and oral) in such a way that it
 may be carefully considered and responded to in a timely fashion.
- The process strengthens the sense of community and civic engagement.
- The process furthers the vision of having active and positive participation throughout the process by those most directly affected by County decision making.

RESPONSIBILITY FOR IMPLEMENTATION

Each of the following will share the responsibility for implementing the public participation activities described in this plan:

- County of Winnebago Board of Supervisors
- Winnebago County Planning and Zoning Committee

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Winnebago County Planning and Zoning Department

However, the County Board of Supervisors will ultimately determine the direction and content of the farmland preservation plan.

PLANNED PUBLIC PARTICIPATION ACTIVITIES

- Establish a Steering Committee to promote feedback and oversee the plan development
- Create a website to post information related to the project
- Committee meeting updates
- Conduct one or more public hearings
- Meet with each of the Town Boards in the county
- Conduct two rounds of regional meetings with town officials to share information and obtain feedback
- Conduct one or more community open houses
- · Issue news releases when appropriate
- County Board meetings
- Provide opportunities for the public to submit oral and written comments
- Post various drafts of the plan on a project website along with other supporting information as appropriate
- Provide copies of all public documents upon request

PUBLIC PARTICIPATION GUIDELINES

A public hearing will be conducted as part of the plan amendment process to allow for formal public testimony. All other public meetings will follow the following format:

- An agenda will be established that clearly defines the purpose of the meeting, the items to be discussed, and any actions that may be taken.
- The scheduled date, time, and place will be convenient to encourage participation by county residents.
- A clearly identifiable facilitator or chair will conduct the meeting in an orderly fashion to ensure that all
 attendees have an opportunity to offer comments, discuss issues, or provide testimony.
- The facilitator or chair will provide opening remarks outlining the purpose of the meeting, procedures attendees should use during the meeting when offering input, and how the input will be used.
- As appropriate, an overview of documents or proposals to be considered will be discussed.
- All persons attending the meeting that desire to participate should be allowed to do so. However, specific factors, such as the meeting or hearing purpose, number in attendance, time considerations, or future opportunities to participate, may require that appropriate constraints be applied. These constraints will be clearly outlined by the facilitator.
- Meeting summaries or minutes of all public meetings will be posted on the project website.

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Special arrangements will be made under the provisions of the Americans with Disabilities Act (ADA) with sufficient advance notice.

OPPORTUNITY FOR WRITTEN COMMENTS

- The project website will include the name, address, and e-mail address (if applicable) of a person(s) to whom written comments should be sent, along with any deadlines for submitting comments.
- At public meetings or hearings, the facilitator or chair will clearly announce any deadline for submitting written comments, if such comments are allowed subsequent to the meeting or hearing.
- Persons speaking or testifying will be encouraged to concisely express their comments and if appropriate provide specific details in writing.

CONSIDERATION OF PUBLIC COMMENTS

- Decision makers may continue a public hearing for the purpose of addressing public comments, provided the time and date of the public hearing is announced at the time the public hearing is tabled.
- Prior to the public hearing conducted by the Board of Supervisors, a report containing written
 comments received during the planning process and written responses, if any, and meeting
 summaries related to the plan will be made available to the Board of Supervisors for their review and
 consideration.
- Substantive written comments relating to studies, analyses, or reports, along with appropriate responses, will be included in published documents if deemed appropriate.

PUBLIC NOTICES FOR MEETINGS AND HEARINGS

Public notices of all meetings and public hearings will be prepared and distributed consistent with applicable notice requirements of the Wisconsin Open Meetings Law, and any other notice requirements imposed by local ordinance or bylaws. At a minimum, the requirements of §19.31, Wisconsin Statutes, pertaining to public meetings and notification will be met. Public notices for public hearings will be placed in the County's official paper and posted on the project website.

The following information should be included in any notice:

- Name of the governmental body that will meet.
- · Date, time and location of the hearing.
- General description of the matter to be discussed and acted upon.
- Notice that interested persons may present testimony regarding matters on the agenda at the meeting/hearing or in writing to the board or committee prior to a specified deadline.
- · Contact information for further information about the proposal.

FARMLAND PRESERVATION PLAN ADOPTION PROCESS

Winnebago County and participating municipalities will follow the procedures for amending the Farmland Preservation Plan as listed in §66.1001 and Chapter 91, Wisconsin Statutes. The first step in the adoption process is being met by the adoption of this document which details written procedures that are designed to foster public participation throughout the planning process.

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Appendix B Public Meetings for 2012 Plan

Date	Description	Location
August 23, 2010 at 7:00 pm	Regional Meetings with Towns (First Round)	Vinland Town Hall
August 24, 2010 at 7:00 pm	Regional Meetings with Towns (First Round)	Clayton Municipal Building
August 26, 2010 at 7:00 pm	Regional Meetings with Towns (First Round)	Nekimi Town Hall
August 31, 2010 at 7:00 pm	Regional Meetings with Towns (First Round)	Omro Town Hall
September 29, 2010 at 3:30 pm	Steering Committee	Orrin H. King Administration Building, Oshkosh
October 13, 2010 at 3:30 pm	Steering Committee	Orrin H. King Administration Building, Oshkosh
November 9, 2010 at 4:00 pm	Regional Meetings with Towns (Second Round)	Omro Town Hall
November 9, 2010 at 7:00 pm	Regional Meetings with Towns (Second Round)	Wolf River Town Hall
November 10, 2010 at 4:00 pm	Regional Meetings with Towns (Second Round)	Vinland Town Hall
November 10, 2010 at 7:00 pm	Regional Meetings with Towns (Second Round)	Rushford Town Hall
December 1, 2010 at 3:00 pm	Steering Committee	Orrin H. King Administration Building, Oshkosh
January 26, 2011 at 3:00 pm	Steering Committee	James P. Coughlin Center, Oshkosh
February 15, 2011 at 3:00 pm	Steering Committee	Orrin H. King Administration Building, Oshkosh
March 8, 2011 at 3:00 pm	Steering Committee	James P. Coughlin Center, Oshkosh
April 14, 2011 at 3:00 pm	Steering Committee	James P. Coughlin Center, Oshkosh
May 19, 2011 at 3:00 pm	Steering Committee	James P. Coughlin Center, Oshkosh
May 31, 2011 at 4:00 pm	Regional Meetings with Towns (Third Round)	Rushford Town Hall
May 31, 2011 at 7:00 pm	Regional Meetings with Towns (Third Round)	Utica Town Hall
June 1, 2011 at 4:00 pm	Regional Meetings with Towns (Third Round)	Wolf River Town Hall
June 1, 2011 at 7:00 pm	Regional Meetings with Towns (Third Round)	Vinland Town Hall
June 2, 2011 at 4:00 pm	Regional Meetings with Towns (Third Round)	Winneconne Town Hall
June 2, 2011 at 7:00 pm	Regional Meetings with Towns (Third Round)	Clayton Town Hall
July 28, 2011 at 3:00 pm	Steering Committee	James P. Coughlin Center, Oshkosh

Public Meetings for 2017 Plan Update

Date	Description	Location
May 12, 2016 at 3:00 pm	Steering Committee (Kick-off Meeting)	Winnebago County Administrative Building
June 9, 2016 at 1:00 pm	Steering Committee	Winnebago County Administrative Building
July 14, 2016	Towns Association Meeting	Omro Town Hall
July 20, 2016 at 10:00 am	Steering Committee	Winnebago County Administrative Building
August 24, 2016 at 2:00 pm	Steering Committee	Winnebago County Administrative Building
September 21, 2016 at 7:00 pm	Regional Meetings with Towns (First Round)	Utica Town Hall
September 22, 2016 at 4:30 pm	Regional Meetings with Towns (First Round)	Vinland Town Hall
September 22, 2016 at 7:00 pm	Regional Meetings with Towns (First Round)	Clayton Town Hall
October 19, 2016 at 1:00 pm	Steering Committee	Winnebago County Administrative Building
December 6, 2016 at 7:00 pm	Regional Meetings with Towns (Second Round)	Clayton Town Hall
December 7, 2016 at 4:30 pm	Regional Meetings with Towns (Second Round)	Vinland Town Hall
December 7, 2016 at 7:00 pm	Regional Meetings with Towns (Second Round)	Utica Town Hall
March 2, 2017 at 1:30 pm	Steering Committee	Winnebago County Administrative Building
April 27, 2017 at 1:30 pm	Steering Committee	Winnebago County Administrative Building
May, 2017 at pm	Steering Committee	Winnebago County Administrative Building

Appendix C Adoption Ordinance - 2017 Plan Update

Forthcoming

Appendix D History of Adoption and Amendment

adopted a new plan as an amendment of the county's comprehensive to comply with the "Working Lands Initiative"	Date	Description
adopted a new plan as an amendment of the county's comprehensive to comply with the "Working Lands Initiative"	February 1982	, , , , , , , , , , , , , , , , , , , ,
2017 Roard of County Supervisors adopted the plan undate	March, 2012	, , ,
, 2017 Board of Courty supervisors adopted the plant opadie	, 2017	Board of County Supervisors adopted the plan update

Appendix E 2012 DATCP Certification

STATE OF WISCONSIN DEPARTMENT OF AGRICULTURE, TRADE AND CONSUMER PROTECTION

WINNEBAGO COUNTY FARMLAND PRESERVATION PLAN DOCKET NO. 12-26-70-000-P

ORDER CERTIFYING PLAN THROUGH DECEMBER 31, 2017.

INTRODUCTION

Winnebago County has asked the Department of Agriculture, Trade and Consumer Protection ("DATCP") to certify a proposed comprehensively revised county farmland preservation plan pursuant to s. 91.16, Wis. Stats. DATCP has considered the request and adopts the following decision:

FINDINGS OF FACT

- DATCP is an agency of the State of Wisconsin, and is responsible for administering Wisconsin's farmland preservation law under ch. 91, Wis. Stats., as repealed and recreated by 2009 Wis. Act 28.
 - (2) Winnebago County is a county of the State of Wisconsin.
- (3) In order for a county and its residents to participate in the farmland preservation program, a county must have a state-certified farmland preservation plan. Among other things, the certified plan must clearly designate farmland preservation areas that the county plans to preserve for agricultural use.
- (4) Winnebago County has a state-certified farmland preservation plan that expires on December 31, 2012.
- (5) Under s. 91.16(8), Wis. Stats., the certification of a farmland preservation plan does not cover any subsequent plan revision (adopted after July 1, 2009) unless DATCP certifies that plan revision.
- (6) On September 26, 2011, DATCP received from Winnebago County a request to certify a comprehensively revised county farmland preservation plan under s. 91.16, Wis. Stats. The county submitted the application in the form required under s. 91.20, Wis. Stats. The application included the certifications required under s. 91.20(3), Wis. Stats.
- (7) Under s. 91.16(3)(a), Wis. Stats., DATCP may certify a county plan based on the county's certification under s. 91.20(3), Wis. Stats., that the plan meets applicable certification standards under s. 91.18, Wis. Stats.
- (8) DATCP may certify a farmland preservation plan if the plan meets applicable statutory standards under s. 91.18, Wis. Stats. DATCP may certify based on the representations contained in the county's application, but may conduct its own review and verification as it deems appropriate.
- (9) Under s. 91.10(2), Wis. Stats., the farmland preservation plan must be consistent with the Winnebago County Comprehensive Plan, and the County must include the farmland preservation plan in the County Comprehensive Plan.
 - (10) Under s. 91.16(2)(a), Wis. Stats., DATCP may certify a county farmland preservation plan for a

specified period of up to 10 years. Under s. 91.16(6), Wis. Stats., DATCP may make its certification contingent upon the county adoption of the certified plan text and maps, in the form certified.

(11) Under s. 91.16(9), Wis. Stats., DATCP may withdraw its certification at any time if DATCP finds that the certified plan materially fails to meet applicable certification standards under s. 91.18, Wis. Stats.

CONCLUSIONS OF LAW

- (1) Based on Winnebago County's certification that the attached county farmland preservation plan meets applicable certification requirements under s. 91.18, Wis. Stats., DATCP may certify that plan for up to 10 years.
- (2) DATCP may make its certification contingent upon the county adoption of the certified plan text and maps, in the form certified, and contingent upon its adoption as part of the County comprehensive plan.
- (3) Certification does not apply to plan amendments made after the certification date, unless DATCP certifies those amendments.
- (4) DATCP may withdraw its certification at any time if DATCP finds that the certified plan text and maps materially fail to meet applicable certification standards under s. 91.18, Wis. Stats.

ORDER

NOW, THEREFORE, IT IS ORDERED THAT:

- (1) The attached Winnebago County Farmland Preservation Plan text (March 13, 2012) and maps (March 13, 2012) are hereby certified under s. 91.16, Wis. Stats., and contingent upon county adoption of the plan, included as part of the County comprehensive plan, in the form submitted, before December 31, 2012.
- (2) The certified farmland preservation plan areas for Winnebago County are titled "Tier I," "Tier II," and "Tier III."
- (3) This order takes effect on the date on which the county adoption of the plan text and maps, in the form submitted, takes effect.
 - (4) This certification expires at the end of the day on December 31, 2017.

Dated this 27th day of June 2012

STATE OF WISCONSIN, DEPARTMENT OF AGRICULTURE, TRADE AND CONSUMER PROTECTION

Ben Brancel Secretary

Parties for Purposes of Review Under s. 227.53, Wis. Stats.:

Jerry Bougie Winnebago County Planning and Zoning Department 112 Otter Ave., PO Box 2808 Oshkosh, WI 54903-2808

Appendix F 2017 DATCP Certification

Forthcoming