

## 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

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and current, farmland preservation plan was adopted in 1982, and like many farmland preservation plans has become outdated.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

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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.

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## 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 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.

**A Steering Committee Meeting**



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

## **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 Committee reviewed the recommended plan at their meeting on August 29<sup>th</sup>, 2017. The Committee then adopted a resolution recommending the plan update to the County Board. The Board conducted a public hearing on September 19<sup>th</sup>, 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, policies, 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.***