

**TO THE WINNEBAGO COUNTY BOARD SUPERVISORS**

Your Planning and Zoning Committee begs leave to report:

WHEREAS, it has reviewed the Petition for Comprehensive Land Use Plan amendment 19-LUPA-5050 filed with the County Clerk by:

Winnebago County Planning & Zoning Committee

WHEREAS, a Public Hearing was held on August 27<sup>th</sup>, 2019 and September 6<sup>th</sup>, 2019, pursuant to mailed and published notice as provided by as on the following:

**PROPERTY INFORMATION:**

*Applicant(s):* Winnebago County Planning & Zoning Committee  
PO Box 2808  
Oshkosh WI 54903-2808

WHEREAS,

Applicant is requesting a Land Use Plan amendment to include a revised Farmland Preservation Plan and Map.

And

WHEREAS, your Planning and Zoning Committee, being fully informed of the facts, and after full consideration of the matter, making the following findings:

1. There were no objectors
2. Proposed amendment is to include an amendment to the Farmland Preservation Plan and Map in the County's Comprehensive Future Land Use Plan.

NOW THEREFORE BE IT RESOLVED that this committee hereby reports our findings for your consideration and is hereby recommending Approved. 5-0 with an implementation date of January , 2020.

AND BE IT FURTHER RESOLVED, by the Winnebago County Board of Supervisors, that the enclosed Ordinance is hereby [ADOPTED] OR [DENIED].

\_\_\_\_\_  
For the Planning and Zoning Committee

**AMENDATORY ORDINANCE # 09/02/19**

The Winnebago County Board of Supervisors do ordain Comprehensive Land Use Plan Amendment # 19-LUPA-5050 as follows:

Applicant is requesting a Land Use Plan Amendment to include a revised Farmland Preservation Plan and Map.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

Shiloh Ramos, Chairperson

ATTEST:

Susan T. Ertmer, Clerk

APPROVED

VETOED

APPROVED BY WINNEBAGO COUNTY EXECUTIVE THIS \_\_\_\_\_ DAY OF  
\_\_\_\_\_, 20\_\_\_\_\_ .

\_\_\_\_\_  
Mark Harris  
County Executive

**BRIAN P. O'ROURKE**  
Associate Planner



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

OSHKOSH (920) 232-3340  
FOX CITIES (920) 727-2880  
FAX (920) 232-3347

**Winnebago County**  
Zoning Department

Zoningdepartment@co.winnebago.wi.us

The Wave of the Future

## **MEMORANDUM**

**DATE:** September 5, 2019

**TO:** County Board

**FROM:** Brian P. O'Rourke, AICP

**RE:** Proposed amendment to the Winnebago County Comprehensive Future Land Use Plan & Farmland Preservation Plan & Map

In September of 2017 Winnebago County Board adopted a newly revised Farmland Preservation Plan & Map, which is an element of the County's Comprehensive Future Land Use Plan. A Farmland Preservation Plan (FPP) is based on a state mandated program, regulated by the Department of Agriculture, Trade & Consumer Protection (DATCP) that all Counties must adopt. Property owners participating in an FPP, that has been certified by DATCP, may claim a \$7.50 per acre tax credit each year.

In October of 2017 the Planning, Zoning, & G.I.S. Department submitted the County Board adopted FPP to DATCP for certification. In November we received notice that DATCP refused to certify the Winnebago County FPP and Map based on how the map was developed. The Ad Hoc Steering Committee, that consisted of Town Officials as well as private citizens, which was tasked with assisting the Planning & Zoning Department staff with developing the revised FPP, determined that property owners should not be included in the map without their knowledge as well as permission, as there are additional property restrictions associated with an FPP; both staff and the Planning & Zoning Committee agreed with this approach. However, DATCP stated that developing a FPP Map based on landowner preference did not meet their Certification Review Requirements.

In an effort for Winnebago County to receive DATCP certification the Planning & Zoning Committee requested a meeting with the Secretary of Agriculture, which took place in January of 2018, which also included staff from DATCP. County Planning & Zoning staff provided a brief presentation and explanation of how Winnebago's FPP and Map were developed. After a discussion with the individuals in attendance, the Secretary of Agriculture agreed with DATCP staff that the criteria Winnebago County used to develop the FPP map did not meet the certification review criteria.

At that time DATCP staff suggested allowing each individual Town in Winnebago County to develop their own FPP map, which would then need to be submitted to the County to be adopted as a County FPP and Map. Although the County is not mandated to allow this, there was a unanimous consensus of the Planning & Zoning Committee to grant permission to all Towns in the County the opportunity to develop their own FPP map in an effort to receive certification of the FPP and Map by DATCP. A notice was sent in February of 2018 to each Town explaining DATCP's suggestion, with a deadline of July 1<sup>st</sup>, 2019, to submit a map.

The Town of Nepeuskun was the only Town in Winnebago County to submit a FPP map. A public hearing of the Planning & Zoning Committee was held on August 27<sup>th</sup>, 2019, to allow public input on the map submitted by the Town. A deliberative was then held on September 6<sup>th</sup>, 2019, in order for staff and the Committee to discuss the proposed Town of Nepeuskun map, with a vote of 5-0 to recommend approval of the map.

Therefore the proposed Winnebago County Comprehensive Future Land Use Plan and Farmland Preservation Plan & map amendment is essentially the removal of the existing FPP map, which includes farmland preservation areas in eight Towns, and inserting the map that the Town of Nepeuskun has submitted. If County Board approves the proposed amendment, Planning, Zoning, and G.I.S. staff will then submit the amended FPP and Map to DATCP in an effort to receive certification.

Please be aware that State Statutes require all Counties to have a FPP that has been adopted by its County Board. Winnebago County fulfilled this mandate in September of 2017 when the current FPP and Map was adopted by this Board, therefore approval of this proposed amendment is not a requirement of DATCP.



Brian P. O'Rourke, AICP  
Land Use Planner

## Rationale Used to Determine Farmland Preservation Areas

The Town of Nepeuskun Farmland Preservation Plan Map identifies two areas: "Farmland Preservation Areas" and "Nonagricultural Development Areas". The "Areas of Agricultural Use and Agriculture Related Use" are considered to be within the Farmland Preservation Area and the "Areas of Nonagricultural Development" are within the Nonagricultural Development Area. The rationale and criteria used to determine the Farmland Preservation Areas and Areas of Nonagricultural Development were as follows:

### **Farmland Preservation Areas (Areas of Agricultural Use and Agriculture Related Use)**

Please note that land designated as a farmland preservation area only needs to meet one of the following criteria.

- Working farmland defined as: Parcels greater than ten (10) acres with 10 acres or more of agricultural use. Working farmland was based on 2015 aerial photo interpretation, Planning Commission and public review.
- Additional agriculture, forest and open space land within the contiguous ownership border of identified working farmland parcels (those identified above).
- Additional agriculture, forest and opens space land on parcels greater than 8 acres that were not captured by the prior two criteria.
- All State and Federal owned property.
- Remnant parcels greater than 10 acres zoned A-2.
- Any remnant parcels zoned A-1.
- Parcels requested INTO farmland preservation through public input. Public input was provided at a public meeting held August 6, 2018. All property owners notified of the public meeting via direct mail. Also, meeting postings at traditional town posting sites and the town web page.

### **Areas of Nonagricultural Development (Excluded)**

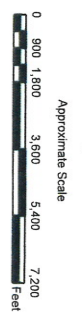
- Land not meeting the farmland preservation criteria listed above.
- Parcels requested OUT of farmland preservation through public input. Public input was provided at a public meeting held August 6, 2018. All property owners notified of the public meeting via direct mail. Also, meeting postings at traditional town posting sites and the town web page.



**Town of Nepeskuun**  
 Winnebago County, Wisconsin  
**Farmland Preservation Plan**

- Farmland Preservation Areas**
  - Area of Agricultural Use and Agriculture Related Use
- Nonagricultural Development Areas**
  - Area of Nonagricultural Development

- Map Features**
- Parcel Lines
  - Section Lines
  - Waterways
  - Open Water



This base map was created by Winnebago County, who expressly disclaims all liability regarding fitness of use of the information. The user is responsible for understanding the accuracy limitations of the data provided herein.

**Martenson & Eisele, Inc.**

1377 Midway Road  
 Menasha, WI 54952  
 www.martenson-eisele.com  
 info@martenson-eisele.com  
 920.731.0381 1.800.236.0381  
 arjls103280029fs.mxd\_02/13/2019