

Agenda Item Report



Winnebago County
The Wave of the Future

DATE: *January 7, 2022*

TO: *Planning and Zoning COMMITTEE*

FROM: *Jerry Bougie, Director of Planning and Zoning*

RE: *Update on amended County Farmland Preservation Plan Certification and process for A-1 Zoning changes.*

Background:

All counties in the state are required under Chapter 91, Wis. Stats., to adopt a Farmland Preservation Plan. Counties then have the option to request the Department of Agriculture and Consumer Protection (DATCP) for certification of the Plan - which allows the County and Towns to decide whether or not to adopt Exclusive Ag Zoning (A-1). Plan certification and subsequent A-1 zoning certification by DATCP allows agricultural property owners to claim tax credits under Chapter 91. Currently only the Town of Nepeuskun has chosen to actively participate in the program by adopting a Town Exclusive Ag Zoning Map and receiving DATCP certification. Upon request by the Town of Nepeuskun, Winnebago County conducted an amendment to its previously certified Plan to include additional properties in Nepeuskun to be zoned Exclusive Ag making these additional properties eligible for tax credits. On October 19, 2021, the Winnebago County Board adopted an amended County Farmland Preservation Plan showing the updated Nepeuskun map. The amended plan was submitted to DATCP for recertification. On December 3, 2021, DATCP certified Winnebago County's amended Plan.

Policy Discussion:

As noted, only the Town of Nepeuskun has chosen to participate in the Farmland Preservation Program. A number of other Towns in the County have chosen not to participate in the program but have properties in their respective Towns that are currently zoned Exclusive Ag (A-1) from older versions of the Farmland Preservation Plan. Therefore, these properties have not been included in the currently certified Farmland Preservation Plan. However, these properties are still subject to the more restrictive zoning standards of the A-1 Exclusive Ag zoning and are also not eligible for the tax credits. To allow relief for these property owners the County in conjunction with the affected Towns and property owners will be undertaking a rezoning process to change the zoning from Exclusive Ag Zoning (A-1) to General Agricultural Zoning (A-2). The County Planning and Zoning Committee previously voted at their December 4, 2020 meeting to approve having County Staff undertake the A-1 rezoning process in conjunction with the affected Towns.

Requested Action:

No action will be taken – this item is an update and discussion item only.

Committee Action:

Attachments: *See attached*



State of Wisconsin
Governor Tony Evers

Department of Agriculture, Trade and Consumer Protection
Secretary Randy Romanski

December 3, 2021

Jerry Bougie, Planning Director
Winnebago County Planning and Zoning Dept
112 Oiter Ave PO Box 2808
Oshkosh, WI 54903

Dear Jerry:

Re: Certification of the Winnebago County Farmland Preservation Plan Map Amendment

Attached is a department order certifying Winnebago County's Farmland Preservation Plan map amendment under s. 91.16, Wis. Stats. The certification process is now complete.

We look forward to working with you in the future on farmland preservation in Winnebago County. If you have any questions, feel free to contact me.

Sincerely,

Tim Jackson
Farmland Preservation Program
608-224-4630

Wisconsin - America's Dairyland

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

WINNEBAGO COUNTY FARMLAND PRESERVATION PLAN MAP AMENDMENT FOR THE TOWN OF NEPEUSKUN	ARM Division Docket No. 139-00000-P-20 M-1121 ORDER CERTIFYING AMENDMENT TO WINNEBAGO COUNTY’S CERTIFIED FARMLAND PRESERVATION PLAN THROUGH DECEMBER 31, 2030
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INTRODUCTION

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

FINDINGS OF FACT

(1) 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 currently has a state-certified farmland preservation plan. The current state certification is scheduled to expire on December 31, 2030.

(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 November 29, 2021, DATCP received from Winnebago County a request to certify amended farmland preservation plan map for the town of Nepeuskun under s. 91.16, Wis. Stats. The county submitted the application in the form required under s. 91.20, Stats. The application included the certifications required under s. 91.20(3), Wis. Stats.

(7) On November 29, 2021, DATCP confirmed by letter that the Winnebago County farmland preservation plan certification application was complete, and that DATCP would proceed to review the complete application.

(8) 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.

(9) 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.

(10) Under s. 91.10(2), Wis. Stats., the farmland preservation plan must be consistent with the county comprehensive plan, if the county has a comprehensive plan.

(11) Under s. 91.16(2)(b), Wis. Stats., the certification of an amendment to a certified farmland preservation plan expires on the date that the certification of the farmland preservation plan expires.

(12) 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 map amendment for the town of Nepeuskun meets applicable certification requirements under s. 91.18, Wis. Stats., DATCP may certify that plan map amendment until December 31, 2030, the date that the Winnebago County farmland preservation plan expires.

(2) Certification does not apply to plan amendments made after the certification date, unless DATCP certifies those amendments.

(3) 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.

ORDER

NOW, THEREFORE, IT IS ORDERED THAT:


(1) The proposed Winnebago County Farmland Preservation Plan map for the town of Nepeuskun dated as August 17, 2021, is hereby certified under s. 91.16, Wis. Stats.

(2) The certified farmland preservation plan area for Winnebago County is titled "Farmland Preservation Area."

(3) This certification expires at the end of the day on December 31, 2030.

Dated this 1st day of December, 2021.

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

By 
Sara Z. Walling, Administrator
Division of Agricultural Resource Management

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

Winnebago County

Copies to:

Jerry Bougie – Planning Director
Winnebago County Planning and Zoning Dept.
112 Oiter Ave PO Box 2808
Oshkosh, WI 54903

Agenda Item Report



Winnebago County
The Wave of the Future

DATE: *December 22, 2021*

TO: *Planning and Zoning Committee (for January 7, 2022 Committee meeting)*

FROM: *Jerry Bougie, Director of Planning and Zoning, Cary Rowe, Zoning Administrator*

RE: *Committee review and action to forward Town Zoning Ordinance amendment(s) to County Board*

Background:

Amendments to Town zoning ordinances are required to be adopted by the Winnebago County Board pursuant to section 60.62(3), Wis. Stats., and s. 8.04, Winnebago County General Code.

Policy Discussion:

County Zoning Staff receives Town zoning ordinance amendment(s) from the affected Town(s). Staff reviews the Town's action for completeness of information (i.e. findings of fact) and whether the proposed zoning amendment(s) is/are consistent with the Winnebago County Comprehensive Plan and subsequently prepares a Staff recommendation on each of the proposed zoning amendment(s). Amendments are then reviewed by the Planning and Zoning Committee whereby the Committee takes action to forward the zoning amendment(s) to County Board for approval. Town zoning amendments do not require a County public hearing, as the hearing has already occurred at the Town level.

For this month's agenda the following Town Zoning Change(s) is/are requested:

1. **Leo M. Mohnen – Town Zoning Change (Tax ID no. 028-0348-02) – Town of Winchester**
2. **Brian and Meghan Keller – Town Zoning Change (Tax ID no. 028-0663-05-01) –Town of Winchester.**

Findings: Town Zone Change(s) are consistent with the Winnebago County Comprehensive Plan.

Requested Action:

Approve a motion to forward town zone change to County Board for action. (Note: a separate motion is made for each zone change on the agenda).

Committee Action:

(Added before full county board) Information on discussion at committee including who made the motion, the verbiage of the motion and any pertinent discussion items.

Attachments:

See attached.

CARY A ROWE
Zoning Administrator

zoningdepartment@co.winnebago.wi.us



Winnebago County
Zoning Department
The Wave of the Future

112 OTTER AVE, PO BOX 2808
OSHKOSH, WI 54903-2808

OSHKOSH (920) 232-3344
FOX CITIES (920) 727-2880
FAX (920) 232-3347

MEMO FOR P & Z MEETING AGENDA OF JANUARY 7, 2022

TO: Planning & Zoning Committee

FM: Zoning Administrator

RE: Review of Town Zoning Changes

1. Leo M. Mohnen - Town Zoning Change (Tax ID No: 028-0348-02) – Town of Winchester.

The town zoning change for Leo M. Mohnen is consistent with Winnebago County's Future Land Use Plan. The Town of Winchester approved the zoning change from A-2 (General Agricultural District) to R-1 (Rural Residential District) and Winnebago County's future land use plan shows future land use as Environmental.

RECOMMENDATION: Approve a motion to forward zone change to County Board for action.

2. Brian and Meghan Keller - Town Zoning Change (Tax ID No: 028-0663-05-02) – Town of Winchester.

The town zoning change for Brian and Meghan Keller is consistent with Winnebago County's Future Land Use Plan. The Town of Winchester approved the zoning change from I-1 (Light Industrial) to A-2 (General Agricultural District) and Winnebago County's future land use plan shows future land use as Residential.

RECOMMENDATION: Approve a motion to forward zone change to County Board for action.

Town of Winchester *I-1 to A-2; Res*

Ordinance 2021-09

Ordinance to Amend the Official Town of Winchester Zoning Ordinance Map

- WHEREAS,** One or more applications for amendments to the Map of the Town of Winchester Zoning Code of Ordinances have been filed with the Town Clerk as described herein; and
- WHEREAS,** following the requisite Notices and Public Hearings, the proposed amendment(s) have been reviewed and recommended to the Town Board by the Town's Plan Commission; and
- WHEREAS,** the application(s) for amendment(s) to the Map of the Town of Winchester Zoning Code of Ordinances does comply with both the Town's existing land use and future land use elements of the CY 2016 update to the Town's Comprehensive Plan; and
- WHEREAS,** all other procedural requirements have been met for purposes of consideration of the amendment(s) as provided in Section 17.59 of the Town of Winchester Zoning Code of Ordinances:

Section 1: The Official Zoning Map of the Town of Winchester is amended as follows:

A. Property Owner: Brian and Meghan Keller

Legal description of property: The property located at 9090 North Loop Road, Larsen, being specifically described as Tax ID 028-0663-0502, in Section 23, Town 20 North, Range 15 East, Town of Winchester, County of Winnebago, State of Wisconsin. The application is to re-zone a portion of the property from I-1 (Light Industrial District) to A-2 (General Agricultural District).

Findings of Fact:

1. The Town of Winchester has an adopted Land Use Plan
2. The Adopted 20-year Future Land Use Map in the Land Use Plan shows the Lot as Highway Commercial
3. A-2 (General Agricultural) zoning is consistent with the aforementioned land use district.
4. Therefore, a zoning change from I-1 to A-2 is consistent with the adopted Land Use Plan.
5. The zoning change is compatible with adjacent land uses.

The above-described property is hereby rezoned from:

I-1 (Light Industrial) to A-2 (General Agricultural District)

Section 2: This Ordinance shall be submitted to the Winnebago County Board for approval. The amendment to the Town of Winchester Zoning Code of Ordinances shall be effective upon approval by the Winnebago County Board.

Adopted this 6th, day of December 2021

Vote: Yes: 3 No: 0 Absent: 0 Abstain: 0


Matthew J Olson, Chairman

Attest:

Holly Stevens, Clerk

Town of Winchester

Ordinance 2021-08

Ordinance to Amend the Official Town of Winchester Zoning Ordinance Map

- WHEREAS,** One or more applications for amendments to the Map of the Town of Winchester Zoning Code of Ordinances have been filed with the Town Clerk as described herein; and
- WHEREAS,** following the requisite Notices and Public Hearings, the proposed amendment(s) have been reviewed and recommended to the Town Board by the Town's Plan Commission; and
- WHEREAS,** the application(s) for amendment(s) to the Map of the Town of Winchester Zoning Code of Ordinances does comply with both the Town's existing land use and future land use elements of the CY 2016 update to the Town's Comprehensive Plan; and
- WHEREAS,** all other procedural requirements have been met for purposes of consideration of the amendment(s) as provided in Section 17.59 of the Town of Winchester Zoning Code of Ordinances:

Section 1: The Official Zoning Map of the Town of Winchester is amended as follows:

A. Property Owner: Leo M. Mohnen (Randy Mohnen, Personal Representative)

Legal description of property: The portion of the property located at 9090 North Loop Road, Larsen, being specifically described as Tax ID 028-0348-02, in Section 11, Town 20 North, Range 15 East, Town of Winchester, County of Winnebago, State of Wisconsin. The application is to re-zone a portion of the property from A-2 (General Agricultural District) to R-1 (Rural Residential District).

Findings of Fact:

1. The Town of Winchester has an adopted Land Use Plan
2. The Adopted 20-year Future Land Use Map in the Land Use Plan shows the Lot as Single Family Residential and Woodlands
3. R-1 (Rural Residential District) zoning is consistent with the aforementioned land use district.
4. Therefore, a zoning change from A-2 to R-1 is consistent with the adopted Land Use Plan.
5. The zoning change is compatible with adjacent land uses.

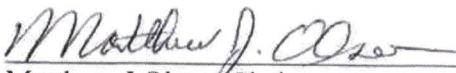
The above-described property is hereby rezoned from:

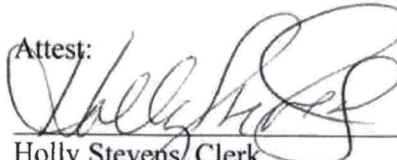
A-2 (General Agricultural District) to R-1 (Rural Residential District)

Section 2: This Ordinance shall be submitted to the Winnebago County Board for approval. The amendment to the Town of Winchester Zoning Code of Ordinances shall be effective upon approval by the Winnebago County Board.

Adopted this 15th, day of November, 2021

Vote: Yes: 3 No: 0 Absent: 0 Abstain: 0


Matthew J. Olson, Chairman

Attest:

Holly Stevens, Clerk

Town of Winchester

8522 Park Way, Larsen, WI 54947
920.836.2948

November 16, 2021

County Zoning Office
Attn: Cary A. Rowe
112 Otter Avenue
Oshkosh, WI 54901

Re: Town Board approved amendment to the Town's Zoning Code of Ordinances Map.

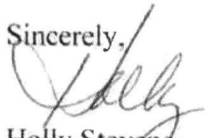
Dear Mr. Rowe,

Enclosed please find the material relative to the following amendment(s) to the Zoning Code of Ordinances, Zoning Map in the Town of Winchester:

Re-zoning application submitted by Randy Mohnen, 5278 County Road II, Larsen, for a portion of the property located at 9090 North Loop Road, Larsen, being specifically described as Tax ID 028-0348-02, in Section 11, Town 20 North, Range 15 East, Town of Winchester, County of Winnebago, State of Wisconsin. The application is to re-zone a portion of the property from A-2 (General Agricultural District) to R-1 (Rural Residential District).

Should you have any questions relative to this request, please feel free to call or email me.

Sincerely,



Holly Stevens
Town of Winchester Clerk

CC County Clerk, Sue Ertmer

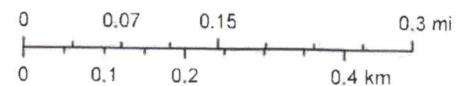
028-0348-02 Rezoning 9090 N Loop Road



10/13/2021, 6:52:06 PM

1:8,746

- Adjacent Counties
- Lakes, Ponds and Rivers
- Navigable Waterways
 - Navigable - Permanent (unchecked)
 - Navigable - Intermittent (unchecked)
 - Navigable - Stream (unchecked)
- Navigable - Permanent (checked)
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- Navigable - Stream (checked)
- Tax Parcel Boundary
- Road ROW
- Municipal Boundary



Winnebago County GIS. Imagery Date: April 2020

Winnebago County GIS
Winnebago County GIS Imagery Date: April 2020

CERTIFIED SURVEY MAP NO. _____

BEING PART OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 11, TOWNSHIP 20 NORTH, RANGE 15 EAST, TOWN OF WINCHESTER, WINNEBAGO COUNTY, WISCONSIN.

OWNERS OF REC
LEO N. MOHNER (DEC
RANDY MOHNER (EXECUTIVE
9090 N. LOOP RD LARSEN

TAX PARCEL NC
028034802
ZONED A-2

- LEGEND**
- = 3/4" X 18" SOLID ROUND IRON REBAR SET, WEIGHING 1.502 LBS. PER LIN. FT.
 - ⊙ = 3/4" SOLID ROUND IRON REBAR FOUND
 - = 3/4" O.D. THREADED IRON PIPE FOUND
 - ⊖ = 1" I.D. ROUND IRON PIPE FOUND
 - ⊕ = MAG AND DISK FOUND
 - ⊖ = MAG NAIL FOUND
 - ⊖ = BERNTSEN MONUMENT

PREVIOUSLY SURVEYED BY
THEO E. STEARNS
DATED: 6-3-1966

DETAIL SCALE:
1" = 40'

UNPLATTED LANDS
STATE OF WISCONSIN
ZONED A-1

EAST 1/4 COR
SECTION 11-20

NORTH LINE OF THE SOUTHEAST 1/4 OF SECTION 11-20-15

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2671.71'

2377.68'

294.03'

155.6'

311.51'

168.63'

34.51'

157.36' 47" W

89.92' 47" W

237.54'

589.06' 41" W

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189.16' 18" E

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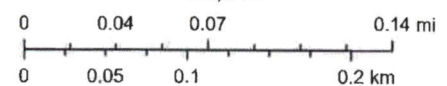
ReZoning 028-0663-0502



12/16/2021, 4:07:30 PM

1:4,140

- Adjacent Counties
- Lakes, Ponds and Rivers
- Navigable Waterways
 - Navigable - Permanent (unchecked)
 - Navigable - Intermittent (unchecked)
 - Navigable - Stream (unchecked)
 - Navigable - Permanent (checked)
 - Navigable - Intermittent (checked)
 - Navigable - Stream (checked)
- Tax Parcel Boundary
- Road ROW
- Municipal Boundary



Winnebago County GIS, Imagery Date: April 2020



Town of Winchester

8522 Park Way, Larsen, WI 54947
920.836.2948

December 6, 2021

County Zoning Office
Attn: Cary A. Rowe
112 Otter Avenue
Oshkosh, WI 54901

Re: Town Board approved amendment to the Town's Zoning Code of Ordinances Map.

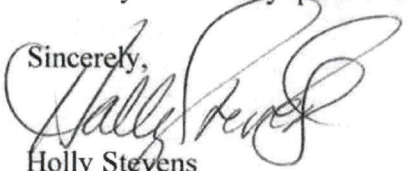
Dear Mr. Rowe,

Enclosed please find the material relative to the following amendment(s) to the Zoning Code of Ordinances, Zoning Map in the Town of Winchester:

Re-zoning application submitted by Brian and Meghan Keller, 8355 Mud Creek Road, Larsen, for the property located at Mud Creek Road Road, Larsen, being specifically described as Tax ID 028-0663-0502, in Section 23, Town 20 North, Range 15 East, Town of Winchester, County of Winnebago, State of Wisconsin. The application is to re-zone a portion of the property from I-1 (Light Industrial District) to A-2 (General Agricultural District).

Should you have any questions relative to this request, please feel free to call or email me.

Sincerely,



Holly Stevens
Town of Winchester Clerk

CC County Clerk, Sue Ertmer